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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. LARSEN of Washington).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
May 20, 2009

I hereby appoint the Honorable RICK LARSEN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

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

Lord God, shepherd Your people as never before. For the times are turbulent. Terrorism and violence in all its forms rips apart the very fabric of civilization ancient and new. Competition has broken partnership, friendship is rare, understanding between nations is threatened.

Who, but You will replace basic trust and faithful love once found in family life! As in the days of the prophet Zechariah, we call out to You, O Lord, to show forth Your power.

Take up Your two staves, one called ''Favor,'' the other ''Union.'' With the staff of ''Favor,'' fashion us again as Your people. Renew Your covenant love within Your chosen ones. With the staff of ''Union,'' bind us to one another both in need and in response as a people willing to be brother or sister once again.

Father, may You take delight in us as Your very own, 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 Arizona (Mr. MITCHELL) come forward and lead the House in the Pledge of Allegiance.

Mr. MITCHELL 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.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 131. An act to establish the Ronald Reagan Centennial Commission.

CONFERENCE REPORT ON S. 454, WEAPON SYSTEM ACQUISITION REFORM ACT OF 2009

Mr. SKELTON submitted the following conference report and statement on the Senate bill (S. 454) to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purpose:

CONFERENCE REPORT (H. REPT. 111–124)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 454), to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Weapon Systems Acquisition Reform 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. Definitions.

TITLE I—ACQUISITION ORGANIZATION

Sec. 101. Cost assessment and program evaluation.
Sec. 102. Directors of Developmental Test and Evaluation and Systems Engineering.
Sec. 103. Performance assessments and root cause analyses for major defense acquisition programs.
Sec. 104. Assessment of technological maturity of critical technologies of major defense acquisition programs by the Director of Defense Research and Engineering.
Sec. 105. Role of the commanders of the combatant commands in identifying joint military requirements.

TITLE II—ACQUISITION POLICY

Sec. 201. Consideration of trade-offs among cost, schedule, and performance objectives in Department of Defense acquisition programs.
Sec. 202. Acquisition strategies to ensure competition throughout the lifecycle of major defense acquisition programs.
Sec. 203. Prototyping requirements for major defense acquisition programs.
Sec. 204. Actions to identify and address systemic problems in major defense acquisition programs prior to Milestone B approval.
Sec. 205. Additional requirements for certain major defense acquisition programs.
Sec. 206. Critical cost growth in major defense acquisition programs.
Sec. 207. Organizational conflicts of interest in major defense acquisition programs.

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TITLE III—ADDITIONAL ACQUISITION PROVISIONS

Sec. 301. Awards for Department of Defense personnel for excellence in the acquisition of products and services.
Sec. 302. Earned value management.
Sec. 303. Expansion of national security objectives of the national technology and industrial base.
Sec. 304. Comptroller General of the United States reports on costs and financial information regarding major defense acquisition programs.

SEC. 2. DEFINITIONS.

In this Act:

(1) The term ''congressional defense committees'' has the meaning given that term in section 101(a)(16) of title 10, United States Code.

(2) The term ''major defense acquisition program'' has the meaning given that term in section 2430 of title 10, United States Code.

(3) The term ''major weapon system'' has the meaning given that term in section 2379(d) of title 10, United States Code.

TITLE I—ACQUISITION ORGANIZATION

SEC. 101. COST ASSESSMENT AND PROGRAM EVALUATION.

(a) DIRECTOR OF COST ASSESSMENT AND PROGRAM EVALUATION.—

(1) IN GENERAL.—Chapter 4 of title 10, United States Code, is amended by inserting after section 139b the following new section:

''§ 139c. Director of Cost Assessment and Program Evaluation

''(a) APPOINTMENT.—There is a Director of Cost Assessment and Program Evaluation in the Department of Defense, appointed by the President, by and with the advice and consent of the Senate.

''(b) INDEPENDENT ADVICE TO SECRETARY OF DEFENSE.—(1) The Director of Cost Assessment and Program Evaluation is the principal advisor to the Secretary of Defense and other senior officials of the Department of Defense, and shall provide independent analysis and advice to such officials, on the following matters:

''(A) Matters assigned to the Director pursuant to this section and section 2334 of this title.

''(B) Matters assigned to the Director by the Secretary pursuant to section 113 of this title.

''(2) The Director may communicate views on matters within the responsibility of the Director directly to the Secretary of Defense and the Deputy Secretary of Defense without obtaining the approval or concurrence of any other official within the Department of Defense.

''(c) DEPUTY DIRECTORS.—There are two Deputy Directors within the Office of the Director of Cost Assessment and Program Evaluation, as follows:

''(1) The Deputy Director for Cost Assessment.

''(2) The Deputy Director for Program Evaluation.

''(d) RESPONSIBILITIES.—The Director of Cost Assessment and Program Evaluation shall serve as the principal official within the senior management of the Department of Defense for the following:

''(1) Cost estimation and cost analysis for acquisition programs of the Department of Defense, and carrying out the duties assigned pursuant to section 2334 of this title.

''(2) Analysis and advice on matters relating to the planning and programming phases of the Planning, Programming, Budgeting and Execution system, and the preparation of materials and guidance for such system, as directed by the Secretary of Defense, working in coordination with the Under Secretary of Defense (Comptroller).

''(3) Analysis and advice for resource discussions relating to requirements under consideration in the Joint Requirements Oversight Council pursuant to section 181 of this title.

''(4) Formulation of study guidance for analyses of alternatives for major defense acquisition programs and performance of such analyses, as directed by the Secretary of Defense

''(5) Review, analysis, and evaluation of programs for executing approved strategies and policies, ensuring that information on programs is presented accurately and completely, and assessing the effect of spending by the Department of Defense on the United States economy.

''(6) Assessments of special access and compartmented intelligence programs, in coordination with the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Under Secretary of Defense for Intelligence and in accordance with applicable policies.

''(7) Assessments of alternative plans, programs, and policies with respect to the acquisition programs of the Department of Defense.

''(8) Leading the development of improved analytical skills and competencies within the cost assessment and program evaluation workforce of the Department of Defense and improved tools, data, and methods to promote performance, economy, and efficiency in analyzing national security planning and the allocation of defense resources.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title is amended by inserting after the item relating to section 139b the following new item:

''139c. Director of Cost Assessment and Program Evaluation.''.

(3) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by inserting after the item relating to the Director of Operational Test and Evaluation, Department of Defense the following new item:

''Director of Cost Assessment and Program Evaluation, Department of Defense.''.

(b) INDEPENDENT COST ESTIMATION AND COST ANALYSIS.—

(1) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2334. Independent cost estimation and cost analysis

''(a) IN GENERAL.—The Director of Cost Assessment and Program Evaluation shall ensure that the cost estimation and cost analysis processes of the Department of Defense provide accurate information and realistic estimates of cost for the acquisition programs of the Department of Defense. In carrying out that responsibility, the Director shall—

''(1) prescribe, by authority of the Secretary of Defense, policies and procedures for the conduct of cost estimation and cost analysis for the acquisition programs of the Department of Defense;

''(2) provide guidance to and consult with the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Under Secretary of Defense (Comptroller), the Secretaries of the military departments, and the heads of the Defense Agencies with respect to cost estimation in the Department of Defense in general and with respect to specific cost estimates and cost analyses to be conducted in connection with a major defense acquisition program under chapter 144 of this title or a major automated information system program under chapter 144A of this title;

''(3) issue guidance relating to the proper selection of confidence levels in cost estimates generally, and specifically, for the proper selection of confidence levels in cost estimates for major defense acquisition programs and major automated information system programs;

''(4) issue guidance relating to full consideration of life-cycle management and sustainability costs in major defense acquisition programs and major automated information system programs;

''(5) review all cost estimates and cost analyses conducted in connection with major defense acquisition programs and major automated information system programs;

''(6) conduct independent cost estimates and cost analyses for major defense acquisition programs and major automated information system programs for which the Under Secretary of Defense for Acquisition, Technology, and Logistics is the Milestone Decision Authority—

''(A) in advance of—

''(i) any certification under section 2366a or 2366b of this title;

''(ii) any decision to enter into low-rate initial production or full-rate production;

''(iii) any certification under section 2433a of this title; and

''(iv) any report under section 2445c(f) of this title; and

''(B) at any other time considered appropriate by the Director or upon the request of the Under Secretary of Defense for Acquisition, Technology, and Logistics; and

''(7) periodically assess and update the cost indexes used by the Department to ensure that such indexes have a sound basis and meet the Department's needs for realistic cost estimation.

''(b) REVIEW OF COST ESTIMATES, COST ANALYSES, AND RECORDS OF THE MILITARY DEPARTMENTS AND DEFENSE AGENCIES.—The Secretary of Defense shall ensure that the Director of Cost Assessment and Program Evaluation—

''(1) promptly receives the results of all cost estimates and cost analyses conducted by the military departments and Defense Agencies, and all studies conducted by the military departments and Defense Agencies in connection with such cost estimates and cost analyses, for major defense acquisition programs and major automated information system programs of the military departments and Defense Agencies; and

''(2) has timely access to any records and data in the Department of Defense (including the records and data of each military department and Defense Agency and including classified and proprietary information) that the Director considers necessary to review in order to carry out any duties under this section.

''(c) PARTICIPATION, CONCURRENCE, AND APPROVAL IN COST ESTIMATION.—The Director of Cost Assessment and Program Evaluation may—

''(1) participate in the discussion of any discrepancies between an independent cost estimate and the cost estimate of a military department or Defense Agency for a major defense acquisition program or major automated information system program of the Department of Defense;

''(2) comment on deficiencies in the methodology or execution of any cost estimate or cost analysis developed by a military department or Defense Agency for a major defense acquisition program or major automated information system program;

''(3) concur in the choice of a cost estimate within the baseline description or any other cost estimate (including the confidence level for any such cost estimate) for use at any event specified in subsection (a)(6); and

''(4) participate in the consideration of any decision to request authorization of a multiyear procurement contract for a major defense acquisition program.

''(d) DISCLOSURE OF CONFIDENCE LEVELS FOR BASELINE ESTIMATES OF MAJOR DEFENSE ACQUISITION PROGRAMS.—The Director of Cost Assessment and Program Evaluation, and the Secretary of the military department concerned or the head of the Defense Agency concerned (as applicable), shall each—

''(1) disclose in accordance with paragraph (2) the confidence level used in establishing a cost estimate for a major defense acquisition program or major automated information system program, the rationale for selecting such confidence level, and, if such confidence level is less than 80 percent, the justification for selecting a confidence level of less than 80 percent; and

''(2) include the disclosure required by paragraph (1)—

''(A) in any decision documentation approving a cost estimate within the baseline description or any other cost estimate for use at any event specified in subsection (a)(6); and

''(B) in the next Selected Acquisition Report pursuant to section 2432 of this title in the case of a major defense acquisition program, or the next quarterly report pursuant to section 2445c of this title in the case of a major automated information system program.

''(e) ANNUAL REPORT ON COST ASSESSMENT ACTIVITIES.—(1) The Director of Cost Assessment and Program Evaluation shall prepare an annual report summarizing the cost estimation and cost analysis activities of the Department of Defense during the previous year and assessing the progress of the Department in improving the accuracy of its cost estimates and analyses. Each report shall include, for the year covered by such report, an assessment of—

''(A) the extent to which each of the military departments and Defense Agencies have complied with policies, procedures, and guidance issued by the Director with regard to the preparation of cost estimates for major defense acquisition programs and major automated information systems;

''(B) the overall quality of cost estimates prepared by each of the military departments and Defense Agencies for major defense acquisition programs and major automated information system programs; and

''(C) any consistent differences in methodology or approach among the cost estimates prepared by the military departments, the Defense Agencies, and the Director.

''(2) Each report under this subsection shall be submitted concurrently to the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Under Secretary of Defense (Comptroller), and the congressional defense committees not later than 10 days after the transmittal to Congress of the budget of the President for the next fiscal year (as submitted pursuant to section 1105 of title 31).

''(3)(A) Each report submitted to the congressional defense committees under this subsection shall be submitted in unclassified form, but may include a classified annex.

''(B) The Director shall ensure that a report submitted under this subsection does not include any information, such as proprietary or source selection sensitive information, that could undermine the integrity of the acquisition process.

''(C) The unclassified version of each report submitted to the congressional defense committees under this subsection shall be posted on an Internet website of the Department of Defense that is available to the public.

''(4) The Secretary of Defense may comment on any report of the Director to the congressional defense committees under this subsection.

''(f) STAFF.—The Secretary of Defense shall ensure that the Director of Cost Assessment and Program Evaluation has sufficient professional staff of military and civilian personnel to enable the Director to carry out the duties and responsibilities of the Director under this section.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of such title is amended by adding at the end the following new item:

''2334. Independent cost estimation and cost analysis.''.

(c) TRANSFER OF PERSONNEL AND FUNCTIONS.—

(1) TRANSFER OF FUNCTIONS.—The functions of the Office of Program Analysis and Evaluation of the Department of Defense, including the functions of the Cost Analysis Improvement Group, are hereby transferred to the Office of the Director of Cost Assessment and Program Evaluation.

(2) TRANSFER OF PERSONNEL TO DEPUTY DIRECTOR FOR INDEPENDENT COST ASSESSMENT.—The personnel of the Cost Analysis Improvement Group are hereby transferred to the Deputy Director for Cost Assessment in the Office of the Director of Cost Assessment and Program Evaluation.

(3) TRANSFER OF PERSONNEL TO DEPUTY DIRECTOR FOR PROGRAM ANALYSIS AND EVALUATION.—The personnel (other than the personnel transferred under paragraph (2)) of the Office of Program Analysis and Evaluation are hereby transferred to the Deputy Director for Program Evaluation in the Office of the Director of Cost Assessment and Program Evaluation.

(d) CONFORMING AMENDMENTS.—

(1) Section 181(d) of title 10, United States Code, is amended by striking ''Director of the Office of Program Analysis and Evaluation'' and inserting ''Director of Cost Assessment and Program Evaluation''.

(2) Section 2306b(i)(1)(B) of such title is amended by striking ''Cost Analysis Improvement Group of the Department of Defense'' and inserting ''Director of Cost Assessment and Program Analysis''.

(3) Section 2366a(a)(4) of such title is amended by inserting '', with the concurrence of the Director of Cost Assessment and Program Evaluation,'' after ''has been submitted''.

(4) Section 2366b(a)(1)(C) of such title is amended by inserting '', with the concurrence of the Director of Cost Assessment and Program Evaluation,'' after ''have been developed to execute''.

(5) Subparagraph (A) of section 2434(b)(1) of such title is amended to read as follows:

''(A) be prepared or approved by the Director of Cost Assessment and Program Evaluation; and''.

(6) Section 2445c(f)(3) of such title is amended by striking ''are reasonable'' and inserting ''have been determined, with the concurrence of the Director of Cost Assessment and Program Evaluation, to be reasonable''.

(e) REPORT ON MONITORING OF OPERATING AND SUPPORT COSTS FOR MAJOR DEFENSE ACQUISITION PROGRAMS.—

(1) REPORT TO SECRETARY OF DEFENSE.—Not later than one year after the date of the enactment of this Act, the Director of Cost Assessment and Program Evaluation under section 139c of title 10 United States Code (as added by subsection (a)), shall review existing systems and methods of the Department of Defense for tracking and assessing operating and support costs on major defense acquisition programs and submit to the Secretary of Defense a report on the finding and recommendations of the Director as a result of the review, including an assessment by the Director of the feasibility and advisability of establishing baselines for operating and support costs under section 2435 of title 10, United States Code.

(2) TRANSMITTAL TO CONGRESS.—Not later than 30 days after receiving the report required by paragraph (1), the Secretary shall transmit the report to the congressional defense committees, together with any comments on the report the Secretary considers appropriate.

SEC. 102. DIRECTORS OF DEVELOPMENTAL TEST AND EVALUATION AND SYSTEMS ENGINEERING.

(a) IN GENERAL.—

(1) ESTABLISHMENT OF POSITIONS.—Chapter 4 of title 10, United States Code, as amended by section 101(a) of this Act, is further amended by inserting after section 139c the following new section:

''§ 139d. Director of Developmental Test and Evaluation; Director of Systems Engineering: joint guidance

''(a) DIRECTOR OF DEVELOPMENTAL TEST AND EVALUATION.—

''(1) APPOINTMENT.—There is a Director of Developmental Test and Evaluation, who shall be appointed by the Secretary of Defense from among individuals with an expertise in test and evaluation.

''(2) PRINCIPAL ADVISOR FOR DEVELOPMENTAL TEST AND EVALUATION.—The Director shall be the principal advisor to the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology, and Logistics on developmental test and evaluation in the Department of Defense.

''(3) SUPERVISION.—The Director shall be subject to the supervision of the Under Secretary of Defense for Acquisition, Technology, and Logistics and shall report to the Under Secretary.

''(4) COORDINATION WITH DIRECTOR OF SYSTEMS ENGINEERING.—The Director of Developmental Test and Evaluation shall closely coordinate with the Director of Systems Engineering to ensure that the developmental test and evaluation activities of the Department of Defense are fully integrated into and consistent with the systems engineering and development planning processes of the Department.

''(5) DUTIES.—The Director shall—

''(A) develop policies and guidance for—

''(i) the conduct of developmental test and evaluation in the Department of Defense (including integration and developmental testing of software);

''(ii) in coordination with the Director of Operational Test and Evaluation, the integration of developmental test and evaluation with operational test and evaluation;

''(iii) the conduct of developmental test and evaluation conducted jointly by more than one military department or Defense Agency;

''(B) review and approve the developmental test and evaluation plan within the test and evaluation master plan for each major defense acquisition program of the Department of Defense;

''(C) monitor and review the developmental test and evaluation activities of the major defense acquisition programs;

''(D) provide advocacy, oversight, and guidance to elements of the acquisition workforce responsible for developmental test and evaluation;

''(E) periodically review the organizations and capabilities of the military departments with respect to developmental test and evaluation and identify needed changes or improvements to such organizations and capabilities, and provide input regarding needed changes or improvements for the test and evaluation strategic plan developed in accordance with section 196(d) of this title; and

''(F) perform such other activities relating to the developmental test and evaluation activities of the Department of Defense as the Under Secretary of Defense for Acquisition, Technology, and Logistics may prescribe.

''(6) ACCESS TO RECORDS.—The Secretary of Defense shall ensure that the Director has access to all records and data of the Department of Defense (including the records and data of each military department and including classified and propriety information, as appropriate) that the Director considers necessary in order to carry out the Director's duties under this subsection.

''(7) CONCURRENT SERVICE AS DIRECTOR OF DEPARTMENT OF DEFENSE TEST RESOURCES MANAGEMENT CENTER.—The individual serving as the Director of Developmental Test and Evaluation may also serve concurrently as the Director of the Department of Defense Test Resource Management Center under section 196 of this title.

''(b) DIRECTOR OF SYSTEMS ENGINEERING.—

''(1) APPOINTMENT.—There is a Director of Systems Engineering, who shall be appointed by the Secretary of Defense from among individuals with an expertise in systems engineering and development planning.

''(2) PRINCIPAL ADVISOR FOR SYSTEMS ENGINEERING AND DEVELOPMENT PLANNING.—The Director shall be the principal advisor to the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology, and Logistics on systems engineering and development planning in the Department of Defense.

''(3) SUPERVISION.—The Director shall be subject to the supervision of the Under Secretary of Defense for Acquisition, Technology, and Logistics and shall report to the Under Secretary.

''(4) COORDINATION WITH DIRECTOR OF DEVELOPMENTAL TEST AND EVALUATION.—The Director

of Systems Engineering shall closely coordinate with the Director of Developmental Test and Evaluation to ensure that the developmental test and evaluation activities of the Department of Defense are fully integrated into and consistent with the systems engineering and development planning processes of the Department.

''(5) DUTIES.—The Director shall—

''(A) develop policies and guidance for—

''(i) the use of systems engineering principles and best practices, generally;

''(ii) the use of systems engineering approaches to enhance reliability, availability, and maintainability on major defense acquisition programs;

''(iii) the development of systems engineering master plans for major defense acquisition programs including systems engineering considerations in support of lifecycle management and sustainability; and

''(iv) the inclusion of provisions relating to systems engineering and reliability growth in requests for proposals;

''(B) review and approve the systems engineering master plan for each major defense acquisition program;

''(C) monitor and review the systems engineering and development planning activities of the major defense acquisition programs;

''(D) provide advocacy, oversight, and guidance to elements of the acquisition workforce responsible for systems engineering, development planning, and lifecycle management and sustainability functions;

''(E) provide input on the inclusion of systems engineering requirements in the process for consideration of joint military requirements by the Joint Requirements Oversight Council pursuant to section 181 of this title, including specific input relating to each capabilities development document;

''(F) periodically review the organizations and capabilities of the military departments with respect to systems engineering, development planning, and lifecycle management and sustainability, and identify needed changes or improvements to such organizations and capabilities; and

''(G) perform such other activities relating to the systems engineering and development planning activities of the Department of Defense as the Under Secretary of Defense for Acquisition, Technology, and Logistics may prescribe.

''(6) ACCESS TO RECORDS.—The Director shall have access to any records or data of the Department of Defense (including the records and data of each military department and including classified and proprietary information as appropriate) that the Director considers necessary to review in order to carry out the Director's duties under this subsection.

''(c) JOINT ANNUAL REPORT.—Not later than March 31 each year, beginning in 2010, the Director of Developmental Test and Evaluation and the Director of Systems Engineering shall jointly submit to the congressional defense committees a report on the activities undertaken pursuant to subsections (a) and (b) during the preceding year. Each report shall include a section on activities relating to the major defense acquisition programs which shall set forth, at a minimum, the following:

''(1) A discussion of the extent to which the major defense acquisition programs are fulfilling the objectives of their systems engineering master plans and developmental test and evaluation plans.

''(2) A discussion of the waivers of and deviations from requirements in test and evaluation master plans, systems engineering master plans, and other testing requirements that occurred during the preceding year with respect to such programs, any concerns raised by such waivers or deviations, and the actions that have been taken or are planned to be taken to address such concerns.

''(3) An assessment of the organization and capabilities of the Department of Defense for systems engineering, development planning, and developmental test and evaluation with respect to such programs.

''(4) Any comments on such report that the Secretary of Defense considers appropriate.

''(d) JOINT GUIDANCE.—The Director of Developmental Test and Evaluation and the Director of Systems Engineering shall jointly, in coordination with the official designated by the Secretary of Defense under section 103 of the Weapon Systems Acquisition Reform Act of 2009, issue guidance on the following:

''(1) The development and tracking of detailed measurable performance criteria as part of the systems engineering master plans and the developmental test and evaluation plans within the test and evaluation master plans of major defense acquisition programs.

''(2) The use of developmental test and evaluation to measure the achievement of specific performance objectives within a systems engineering master plan.

''(3) A system for storing and tracking information relating to the achievement of the performance criteria and objectives specified pursuant to this subsection.

''(e) MAJOR DEFENSE ACQUISITION PROGRAM DEFINED.—In this section, the term 'major defense acquisition program' has the meaning given that term in section 2430 of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title, as amended by section 101(a) of this Act, is further amended by inserting after the item relating to section 139c the following new item:

''139d. Director of Developmental Test and Evaluation; Director of Systems Engineering: joint guidance.''.

(b) DEVELOPMENTAL TEST AND EVALUATION AND SYSTEMS ENGINEERING IN THE MILITARY DEPARTMENTS AND DEFENSE AGENCIES.—

(1) PLANS.—The service acquisition executive of each military department and each Defense Agency with responsibility for a major defense acquisition program shall develop and implement plans to ensure the military department or Defense Agency concerned has provided appropriate resources for each of the following:

(A) Developmental testing organizations with adequate numbers of trained personnel in order to—

(i) ensure that developmental testing requirements are appropriately addressed in the translation of operational requirements into contract specifications, in the source selection process, and in the preparation of requests for proposals on all major defense acquisition programs;

(ii) participate in the planning of developmental test and evaluation activities, including the preparation and approval of a developmental test and evaluation plan within the test and evaluation master plan for each major defense acquisition program; and

(iii) participate in and oversee the conduct of developmental testing, the analysis of data, and the preparation of evaluations and reports based on such testing.

(B) Development planning and systems engineering organizations with adequate numbers of trained personnel in order to—

(i) support key requirements, acquisition, and budget decisions made for each major defense acquisition program prior to Milestone A approval and Milestone B approval through a rigorous systems analysis and systems engineering process;

(ii) include a robust program for improving reliability, availability, maintainability, and sustainability as an integral part of design and development within the systems engineering master plan for each major defense acquisition program; and

(iii) identify systems engineering requirements, including reliability, availability, maintainability, and lifecycle management and sustainability requirements, during the Joint Capabilities Integration Development System process, and incorporate such systems engineering requirements into contract requirements for each major defense acquisition program.

(2) REPORTS BY SERVICE ACQUISITION EXECUTIVES.—Not later than 180 days after the date of the enactment of this Act, the service acquisition executive of each military department and each Defense Agency with responsibility for a major defense acquisition program shall submit to the Director of Developmental Test and Evaluation and the Director of Systems Engineering a report on the extent to which—

(A) such military department or Defense Agency has implemented, or is implementing, the plan required by paragraph (1); and

(B) additional authorities or resources are needed to attract, develop, retain, and reward developmental test and evaluation personnel and systems engineers with appropriate levels of hands-on experience and technical expertise to meet the needs of such military department or Defense Agency.

(3) ASSESSMENT OF REPORTS BY DIRECTORS OF DEVELOPMENTAL TEST AND EVALUATION AND SYSTEMS ENGINEERING.—The first annual report submitted to Congress by the Director of Developmental Test and Evaluation and the Director of Systems Engineering under section 139d(c) of title 10, United States Code (as added by subsection (a)), shall include an assessment by the Directors of the reports submitted by the service acquisition executives to the Directors under paragraph (2).

SEC. 103. PERFORMANCE ASSESSMENTS AND ROOT CAUSE ANALYSES FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) DESIGNATION OF SENIOR OFFICIAL RESPONSIBILITY FOR PERFORMANCE ASSESSMENTS AND ROOT CAUSE ANALYSES.—

(1) IN GENERAL.—The Secretary of Defense shall designate a senior official in the Office of the Secretary of Defense as the principal official of the Department of Defense responsible for conducting and overseeing performance assessments and root cause analyses for major defense acquisition programs.

(2) NO PROGRAM EXECUTION RESPONSIBILITY.—The Secretary shall ensure that the senior official designated under paragraph (1) is not responsible for program execution.

(3) STAFF AND RESOURCES.—The Secretary shall assign to the senior official designated under paragraph (1) appropriate staff and resources necessary to carry out official's function under this section.

(b) RESPONSIBILITIES.—The senior official designated under subsection (a) shall be responsible for the following:

(1) Carrying out performance assessments of major defense acquisition programs in accordance with the requirements of subsection (c) periodically or when requested by the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology and Logistics, the Secretary of a military department, or the head of a Defense Agency.

(2) Conducting root cause analyses for major defense acquisition programs in accordance with the requirements of subsection (d) when required by section 2433a(a)(1) of title 10, United States Code (as added by section 206(a) of this Act), or when requested by the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology and Logistics, the Secretary of a military department, or the head of a Defense Agency.

(3) Issuing policies, procedures, and guidance governing the conduct of performance assessments and root cause analyses by the military departments and the Defense Agencies.

(4) Evaluating the utility of performance metrics used to measure the cost, schedule, and performance of major defense acquisition programs, and making such recommendations to the Secretary of Defense as the official considers appropriate to improve such metrics.

(5) Advising acquisition officials on performance issues regarding a major defense acquisition program that may arise—

(A) prior to certification under section 2433a of title 10, United States Code (as so added);

(B) prior to entry into full-rate production; or

(C) in the course of consideration of any decision to request authorization of a multiyear procurement contract for the program.

(c) PERFORMANCE ASSESSMENTS.—For purposes of this section, a performance assessment with respect to a major defense acquisition program is an evaluation of the following:

(1) The cost, schedule, and performance of the program, relative to current metrics, including performance requirements and baseline descriptions.

(2) The extent to which the level of program cost, schedule, and performance predicted relative to such metrics is likely to result in the timely delivery of a level of capability to the warfighter that is consistent with the level of resources to be expended and provides superior value to alternative approaches that may be available to meet the same military requirement.

(d) ROOT CAUSE ANALYSES.—For purposes of this section and section 2433a of title 10, United States Code (as so added), a root cause analysis with respect to a major defense acquisition program is an assessment of the underlying cause or causes of shortcomings in cost, schedule, or performance of the program, including the role, if any, of—

(1) unrealistic performance expectations;

(2) unrealistic baseline estimates for cost or schedule;

(3) immature technologies or excessive manufacturing or integration risk;

(4) unanticipated design, engineering, manufacturing, or technology integration issues arising during program performance;

(5) changes in procurement quantities;

(6) inadequate program funding or funding instability;

(7) poor performance by government or contractor personnel responsible for program management; or

(8) any other matters.

(e) SUPPORT OF APPLICABLE CAPABILITIES AND EXPERTISE.—The Secretary of Defense shall ensure that the senior official designated under subsection (a) has the support of other Department of Defense officials with relevant capabilities and expertise needed to carry out the requirements of this section.

(f) ANNUAL REPORT.—Not later than March 1 each year, beginning in 2010, the official responsible for conducting and overseeing performance assessments and root cause analyses for major defense acquisition programs shall submit to the congressional defense committees a report on the activities undertaken under this section during the preceding year.

SEC. 104. ASSESSMENT OF TECHNOLOGICAL MATURITY OF CRITICAL TECHNOLOGIES OF MAJOR DEFENSE ACQUISITION PROGRAMS BY THE DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING.

(a) ASSESSMENT BY DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING.—

(1) IN GENERAL.—Section 139a of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c)(1) The Director of Defense Research and Engineering, in consultation with the Director of Developmental Test and Evaluation, shall periodically review and assess the technological maturity and integration risk of critical technologies of the major defense acquisition programs of the Department of Defense and report on the findings of such reviews and assessments to the Under Secretary of Defense for Acquisition, Technology, and Logistics.

''(2) The Director shall submit to the Secretary of Defense and to the congressional defense committees by March 1 of each year a report on the technological maturity and integration risk of critical technologies of the major defense acquisition programs of the Department of Defense.''.

(2) FIRST ANNUAL REPORT.—The first annual report under subsection (c)(2) of section 139a of title 10, United States Code (as added by paragraph (1)), shall be submitted to the congressional defense committees not later than March 1, 2010, and shall address the results of reviews and assessments conducted by the Director of Defense Research and Engineering pursuant to subsection (c)(1) of such section (as so added) during the preceding calendar year.

(b) REPORT ON RESOURCES FOR IMPLEMENTATION.—Not later than 120 days after the date of the enactment of this Act, the Director of Defense Research and Engineering shall submit to the congressional defense committees a report describing any additional resources that may be required by the Director, and by other research and engineering elements of the Department of Defense, to carry out the following:

(1) The requirements under the amendment made by subsection (a)(1).

(2) The technological maturity assessments required by section 2366b(a) of title 10, United States Code.

(3) The requirements of Department of Defense Instruction 5000, as revised.

(c) TECHNOLOGICAL MATURITY STANDARDS.—Not later than 180 days after the date of the enactment of this Act, the Director of Defense Research and Engineering, in consultation with the Director of Developmental Test and Evaluation, shall develop knowledge-based standards against which to measure the technological maturity and integration risk of critical technologies at key stages in the acquisition process for purposes of conducting the reviews and assessments of major defense acquisition programs required by subsection (c) of section 139a of title 10, United States Code (as so added).

SEC. 105. ROLE OF THE COMMANDERS OF THE COMBATANT COMMANDS IN IDENTIFYING JOINT MILITARY REQUIREMENTS.

(a) IN GENERAL.—Section 181(d) of title 10, United States Code, as amended by section 101(d) of this Act, is further amended—

(1) by inserting ''(1)'' before ''The Under Secretary''; and

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

''(2) The Council shall seek and consider input from the commanders of the combatant commands in carrying out its mission under paragraphs (1) and (2) of subsection (b) and in conducting periodic reviews in accordance with the requirements of subsection (e).''.

(b) INPUT FROM COMMANDERS OF COMBATANT COMMANDS.—The Joint Requirements Oversight Council in the Department of Defense shall seek and consider input from the commanders of combatant commands, in accordance with section 181(d) of title 10, United States Code (as amended by subsection (a)). Such input may include, but is not limited to, an assessment of the following:

(1) Any current or projected missions or threats in the theater of operations of the commander of a combatant command that would inform the assessment of a new joint military requirement.

(2) The necessity and sufficiency of a proposed joint military requirement in terms of current and projected missions or threats.

(3) The relative priority of a proposed joint military requirement in comparison with other joint military requirements within the theater of operations of the commander of a combatant command.

(4) The ability of partner nations in the theater of operations of the commander of a combatant command to assist in meeting the joint military requirement or the benefit, if any, of a partner nation assisting in development or use of technologies developed to meet the joint military requirement.

(c) COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF IMPLEMENTATION.—

(1) REQUIREMENT.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of the requirements of—

(A) subsection (d)(2) of section 181 of title 10, United States Code (as amended by subsection (a)), for the Joint Requirements Oversight Council to solicit and consider input from the commanders of the combatant commands;

(B) the amendments to subsection (b) of section 181 of title 10, United States Code, made by section 942 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 287) and by section 201(b) of this Act; and

(C) the requirements of section 201(c) of this Act.

(2) MATTERS COVERED.—The report shall include, at a minimum, an assessment of—

(A) the extent to which the Council has effectively sought, and the commanders of the combatant commands have provided, meaningful input on proposed joint military requirements;

(B) the quality and effectiveness of efforts to estimate the level of resources needed to fulfill joint military requirements; and

(C) the extent to which the Council has considered trade-offs among cost, schedule, and performance objectives.

TITLE II—ACQUISITION POLICY

SEC. 201. CONSIDERATION OF TRADE-OFFS AMONG COST, SCHEDULE, AND PERFORMANCE OBJECTIVES IN DEPARTMENT OF DEFENSE ACQUISITION PROGRAMS.

(a) CONSIDERATION OF TRADE-OFFS.—

(1) IN GENERAL.—The Secretary of Defense shall ensure that mechanisms are developed and implemented to require consideration of trade-offs among cost, schedule, and performance objectives as part of the process for developing requirements for Department of Defense acquisition programs.

(2) ELEMENTS.—The mechanisms required under this subsection shall ensure, at a minimum, that—

(A) Department of Defense officials responsible for acquisition, budget, and cost estimating functions are provided an appropriate opportunity to develop estimates and raise cost and schedule matters before performance objectives are established for capabilities for which the Chairman of the Joint Requirements Oversight Council is the validation authority; and

(B) the process for developing requirements is structured to enable incremental, evolutionary, or spiral acquisition approaches, including the deferral of technologies that are not yet mature and capabilities that are likely to significantly increase costs or delay production until later increments or spirals.

(b) DUTIES OF JOINT REQUIREMENTS OVERSIGHT COUNCIL.—Section 181(b) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''and'' at the end of subparagraph (A);

(B) by inserting ''and'' at the end of subparagraph (B) after the semicolon; and

(C) by adding at the end the following new subparagraph:

''(C) in ensuring the consideration of trade-offs among cost, schedule, and performance objectives for joint military requirements in consultation with the advisors specified in subsection (d);''.

(2) in paragraph (3)—

(A) by inserting '', in consultation with the Under Secretary of Defense (Comptroller), the Under Secretary of Defense for Acquisition, Technology, and Logistics, and the Director of Cost Assessment and Performance Evaluation,'' after ''assist the Chairman''; and

(B) by striking ''and'' after the semicolon at the end;

(3) in paragraph (4), by striking the period at the end and inserting ''; and''; and

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

''(5) assist the Chairman, in consultation with the commanders of the combatant commands and the Under Secretary of Defense for Acquisition, Technology, and Logistics, in establishing an objective for the overall period of time within which an initial operational capability should be delivered to meet each joint military requirement.''.

(c) REVIEW OF JOINT MILITARY REQUIREMENTS.—The Secretary of Defense shall ensure that each new joint military requirement recommended by the Joint Requirements Oversight Council is reviewed to ensure that the Joint Requirements Oversight Council has, in making such recommendation—

(1) taken appropriate action to seek and consider input from the commanders of the combatant commands, in accordance with the requirements of section 181(d) of title 10, United States Code (as amended by section 105(a) of this Act);

(2) engaged in consideration of trade-offs among cost, schedule, and performance objectives in accordance with the requirements of section 181(b)(1)(C) of title 10, United States Code (as added by subsection (b)); and

(3) engaged in consideration of issues of joint portfolio management, including alternative material and non-material solutions, as provided in Department of Defense instructions for the development of joint military requirements.

(d) STUDY GUIDANCE FOR ANALYSES OF ALTERNATIVES.—The Director of Cost Assessment and Program Evaluation shall take the lead in the development of study guidance for an analysis of alternatives for each joint military requirement for which the Chairman of the Joint Requirements Oversight Council is the validation authority. In developing the guidance, the Director shall solicit the advice of appropriate officials within the Department of Defense and ensure that the guidance requires, at a minimum—

(1) full consideration of possible trade-offs among cost, schedule, and performance objectives for each alternative considered; and

(2) an assessment of whether or not the joint military requirement can be met in a manner that is consistent with the cost and schedule objectives recommended by the Joint Requirements Oversight Council.

(e) ANALYSIS OF ALTERNATIVES IN CERTIFICATION FOR MILESTONE A.—Section 2366a(a) of title 10, United States Code, as amended by section 101(d)(3) of this Act, is further amended—

(1) by striking ''and'' at the end of paragraph (3);

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph (4):

''(4) that an analysis of alternatives has been performed consistent with study guidance developed by the Director of Cost Assessment and Program Evaluation; and''.

(f) DUTIES OF MILESTONE DECISION AUTHORITY.—Section 2366b(a)(1)(B) of such title is amended by inserting ''appropriate trade-offs among cost, schedule, and performance objectives have been made to ensure that'' before ''the program is affordable''.

SEC. 202. ACQUISITION STRATEGIES TO ENSURE COMPETITION THROUGHOUT THE LIFECYCLE OF MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) ACQUISITION STRATEGIES TO ENSURE COMPETITION.—The Secretary of Defense shall ensure that the acquisition strategy for each major defense acquisition program includes—

(1) measures to ensure competition, or the option of competition, at both the prime contract level and the subcontract level (at such tier or tiers as are appropriate) of such program throughout the life-cycle of such program as a means to improve contractor performance; and

(2) adequate documentation of the rationale for the selection of the subcontract tier or tiers under paragraph (1).

(b) MEASURES TO ENSURE COMPETITION.—The measures to ensure competition, or the option of competition, for purposes of subsection (a)(1) may include measures to achieve the following, in appropriate cases if such measures are cost-effective:

(1) Competitive prototyping.

(2) Dual-sourcing.

(3) Unbundling of contracts.

(4) Funding of next-generation prototype systems or subsystems.

(5) Use of modular, open architectures to enable competition for upgrades.

(6) Use of build-to-print approaches to enable production through multiple sources.

(7) Acquisition of complete technical data packages.

(8) Periodic competitions for subsystem upgrades.

(9) Licensing of additional suppliers.

(10) Periodic system or program reviews to address long-term competitive effects of program decisions.

(c) ADDITIONAL MEASURES TO ENSURE COMPETITION AT SUBCONTRACT LEVEL.—The Secretary shall take actions to ensure fair and objective ''make-buy'' decisions by prime contractors on major defense acquisition programs by—

(1) requiring prime contractors to give full and fair consideration to qualified sources other than the prime contractor for the development or construction of major subsystems and components of major weapon systems;

(2) providing for government surveillance of the process by which prime contractors consider such sources and determine whether to conduct such development or construction in-house or through a subcontract; and

(3) providing for the assessment of the extent to which a contractor has given full and fair consideration to qualified sources other than the contractor in sourcing decisions as a part of past performance evaluations.

(d) CONSIDERATION OF COMPETITION THROUGHOUT OPERATION AND SUSTAINMENT OF MAJOR WEAPON SYSTEMS.—Whenever a decision regarding source of repair results in a plan to award a contract for performance of maintenance and sustainment of a major weapon system, the Secretary shall take actions to ensure that, to the maximum extent practicable and consistent with statutory requirements, contracts for such maintenance and sustainment are awarded on a competitive basis and give full consideration to all sources (including sources that partner or subcontract with public or private sector repair activities).

(e) APPLICABILITY.—

(1) STRATEGY AND MEASURES TO ENSURE COMPETITION.—The requirements of subsections (a) and (b) shall apply to any acquisition plan for a major defense acquisition program that is developed or revised on or after the date that is 60 days after the date of the enactment of this Act.

(2) ADDITIONAL ACTIONS.—The actions required by subsections (c) and (d) shall be taken within 180 days after the date of the enactment of this Act.

SEC. 203. PROTOTYPING REQUIREMENTS FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) COMPETITIVE PROTOTYPING.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall modify the guidance of the Department of Defense relating to the operation of the acquisition system with respect to competitive prototyping for major defense acquisition programs to ensure the following:

(1) That the acquisition strategy for each major defense acquisition program provides for competitive prototypes before Milestone B approval (or Key Decision Point B approval in the case of a space program) unless the Milestone Decision Authority for such program waives the requirement pursuant to paragraph (2).

(2) That the Milestone Decision Authority may waive the requirement in paragraph (1) only—

(A) on the basis that the cost of producing competitive prototypes exceeds the expected life-cycle benefits (in constant dollars) of producing such prototypes, including the benefits of improved performance and increased technological and design maturity that may be achieved through competitive prototyping; or

(B) on the basis that, but for such waiver, the Department would be unable to meet critical national security objectives.

(3) That whenever a Milestone Decision Authority authorizes a waiver pursuant to paragraph (2), the Milestone Decision Authority—

(A) shall require that the program produce a prototype before Milestone B approval (or Key Decision Point B approval in the case of a space program) if the expected life-cycle benefits (in constant dollars) of producing such prototype exceed its cost and its production is consistent with achieving critical national security objectives; and

(B) shall notify the congressional defense committees in writing not later than 30 days after the waiver is authorized and include in such notification the rationale for the waiver and the plan, if any, for producing a prototype.

(4) That prototypes may be required under paragraph (1) or (3) for the system to be acquired or, if prototyping of the system is not feasible, for critical subsystems of the system.

(b) COMPTROLLER GENERAL REVIEW OF CERTAIN WAIVERS.—

(1) NOTICE TO COMPTROLLER GENERAL.—Whenever a Milestone Decision Authority authorizes a waiver of the requirement for prototypes pursuant to paragraph (2) of subsection (a) on the basis of excessive cost, the Milestone Decision Authority shall submit the notification of the waiver, together with the rationale, to the Comptroller General of the United States at the same time it is submitted to the congressional defense committees.

(2) COMPTROLLER GENERAL REVIEW.—Not later than 60 days after receipt of a notification of a waiver under paragraph (1), the Comptroller General shall—

(A) review the rationale for the waiver; and

(B) submit to the congressional defense committees a written assessment of the rationale for the waiver.

SEC. 204. ACTIONS TO IDENTIFY AND ADDRESS SYSTEMIC PROBLEMS IN MAJOR DEFENSE ACQUISITION PROGRAMS PRIOR TO MILESTONE B APPROVAL.

(a) MODIFICATION TO CERTIFICATION REQUIREMENT.—Subsection (a) of section 2366a of title 10, United States Code, is amended by striking ''may not receive Milestone A approval, or Key Decision Point A approval in the case of a space program,'' and inserting ''may not receive Milestone A approval, or Key Decision Point A approval in the case of a space program, or otherwise be initiated prior to Milestone B approval, or Key Decision Point B approval in the case of a space program,''.

(b) MODIFICATION TO NOTIFICATION REQUIREMENT.—Subsection (b) of such section is amended—

(1) by inserting ''(1)'' before ''With respect to'';

(2) in paragraph (1), as so designated, by striking ''by at least 25 percent,'' and inserting ''by at least 25 percent, or the program manager determines that the period of time required for the delivery of an initial operational capability is likely to exceed the schedule objective established pursuant to section 181(b)(5) of this title by more than 25 percent,''; and

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

''(2) Not later than 30 days after a program manager submits a notification to the Milestone Decision Authority pursuant to paragraph (1) with respect to a major defense acquisition program, the Milestone Decision Authority shall submit to the congressional defense committees a report that—

''(A) identifies the root causes of the cost or schedule growth in accordance with applicable policies, procedures, and guidance;

''(B) identifies appropriate acquisition performance measures for the remainder of the development of the program; and

''(C) includes one of the following:

''(i) A written certification (with a supporting explanation) stating that—

''(I) the program is essential to national security;

''(II) there are no alternatives to the program that will provide acceptable military capability at less cost;

''(III) new estimates of the development cost or schedule, as appropriate, are reasonable; and

''(IV) the management structure for the program is adequate to manage and control program development cost and schedule.

''(ii) A plan for terminating the development of the program or withdrawal of Milestone A approval, or Key Decision Point A approval in the case of a space program, if the Milestone Decision Authority determines that such action is in the interest of national defense.''.

(c) APPLICATION TO ONGOING PROGRAMS.—

(1) IN GENERAL.—Each major defense acquisition program described in paragraph (2) shall be certified in accordance with the requirements of section 2366a of title 10, United States Code (as amended by this section), within one year after the date of the enactment of this Act.

(2) COVERED PROGRAMS.—The requirement in paragraph (1) shall apply to any major defense acquisition program that—

(A) was initiated before the date of the enactment of this Act; and

(B) as of the date of certification under paragraph (1) has not otherwise been certified pursuant to either section 2366a (as so amended) or 2366b of title 10, United States Code.

SEC. 205. ADDITIONAL REQUIREMENTS FOR CERTAIN MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) ADDITIONAL REQUIREMENTS RELATING TO MILESTONE B APPROVAL.—Section 2366b of title 10, United States Code, is amended—

(1) in subsection (d)—

(A) by inserting ''(1)'' before ''The milestone decision authority may''; and

(B) by striking the second sentence and inserting the following:

''(2) Whenever the milestone decision authority makes such a determination and authorizes such a waiver—

''(A) the waiver, the determination, and the reasons for the determination shall be submitted in writing to the congressional defense committees within 30 days after the waiver is authorized; and

''(B) the milestone decision authority shall review the program not less often than annually to determine the extent to which such program currently satisfies the certification components specified in paragraphs (1) and (2) of subsection (a) until such time as the milestone decision authority determines that the program satisfies all such certification components.'';

(2) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively, and inserting after subsection (d) the following new subsection (e):

''(e) DESIGNATION OF CERTIFICATION STATUS IN BUDGET DOCUMENTATION.—Any budget request, budget justification material, budget display, reprogramming request, Selected Acquisition Report, or other budget documentation or performance report submitted by the Secretary of Defense to the President regarding a major defense acquisition program receiving a waiver pursuant to subsection (d) shall prominently and clearly indicate that such program has not fully satisfied the certification requirements of this section until such time as the milestone decision authority makes the determination that such program has satisfied all such certification components.''; and

(3) in subsection (a)—

(A) in paragraph (1), by striking ''and'' at the end;

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following new paragraph (2):

''(2) has received a preliminary design review and conducted a formal post-preliminary design review assessment, and certifies on the basis of such assessment that the program demonstrates a high likelihood of accomplishing its intended mission; and''; and

(D) in paragraph (3), as redesignated by subparagraph (B) of this paragraph—

(i) in subparagraph (D), by striking the semicolon and inserting '', as determined by the Milestone Decision Authority on the basis of an independent review and assessment by the Director of Defense Research and Engineering; and'';

(ii) by striking subparagraph (E); and

(iii) by redesignating subparagraph (F) as subparagraph (E).

(b) CERTIFICATION AND REVIEW OF PROGRAMS ENTERING DEVELOPMENT PRIOR TO ENACTMENT OF SECTION 2366B OF TITLE 10.—

(1) DETERMINATION.—Not later than 270 days after the date of the enactment of this Act, for each major defense acquisition program that received Milestone B approval before January 6, 2006, and has not received Milestone C approval, and for each space program that received Key Decision Point B approval before January 6, 2006, and has not received Key Decision Point C approval, the Milestone Decision Authority shall determine whether or not such program satisfies all of the certification components specified in paragraphs (1) and (2) of subsection (a) of section 2366b of title 10, United States Code (as amended by subsection (a) of this section).

(2) ANNUAL REVIEW.—The Milestone Decision Authority shall review any program determined pursuant to paragraph (1) not to satisfy any of the certification components of subsection (a) of section 2366b of title 10, United States Code (as so amended), not less often than annually thereafter to determine the extent to which such program currently satisfies such certification components until such time as the Milestone Decision Authority determines that such program satisfies all such certification components.

(3) DESIGNATION OF CERTIFICATION STATUS IN BUDGET DOCUMENTATION.—Any budget request, budget justification material, budget display, reprogramming request, Selected Acquisition Report, or other budget documentation or performance report submitted by the Secretary of Defense to the President regarding a major defense acquisition program which the Milestone Decision Authority determines under paragraph (1) does not satisfy all of the certification components of subsection (a) of section 2366b of title 10, United States Code, (as so amended) shall prominently and clearly indicate that such program has not fully satisfied such certification components until such time as the Milestone Decision Authority makes the determination that such program has satisfied all such certification components.

(c) REVIEWS OF PROGRAMS RESTRUCTURED AFTER EXPERIENCING CRITICAL COST GROWTH.—The official designated to perform oversight of performance assessment pursuant to section 103 of this Act, shall assess the performance of each major defense acquisition program that has exceeded critical cost growth thresholds established pursuant to section 2433(e) of title 10, United States Code, but has not been terminated in accordance with section 2433a of such title (as added by section 206(a) of this Act) not less often than semi-annually until one year after the date on which such program receives a new milestone approval, in accordance with section 2433a(c)(3) of such title (as so added). The results of reviews performed under this subsection shall be reported to the Under Secretary of Defense for Acquisition, Technology, and Logistics and summarized in the next annual report of such designated official.

SEC. 206. CRITICAL COST GROWTH IN MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) ACTIONS FOLLOWING CRITICAL COST GROWTH.—

(1) IN GENERAL.—Chapter 144 of title 10, United States Code, is amended by inserting after section 2433 the following new section:

''§ 2433a. Critical cost growth in major defense acquisition programs

''(a) REASSESSMENT OF PROGRAM.—If the program acquisition unit cost or procurement unit cost of a major defense acquisition program or designated subprogram (as determined by the Secretary under section 2433(d) of this title) increases by a percentage equal to or greater than the critical cost growth threshold for the program or subprogram, the Secretary of Defense, after consultation with the Joint Requirements Oversight Council regarding program requirements, shall—

''(1) determine the root cause or causes of the critical cost growth in accordance with applicable statutory requirements and Department of Defense policies, procedures, and guidance; and

''(2) in consultation with the Director of Cost Assessment and Program Evaluation, carry out an assessment of—

''(A) the projected cost of completing the program if current requirements are not modified;

''(B) the projected cost of completing the program based on reasonable modification of such requirements;

''(C) the rough order of magnitude of the costs of any reasonable alternative system or capability; and

''(D) the need to reduce funding for other programs due to the growth in cost of the program.

''(b) PRESUMPTION OF TERMINATION.—(1) After conducting the reassessment required by subsection (a) with respect to a major defense acquisition program, the Secretary shall terminate the program unless the Secretary submits to Congress, before the end of the 60-day period beginning on the day the Selected Acquisition Report containing the information described in section 2433(g) of this title is required to be submitted under section 2432(f) of this title, a written certification in accordance with paragraph (2).

''(2) A certification described by this paragraph with respect to a major defense acquisition program is a written certification that—

''(A) the continuation of the program is essential to the national security;

''(B) there are no alternatives to the program which will provide acceptable capability to meet the joint military requirement (as defined in section 181(g)((1) of this title) at less cost;

''(C) the new estimates of the program acquisition unit cost or procurement unit cost have been determined by the Director of Cost Assessment and Program Evaluation to be reasonable;

''(D) the program is a higher priority than programs whose funding must be reduced to accommodate the growth in cost of the program; and

''(E) the management structure for the program is adequate to manage and control program acquisition unit cost or procurement unit cost.

''(3) A written certification under paragraph (2) shall be accompanied by a report presenting the root cause analysis and assessment carried out pursuant to subsection (a) and the basis for each determination made in accordance with subparagraphs (A) through (E) of paragraph (2), together with supporting documentation.

''(c) ACTIONS IF PROGRAM NOT TERMINATED.—(1) If the Secretary elects not to terminate a major defense acquisition program pursuant to subsection (b), the Secretary shall—

''(A) restructure the program in a manner that addresses the root cause or causes of the critical cost growth, as identified pursuant to subsection (a), and ensures that the program has an appropriate management structure as set forth in the certification submitted pursuant to subsection (b)(2)(E);

''(B) rescind the most recent Milestone approval, or Key Decision Point approval in the case of a space program, for the program and withdraw any associated certification under section 2366a or 2366b of this title;

''(C) require a new Milestone approval, or Key Decision Point approval in the case of a space program, for the program before taking any contract action to enter a new contract, exercise an option under an existing contract, or otherwise extend the scope of an existing contract under the program, except to the extent determined necessary by the Milestone Decision Authority, on a non-delegable basis, to ensure that the program can be restructured as intended by the Secretary without unnecessarily wasting resources;

''(D) include in the report specified in paragraph (2) a description of all funding changes made as a result of the growth in cost of the program, including reductions made in funding for other programs to accommodate such cost growth; and

''(E) conduct regular reviews of the program in accordance with the requirements of section 205 of the Weapon Systems Acquisition Reform Act of 2009.

''(2) For purposes of paragraph (1)(D), the report specified in this paragraph is the first Selected Acquisition Report for the program submitted pursuant to section 2432 of this title after the President submits a budget pursuant to section 1105 of title 31, in the calendar year following the year in which the program was restructured.

''(d) ACTIONS IF PROGRAM TERMINATED.—If a major defense acquisition program is terminated pursuant to subsection (b), the Secretary shall submit to Congress a written report setting forth—

''(1) an explanation of the reasons for terminating the program;

''(2) the alternatives considered to address any problems in the program; and

''(3) the course the Department plans to pursue to meet any continuing joint military requirements otherwise intended to be met by the program.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 144 of such title is amended by inserting after the item relating to section 2433 the following new item:

''2433a. Critical cost growth in major defense acquisition programs.''.

(3) CONFORMING AMENDMENT.—Paragraph (2) of section 2433(e) of such title 10 is amended to read as follows:

''(2) If the program acquisition unit cost or procurement unit cost of a major defense acquisition program or designated major subprogram (as determined by the Secretary under subsection (d)) increases by a percentage equal to or greater than the critical cost growth threshold for the program or subprogram, the Secretary of Defense shall take actions consistent with the requirements of section 2433a of this title.''.

(b) TREATMENT AS MDAP.—Section 2430 of such title is amended—

(1) in subsection (a)(2), by inserting '', including all planned increments or spirals,'' after ''an eventual total expenditure for procurement''; and

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

''(c) For purposes of subsection (a)(2), the Secretary shall consider, as applicable, the following:

''(1) The estimated level of resources required to fulfill the relevant joint military requirement, as determined by the Joint Requirements Oversight Council pursuant to section 181 of this title.

''(2) The cost estimate referred to in section 2366a(a)(4) of this title.

''(3) The cost estimate referred to in section 2366b(a)(1)(C) of this title.

''(4) The cost estimate within a baseline description as required by section 2435 of this title.''.

SEC. 207. ORGANIZATIONAL CONFLICTS OF INTEREST IN MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) REVISED REGULATIONS REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Defense Supplement to the Federal Acquisition Regulation to provide uniform guidance and tighten existing requirements for organizational conflicts of interest by contractors in major defense acquisition programs.

(b) ELEMENTS.—The revised regulations required by subsection (a) shall, at a minimum—

(1) address organizational conflicts of interest that could arise as a result of—

(A) lead system integrator contracts on major defense acquisition programs and contracts that follow lead system integrator contracts on such programs, particularly contracts for production;

(B) the ownership of business units performing systems engineering and technical assistance functions, professional services, or management support services in relation to major defense acquisition programs by contractors who simultaneously own business units competing to perform as either the prime contractor or the supplier of a major subsystem or component for such programs;

(C) the award of major subsystem contracts by a prime contractor for a major defense acquisition program to business units or other affiliates of the same parent corporate entity, and particularly the award of subcontracts for software integration or the development of a proprietary software system architecture; or

(D) the performance by, or assistance of, contractors in technical evaluations on major defense acquisition programs;

(2) ensure that the Department of Defense receives advice on systems architecture and systems engineering matters with respect to major defense acquisition programs from federally funded research and development centers or other sources independent of the prime contractor;

(3) require that a contract for the performance of systems engineering and technical assistance functions for a major defense acquisition program contains a provision prohibiting the contractor or any affiliate of the contractor from participating as a prime contractor or a major subcontractor in the development or construction of a weapon system under the program; and

(4) establish such limited exceptions to the requirement in paragraphs (2) and (3) as may be necessary to ensure that the Department of Defense has continued access to advice on systems architecture and systems engineering matters from highly-qualified contractors with domain experience and expertise, while ensuring that such advice comes from sources that are objective and unbiased.

(c) CONSULTATION IN REVISION OF REGULATIONS.—

(1) RECOMMENDATIONS OF PANEL ON CONTRACTING INTEGRITY.—Not later than 90 days after the date of the enactment of this Act, the Panel on Contracting Integrity established pursuant to section 813 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2320) shall present recommendations to the Secretary of Defense on measures to eliminate or mitigate organizational conflicts of interest in major defense acquisition programs.

(2) CONSIDERATION OF RECOMMENDATIONS.—In developing the revised regulations required by subsection (a), the Secretary shall consider the following:

(A) The recommendations presented by the Panel on Contracting Integrity pursuant to paragraph (1).

(B) Any findings and recommendations of the Administrator for Federal Procurement Policy and the Director of the Office of Government Ethics pursuant to section 841(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4539).

(d) EXTENSION OF PANEL ON CONTRACTING INTEGRITY.—Subsection (e) of section 813 of the John Warner National Defense Authorization Act for Fiscal Year 2007 is amended to read as follows:

''(e) TERMINATION.—

''(1) IN GENERAL.—Subject to paragraph (2), the panel shall continue to serve until the date that is 18 months after the date on which the Secretary of Defense notifies the congressional defense committees of an intention to terminate the panel based on a determination that the activities of the panel no longer justify its continuation and that concerns about contracting integrity have been mitigated.

''(2) MINIMUM CONTINUING SERVICE.—The panel shall continue to serve at least until December 31, 2011.''.

TITLE III—ADDITIONAL ACQUISITION PROVISIONS

SEC. 301. AWARDS FOR DEPARTMENT OF DEFENSE PERSONNEL FOR EXCELLENCE IN THE ACQUISITION OF PRODUCTS AND SERVICES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall commence carrying out a program to recognize excellent performance by individuals and teams of members of the Armed Forces and civilian personnel of the Department of Defense in the acquisition of products and services for the Department of Defense.

(b) ELEMENTS.—The program required by subsection (a) shall include the following:

(1) Procedures for the nomination by the personnel of the military departments and the Defense Agencies of individuals and teams of members of the Armed Forces and civilian personnel of the Department of Defense for eligibility for recognition under the program.

(2) Procedures for the evaluation of nominations for recognition under the program by one or more panels of individuals from the Government, academia, and the private sector who have such expertise, and are appointed in such manner, as the Secretary shall establish for purposes of the program.

(c) AWARD OF CASH BONUSES.—As part of the program required by subsection (a), the Secretary may award to any individual recognized pursuant to the program a cash bonus authorized by any other provision of law to the extent that the performance of such individual so recognized warrants the award of such bonus under such provision of law.

SEC. 302. EARNED VALUE MANAGEMENT.

(a) MODIFICATION OF ELEMENTS IN REPORT ON IMPLEMENTATION.—Subsection (a) of section 887 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4562) is amended by striking paragraph (7) and inserting the following new paragraphs:

''(7) A discussion of the methodology used to establish appropriate baselines for earned value management at the award of a contract or commencement of a program, whichever is earlier.

''(8) A discussion of the manner in which the Department ensures that personnel responsible for administering and overseeing earned value management systems have the training and qualifications needed to perform that responsibility.

''(9) A discussion of mechanisms to ensure that contractors establish and use approved earned value management systems, including mechanisms such as the consideration of the quality of contractor earned value management performance in past performance evaluations.

''(10) Recommendations for improving earned value management and its implementation within the Department, including—

''(A) a discussion of the merits of possible alternatives; and

''(B) a plan for implementing any improvements the Secretary determines to be appropriate.''.

(b) MODIFICATION OF REPORT DATE.—Subsection (b) of such section is amended by striking ''270 days after the date of the enactment of this Act'' and inserting ''October 14, 2009''.

SEC. 303. EXPANSION OF NATIONAL SECURITY OBJECTIVES OF THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.

(a) IN GENERAL.—Section 2501(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(6) Maintaining critical design skills to ensure that the armed forces are provided with systems capable of ensuring technological superiority over potential adversaries.''.

(b) ASSESSMENT OF EFFECT OF TERMINATION OF MAJOR DEFENSE ACQUISITION PROGRAMS ON TECHNOLOGY AND INDUSTRIAL CAPABILITIES.—Section 2505(b) of such title is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; and''; and

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

''(4) consider the effects of the termination of major defense acquisition programs (as the term is defined in section 2430 of this title) in the previous fiscal year on the sectors and capabilities in the assessment.''.

SEC. 304. COMPTROLLER GENERAL OF THE UNITED STATES REPORTS ON COSTS AND FINANCIAL INFORMATION REGARDING MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) REVIEW OF OPERATING AND SUPPORT COSTS OF MAJOR WEAPON SYSTEMS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on growth in operating and support costs for major weapon systems.

(2) ELEMENTS.—In preparing the report required by paragraph (1), the Comptroller General shall, at a minimum—

(A) identify the original estimates for operating and support costs for major weapon systems selected by the Comptroller General for purposes of the report;

(B) assess the actual operating and support costs for such major weapon systems;

(C) analyze the rate of growth for operating and support costs for such major weapon systems;

(D) for such major weapon systems that have experienced the highest rate of growth in operating and support costs, assess the factors contributing to such growth;

(E) assess measures taken by the Department of Defense to reduce operating and support costs for major weapon systems; and

(F) make such recommendations as the Comptroller General considers appropriate.

(b) REVIEW OF FINANCIAL INFORMATION RELATING TO MAJOR DEFENSE ACQUISITION PROGRAMS.—

(1) REVIEW.—The Comptroller General of the United States shall perform a review of weaknesses in operations affecting the reliability of financial information on the systems and assets to be acquired under major defense acquisition programs.

(2) ELEMENTS.—The review required under paragraph (1) shall—

(A) identify any weaknesses in operations under major defense acquisition programs that hinder the capacity to assemble reliable financial information on the systems and assets to be acquired under such programs in accordance with applicable accounting standards;

(B) identify any mechanisms developed by the Department of Defense to address weaknesses in operations under major defense acquisition programs identified pursuant to subparagraph (A); and

(C) assess the implementation of the mechanisms set forth pursuant to subparagraph (B), including—

(i) the actions taken, or planned to be taken, to implement such mechanisms;

(ii) the schedule for carrying out such mechanisms; and

(iii) the metrics, if any, instituted to assess progress in carrying out such mechanisms.

(3) CONSULTATION.—In performing the review required by paragraph (1), the Comptroller General shall seek and consider input from each of the following:

(A) The Chief Management Officer of the Department of Defense.

(B) The Chief Management Officer of the Department of the Army.

(C) The Chief Management Officer of the Department of the Navy.

(D) The Chief Management Officer of the Department of the Air Force.

(4) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the results of the review required by paragraph (1).

And the House agree to the same.

IKE SKELTON,
JOHN M. SPRATT,
SOLOMON P. ORTIZ,
GENE TAYLOR,
NEIL ABERCROMBIE,
SILVESTRE REYES,
VIC SNYDER,
ADAM SMITH,
LORETTA SANCHEZ,
MIKE MCINTYRE,
ELLEN O. TAUSCHER,
ROBERT E. ANDREWS,
SUSAN A. DAVIS,
JAMES R. LANGEVIN,
JIM COOPER,
BRAD ELLSWORTH,
JOE SESTAK,
JOHN M. MCHUGH,
ROSCOE G. BARTLETT,
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MIKE COFFMAN,

Managers on the Part of the House.

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LINDSEY GRAHAM,
JOHN THUNE,
MEL MARTINEZ,
ROGER F. WICKER,
RICHARD BURR,
DAVID VITTER,
SUSAN COLLINS,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 454), to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment that is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

TITLE I—ACQUISITION ORGANIZATION

Cost assessment and program evaluation (sec. 101)

The Senate bill contained a provision (sec. 104) that would establish a Director of Independent Cost Assessment in the Department of Defense (DOD) to ensure that cost estimates for major defense acquisition programs and major automated information system programs are fair, reliable, and unbiased.

The House amendment contained a provision (sec. 102) that would require the Secretary of Defense to designate an official within the Office of the Secretary of Defense to perform this function.

The House recedes with an amendment that would establish a Director of Cost Assessment and Performance Evaluation, who would be responsible for ensuring that cost estimates are fair, reliable, and unbiased, and for performing program analysis and evaluation functions currently performed by the Director of Program Analysis and Evaluation. The provision would also codify the cost estimating requirements from the Senate bill and the House amendment in a new section 2334 of title 10, United States Code.

Directors of Developmental Test and Evaluation and Systems Engineering (sec. 102)

The Senate bill contained a provision (sec. 101) that would require certain reports on systems engineering capabilities of the Department of Defense. The Senate bill also contained a provision (sec. 102) that would establish the position of Director of Developmental Test and Evaluation.

The House amendment contained provisions (sec. 101 and 103) that would require the Secretary of Defense to appoint senior officials to carry out acquisition oversight functions, including systems engineering and developmental testing.

The Senate recedes with an amendment that would establish the positions of Director of Developmental Test and Evaluation and Director of Systems Engineering and establish requirements on the issuance of guidance and reports on systems engineering and developmental testing. The amendment would further require the service acquisition executive of each military department and defense agency to implement and report on plans to ensure that the military departments and defense agencies have appropriate developmental test, systems engineering, and development planning resources.

The Defense Science Board Task Force on Developmental Test and Evaluation reported in May 2008 that the Army has essentially eliminated its developmental testing component, while the Navy and the Air Force have cut their testing workforce by up to 60 percent in some organizations. As a result, ''(a)

significant amount of developmental testing is currently performed without a needed degree of government involvement or oversight and in some cases, with limited government access to contractor data.''

Similarly, the Committee on Pre-Milestone A and Early-Phase Systems Engineering of Air Force Studies Board of the National Research Council reported that ''in recent years the depth of systems engineering (SE) talent in the Air Force has declined owing to policies within the Department of Defense (DOD) that shifted the oversight of SE functions increasingly to outside contractors, as well as to the decline of in-house development planning capabilities in the Air Force. . . . The result is that there are no longer enough experienced systems engineers to fill the positions in programs that need them, particularly within the government.''

The conferees expect the Director of Developmental Test and Evaluation and the Director of Systems Engineering to work with the military departments and defense agencies to ensure that they rebuild these capabilities and perform the developmental testing and systems engineering functions necessary to ensure the successful execution of major defense acquisition programs. In particular, the conferees expect the military departments to conduct developmental testing early in the execution of a major defense acquisition program, to validate that a system's design is demonstrating appropriate progress toward technological maturity and toward meeting system performance requirements.

Performance assessments and root cause analyses for major defense acquisition programs (sec. 103)

The House amendment contained a provision (sec. 104) that would require the Secretary of Defense to designate a senior official in the Office of the Secretary of Defense as the principal Department of Defense official responsible for issuing policies, procedures, and guidance governing the conduct of performance assessments for major defense acquisition programs.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require the Secretary to designate a senior official responsible for conducting and overseeing performance assessments and root cause analyses for major defense acquisition programs.

Assessment of technological maturity of critical technologies of major defense acquisition programs by the Director of Defense Research and Engineering (sec. 104)

The Senate bill contained a provision (sec. 103) that would require the Director of Defense Research and Engineering, in consultation with the Director of Developmental Test and Evaluation, to periodically review and assess the technological maturity and integration risk of critical technologies on major defense acquisition programs.

The House amendment contained a similar provision (sec. 105).

The Senate recedes with an amendment that would combine the two provisions. The conferees note that the technological maturity standard for major defense acquisition programs at the time of Milestone B approval (or Key Decision Point B approval in the case of space programs) is established by statute in section 2366b of title 10, United States Code. The conferees expect the Director of Defense Research and Engineering to establish appropriate knowledge-based standards for technological maturity at other key points in the acquisition process, as well as appropriate standards for integration risk.

Role of the commanders of the combatant commands in identifying joint military requirements (sec. 105)

The Senate bill contained a provision (sec. 105) that would clarify the role of the commanders of the combatant commands in identifying joint military requirements.

The House amendment contained a similar provision (sec. 106).

The Senate recedes with an amendment to ensure that the Comptroller General review required by the provision would address the full range of issues raised by recent legislative changes to the process for the identification of joint military requirements.

LEGISLATIVE PROVISION NOT ADOPTED

Clarification of submittal of certification of adequacy of budgets by the Director of the Department of Defense Test Resource Management Center

The Senate bill contained a provision (sec. 106) that would clarify the impact of organizational changes made in the Senate bill on the requirement for the Director of the Department of Defense Test Resource Management Center to certify the adequacy of budgets to the Secretary of Defense.

The House amendment contained no similar provision.

The Senate recedes. The provision is unnecessary, because the organizational changes to the Defense Test Resource Management Center that required the clarification are not included in the conference report.

TITLE II—ACQUISITION POLICY

Consideration of trade-offs among cost, schedule, and performance objectives in Department of Defense acquisition programs (sec. 201)

The Senate bill contained a provision (sec. 201) that would require the Department of Defense to implement mechanisms to ensure that trade-offs among cost, schedule, and performance objectives are considered early in the process of developing requirements for major weapon systems.

The House amendment contained a provision (sec. 207) that would require the Comptroller General to review and report to Congress on mechanisms used by the Department to make such trade-offs.

The House recedes with an amendment clarifying the required mechanisms. The conference amendment includes a requirement for the Secretary of Defense to review proposed joint military requirements to ensure that the Joint Requirements Oversight Council has given appropriate consideration to trade-offs between cost, schedule, and performance objectives. The Secretary would have flexibility to determine how best to conduct the required review.

Acquisition strategies to ensure competition throughout the lifecycle of major defense acquisition programs (sec. 202)

The Senate bill contained a provision (sec. 203) that would require the Secretary of Defense to ensure that the acquisition strategy for each major defense acquisition program includes measures to ensure competition, or the option of competition, at both the prime contract level and the subcontract level. The Senate provision would also establish certain requirements for the use of prototypes on major defense acquisition programs.

The House amendment contained a similar provision (sec. 201), but did not include requirements for the use of prototypes.

The House recedes with an amendment combining elements from the Senate bill and the House amendment. The Senate language on prototypes is addressed in a separate section.

Prototyping requirements for major defense acquisition programs (sec. 203)

The Senate bill contained a provision (sec. 203(c) and (d)) that would establish prototyping requirements for major defense acquisition programs.

The House amendment contained no similar provision.

The House recedes with an amendment that would simplify the requirement.

Actions to identify and address systemic problems in major defense acquisition programs prior to Milestone B approval (sec. 204)

The House amendment contained a provision (sec. 203) that would enhance requirements for the Department of Defense to identify and address systemic problems in major defense acquisition programs before Milestone B approval, while such programs are still in the technology development phase.

The Senate bill contained no similar provision.

The Senate recedes with a clarifying amendment. The conferees agree that greater investment of time and resources in the technology development phase is likely to result in better overall program performance and lower overall program costs. For this reason, increased time or expenditures for early testing and development should not alone be taken as an indication that a program is troubled and needs to be terminated or restructured.

Additional requirements for certain major defense acquisition programs (sec. 205)

The Senate bill contained a provision (sec. 202) that would establish certain requirements relating to preliminary design review and critical design review for major defense acquisition programs.

The House amendment contained a provision (sec. 202) that would establish new procedures for programs that fail to meet all of the requirements for Milestone B certification under section 2366b of title 10, United States Code, and would establish requirements relating to preliminary design review for major defense acquisition programs.

The Senate recedes with a clarifying amendment. The conference amendment does not include the Senate provision regarding critical design review, because this requirement is already addressed in Department of Defense Instruction 5000.02 (December 2008 revision). The conferees view this requirement as a key step in a knowledge-based approach to acquisition, and expect to revisit this issue if the current requirement for critical design review is discontinued or is not enforced.

Critical cost growth in major defense acquisition programs (sec. 206)

The Senate bill contained a provision (sec. 204) that would strengthen the so-called ''Nunn-McCurdy'' requirements in section 2433(e)(2) of title 10, United States Code, for major defense acquisition programs that experience excessive cost growth.

The House amendment contained a similar provision (sec. 204).

The House recedes with an amendment combining elements from the Senate bill and the House amendment. The conference amendment would also recodify these requirements in a new section 2433a of title 10, United States Code.

Organizational conflicts of interest in major defense acquisition programs (sec. 207)

The Senate bill contained a provision (sec. 205) that would require the Under Secretary of Defense for Acquisition, Technology, and Logistics to issue regulations addressing organizational conflicts of interest by contractors in the acquisition of major weapon systems.

The House amendment contained a similar provision (sec. 205).

The House recedes with an amendment combining elements from the Senate bill and the House amendment. Existing Department

of Defense regulations leave it up to individual elements of the Department to determine on a case-by-case basis whether or not organizational conflicts of interest can be mitigated, and if so, what mitigation measures are required. The conferees agree that additional guidance is required to tighten existing requirements, provide consistency throughout the Department, and ensure that advice provided by contractors is objective and unbiased. In developing the regulations required by this section for cases in which mitigation is determined to be appropriate, the conferees expect the Secretary to give consideration to strengthened measures of organizational separation of the type included in the Senate bill.

TITLE III—ADDITIONAL ACQUISITION PROVISIONS

Awards for Department of Defense personnel for excellence in the acquisition of products and services (sec. 301)

The Senate bill contained a provision (sec. 206) that would direct the Secretary of Defense to establish a program to recognize excellent performance by individuals and teams in the acquisition of products and services for the Department of Defense.

The House amendment contained an identical provision (sec. 206). The conference report includes this provision.

Earned value management (sec. 302)

The Senate bill contained a provision (sec. 207) that would require the Under Secretary of Defense for Acquisition, Technology, and Logistics to review and improve guidance governing the implementation of Earned Value Management (EVM) systems for Department of Defense (DOD) contracts.

The House amendment contained no similar provision.

The House recedes with an amendment that would incorporate the requirements of the Senate provision into section 887 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417), which requires the Secretary of Defense to identify and address shortcomings in EVM systems for DOD contracts.

Expansion of national security objectives of the national technology and industrial base (sec. 303)

The Senate bill contained a provision (sec. 208) that would amend section 2501 of title 10, United States Code, to address critical design skills in the national technology and industrial base and require reports on the termination of major defense acquisition programs.

The House amendment contained no similar provision.

The House recedes with an amendment requiring that defense capability assessments performed pursuant to section 2505 of title 10, United States Code, consider the effects of the termination of major defense acquisition programs. The outcome of this assessment would be incorporated into the annual reports required by section 2504 of title 10, United States Code.

Comptroller General of the United States reports on costs and financial information regarding major defense acquisition programs (sec. 304)

The Senate bill contained two provisions (sec. 104(b) and sec. 209) that would require reports by the Government Accountability Office on: (1) operating and support costs of major weapon systems; and (2) financial information relating to major defense acquisition programs.

The House amendment contained no similar provision.

The House recedes with an amendment incorporating the two reporting requirements into a single provision.

COMPLIANCE WITH SENATE AND HOUSE RULES

Compliance with rules of the Senate and the House of Representatives regarding earmarks and congressionally directed spending items

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives and Rule XLIV(3) of the Standing Rules of the Senate, neither this conference report nor the accompanying joint statement of managers contains any congressional earmarks, congressionally directed spending items, limited tax benefits, or limited tariff benefits, as defined in such rules.

IKE SKELTON,
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Managers on the Part of the Senate.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will now entertain up to 15 requests for 1-minute speeches on each side of the aisle.

NATIONAL SMALL BUSINESS WEEK

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

Ms. LORETTA SANCHEZ of California. Today, I rise to recognize May 17 through May 23 as National Small Business Week. Small businesses are a critical part of our economy. In fact, over 60 percent of all jobs are created by small businesses in our Nation. And, in addition, as a result of the current crisis, we have seen an increasing number of people wanting to start their own businesses or beginning to create their own business.

For example, a recent poll showed that 37 percent of Americans are either running their own business or they're about to create their own business. I believe that innovation and growth in the small business sector is one of the key parts of what they contribute to our economic recovery. To help encourage that recovery, I'm committed to making sure that the Federal Government offers assistance and support to small businesses throughout our Nation.

I'm pleased that today the House will consider H.R. 2352, the Job Creation Through Entrepreneurship Act of 2009. It will provide critical training services to entrepreneurs across our Nation.

THE ENERGY TAX WILL HURT REAL PEOPLE

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

Mrs. CAPITO. As this Congress debates cap-and-trade, we need to remember that coal is our Nation's most abundant resource, providing 50 percent of this Nation's electricity and 98 percent of the electricity generated in my State.

We all want a cleaner environment, but this cap-and-trade bill is not the answer. The majority's bill is a $646 billion national energy tax that will hit States like West Virginia the hardest.

It will essentially make the coal-reliant heartland unfairly subsidize our friends on the west coast and in the Northeast. An average energy bill for an average family will go up by at least $1,500, and those hardest hit will be those that can least afford it.

People in the lower-income bracket will be spending more and more of their income on energy than any other income brackets. By 2020, folks in the lower-income brackets in West Virginia could be spending between 24 percent and 27 percent of their entire income on energy. Manufacturing will also be hit with major cost increases making electricity far more expensive.

As we continue to debate this issue, Congress needs to remember that cap-and-trade has a real cost on real people.

CREDIT CARDHOLDERS' BILL OF RIGHTS

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

Mr. MITCHELL. Mr. Speaker, I rise today in support of H.R. 627, the Credit Cardholders' Bill of Rights. The Senate approved this yesterday by an overwhelmingly bipartisan vote. I urge my colleagues to give final approval to this bill today and send it to the President for signature.

Consumers shouldn't have to subject themselves to hidden costs and ''gotcha'' games in order to have access to credit cards. Today's legislation will put an end to some of the most offensive practices. The bill will stop retroactive rate hikes on existing balances. It will also require lenders to credit payments made on the day that they were due as on time.

You wouldn't think that you would have to pass a law to say that payments made on the day that they are due should be credited as on time. But, sadly, that is how bad things have gotten.

The fine print in today's credit card agreements has gotten so complicated and so full of traps, you almost need a lawyer to find all the fees.

This bill won't stop everything, but it is an important step forward. I therefore urge final passage today of the Credit Cardholders' Bill of Rights.

CAP-AND-TRADE BILL

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

Mr. POSEY. Soon we will be asked to vote on a cap-and-trade bill. Here's what I know about it. In the President's budget, it showed new revenue of $646 billion from cap-and-trade. The cap-and-trade plan has been estimated to cost American families as much as $3,000 each per year. The price of everything will go up, from electric bills to gasoline—even food. The availability of jobs will go down, as energy costs force more jobs overseas. And, it won't reduce emissions one iota. It didn't in Europe, and it won't here.

It is simply a moneymaker. Another method of fleecing taxpayers. No less energy will be used. Everyone will just pay more for the energy they do use. It's like paying someone else to go on a diet for you.

I'm convinced when the citizens of this great country find out what has been done to them by cap-and-trade, they will be outraged. No one can say that Congress was never told.

INVITATION TO GEORGE WILL

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

Mr. BLUMENAUER. George Will's recent rant attacking Secretary of the Transportation Ray LaHood and my hometown, Portland Oregon, tells more about him than Secretary LaHood.

As Will glides into his seventies, he has lost track of more than just the facts, although it's staggering that he was off by a factor of 400 times about where biking already is in America, and 8000 times where Portland is with the ratio of cycling.

But this is not about bikes and street cars, or even livability. A younger, principled George Will would have understood why young people, even without jobs, are moving to Portland. It's a rich community with more choices at lower costs. It's about choices that enhance the quality of life.

I invite Mr. Will to bring his bow tie to Portland and debate me on the ground. See why a younger George Will, who may have been put off by all the Democrats and moderate Republicans, could still have admired the freedom that a high quality of life provides.

THE HEALTH BENEFITS TAX

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

Mr. POE of Texas. Mr. Speaker, some taxacrats in D.C. are thinking about taxing health care benefits on people who try to take care of themselves. They want to figure out how to get benefits to people who don't have them. Their solution: Make people who have benefits pay income tax on the value of their health plan.

That tax money would come directly out of their pocket. But it will make health care insurance too expensive for a lot of folks, so they will cancel their insurance and then let the government take care of them on this new nationalized health care plan.

When you wish to solve a problem, it's probably a better idea to come up with something that doesn't make the problem worse. It reminds me of the statement, ''If you think the problems government creates are bad, just wait until you see government solutions.''

The notion to tax health care benefits punishes people who have planned their lives and their careers with the philosophy that they will be responsible for their own health care and not live off the government.

However, to fund the new French health care system, the administration is proposing to tax people who take care of themselves, so there is money for people who can't or won't take care of themselves. There's something wrong with this picture.

And that's just the way it is.

CREDIT CARDHOLDERS' BILL OF RIGHTS

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

Mr. SIRES. Mr. Speaker, now is the time to stand up for American consumers. Too many families and hard-working Americans are struggling through this difficult economic recession. Credit card companies that charge unwarranted and unanticipated fees have been hitting Americans hard during our economic hardship. Despite massive government intervention to encourage lending, many credit card companies are still cutting back on credit, imposing new fees and raising rates—even for those who pay on time and never go over the limit. This is unacceptable.

In passing the Credit Cardholders' Bill of Rights, we will even the playing field by providing critical protections against these unfair, yet all too common, credit card practices. This bill will also provide tough new regulations on credit and companies in order to protect consumers from excessive fees, enormous interest rates, and unfair agreements.

Ending abusive credit card practices that continue to drive America deeper and deeper into debt is a critical element in our economic recovery.

RELEASE OF UYGHUR DETAINEES

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

Mr. WOLF. Mr. Speaker, this morning, the Financial Times reported that Attorney General Eric Holder's Guantanamo Bay task force has recommended that the President release at least two Uyghur detainees into the U.S.

This planned release comes in spite of ardent objection from the FBI and the Department of Homeland Security, who were overruled by Eric Holder and the White House.

These Uyghur detainees are members of the U.S. and the U.N.-listed terrorist group, the Eastern Turkistan Islamic Movement, whose leader, Abdul Haq, was listed as a terrorist by Obama's Treasury Department.

For Eric Holder to do this against the better judgment of the FBI and the Department of Homeland Security, and despite Senate Democratic Majority Leader HARRY REID's statement yesterday that this Congress won't tolerate their release, is unacceptable.

It flies in the face of the bipartisan congressional opposition to the release of trained terrorists into the United States, including Republican and Democratic leadership in the House and the Senate. To do so in spite of what is taking place, passing in the House, soon in the Senate, would be unacceptable.

□ 1015

RECONSIDERING TAXPAYER SUPPORT FOR THE AUTO COMPANIES

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

Mr. DEFAZIO. The premise of taxpayer support for the auto companies was twofold—preserve our productive capacity and maximize job retention.

Well, the plan has kind of gone off track here. The resolution of Chrysler, losing tens of thousands of jobs through the unnecessary closure of dealerships, and now Chrysler is going to close their most productive, modern engine plant in the world and build one in Mexico? How is that in the taxpayers' interest?

The leadership of the financier from Wall Street, Mr. Rattner, needs to be brought under control here. GM's now on deck. The Obama administration has to reconsider their approach. Don't endorse the closure of thousands of dealerships. Don't support the export of our productive capacity.

It is rumored that GM wants to manufacture their cars in China. Preserving a corporate shell while losing productive manufacturing capacity and tens of thousands of jobs is not in the taxpayer interest and should not receive the endorsement of the Obama administration nor this Congress.

RECOGNIZING WILLIAM COOKSEY

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

Mr. FLEMING. Mr. Speaker, I rise today to recognize one of the special veterans in my district. William Cooksey is a World War II veteran who just celebrated his 100th birthday.

Later this month we will welcome Mr. Cooksey to Washington as part of an Honor Air Trip, which flies World War II veterans to our Nation's capital free of charge to visit the World War II Memorial and Arlington Cemetery.

Mr. Cooksey began his service to our country as a member of an infantry unit. He then moved to the Air Corps and served as a chaplain's assistant from October 1943 to December 1945. When he left the military, he did so having received four Bronze Stars, a Purple Heart, the World War I Victory Medal and a Good Conduct Medal. At 100 years old, Mr. Cooksey still serves as the senior choir director at his church.

On behalf of this Congress, I thank Mr. Cooksey for his dedicated service. May God continue to bless this special man and all of our veterans who so bravely and selflessly served our country.

INTRODUCTION OF RURAL CAREER AND TECHNICAL EDUCATION EXPANSION ACT

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

Mr. WILSON of Ohio. Mr. Speaker, last week I introduced the Rural Career and Technical Education Expansion Act, a bill that would provide student loan forgiveness to career and technical teachers at rural high schools.

Just last month I visited Jefferson County Vocational School where several teachers would be able to qualify for loan forgiveness. My hope is that more career and tech teachers will choose to stay in rural areas with the help of my legislation.

More and more students in regions like mine are pursuing a technical education. My legislation would help provide these students with the best and the brightest vocational educators. When the bill becomes law, eligible vocational teachers could receive up to $17,500 in student loan forgiveness.

I urge all my colleagues to support the benefits these teachers deserve.

SMALL BUSINESSES ARE THE HEART AND SOUL OF OUR ECONOMY

(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, small businesses are the heart and soul of the American economy. When small businesses are in trouble, our economy is in trouble. When taxes are raised on small businesses and on American families, you reduce job creation, and you burden an already troubled economy.

So what is next on the Democrat agenda? A massive new national energy tax. This is not a recipe for economic growth. This will hurt small businesses and job creation. It raises the price of doing business. It raises the prices of consumer goods and home utility costs. It puts America and the small businesses that create the majority of our jobs at a disadvantage in the global economy.

As we recognize the 46th annual National Small Business Week, we should be spending our time developing policies that promote growth, not burden it. We should be fighting to give tax relief to the American people and these small businesses that employ them.

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

REGARDING AMERICAN CLEAN ENERGY AND SECURITY ACT OF 2009

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

Mrs. CAPPS. Mr. Speaker, this week the Committee on Energy and Commerce is poised to pass landmark energy and climate legislation. Over two Congresses, our committee has heard from over 300 expert witnesses who have made it clear that we need swift action to rebuild our economy and address climate change.

America is ready, and the world is watching. We must transition to a clean energy economy so that we can create jobs here in America, achieve energy independence, and protect our planet for future generations. We have before us a powerful, thorough and effective bill. It includes a nationwide renewable electricity standard to ensure consumers get more of their electricity from wind, solar and biomass energy. It contains critical investments in energy efficiency, and it requires immediate significant reductions in greenhouse gas emissions that are harming our planet.

We must enact comprehensive climate legislation, and we must enact it now. We can't sit idly by and allow other nations to lead the way to a clean energy future. I think America can and must do better.

I hope others will join me in seizing this opportunity to pass the American Clean Energy and Security Act to transition our country to a clean energy economy, and protect our planet for our children and our grandchildren.

STAND WITH THE PEOPLE OF CUBA AND AGAINST THE CASTRO REGIME

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

Mr. TIAHRT. Mr. Speaker, today is Cuba Solidarity Day, marking the anniversary of Cuba's independence from Spain. It has now become a day when people across the world stand with the people of Cuba who are waiting for their day of freedom from 50 years of brutal communist repression.

Last month President Obama reversed the course of American policy towards Cuba, one of only four state sponsors of terrorism. America is a beacon of hope, and we should resist funding Castro's regime or turning a blind eye to their atrocities against the Cuban people.

Those wanting to increase trade with Cuba should be reminded that all money flows through Cuba's state-owned monopoly, and they don't pay their bills. Cuba has defaulted on more than $30 billion of its obligations.

Easing sanctions on Cuba does not make economic or humanitarian sense. It only lines the pockets of the Castro brothers who want to hold onto their power by suppressing their people.

Today I am introducing a resolution to restore the sanctions on Cuba. The Cuban people deserve our support and continued condemnation of the Castro regime.

I encourage all my colleagues to honor Cuba Solidarity Day and stand with the Cuban people by cosponsoring my resolution.

THE ACCELERATED PACE OF GLOBAL WARMING

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

Mr. MORAN of Virginia. Mr. Speaker, the Flat Earth Party is, once again, in a state of denial.

Much of the leadership and membership of the Republican Party is denying even the existence of global warming as a tactic to defeat the desperately needed clean green jobs legislation that we are just about to bring to the House floor.

Imagine. Forget the fact that more than 2,500 of the most respected scientists from 130 countries have concluded unequivocally that global warming does exist, that it is a very serious problem, and that it is undoubtedly a result of human activity.

The accelerated pace of global warming threatens hundreds of millions of people who live near the shoreline from flooding or from drought depending on your location on this planet. In fact, in Juneau, Alaska, they're building an 18-hole golf course on land that just a few years ago was submerged underwater. They're losing more than 30 feet a year from the shoreline.

One has to wonder how the party of ''No'' still really feels about the theory that the Earth may revolve around the sun.

INTRODUCTION OF HEARTH ACT

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

Mr. HEINRICH. I rise today to introduce the Helping Expedite and Advance Responsible Tribal Homeownership Act, or the HEARTH Act.

Homeownership is a fundamental element to the American dream, yet Native American homeownership rates are half that of the general population, and too often the Federal Government has been the stumbling block.

Purchasing a home is no easy process for any of us; but for many Native American families trying to buy a house on tribal land, they must also get lease approval from the Bureau of Indian Affairs for the land that the house sits on.

This process can take between 6 months and 2 years, resulting in an intolerable delay for finalizing a home sale. This bill would eliminate this requirement and allow tribal governments to approve trust land leases directly, giving more Native American families the chance to own their own home.

I urge your support.

OUR NATION'S VETERANS

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

Mr. TEAGUE. Mr. Speaker, I rise today to speak on an issue that is dear to my heart—our Nation's veterans. Yesterday I introduced several bills that I believe would improve the quality of life for our veterans and continue to honor our commitment to them.

My district is a highly rural district, and my veterans need access to qualified mental health professionals. I have submitted a bill that will establish a mental telehealth pilot project that will provide access to veterans that live in rural areas. This bill will make it possible for them to at least talk to a qualified specialist about the problems that they face as they re-adapt to home life.

Secondly, a report in the Journal of Military Medicine stated that blasts from IEDs have caused a debilitating condition called tinnitus. I have introduced a bill that calls on the Department of Defense to screen for tinnitus and also calls on the VA to look for new ways of treating and curing tinnitus.

We should never forget that freedom is not free. These men and women laid their lives on the line to protect us, and we should always do all we can to serve them as well as they served us.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 627, CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2009

Ms. PINGREE of Maine. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 456 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 456

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table 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, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a motion offered by the chair of the Committee on Financial Services or his designee that the House concur in the Senate amendment. The Senate amendment shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. The question of adoption of the motion shall be divided for a separate vote on concurring in section 512 of the Senate amendment.

SEC. 2. 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.

SEC. 3. House Resolution 450 is laid on the table.

The SPEAKER pro tempore. The gentlewoman from Maine is recognized for 1 hour.

Ms. PINGREE of Maine. Thank you, Mr. Speaker.

For the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only. I yield myself such time as I may consume.

GENERAL LEAVE

Ms. PINGREE of Maine. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 456.

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

There was no objection.

Ms. PINGREE of Maine. Mr. Speaker, House Resolution 456 provides 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 consideration of the motion except clause 10 of rule XXI and provides that the Senate amendment and the motion shall be considered as read. The rule provides 1 hour of debate on the motion controlled by 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.

Mr. Speaker, we have heard a lot about the deceptive practices of credit card companies over the last 2 weeks here in Washington. My friends here in the House of Representatives have highlighted the nearly $1 trillion credit card debt in the United States.

President Obama has stressed the need for ''credit card forms and statements that have plain language in plain sight.'' My colleagues in the Senate have equated the deceptive practices used by credit card companies to loan sharking. Small business groups have drawn attention to the one in three businesses where credit card debt accounts for at least 25 percent of the company's overall debt.

□ 1030

Family and consumer groups have highlighted the more than 91 million United States families who are subject to unfair interest rate hikes and being taken advantage of by hidden penalties and fees. These statistics are certainly shocking, and meaningful legislation is necessary. However, this is not a new issue to the American people. This is a problem that they understand all too well and deal with each and every day.

Credit cards have gone from being a luxury to being a convenience to being a necessity. Whether it is paying for your gas at the pump or placing an order online, our modern economy almost requires you to have a credit card. Unfortunately, the tough economic times we are in mean that more and more Americans are turning to credit cards to pay for basic necessities or to make ends meet when something unexpected comes along.

Last weekend in Maine, I was talking with one of my constituents who told me something I hear frequently, that a credit card is the only way she can pay her medical bills. And last winter, with skyrocketing heating oil prices, a credit card was the only way many people in my State were able to stay warm.

But while credit cards have gone from luxury to necessity, credit card

companies have undergone a transition too. There was a time when a credit card agreement was reasonably straightforward and fair. It was an agreement to provide a basic service for a reasonable fee. But all that has changed. Credit card agreements are a tangle of fine print with complicated provisions that almost seem designed to keep the cardholder in debt forever. Everywhere you turn, it seems the credit card companies have dreamed up a new fee or another clever scheme to raise your interest rate. Basic fairness has been replaced by deception and greed.

These days using a credit card is like going to a Las Vegas casino. No matter how clever or responsible you are, nine times out of ten, you are going to lose, and the company is going to win. Managing your finances shouldn't be a gamble. The deck shouldn't be stacked against you.

Americans have a lot to worry about these days: a weak economy, a broken health care system and rising energy prices. And that is on top of all the responsibilities we face on a daily basis like raising a family and going to work. The last thing people need to worry about is whether or not their credit card company is going to suddenly double their interest rate or surprise them with an unexpected fee they can't afford.

Mr. Speaker, this bill will bring back basic fairness to the credit card industry and level the playing field for Americans to take responsibility for their finances. Credit card companies have been getting away with too much for too long.

I urge my colleagues to join me today in passing this important bill and sending it directly to the President.

I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I want to thank the gentlewoman for yielding the appropriate time.

Mr. Speaker, I rise today in opposition to this rule and to the underlying legislation. This closed rule does not call for the open and honest debate that has been promised time and time again by my Democrat colleagues. Today's action by my friends on the other side of the aisle is yet another example of the Federal Government overstepping its boundaries into the private marketplace.

Mr. Speaker, today I will inform you of the parliamentary games that my Democratic colleagues are playing on this bill with a gun provision adopted by the Senate. We will discuss why Congress is pushing a bill that already exists in Federal statute, which not only limits credit and raises interest rates to responsible borrowers today. Small business will feel the impact also; and, finally, to review Congress' need to regulate every sector of the economy while they refuse to manage their own gross spending habits of the taxpayer dollar.

The Senate managed to add a provision in this legislation that would allow visitors of national parks and refuges to legally carry licensed firearms by a large bipartisan majority of 67–29. While this does not add power to the overregulated credit bill, it does provide an important legislative victory for Second Amendment rights. Yet my Democratic colleagues have separated the vote on this bill in two separate sections, one vote on the gun provision and one vote on the credit card bill.

Mr. Speaker, I would like to know why is this? Why is this that we take a piece of legislation from the Senate and because it is not liked by the Democratic leadership here, we separate that bill? Have my friends on the other side of the aisle split this vote to increase government regulation while voting against constitutional rights?

Not even 6 months ago, the Federal Reserve passed new credit card rules that would protect consumers and provide for more transparency and accountability in our credit market. These new regulations are set to take effect in July of 2010, an agreed-upon date to ensure the necessary time for banks and credit card companies to make the crucial adjustments to their business practices without adversely hurting consumers. With the growing Federal deficit, the current economic crisis and the growing number of unemployed, why is Congress now passing legislation that already exists in Federal statute?

This legislation allows for the Federal Government to micromanage the way the credit card and the banking industry does its business. If enacted into law, it is not credit card companies that will suffer. It will be everyone that has a credit card and, I might add, those who would like to have a credit card in the future. Every American will see an increase in their interest rates. And some of the current benefits that encourage responsible lending will most likely disappear, for example, cash advances and over-the-limit protection.

My friends on the other side of the aisle not only remove any incentive for using credit cards responsibly, but they punish those who manage their credit responsibly to subsidize the irresponsible.

Mr. Speaker, the Democrats also want to limit the amount of credit available to middle and low-income individuals, the very Americans who need to take most advantage of credit. A Politico article written last Friday discusses that the changes in this bill ''will dramatically raise the costs of extending loans to cardholders and cause the riskiest cardholders to be dropped altogether.'' It goes on to mention how bad this bill is in regard to the current economic downturn and how restricted access to credit cards will make it increasingly harder to purchase the essential family staples while dealing with job layoffs and temporary unemployment.

Additionally, the strain of this legislation could have a direct and adverse impact on small business. Small businesses are critical to this economy in making sure that we have economic and job growth in this country. For individuals starting a small business, this legislation will increase their interest rates, reduce benefits and shrink the availability of credit, potentially limiting their options even to succeed in the marketplace.

Meredith Whitney, a prominent banking analyst, predicts, in a Wall Street Journal article from March, a $2.7 trillion decrease in credit will be available by the year 2010 out of the current $5 trillion credit line available in this country. That means it will almost be cut well in half. Mr. Speaker, with the current state of the economy, we urgently need to increase liquidity and lower the cost of credit to stimulate even more lending, not raise rates and reduce the availability of credit. This is not a solution for the ailing economy.

This type of government control of private markets is all about what our Democratic colleagues and this administration have been exploring. Whether it is federalizng our banks, credit markets, health care or energy, the list goes on and on. That said, this administration has taken their power grab a step further. Now they are considering a take-over of the financial industry. Converting preferred shares into common equity signals a dramatic shift towards a government strategy of long-term ownership and involvement in some of the Nation's largest banks.

Millions of Americans are rightfully outraged at the mismanagement of TARP and the reckless use of their tax dollars. And I believe that taxpayers are increasingly uneasy with the Federal Government's growing involvement in the financial markets. Bloomberg.com had an article yesterday which highlighted that three of our large banks have applied to repay $45 billion in TARP funds. That means they had to tell the government we would like to pay back the money, is that okay, largely due to these burdensome regulations that the Treasury Department continues to place on them. But just last week, Secretary Geithner announced that he is considering reusing bailout repayments for smaller banks. This is completely unacceptable, and why I have repeatedly called for a solid exit plan for American taxpayers to be repaid by these TARP dollars. TARP dollars were never set up to be used as a revolving fund for struggling banks.

To preempt de facto nationalization of our financial system, on February 3, 2009, the House Republican leadership, including myself, sent a letter to Secretary Geithner regarding what was called the ''range of options'' this administration was considering in managing the $700 billion of taxpayer moneys.

Mr. Speaker, I will insert into the RECORD a letter that was sent to Secretary Geithner at that time.

CONGRESS OF THE UNITED STATES,
Washington, DC, February 3, 2009.

Hon. TIMOTHY F. GEITHNER,
Secretary, U.S. Department of the Treasury, Washington, DC.

DEAR SECRETARY GEITHNER: Recent reports indicate that the Administration is considering a ''range of options'' for spending the second tranche of the Troubled Asset Relief Program (TARP) released last week and that the Administration is considering whether to ask the Congress for new and additional TARP funds beyond the $700 billion already provided. We are writing to raise serious questions about the efficacy of the options being considered and to ask whether the Administration is developing a strategy to exit the bailout business.

Because the Administration has committed itself to assisting the auto industry, satisfying commitments made by the previous Administration, and devoting up to $100 billion to mitigate mortgage foreclosures, it has been reported that President Obama might need more than the $700 billion authorized by the Emergency Economic Stabilization Act (''EESA'') to fund a ''bad bank'' to absorb hard-to-value toxic assets. In light of these commitments—which come at a time when the Federal Reserve is flooding the financial system with trillions of dollars and the Congress is finalizing a fiscal stimulus that is expected to cost taxpayers more than $1.1 trillion—it is not surprising that the American people are asking where it all ends, and whether anyone in Washington is looking out for their wallets.

Indeed, a bipartisan majority of the House—171 Republicans and 99 Democrats—recently expressed the same concerns, voting to disapprove releasing the final $350 billion from the TARP. As we noted in our December 2, 2008 letter to then-Secretary Paulson and Chairman Bernanke, we realize that changing conditions require agility in developing responses. However. the seemingly ad hoc implementation of TARP has led many to wonder if uncertainty is being added to markets at precisely the time when they are desperately seeking a sense of direction. It has also intensified widespread skepticism about TARP among taxpayers, and prompted misgivings even among some who originally greeted the demands for the program's creation with an open mind. Accordingly, we request answers to the following questions:

1. How does the Administration plan to maximize taxpayer value and guarantee the most effective distribution of the remaining $350 billion of TARP funds?

2. How is the Administration lending, assessing risk, selecting institutions for assessing, and determining expectations for repayment?

3. Will the Administration opt for a complex ''bad bank'' rescue plan? How can the ''bad bank'' efficiently price assets and minimize taxpayer risk? Will financial institutions be required to give substantial ownership stakes to the Federal government to participate in the program?

4. Is a ''bad bank'' plan an intermediate step that leads to nationalizing America's banks?

5. Can you elaborate on your plans for the use of an insurance program for toxic assets? Specifically, will you seek to price insurance programs to ensure that taxpayer interests are protected? If so, how will you do so?

6. What is the exit strategy for the government's sweeping involvement in the financial markets?

Thank you for your consideration of these important questions.

Sincerely,

John Boehner; Mike Pence; Cathy McMorris Rodgers; Roy Blunt; Eric Cantor; Thaddeus McCotter; Pete Sessions; David Dreier; Kevin McCarthy; Spencer Bachus.

This letter outlined a host of questions that deal with ensuring that the taxpayers would be paid back and also having an exit strategy for the government's sweeping involvement in the financial markets. Today is May 20, and over 3 months later, there has been no response by Secretary Geithner to the Republican leadership letter.

A couple of weeks ago, the Special Inspector General for the Troubled Asset Relief Program, TARP, published a report that reveals at least 20 criminal cases of fraud in the bailout program and determined that new action by President Obama's administration are ''greatly increasing taxpayer exposure to losses with no corresponding increase in potential profits.'' This is why you see the Republican leadership asking questions. This administration has not responded to our letter.

This administration is not above oversight and accountability. The American people deserve answers for their use of tax dollars and an exit strategy from taxpayer-funded bailouts, including how their investment in TARP will be returned. That is why I sent another letter to Secretary Geithner on April 23 of this year expressing grave concern to the recent reports of the Treasury moving taxpayer dollars into riskier investments in banks' capital structures.

Mr. Speaker, I will insert into the CONGRESSIONAL RECORD a copy of this letter dated April 23 to Secretary Geithner.

HOUSE OF REPRESENTATIVES,
Washington, DC, April 23, 2009.

Hon. TIMOTHY GEITHNER,
Secretary, Department of the Treasury, Washington, DC.

DEAR SECRETARY GEITHNER: I am greatly concerned by recent news reports that the Administration is considering converting the government's preferred stock in some of our nation's largest banks—investments acquired through the TARP program—into common equity shares in these publicly-held companies.

As you are aware, these investments were originally made to their recipients at fixed rates for a fixed period of time—signaling that their intent was to provide these banks with short-term capital for the purpose of improving our financial system's overall position during a time of crisis. Converting these shares into common equity, however, signals a drastic shift away from the Administration's original purpose for these investments to a new strategy of long-term ownership of and involvement in these companies.

I am concerned that converting these preferred shares into common equity would have two serious and negative effects. First, it would bring the banks whose shares are converted closer to de facto nationalization by creating the potential for the government to play an increasingly activist role in their day-to-day operations and management.

Second, I am concerned that moving these investments further down the bank's capital structure into a riskier position puts American taxpayer dollars at increased risk of being lost in the event of a recipient's insolvency.

To date, no Administration official has provided the House Republican Leadership wish any comprehensive answers to the serious questions raised in our February 2, 2009 letter to you about the Administration's exit strategy for the government's growing involvement in the financial markets.

In absence of the Administration's response to that letter, I would appreciate your prompt assurance that converting these preferred shares to common equity—thereby taking these companies closer to nationalization and putting taxpayers' money at increased risk—is not a part of the Administration's yet-to-be-articulated strategy on getting out of the bailout business.

Thank you in advance for your prompt attention to this issue of critical importance to me, the residents of Texas' 32nd District and the entire taxpaying American public. If you have any questions regarding this letter, please feel free to have your staff contact my Chief of Staff Josh Saltzman.

Sincerely,

PETE SESSIONS,
Member of Congress.

As this Democrat Congress continues to tax, borrow, and spend American's hard-earned tax dollars, we move even closer to nationalizing our banks and credit systems, which will only deepen our current economic struggle. The Federal Government's interference in hindering our progress is apparent, while they should be there to help solidify making our system stronger and better. When Congress or the administration changes the rules, it should be in the best interest of the American public. But I can honestly say that this is not the case today.

Mr. Speaker, it is appropriate to consider new ways to protect consumer credit and consumers from unfair and deceptive practices and to ensure that Americans receive useful and complete disclosures about terms and conditions. But in doing so, we should make sure that we do nothing to make credit cards more expensive for those who need this credit or to cut off or hinder access to credit for small business with those less-than-perfect histories.

While reading the Wall Street Journal a few weeks ago, I came across an op-ed called ''Political Credit Cards'' discussing this very issue. It states: ''Our politicians spend half their time berating banks for offering too much credit on too easy terms, and the other half berating banks for handing out too little credit at a high price. The backers should tell the President that they'll start doing more lending when Washington stops changing the rules.'' This speaks to exactly what happened with TARP, health care, welfare, taxes, and lots of other legislation, including that underlying legislation today.

Mr. Speaker, the American people deserve better from their elected officials. I encourage my colleagues to vote against this rule.

And I reserve the balance of my time.

□ 1045

Ms. PINGREE of Maine. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentlelady.

As I'm certain is true of all of my colleagues, my office has been inundated with calls and letters from constituents who are outraged by sudden and arbitrary increases in their credit card rates. Their hard-earned taxpayer dollars were used to shore up financial institutions to prevent economic collapse and, in return, some of the very same financial institutions turned around and doubled the interest rates they charge their customers. I'm pleased we're taking strong action today to combat these abuses—yes, abuses—and I urge my colleagues to support it.

However, I have serious concern about the amendment that would allow loaded firearms in our national parks. There is no reason for this provision in the bill. It is not germane. It is not relevant. It is poor public policy.

Wait a minute, you say, I thought you were talking about credit cards. To say that this amendment about guns in the parks is out of left field insults the many ball players who, over the years, have held that position—yes, even the bumblers. It insults them.

For the past 25 years, the regulations requiring guns in parks to be unloaded and stored has served the Park Service and the park public well. It helps keep our national parks the safest lands in the country. The probability of being a victim of a violent crime in a park is less than 1 in 700,000. These regulations also help prevent mischief and even poaching of endangered species that our parks help protect.

Our national parks are national treasures, and they should be granted special protections. It's completely appropriate to have special regulations that are special to the parks. We in Congress should do everything we can to ensure that these invaluable resources are protected for future generations, and I strongly urge my colleagues to vote against that amendment in this bill.

Mr. SESSIONS. Mr. Speaker, we spoke just a minute ago about how banks had accepted these TARP funds and accepted them because it was necessary at the time to ensure the financial success of the banking system. And yet now here we are a few months later and the banks have undergone their stress tests. The banks understand more about the risk that is out there. And yet even as companies like JPMorgan Chase want to refund $45 billion or give it back to the government, the government is balking at them doing that.

The reason why is, as this article in Bloomberg.com states, because the government has a methodology that they want to follow which would cause banks to be in a different position because—in other words, not run their business the way they want—because government wants to tell them what the rules and regulations would be. And it appears as though that that is what this Treasury Department wants to do, that they have delayed banks paying back the money so that they can then put rules and regulations industrywide on anyone that took this money.

Mr. Speaker, what should happen is we should have a Treasury Department that eagerly, gleefully wants to get back money that was given to them on behalf of the taxpayer. And instead what happens is we have a Treasury Department that is delaying this. It is making it, I believe, more difficult, all under the guise, then, of trying to make sure that they get what they want, and that is exacting more rules and regulations on these banks.

I think that the Treasury Department should respond back to our letter. They should tell us what the exit strategy is, how people should pay back the money, and let the free enterprise system go about its job of creating not only a better economy, but also creating an opportunity to raise stock prices and employment in this country by doing their job in the free enterprise system.

I will include this article from Bloomberg.com as part of our testimony today.

MORGAN STANLEY, JPMORGAN, GOLDMAN SAID TO APPLY TO REPAY TARP

(By Christine Harper and Elizabeth Hester)

MAY 19 (BLOOMBERG)—Goldman Sachs Group Inc., JPMorgan Chase & Co. and Morgan Stanley applied to refund a combined $45 billion of government funds, people familiar with the matter said, a step that would mark the biggest reimbursement to taxpayers since the program began in October.

The three New York-based banks need approval from the Federal Reserve, their primary supervisor, to return the money, according to the people, who requested anonymity because the application process isn't public. Spokesmen for the three banks declined to comment, as did Calvin Mitchell, a spokesman for the Federal Reserve Bank of New York.

If approved, the refunds would be the most substantial since Congress established the $700 billion Troubled Asset Relief Program last year to quell the turmoil that followed the bankruptcy of Lehman Brothers Holdings Inc. Banks want to return the money to escape restrictions on compensation and hiring that were imposed on TARP recipients in February.

''It really is a way for them to break from the herd,'' said Peter Sorrentino, a senior portfolio manager at Huntington Asset Advisors in Cincinnati, which holds Goldman Sachs and JPMorgan shares among the $13.8 billion it oversees. ''It's a great way to attract customers, personnel, capital.''

Treasury Secretary Timothy Geithner said on April 21 that he would welcome firms returning TARP funds as long as their regulators sign off. He added that regulators will consider whether banks have enough capital to keep lending and whether the financial system as a whole can supply the credit needed to ensure an economic recovery.

GEITHNER'S ''BROAD CONSTRAINTS''

One of the people familiar with the efforts by the banks to repay TARP said he anticipates that the government would prefer to issue industrywide compensation guidelines before allowing any major banks to repay TARP money.

Geithner said yesterday that he would like to establish ''some broad constraints'' on compensation incentives in the financial industry instead of setting limits on pay. A law that went into effect in February sets a cap on the bonuses that can be paid to the highest-paid 25 employees at banks that have more than $500 million of TARP funds. Banks are awaiting guidance from the Treasury on how to implement the rules, such as how to determine which people to count in the top 25.

JPMorgan, Goldman Sachs, and Morgan Stanley were among nine banks that were persuaded in mid-October by then-Treasury Secretary Henry Paulson to accept the first $125 billion of capital injections from the TARP program to help restore stability to the financial markets.

STRESS-TEST RESULTS

The refunds would be the first by the biggest banks that participated in the program. As of May 15, 14 of the smaller banks that received capital under the program had already repaid it, according to data compiled by Bloomberg.

The 19 biggest banks were waiting for the conclusion earlier this month of so-called stress tests to determine whether they would require additional capital to withstand a further deterioration of the economy.

Goldman Sachs and JPMorgan, the fifth- and second-biggest U.S. banks by assets, were found not to need any more money. Morgan Stanley, the sixth-biggest bank, raised $4.57 billion by selling stock this month, exceeding the $1.8 billion in additional capital the regulators said the bank may require.

''WRONG TIME''

While executives at Goldman Sachs and JPMorgan have expressed a desire to repay their TARP money for months, Morgan Stanley Chairman and Chief Executive Officer John Mack told employees on March 30 that he thought it was ''the wrong time'' to repay the money.

Morgan Stanley, which reported a first-quarter loss, also slashed its quarterly dividend 81 percent to 5 cents. On May 8, when the company sold stock, it also sold $4 billion of debt that didn't carry a government guarantee. Selling non-guaranteed debt is a prerequisite for repaying TARP money.

The banks will also have to decide whether to try to buy back the warrants that the government received as part of the TARP investments. The warrants, which could convert into stock if not repurchased, would add to the cost of repayment.

JPMorgan, which has $25 billion of TARP money, would need to pay about $1.13 billion to buy back the warrants, according to a May 14 estimate by David Trone, an analyst at Fox-Pitt Kelton Cochran Caronia Waller. Morgan Stanley's warrants would cost $770 million and Goldman Sachs's would cost $685 million, Trone estimated, using the Black-Scholes option-pricing model.

BANK SHARES

Goldman Sachs and Morgan Stanley shares have climbed since Oct. 10, the last trading day before the banks were summoned to a meeting by Paulson and informed of the government's plans to purchase preferred stock in them. Goldman Sachs, whose stock closed today at $143.15 in New York Stock Exchange composite trading, is up 61 percent. Morgan Stanley, which closed today at $28.28, has almost tripled from $9.68.

JPMorgan shares, by contrast, are 11 percent lower at today's $37.26 closing price than they were on Oct. 10, when they closed at $41.64.

Banks could open themselves up to lawsuits if they repay the money too quickly and end up needing to ask the government for help in the future, James D. Wareham, a partner in the litigation department at Paul

Hastings Janofsky & Walker LLP said last week.

CNBC on-air editor Charlie Gasparino reported on May 15 that Goldman Sachs and JPMorgan believe they have been given permission to exit the TARP. He reported yesterday that Morgan Stanley is seeking preliminary assurances that it can exit the program.

Mr. SESSIONS. I reserve the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. GRIJALVA).

Mr. GRIJALVA. Mr. Speaker, I rise in strong support of H.R. 627 and in strong opposition to the Coburn amendment. This vital legislation was hijacked in the Senate by a dangerous amendment that would ban virtually all regulations of guns in national park and wildlife refuges—an amendment that has absolutely no place in this bill.

The Coburn amendment overturns reasonable limits put in place by Ronald Reagan and goes far beyond the regulations proposed by George W. Bush. The House will vote on this extreme language separately, and I urge my colleagues to strip the Coburn amendment from the legislation.

We need to be very clear. The rights guaranteed under the Second Amendment are fully protected under the current policy. The current rule allows guns in parks and refuges as long as they are not loaded and properly stored. The National Rifle Association has spent years trumping up claims and distorting data in order to claim a symbolic victory by overturning these Federal limits on guns in national parks. Clearly the NRA is a special group with no interest at all in protecting and preserving our national parks and wildlife areas.

Claims that visitors will be safer with loaded guns goes contrary to the data and is not credible. The FBI states that there were less than two violent crimes for 100,000 national park visits in 2006. Nationally, the violent crime rate is 300 times that.

It is important that we realize that our parks are special places and that a tradition of 100 years, law that has been in place and regulations since the Ronald Reagan era have protected and enhanced those parks. The Coburn language will have devastating consequences—some intended, some not. It is far different from the rule proposed by the former Secretary Kempthorne and goes well beyond anything we have considered in this House under Democratic or Republican leadership.

Our parks and refuges are America's cathedrals. They are a sanctuary for wildlife and visitors. Loaded guns, which can be brandished at the drop of the hat, are wholly inconsistent with these values. I urge defeat of the amendment.

Mr. SESSIONS. Mr. Speaker, at this time I would like to reserve the balance of my time.

Ms. PINGREE of Maine. I am the last speaker for this side, so until the gentleman has closed for his side and yielded back his time, I will reserve my time.

Mr. SESSIONS. Mr. Speaker, I appreciate the gentlewoman letting me know that she has no further speakers.

Mr. Speaker, one of the things that we spoke about earlier was the letters that the Republican leadership has sent to Secretary Geithner asking questions about Treasury's plans now about not only the use of TARP funds, how they will be paid back, what that process is, and finally, the exit strategy from the TARP program.

The Republican leadership in this House sent a letter to Secretary Geithner months ago. We have not heard anything back, certainly not in writing. So we have looked across the news media for releases that came from the Secretary, and among other things, we have seen things that disturb us greatly. One of those is that the Secretary has openly talked about the wanting to have this Federal Government change the investment that was made in these banks from, in essence, one type of instrument to another. In this case, it was from preferred stock to common stock.

In other words, since they put the money in the system, in the banks, and they cut a deal about what they would do, they now want to change the rules of the game. I believe that is not only unhealthy, I think it would absolutely be against the spirit of the law that we passed about the intent.

What happens when you do this is now the Federal Government would then become a common shareholder, meaning that the government would be investing in the stock market. The government would become a partner in that effort, meaning that the government, as such a large player, could determine the stock price up and down. I think that is a bad deal. I think that's a bad deal not just for the free enterprise system, but I think that's a bad deal for this government. It puts them into a position where the government helps control the stock market and the stock price.

We've asked Secretary Geithner what he thinks about that. Secretary Geithner has not responded except to say that that is reserved as an option. And now on May 13, we see that Secretary Geithner announces that the bailout repayments will be reused for smaller banks. That means that the money that was lent as part of the TARP program, when the money comes back in, Secretary Geithner is now going to reallocate that to smaller banks.

It should be noted that what happened is a number of these banks have already received the money. But the TARP program, by the way it was set up, it said that when the money comes back in, it will go back into general funds. In other words, it was taken out of general funds. It was expected that it would be paid back plus interest and would come back to us.

Despite what Secretary Geithner says, there are some Members of this body who are very clear about what they think about that. And as this ABC News, off their Web site, dated May 13 article said, Despite the warm welcome Geithner's announcement received from the assembled bankers, some Capitol Hill lawmakers are none too happy with the plan to repay taxpayer money back out to smaller banks.

And it talks about Representative BRAD SHERMAN, who is a Member of this body and a Democrat from California, ''blasted Geithner on the House floor today, citing part of the original TARP bill—Section 106D—that he said meant that these plans were 'illegal.'

''It is being widely accepted in the press and on Wall Street and in Washington that whatever the Secretary gets back from the banks will instead be part of some revolving fund from which the Secretary of the Treasury may make additional bailouts in addition to the first $700 billion of expenditures.''

It says, ''Sherman went on, 'Well, the statute is very clear to the contrary, whatever is returned to the Treasury,''' it is returned to the Treasury. It goes into the general fund.

Mr. Speaker, what we're talking about is the Secretary of the Treasury has the authority and the responsibility to manage these funds. I do recognize that as these funds were given, there was a change of administration. I believe, and I think this Congress believes, that Secretary Geithner was a part of that transition. But now that the Secretary has been in office and he has assembled his team, it's time that the Secretary be very plain and write back at least those people who are writing letters, including the Republican leadership, asking what the plan is.

Seeing press releases as they come out one at a time as the Secretary chooses to do this is not a plan. We're after a thoughtful idea and process now that we've been through the stress test about how the American taxpayer can be paid back. And I think the $700 billion plus interest is what needs to come back to the Treasury and go into the general fund.

Mr. Speaker, at this time I would like to yield 4 minutes to the gentleman from Roswell, Georgia, Dr. PRICE.

Mr. PRICE of Georgia. Mr. Speaker, I want to thank my good friend from Texas for his leadership on this and so many issues, and he talks about economic responsibility, which is what this is all about.

The context of this legislation that we're considering, the Credit Cardholders' Bill of Rights Act—and I'm oftentimes struck in Washington that the title of the bill doesn't bear any resemblance to what is in the substance of the bill, and this is again true with this ''Bill of Rights Act.''

But the context in which we're talking about this legislation is an economic backdrop that this country has

never experienced before. I hear from constituents every single day from my district who are unable to get loans or new lines of credit. I hear from banks in my district who are suffering under mark-to-market accounting rules and getting mixed messages from the regulators and still wanting to lend.

□ 1100

In that light, this legislation is simply the wrong thing at the wrong time. This bill, this ''credit cardholders' bill of rights act,'' will decrease the availability of credit and increase the cost of credit.

Consumers should receive key information about credit card products in a more concise and simple manner. Yes, we agree with that. Information will empower consumers to determine which credit card product is right for them. But this bill will decrease the availability of credit and increase its cost. It will impose significant restrictions and price controls on creditors, and individuals will have fewer options, not more, Mr. Speaker, fewer options from which to choose.

This bill will, by law, prevent issuers from being able to price for risk. That means they can't look at an individual's credit history to determine what price that issuance of credit will cost. It will dictate how they must treat the payment of multiple balances. It will implement price controls. We'll only see restricted access to credit for those with less than perfect credit histories and, again, increase the cost of credit for everyone.

So I ask my colleagues to join me in protecting the American consumer by voting against this rule and by voting against this legislation. Let's foster competition in the marketplace by providing consumers with timely, clear, and conspicuous information about credit cards. Let's ensure that the key terms of a credit card account are disclosed on a clear and timely basis when shopping for credit and throughout the account relationship.

Let's preserve the ability of card issuers to provide the benefits and the flexibility cardholders have come to expect from their credit card accounts. A recognition that cardholders have different needs and preferences and, therefore, a one-size-fits-all approach to card practices is not the preference of the American people. This bill will increase the cost of credit and decrease its availability.

I urge my colleagues to vote ''no'' on the rule and ''no'' on the underlying legislation.

Mr. SESSIONS. I thank the gentleman for his thoughtful comments.

Mr. Speaker, at this time, I'd like to yield 4 minutes to the gentleman from Lubbock, Texas (Mr. NEUGEBAUER).

Mr. NEUGEBAUER. Well, I thank the gentleman, and we are here today debating a very familiar issue in terms of credit cards, but this time things are a little bit different.

I do not strongly support the underlying provisions of H.R. 627, but I strongly support the Second Amendment protections offered by our colleague across the Capitol, Senator COBURN, and approved by the Senate. Anytime that Congress can back Americans' Second Amendment rights, we should certainly do so.

We've heard from our constituents and people across the country that they are upset about some of the credit card policies that are coming in place. Some people are seeing their interest rates increased, and some are seeing their credit lines reduced. I understand their concerns, particularly those who have been playing by the rules, using their credit cards responsibly. They feel like now they are being penalized for doing the right thing, and I don't disagree with them.

One of the things that people think is that somehow this credit card bill is going to help the people that have been doing and playing by the rules. In fact, this bill I believe hurts people that have been playing by the rules. Those who have been using their credit cards responsibly now can expect some extra fees and maybe now annual fees, where previously they were paying no annual fees.

We've talked a lot about what the Federal Reserve has been trying to do, and they have already issued new rules on credit card activities, and in fact, we've not even given the time for these new rules to be implemented, and we're going to bring legislation.

Now, the problem that I have with that is that anytime you put a new policy in place, sometimes there are unintended consequences. One of the things about making this law, as opposed to letting the Federal Reserve make that rule, is if the Federal Reserve were to discover that in some cases, some of these credit card rules were in fact being punitive to credit card users, they would have the ability to amend their rules.

If we put this into law, the problem is that if we find out there's some unintended consequences, then we have got to come back and go through a legislative process to undo that. Now, how many people believe that Congress has a history of undoing legislation that is found to be onerous? The record is not very good, and that's the reason many of us believe that we need to let these new Federal Reserve rules go into place, let the marketplace determine what are the best policies, and the best way to adjust to this.

If you look at the history of credit cards, what you learn is that many years ago credit cards were only available to the very best customers in the bank. Many people were not able to get credit cards. But as States changed their usury laws and more flexibility was given to these credit card companies on pricing of credit cards, they became available to many more Americans, and now almost every American probably has some form of credit card or the other.

What is going to happen now is that what these banks did, they were able to, if you were a little bit riskier customer, you paid a little bit higher rate. If you were a little less risky customer, you paid a lower rate. If you were paying your balances on time, you were being rewarded for that. If you were being late, you were being penalized for that. That makes sense. You know, good behavior, reward good behavior; bad behavior, punish bad behavior.

But what this bill wants to do is say, you know what, we're going to wrap everybody up into one little package and say everybody is the same. It doesn't matter whether you're chronically late on your credit card or if you're paying out the balance in full each month, we are going to restrict the ability to—

The SPEAKER pro tempore (Mr. SALAZAR). The time of the gentleman has expired.

Mr. SESSIONS. I yield the gentleman 2 additional minutes.

Mr. NEUGEBAUER. So why would Congress do that to credit cardholders that are actually being responsible about that. Well, they shouldn't do that, and that's the reason we should defeat this rule and defeat the underlying bill.

Now, interestingly enough, there was a New York Times article I believe yesterday—and not always do I agree with some of the things that are in the New York Times—but I thought it was interesting that this particular article basically said that same thing, that we're going to just allow banks to be able to do risk-based pricing and, to quote, ''Banks used to give credit cards only to the best consumers and charge them a flat interest rate of about 20 percent and an annual fee. But with the relaxing of usury laws,'' as I told you earlier, they are able to do risk-based pricing.

It goes on to say that there will be one-size-fits-all pricing. What does that mean for those of us that maybe haven't been paying an annual fee on our credit card? We're going to be paying an annual fee. Those of us that have been enjoying a grace period, that grace period probably is going to get shorter. Those of us that maybe have reward credit cards where we're getting airline miles and something like that, what does that mean? Those probably are going to be restricted or could go away.

That's what happens when we get the Federal Government trying to tell Americans what kind of credit card they ought to have, what kind of mortgage they ought to have, what kind of car they ought to drive, what products their banks should be able to provide for them. What made this country great is innovation, and when the Federal Government starts getting involved in these businesses we destroy innovation, we destroy American people's choices, and that's not what the American people I believe sent Members of Congress here to do, to take away their choices. I believe they sent Members of Congress here to enhance their choices and enhance their opportunities.

And so with that, Mr. Speaker, I encourage Members to vote against the rule and vote against the underlying legislation, and I appreciate the gentleman for yielding.

Mr. SESSIONS. I thank the gentleman for not only coming to the floor but for his thoughtful ideas.

Mr. Speaker, in closing, I'd like to stress that while my friends on the other side of the aisle claim to be protecting consumers with this legislation, in reality, they're going to limit credit, reduce benefits, and raise interest rates for every single consumer, whether they were a good consumer or a risky consumer.

I think the American taxpayer, really, the American public, including small businessmen and -women, really deserve the same accountability and transparency with their dollars to be used in a way that they see fit.

Mr. Speaker, we as a Nation have a real problem, and we need real solutions, and passing this legislation today when we already have a statute that will take place is simply a waste of time.

We need to protect jobs. We need to provide more jobs. We need to encourage economic growth. And we need to restore the American public's faith in their Members of Congress.

And I believe today you have heard very succinctly the Republican Party come down and talk about how this bill is a big overreach that will impact and cause problems to a system rather than making it better.

With that, I encourage a ''no'' vote on this closed rule.

I yield back the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, in spite of all the debate this morning on the TARP, on Secretary Geithner, on guns in the national parks, I just want to remind my colleagues that we're here today to talk about the rule on H.R. 627, the Credit Cardholders' Bill of Rights.

Mr. Speaker, this is an opportunity for us to prove to nearly 175 million Americans with credit cards that we understand their frustration and we recognize that they are the target of unfair, unreasonable, and deceptive practices. Late fees, over-the-limit fees, arbitrary increases in interest rates, the credit card companies have gotten away with far too much for far too long. It's time we level the playing field now for small businesses, for families and for individuals across this country.

I urge a ''yes'' vote on the previous question and on the rule.

Mr. VAN HOLLEN. Mr. Speaker, I rise in strong support of the Credit Card Holders' Bill of Rights.

In these unpredictable economic times, as American families struggle to pay their bills, the last thing they need is to find an unwelcome surprise on their monthly credit card statement. Since the start of the financial crisis, my office has been inundated with complaints about unexpected interest hikes, mysteriously shifting due dates and indecipherable new charges on their credit card bills. These tricks and traps are unfair and can lead to devastating financial consequences for families already teetering on the edge.

The Credit Card Holders Bill of Rights protects consumers from these abuses with strong, forward looking protections. The bill ends unfair, retroactive interest rate increases; prohibits excessive ''over-the-limit'' fees; protects cardholders who pay on time; forbids a card company from unfairly allocating consumer payments or using due date gimmicks; enhances restrictions on card issuance to young consumers; and prevents deceptive marketing practices.

Similar protections have been finalized in the rule making of the Federal Reserve and other agencies. But they do not take effect until July of 2010. By codifying many of those proposals into law now, the Credit Card Holders Bill of Rights helps to protect consumers more quickly and when they need it most.

President Obama asked Congress to deliver for his signature, in time for the Memorial Day Recess, a strong bill that protects consumers from abusive practices. This is that bill. I encourage my colleagues to join me in supporting it.

Mr. BLUMENAUER. Mr. Speaker, I strongly support the passage of the Credit Cardholders' Bill of Rights Act. This legislation will help to create a fairer consumer credit market by curbing some of the most egregious and arbitrary credit card lending practices. Current industry practice can trap consumers in a vicious cycle of debt—this legislation will assist in breaking that cycle.

Americans now carry roughly $850 billion in credit card debt, roughly $17,000 for each household that does not pay their balance in full each month. A recent Sallie Mae survey indicated that 84% of undergraduates had at least one credit card and that, on average, students have 4.6 credit cards.

The legislation bars the practice of ''universal default.'' Credit card issuers will not be able to increase a cardholder's interest rate on existing balances based on adverse information unrelated to card behavior.

The legislation also bars so-called ''double-cycle billing'' and similar practices, where credit card companies bill consumers for balances already paid by the borrower.

The legislation requires that consumer payments be directed at the highest interest portions of a credit card balance, allowing consumers to more quickly pay down their balances.

The legislation also requires that fees be reasonable and proportional to the consumer's late or over-limit violation. Penalty clauses are generally unenforceable in the realm of contracts. Why should consumers be unfairly burdened? Congress should ensure that consumers will not be terrorized into performance.

Oregon students and families, like students and families across the country, are heavily burdened by credit card debt. I support this bill because it requires fair terms for this burden and it levels the playing field for consumers by increasing consumer protections.

Mr. MORAN of Virginia. Mr. Speaker, I rise in strong opposition to the Coburn Amendment to the Credit Cardholders' Bill of Rights that will allow for loaded, concealed weapons to be carried in National Parks, ending a long-standing prohibition against the practice. This amendment is not germane to the underlying bill, makes our parks and historic sites less safe, and increases the opportunity for illegal poaching of protected wildlife.

Last year, the Bush Administration tried to push through similar regulations as contained in this amendment, undoing Reagan-era restrictions on the possession of loaded, concealed weapons in National Parks. During the public comment period 140,000 people voiced their opinion, 73 percent of which opposed the new regulations. Despite this public rejection, the Bush administration finalized the regulations. Earlier this year, a U.S. District Court ruled against the implementation of the regulations because the process was ''astoundingly flawed'' and because officials ignored substantial evidence regarding the impact the new regulations would have on the environment.

Today, Congress is trying to surreptitiously enact ill-conceived and dangerous policy as an attachment to an entirely separate piece of legislation. Allowing loaded, concealed weapons in National Parks will endanger National Park Service employees, National Park visitors, and wildlife. While the NRA may support this wrong-headed policy change, the amendment is opposed by the Association of National Park Rangers, the U.S. Park Rangers Lodge—Fraternal Order of Police, the National Parks Conservation Association, and the Coalition of Park Service Retirees. Quite simply, those who would be directly impacted by this action believe it is unwise and will endanger the lives of both humans and wildlife.

The need for this change, according to proponents, is to allow National Park visitors the ability to protect themselves from potential violence. But National Parks are exceedingly safe places, experiencing much lower rates of crime than in the general public. In fact, National Parks experience 1.6 violent crimes per 100,000 visitors, much lower than the over 170 violent crimes per 100,000 individuals recorded among the general public. The more likely result of this provision is an increase in gun accidents and poaching activity. This amendment will make National Park visitors less safe, not more.

Proponents also insist this amendment is about restoring Second Amendment rights to citizens. Yet, even in the Supreme Court's Heller v. D.C. ruling, the Court was clear that the Second Amendment is not absolute and that certain restrictions could be established to protect public safety. I believe prohibiting concealed weapons in National Parks is one such allowable restriction.

National Parks are natural cathedrals. They are places where Americans can go to escape their everyday lives and experience the beauty of the natural world. Current regulations requiring weapons to be unloaded or disassembled, regulations first imposed by the Reagan Administration, have served the public interest for the past 25 years. The Coburn amendment is unnecessary, non-germane, and dangerous. I strongly urge my colleagues to vote against it.

Mr. DINGELL. Mr. Speaker, I rise today in strong support of H.R. 627, the ''Credit Cardholders' Bill of Rights Act of 2009,'' a bill of which I am a proud co-sponsor. My friend and colleague, Representative CAROLYN MALONEY, who is the bill's author, has been a tireless advocate for protecting consumers from the abuses of the credit card industry. This legislation will mandate meaningful reform for an industry that has been permitted to run wild for far too long.

We hear daily of countless Americans, who are struggling to pay their bills. My home state of Michigan has an unemployment rate of around 13 percent, the highest in the nation. Compounding this lamentable state of affairs is the fact that workers in this country have suffered a decline in real wages over the past decade. As a result of being stretched to their financial breaking point, many families have had to resort to using credit cards to pay for unforeseen costs, such as car repairs or emergency room bills. Far too often, these families are subjected to arbitrary interest rate increases and also forced to pay iniquitous late fees.

The Credit Cardholders' Bill of Rights will help put an end to these shameful practices and require credit card companies to treat consumers fairly. Importantly, this legislation will restrict the practice known as ''universal default,'' whereby a credit card company uses information about a cardholder's financial status, such a change in his or her credit rating, to raise the cardholder's interest rate, even if the cardholder has not defaulted on payments or made them late. Moreover, H.R. 627 will also ban what is known as ''double cycle billing,'' which is the collection of interest on amounts already paid by consumers to credit card companies.

In this time of severe recession, I feel it imperative that consumers be afforded fair protection from unfair credit card industry practices. I urge my colleagues to vote in favor of this common-sense legislation, which will help stem the tide of unscrupulous and predatory lending, interest rate increases, and other deceitful practices that have brought our nation to an economic precipice of gargantuan proportions.

Mr. HOYER. Mr. Speaker, first, I want to thank Representative MALONEY, who sponsored the House companion of this bill, and who has a tireless advocate of credit card reform.

If this recession has brought home to us one important truth, it is the danger of debt. Americans from homeowners to bankers took on risks and debts they could not afford, and the result was a crisis that touched every one of us. I don't think the lesson is one we will soon forget. But nearly as harmful are those who take advantage of our debt—and in that category, unfortunately, go many of America's credit card companies. No one doubts that credit cards have become an essential part of our consumer economy; no one doubts that millions of Americans use their credit cards responsibly every day, and pay their bills every month. But even for those responsible cardholders, credit card policies have often been incomprehensible and exploitative.

The Credit Card Accountability, Responsibility, and Disclosure Act takes important steps to bring those harmful policies under control, ensuring that responsible cardholders are treated fairly. Among its provisions, this bill prevents arbitrary and unfair rate increases, which, under current policies, can kick in even for cardholders who pay their balances in full. It bans exorbitant and unnecessary fees, including fees charged just for paying your bill. It prohibits card companies from charging interest on debt that is paid on time, a practice known as double-cycle billing. And it insists that card companies disclose their policies clearly and openly to cardholders, and notify them when those policies have changed.

This bill goes a long way toward removing a persistent source of unfairness in the lives of many Americans. Debt is a part of any economy—but it must be treated responsibly, and it must be guarded from exploitation. That is what this bill accomplishes, and I urge my colleagues to support it.

Ms. PINGREE of Maine. I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. 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, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 2352, JOB CREATION THROUGH ENTREPRENEURSHIP ACT OF 2009

Mr. POLIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 457 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 457

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2352) to amend the Small Business Act, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Small Business. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Small Business now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment 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 division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Colorado is recognized for 1 hour.

Mr. POLIS. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to my good friend, the gentlewoman from North Carolina, Dr. Foxx. All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. POLIS. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 457.

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

There was no objection.

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

Mr. Speaker, House Resolution 457 provides for consideration of H.R. 2352, the Job Creation Through Entrepreneurship Act of 2009, under a structured rule. The rule provides 1 hour of general debate controlled by the Committee on Small Business.

The rule makes in order nine amendments which are listed in the Rules Committee report accompanying the resolution. Each amendment is debatable for 10 minutes, except the manager's amendment which is debatable for 20 minutes.

The rule also provides one motion to recommit with or without instructions.

Mr. Speaker, I rise in support of House Resolution 457 and the underlying bill, the Job Creation Through Entrepreneurship Act of 2009. I'd like to thank Chairwoman VELÁZQUEZ, as well as my friend from North Carolina (Mr. SHULER) and my colleagues on the Small Business Committee for their strong leadership in bringing this legislation to the floor.

Mr. Speaker, this bill represents a giant step forward in ensuring a bright future for all Americans who are struggling to establish or grow their own businesses. It will bring hope to our veterans as they return home and encouragement to billions of Americans who haven't always had equal access to the necessary tools to start a business.

□ 1115

Fittingly, this legislation is on the floor of the House of Representatives during National Small Business Week. It capitalizes on untapped resources in the business community by expanding access to business counseling, training and networking to small business owners everywhere, including underserved

populations such as women, veterans and Native Americans to help ensure all of our prosperity.

This legislation will help women gain access to jobs by requiring the women's business centers to describe their job placement strategies for the area in their annual plans. Too often women are denied access to jobs in high-paying, high-growth sectors. Promoting gender equity is critical for ensuring that all workers benefit from the job creation that our economic recovery plan spurs, as well as our other policies.

This bipartisan bill, which was voice voted out of the Small Business Committee, represents what we can accomplish when Republicans and Democrats work together. While there are many ideological and political differences on how to address the economic crisis, this bill is a product of consensus.

There's nothing more American than small business. This bill is a combination of seven bills approved in subcommittee, five of which were authored by my colleagues on the other side of the aisle, and I'm especially pleased to report that my friends on both sides of the aisle support this important effort.

According to the Small Business Administration, small firms represent 99.7 percent of all employer firms, employing half of all private sector employees. As the unemployment rate climbs, these small businesses have managed to create 60 to 80 percent of the new jobs that were created annually over the last decade. It's our responsibility to create an environment where small business can thrive and continue to produce half of our non-farm GDP.

This bill will spur job creation and economic growth by expanding resources and providing technical assistance to small businesses. Small business is the engine that drives our economy, especially during tough economic times.

Unemployment continues to rise, currently at 8.6 percent nationally and 7.9 percent in my home State of Colorado. People often turn to starting their own small businesses when they become unemployed. These businesses are frequently the sole source of income for many American families. This legislation will help these entrepreneurs gain the skill required to sustain and grow their businesses and succeed.

A recent report released by the Small Business Administration reveals that the economic recession continued to deepen in the first quarter of 2009. Real GDP fell by 6.1 percent. Small business owners, consumers and the public at large remain pessimistic. Poor sales and access to credit have crippled many American businesses. With this legislation we can help reverse this negative trend and give entrepreneurs the tools they need to succeed and embrace growth opportunity for all Americans in the future.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I thank my colleague for yielding time, and I will yield myself such time as I may consume.

Mr. Speaker, I have read this bill very, very carefully. It's a bipartisan bill supported by some of my colleagues on this side. I think that the intent of the bill is very positive. I know the folks who are interested in this bill and know that they have the best intentions.

But I want to say that I think that, as a former small business person, and someone who has administered programs such as these through my work as a former community college president, a university administrator, and having been on a school board and dealt with agencies that operate these kinds of programs, I want to say that I have some concerns about this bill and about the rule.

I am concerned that because this was a bipartisan bill, that we have a closed rule on this. I think that it would have been a great opportunity for the majority to have given an opportunity for us to offer a lot of amendments to the bill, have a great deal of discussion on it. And I'm very concerned about the process, again, because we haven't gone through a process that I think would have been fair to our side of the aisle.

However, I also want to say that I think that, while this bill has a great title, and the intent is a good intent, that what small businesses, the engine of our economy, need are things that are different from this bill.

We're going to have many different programs in here. As I said, I went through the bill very, very carefully. I looked for ways that it's really going to create jobs, and I can't see the kind of accountability that I was hoping to see in the bill and as we talked about yesterday in the Rules Committee.

We're going to be creating, I think, a lot of jobs for bureaucrats; but it's very difficult, again, to see how we're going to create jobs in the small business arena. And I think that we come from two different world views in terms of how we approach this kind of an issue.

We know that people are hurting in this country. We know that many jobs have been lost, and we'd like to see those jobs recovered. And we know that at least half of the jobs in this country are in small businesses. And I talk to those people every day, and they tell me they're struggling, they're spending down their savings, the individuals are spending down their savings. They're doing everything they can to stay in business.

I talked to a gentleman this morning who had geared up in anticipation of receiving stimulus money to repair roads and bridges in North Carolina, and he doesn't understand why none of that money is coming down the pike.

So, again, people in small business are struggling, and they want to do something to keep their people employed. I just don't believe that this bill is going to do it.

I also don't understand, again, why this bill has been scheduled in a getaway week, when, again, with a process that is not as open as it could have been, in a noncontroversial bill, where we could have discussed it and perhaps amended it and come up with a way to really help small businesses.

So, Mr. Speaker, I'm going to urge my side of the aisle to vote ''no'' on the rule, and we'll discuss more reasons why as we go along during this debate.

I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I believe my good friend on the other side of the aisle said that this was a closed rule. This is actually a structured rule that allows for nine amendments that have been made in order. A number of others have been withdrawn and incorporated into the manager's amendment.

She also mentioned that she wished that there was more opportunity to amend this bill. I would just remind my colleagues that there were only three amendments that were offered from the other side of the aisle. Certainly, we would have encouraged and liked more. Of those three, two were nongermane and one, according to the Parliamentarian, of those was a violation of PAYGO. The other will, in fact, be ruled in order.

Certainly, we always appreciate suggestions from all perspectives about how to improve these bills, and hopefully we will have many more ideas that are offered on legislation going forward.

This bill expands support for veterans who are working to establish their own businesses, particularly at this time of war for our country and as we phase out of our involvement in Iraq and many men and women return home to an economy that is difficult to find a job in.

Our men and women in uniform who have made immeasurable sacrifices should have the opportunity and assistance they need to start a business. Our troops need to know that when they return from harm's way, there is a network of job support and business resources waiting for them when they come home.

By directing the administrator of the Small Business Administration to establish a Veterans Business Centers program, this bill will provide entrepreneurial training and counseling to veterans. This training will empower veterans who participate in the program to achieve access to capital and start their own businesses, helping to rebuild our economy.

The SBA will provide small business grants through these Veterans Business Centers which alleviates a major hurdle to many new businesses, access to capital. This bill puts specific emphasis on service-disabled veteran-owned small businesses. We owe a special duty to our wounded warriors, especially those whose reentry into the work force could otherwise be difficult.

This legislation presents an opportunity to fund efficient growth in a

sector that reaches everyday Americans. Every dollar invested in these incentives and initiatives returns $2.87 to the economy, and in 2008 alone, the SBA's entrepreneurial development program helped generate 73,000 new jobs and infused $7.2 billion into the economy. Let me repeat that: 73,000 new jobs at a time when we're hemorrhaging 32,000 jobs a month and we all dread the release of the next unemployment report.

Job creation is vital to our economic recovery. It's during these tough economic times that more and more Americans are starting small businesses. In fact, the majority of Americans' first job is at a small business. As our economy bounces back, Americans returning to work will find that it is a small business community in which they will find their next opportunities.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I thank my colleague for correcting my misstatement about the rule. And I'm curious about the number of new jobs that the Small Business Administration is said to have created in the past. I'm very curious to know how much each of those 73,000 new jobs cost us, because we know that in much of the legislation that has been passed this year, there has been a great cost to the jobs. And, yesterday, in the debate in the Rules Committee, everybody agreed that there has been very little accountability and evaluation on the part of the Small Business Administration in terms of the effect of the Small Business Administration in terms of pinning down numbers.

We know, by the Small Business Administration, that small businesses employ about half of U.S. workers. Of 116.3 million nonfarm private sectors in 2005, small firms with fewer than 500 workers employed 58.6 million, and large firms employed 57.7 million. Firms with fewer than 20 employees employed 21.3 million. And what we know, from talking to these people, is that what concerns them is not so much that we have the government out there saying, we're from Washington and we're here to help you, but there are very specific things that small businesses tell us that they would like.

Let me talk a minute about the death tax, for example. We all know that the voice of small business on Capitol Hill is NFIB, and NFIB has been talking for a long time about the permanent death tax repeal. They did a member ballot recently, and 89 percent of small business owners said they want full repeal of the death tax.

Opponents of permanently repealing the death tax claim eliminating this tax will do nothing to stimulate economic growth. But we know that the studies that have been done tell a very, very different story.

Yet, our colleagues across the aisle are adamantly opposed to eliminating the death tax. Yesterday, in the Rules Committee, my colleague, Mr. SESSIONS, talked about this, and he was corrected by our colleagues on the other side of the aisle, saying, no, this is not an important issue to small businesses; that it's not one of their top issues. But we know that it is. And there's a lot of research to show that.

I will talk some more again about the facts that we have about what small businesses would like to see us do.

Before I do that, I'd like to yield as much time as he may consume to my distinguished colleague from Illinois, Mr. ROSKAM.

□ 1130

Mr. ROSKAM. Thank you. I thank the gentlewoman for yielding.

You know, I offered an amendment to the Job Creation Through Entrepreneurship Act, H.R. 2352, and it's one of those bill titles that is sort of inarguable. Who can simply be against job creation through entrepreneurship? Nobody. So I put forth an amendment to bring some predictability to this entire debate that we're having or, frankly, that we're not having about the death tax, because the death tax, as you know, is a crushing tax. It's a tax that is imposed on success that has been created many times through generations who have worked, who, ironically, have paid taxes on their businesses and who are looking for some sense of predictability into the future.

What is happening, coming from this Congress, is sort of an orthodoxy that has developed that says we're going to sort of make it up as we go along. Here we have the Energy and Commerce Committee that has been dealing with foisting another tax burden. The chairman of the Ways and Means Committee characterized this—and I'm paraphrasing—as a tax that is the cap-and-tax initiative. There is no other way to describe it. Yet here was this simple amendment that would have repealed the death tax and that would have brought some predictability into it. Just on a party vote, it was sort of swatted aside. I'm told by listening this morning that it was characterized as unimportant. Well, I'll tell you what. For companies in my district, for small businesses in the suburbs of Chicago, the death tax is not an unimportant issue. Let me just highlight a couple of the entities that are in favor of the death tax repeal:

The U.S. Chamber of Commerce; the National Federation of Independent Business, which the gentlelady referenced a minute ago; the National Association of Manufacturers; the National Small Business Association; the National Association of Realtors; the S Corporation Association of America; the Association of Equipment Manufacturers. We know dozens and dozens, if not hundreds and if not thousands, of small companies, entrepreneurs, and self-employed folks who understand fundamentally how important this issue is.

So it shouldn't be characterized in sort of the inner sanctum of the Rules Committee as unimportant when all of these entities have stepped forward and have said, No, no, no. This is vital. This is not unimportant. This is vital, and it ought not be swatted away. It ought just not be said that we're not going to allow a roll call vote on this and that the only way you're going to be able to raise this issue is to sort of scrap along and bring it up in a rules debate. The House is going to be completely silent? Think about the signal that that sends to the small business person. Think about the signal that that sends to the entrepreneur. Think about the signal that this Congress is sending to the self-employed. It is sending a signal that says there is no predictability into the future based on what this Congress is going to do.

I would suggest that we are in an economic situation the likes of which none of us have ever seen before. We're in an economic situation the likes of which no generation has really ever seen before, and the pace of change is moving so quickly that it's very difficult for folks to get their arms and their heads around it. The Rules Committee had an opportunity to say, Look, once and for all, let's get this done. Once and for all, let's get this death tax repealed off the books. Take away the ambiguity so that people know what they're doing in the future.

It is said that up to $25,000 a year is spent by small businesses, on average, just for attorneys and for consultant fees in order to figure out how it is that they need to arrange assets, to put it in different places and to title it in certain ways so that they can best get the advantage for their families. For a Congress that has come along and has sort of given lip service to small business and has given lip service to entrepreneurship—I mean think about it. This is the bill title that we're talking about right now: Job Creation Through Entrepreneurship Act. I mean, hey, fabulous little language, but you know what? If you want to create jobs, if you want to create opportunity, if you want to help entrepreneurs, the way to do that, in part, is to repeal the death tax.

So I am really disappointed that the majority on the Rules Committee was just entirely dismissive of it, was sort of plugging their procedural ears, and was unwilling to offer the opportunity to simply have a debate in the people's House about the death tax.

What is it that is so unpleasant. What is it that is so difficult? What is it politically that folks are gun shy to take this issue up? Do you know what it is? It is the clarity with which this issue speaks throughout the entire country, and I think that this Congress has missed a golden opportunity. It is with deep regret that I stand in opposition to this rule.

Mr. POLIS. You know, I feel that the five members from the other side of the aisle and the two from our side of the aisle whose bills went into the bill would not like their efforts characterized as merely ''lip service to small

business.'' This bill provides tangible tools to the Small Business Administration in helping entrepreneurs start small businesses.

With regard to taxation issues, we have a Ways and Means Committee. We have a process for discussing those bills. It was the ruling of the Parliamentarian that it was not germane to this bill, in fact, quite to the contrary of what my friends on the other side of the aisle said. I recall a comment from a member on the Rules Committee that this was an important issue, one that was worthy of discussion, but of course, again, it was not germane to this particular bill that's before us today. I'm confident that this is a discussion we'll continue to have with regard to the inheritance tax and with taxation in general, but this is simply not germane to the matter of this bill.

Let me put a human face on what the Small Business Administration does and how they help people. I had the opportunity to speak yesterday to the head of the Boulder Small Business Development Center in my district of Colorado. She told me this story of a young woman who had just graduated from college. She had broken her arm, and she had a cast for her arm. She decorated her cast with cast tattoos, and her friends all commented, I want some of those. Those look terrific. The word spread about these cast tattoos.

This young woman approached the SBA and was given the know-how she needed to be able to start a business based on those cast tattoos. Well, she has created two jobs today directly, not to mention the indirect jobs she has created through the manufacturing process. She now sells those cast tattoos in several States and continues to grow her business amidst this time of general economic uncertainty.

H.R. 2352 is the opportunity to fund efficient growth in a sector that reaches every American on Main Street. It helps us reach entrepreneurs who previously didn't have access to capital, access to information, and it provides new multilingual, online distance training and access to specialists who can help with financial literacy. By combining some of the best ideas from both sides of the aisle, in a bipartisan way, we can help move American small business forward, which will help this country recover from the recession that we're in.

I reserve the balance of my time.

Ms. FOXX. Thank you, Mr. Speaker.

I appreciate very much the comments by my colleague, but I want to say again, going back to my comments that my colleague from Illinois made about the title of this bill, Job Creation Through Entrepreneurship Act, if what we really are about here is job creation, then we would be embracing Mr. ROSKAM's amendment because we know, from a study done by Dr. Douglas Holtz-Eakin and Cameron Smith, these numbers: Repealing the Federal estate tax would increase small business capital by over $1.6 trillion. We would increase the probability of hiring by 8.6 percent. We would increase payrolls by 2.6 percent. We would expand investments by 3 percent. We would create 1.5 million additional small business jobs. We would slash the current jobless rate by almost 1 percent—0.9 percent.

So, again, there is a different world view here. The world view of the majority is the government is going to do this. The world view of our side is allow the people to keep more of their money. They will create the jobs. It will be a minuscule number of people who would ever use the resources that are going to be created with this bill.

Again, the intent is good. Nobody is discounting the good intentions of the authors of this bill. However, we could do a lot more by not creating more bureaucracy, by not taking more money from the people of this country and then having the government deciding how to spend it.

With that, Mr. Speaker, I would like to yield such time as he may consume, again, to my colleague from Illinois, Mr. ROSKAM.

Mr. ROSKAM. Thank you. I thank the gentlewoman for yielding.

Briefly, in response to the gentleman from Colorado, he raised two interesting points. They were procedural points largely, and I would just like to speak to them. As I recall, one was germaneness and the other one was PAYGO.

I think it's disappointing that the Rules Committee majority decides to impose these standards on certain bills and then decides to ignore these standards on certain bills. To act as if the majority is as pure as the wind-driven snow on PAYGO is a mischaracterization of past conduct. This is a majority that has run roughshod over its own rules in the past. So, on the PAYGO side, people in my district would characterize that as ''spare me.''

Now, on the germaneness, here we look at the rule, and the rule in paragraph 5 waives all points of order against the amendment in the nature of a substitute, et cetera, et cetera, et cetera. In other words, the rule, by declaration, can take care of the germaneness issue. So let's not hide behind procedure here. Let's not hide behind a rule book that the majority has been very, very willing to cast aside in the past to advance its own agenda.

Instead, why don't we come together. Why don't we come together and say, You know what? Let's do something that we absolutely know is going to help small businesses. Let's do something that we absolutely know is going to help the self-employed, that we absolutely know is going to help the entrepreneur, because if you're interacting with those folks across the country who are really the ones who we all give lip service to, who are really the ones to whom we all say, Well, this is the group that creates jobs, then why in the world are we putting this albatross around their necks? Why in the world are we allowing this ambiguity? They don't know if they're afoot or on horseback on this thing, and it's not fair.

You know what? This Congress can do something about it. This Congress can create predictability. If it chooses to, this Congress can say to that small business owner and to that family who has created through work and risk and toil, Look, we're not going to come through here with a confiscatory tax that takes from one generation to another. You know, we've seen enough generational theft, frankly, that has come through this Congress, where one generation has piled on debt, upon debt, upon debt, upon debt on our children. It is, frankly, irresponsible.

From George Washington to George W. Bush, we've seen how it took 43 American Presidents, Mr. Speaker, to create $5.1 trillion in debt. Yet, with this majority and with this administration, doubling that amount in 5 years and tripling that amount of money in 10 years is simply staggering.

Here we have a simple amendment that the Rules Committee sort of looks at and says, Oh, no, no, no, no, no. We're not interested. It's not important.

Not important? Not important to the folks in my district? Not important to the businesses and to the entrepreneurs in suburban Chicago? Not important? It's vitally important. This Rules Committee needs to do better. This Rules Committee needs to be bringing things to the floor that create prosperity and that create opportunity.

With all due respect to this bill—and I'm sure it's a fine bill—you know what? It falls short of what the possibilities are, because when something is so important as the predictability of the repeal of the death tax and it is simply swatted away—just sort of all the Democrats ''yes'' or all the Democrats ''no'' and all the Republicans ''yes'' and that's the amount of discussion it gets—then, frankly, it's not good enough. It's not good enough for the constituents whom I represent, who are deeply disappointed by the way in which this rule has come about. The underlying bill could be fabulous, but you know what? This rule is deeply disappointing, and I urge opposition to it.

Mr. POLIS. Thank you, Mr. Speaker.

There are many things that this bill is not, and I fail to find those solid grounds for opposition. This bill is not a cure for cancer. This bill is not a cut in capital gains. This bill is not about abolishing the inheritance tax. There are many things that many of us would like to do that are not in this particular bill. Rather, let us discuss the merits of this bill in helping our veterans, in helping the handicapped, and in helping the unemployed to create small businesses, to create value, and to create jobs in the economy.

I would like to yield such time as she may consume to the gentlewoman from Arizona (Ms. GIFFORDS).

Ms. GIFFORDS. Thank you, Mr. Speaker.

I'm glad that during this period of economic downturn we are ensuring that we are doing everything we can to support our small businesses. We need to protect those taxpayers. We need to make sure that the backbone of the country stays intact.

□ 1145

I think it's also pertinent that this week we're recognizing National Small Business Week and celebrating the great efforts of American small businesses and everything that they're doing right now to survive this economic downturn.

For a second, I'd like to mention a small business in my district, AGM in Tucson, which last week was named by the U.S. Chamber of Commerce the Small Business of the Year for 2009. This is a Tucson-based manufacturer that is a leader in demonstrating intelligent business judgment and showing a true commitment to its employees and to its customers.

Arizona is a unique State. We have a lot of entrepreneurs, minority-owned businesses, and women-owned businesses. Altogether, there are about 100,000 small businesses that represent over 95 percent of the States' employers who, like AGM, are making vital contributions to our local economy.

Before I got involved with politics, I was the President and CEO of my family's small tire and automotive company. I know exactly how hard it is to compete in this day and age.

Small businesses are looking for the tools and resources that they need to operate and grow during this tough economic climate. That is why I'm supporting H.R. 2352, the Job Creation Through Entrepreneurship Act. This bill will reauthorize and modernize the SBA's entrepreneurial development programs. It's going to foster veterans' business opportunities and spur job creation and economic growth.

I urge my colleagues on both sides of the aisle to support this legislation and help foster American competitiveness.

Ms. FOXX. I yield myself such time as I may consume. Again, I want to say that I know that the motivation behind this bill is good, but we know not how many jobs are going to be created. We know not how many people are going to be assisted by this bill, because there is nothing in the bill that directs that. It's only after 8 years that there will be any accountability for the money being spent in this bill.

I was encouraged yesterday when my colleagues acknowledged the fact that we've had no accountability by the Small Business Administration for how they spend the money. And I thought, Well, we're going to have some great accountability in this bill. But when I read the bill very carefully, I saw that it's only after 8 years that performance standards are going to be established for the projects to get this money.

We have no idea how much money is going to be spent in administration. We don't know how many people are actually going to be served. But, as my colleague from Illinois, Mr. ROSKAM, said, we know how much would be accomplished by eliminating the estate tax. And let me talk a little bit more about that.

We know that if the owner of a small business with assets of $3 million passed away this year, the heirs of the estate would have to pay Federal estate taxes of about $460,000. Why? They've have already paid taxes on that money twice—and they're going to be paying again. Why? Just because the Federal Government says so.

Now the May, 2006, Joint Economic Committee Study has told us that a primary reason why small businesses fail to survive beyond one generation is the estate tax. Close to two-thirds of respondents—64 percent—in one survey reported that the estate tax makes survival of the business more difficult.

Eighty-seven percent of black-owned firms and 93 percent of manufacturing firms responded that the estate tax was an impediment to survival.

A survey of family business owners by Prince and Associates found that 98 percent of heirs cited a need to raise funds to pay estate taxes, when asked why family businesses fail.

If only a small percentage of the 550,000 small businesses that fail annually are attributable to the estate taxes, the cumulative number affected over time could be substantial.

In the context of the survey and tax data described here, it's easy to see how the estate tax has contributed to the failure of thousands of small and family-run businesses.

A 2004 survey of Hispanic business owners by the Impacto Group, 66 percent of respondents said the estate tax affects their ability to meet company goals by distracting their attention and wasting resources. Half of all respondents in that survey report knowing of a Hispanic small business that has experienced hardship because of the estate tax liability, including selling off equipment or the business. One-quarter of respondents said they themselves would sell part of the business to pay the tax, and 10 percent would delay expansion of the business.

So we know, again, that by getting rid of the estate tax, we would be saving thousands of small businesses, creating millions of jobs. And it is germane to this bill.

Another issue that is of great concern to small businesses—and I talked to a lady this week about it. She had read about the required paid sick leave bill that is before the Congress right now. And she said, I'm struggling. She said, I have been paying my salaries of my employees out of my savings. If this bill goes through, we will have to shut down because we can't afford this—we already give some sick leave. And we're certainly very good to our employees. They can use their vacation for sick leave. But if we're mandated to do 7 days of paid sick leave, and we know that, in many cases, people will simply take those days whether they're sick or not, then we will shut down our business.

So this Congress is acting over and over and over again to kill small businesses, and they offer us a very small bill here, as my colleague again said, that sounds wonderful. However, what it's going to do is be out there as an idea that will help small businesses, but they're going to ignore all of the things that prove they will help small businesses.

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

Mr. POLIS. I yield myself such time as I may consume. Again, there are many things that our country can do for small business. When we talk about taxes, of course predictability in the inheritance tax rate would be a good thing, and I hope we work towards that end.

We talk about the corporate income tax rate. There's evidence that we might be higher than many other countries in the world and, for that reason, many companies may be locating offshore. Maybe we need to reduce that.

These are all very, very important discussions. We need to look at the revenue impact, we need to look at the benefit, we need to look at how it affects American business. Business needs to be a part of that.

That's wonderful that my good friend on the other side of the aisle cited the interest in the inheritance tax issue for many affiliations and small businesses. That's a very important discussion to have. But none of that should stand in the way of the important work of the Small Business Administration in giving entrepreneurs the tools that they need to succeed. They're in these very difficult economic times.

Yesterday, I had the chance to talk to Sharon King at the Boulder Small Business Development Center in my district. They offer a number of programs that would benefit tremendously from this legislation. They feel that the ability of the SBA to help small businesses has atrophied considerably under the Bush administration.

This bill will help restore their ability to help give Americans the tools they need to start their businesses at a time when demand is higher than ever.

Not only do existing small businesses need help in accessing credit, which is becoming ever more difficult, but more and more Americans are unemployed, which gives them the opportunity to maybe start their own business, to start their own ability to earn money because they lack another job.

I'd like to reserve the balance of my time.

Ms. FOXX. I yield myself such time as I may consume. I want to just mention one more issue that comes to me all the time, and I know it has to be coming to other Members of Congress as they talk to small business owners and even large business owners, and that has to do with the issue of regulations.

There's a study entitled: ''Ten Thousand Commandments: An Annual Snapshot of the Federal Regulatory State,'' which is issued by the Competitive Enterprise Institute. And just a few statistics about it because, again, we could be dealing with some issues that would reduce the role of regulations in the lives of small business owners.

I want to bring that up because this is a third point I think that hurts our small businesses tremendously. Given that in 2007 government spending stood at $2.73 trillion, the hidden tax of regulation now approaches half the level of Federal spending itself. Regulatory costs rival estimated 2007 individual income taxes of $1.17 trillion.

Of the 3,882 regulations now in the works, 757 affect small businesses. Regulatory costs of $1.16 trillion absorb 8.5 percent of U.S. gross domestic product.

Regulations dwarf the $150 billion economic stimulus package passed in 2008, and rolling back these would constitute a deregulatory stimulus.

So I would like to urge my colleagues on the other side to let us look at this issue of regulatory costs and look at ways that we can do this.

I've introduced a bill that would require more transparency in the cost of regulations, both to government and to the private sector. If we really want to help small businesses, then I think that that's something that we should be doing. It's H.R. 2255, Unfunded Mandates Information and Transparency Act. I'd like to work with my colleagues on this and other issues where we really could help small businesses.

Again, I know the intent of the underlying bill to this rule today is well-intentioned, but I believe that we have many other ways that don't cost any money to help small businesses.

I reserve the balance of my time.

Mr. POLIS. I yield myself such time as I may consume. If we're talking about things we can do to help small businesses that are not in this bill, let me add a number of others that we have already accomplished.

I'd like to remind my colleagues on the other side of the aisle every single Republican Member voted against the American Recovery and Reinvestment Act, which included $15 billion of tax cuts for American small businesses, including increasing section 179 expensing limits to let small business owners fully depreciate capital purchases for items likes trucks, computers, and other equipment in the same year it was purchased.

We also extended the carryback period for net operating losses, helping many small businesses in America use their losses from years past, from 2 years to 5 years. We also delayed the 3 percent withholding tax on payments to government contractors.

We also provided relief for the alternative minimum tax, which hit tens of thousands of American small business owners. We also established tax credits for small businesses that hired recently discharged veterans and out-of-work youth.

In addition to those tax cuts, the American Recovery and Reinvestment Act also generated $21 billion in new lending and investment for small businesses; provided direct interest-free loans of $35,000; and makes loans less expensive for small business borrowers by eliminating fees that were normally built into SBA-backed loans.

In the American Recovery and Reinvestment Act, we increased to 90 percent the amount of an SBA-backed loan that the government guarantees, making it easier for small businesses to get loans from local banks. We also unclogged the market for SBA-backed loans to help gain access to credit, to our markets.

In every area of our country, small businesses continue to encounter the same difficulties. They're having difficulty borrowing money and face significant difficulty raising capital from equity and other sources. Until these problems are addressed, our economic recovery will be slowed.

Fortunately, with this bill and the American Recovery and Reinvestment Act, the Congress and the President can continue to make important strides to remove these barriers to small business growth and help small business succeed in leading this recovery.

I reserve the balance of my time.

Ms. FOXX. I yield myself such time as I may consume. I appreciate my colleague for pointing out some of the good things that the majority has tried to do. But I have to tell you that not one single person has come to me to tell me that he or she has benefited from any of these things that have passed. To the contrary. They come to me and tell me how they try and try to get assistance—and can't get assistance.

Of course, I think these small amounts of tax credits are being offset by the tremendous burden that we are putting on the people of this country by increased taxes, not the least of which is the cap-and-tax bill that is passing, which is going to put a minimum of $3,000 a year increased tax burden on every family in this country, as well as several other things that are coming down the pike.

Mr. Speaker, I will be asking Members to defeat not only the rule but also the previous question so that I might amend the rule to make in order the amendment offered by Representative TERRY of Nebraska, which would amend the Small Business Act's loan program to allow qualified struggling car dealers to apply for Small Business Administration loans.

□ 1200

Many American car dealers are small businessmen and women who have been left literally holding the bag by the corporate carmakers. If this bill is truly meant to assist small business owners, this amendment would prove extraordinarily timely. This amendment is about small business. This amendment is about jobs. So I will ask people to defeat the previous question.

I also ask unanimous consent to have the text of the amendment and extraneous materials printed in the CONGRESSIONAL RECORD just prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. PASTOR of Arizona). Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Ms. FOXX. Thank you, Mr. Speaker.

The main point of the amendment is to give SBA loans to the dealers to help them buy their own inventory since they're on the hook for the cost of their inventory since the manufacturers are going under. It is short and sweet. It's a take it or leave it or build on it. It would waive PAYGO. They waived PAYGO to bail out the manufacturers, but they don't want to waive PAYGO to help out the dealers when the manufacturing plan fails.

With that, I yield back the balance of my time.

Mr. POLIS. In talking to the Boulder Small Business Development Center yesterday in my district in Colorado, they told me about the seminars that they have in gaining access to contract decision-makers, consulting, the seminars they do to help train minority-owned businesses. Our local center also offers scaling up, which teaches entrepreneurs how to gain access to capital and grants. Finally, they're working on a turnaround program for downtown Boulder businesses, helping retailers and restaurants. Like many communities across our country, our vacancy rate has increased, and many retail businesses are having trouble in this recessionary environment. Without the resources that are made available by this bill, the Boulder Small Business Development Center, along with many other centers around the country, will be forced to cut programs and training. The 21st century will demand innovative small businesses stay up to date on groundbreaking technologies.

H.R. 2352 includes a green entrepreneurial development program to provide education classes and instruction in starting a business in the fields of energy efficiency and green or clean tech. This, at its core, is a training program that's important for the future of America. With the right training and access to the right resources, the sky is the limit for America's entrepreneurs.

So much of our work so far in this Congress has moved us in the direction of creating more jobs, passing the budget, work on health care, clean energy, education, the Recovery Act, the green schools bills, the Water Quality Investment Act. This important bill for the Small Business Administration is another step on the road to recovery.

I urge a ''yes'' vote on the previous question and on the rule.

The material previously referred to by Ms. FOXX is as follows:

AMENDMENT TO H. RES. 457 OFFERED BY MS. FOXX OF NORTH CAROLINA

After ''except those printed in the report of the Committee on Rules accompanying this resolution'' insert ''or contained in section 3 of this resolution''.

After ''shall not be subject to a demand for division of the question in the House or in the Committee of the Whole'' insert '', except as provided in section 2''.

At the end of the resolution, insert the following new sections:

SEC. 2. The amendment printed in section 3, if offered by Mr. Terry of Nebraska or his designee, shall be debatable for 10 minutes equally divided and controlled by the proponent and opponent. All points of order against such amendment are waived.

SEC. 3. The text of the amendment is as follows:

Page 50, after line 16, add the following new title:

TITLE VIII—ASSISTANCE TO MOTOR VEHICLE DEALERS

SEC. 801. ASSISTANCE TO MOTOR VEHICLE DEALERS.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) by redesignating the second paragraph (32), as added by section 208 of the Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2008 (Public Law 110–186; 122 Stat. 631), as paragraph (33); and

(2) by adding at the end the following:

''(34) MOTOR VEHICLE DEALERS.—

''(A) In general.—The Administration may provide loans under this subsection to motor vehicle dealers for the purchase of motor vehicle inventory.

''(B) AMOUNT.—Notwithstanding any other limitation on the amount of a loan under this subsection, the maximum amount of a loan under this paragraph shall be $20,000,000 and the Administration may participate in a loan not exceeding such amount in the manner described in paragraph (2).

''(C) MOTOR VEHICLE.—For purposes of this paragraph, the term 'motor vehicle' includes passenger automobiles, tractor-trailers, motor homes, motorcycles, motorized heavy equipment, and motorized agricultural implements.''.

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(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Democratic majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's ''American Congressional Dictionary'': ''If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

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[From the Wall Street Journal, Mar. 31, 2009]

NIGHT OF THE LIVING DEATH TAX

Lawrence Summers, President Obama's chief economic adviser, declared recently that ''Let's be very clear: There are no, no tax increases this year. There are no, no tax increases next year.'' Oh yes, yes, there are. The President's budget calls for the largest increase in the death tax in U.S. history in 2010.

The announcement of this tax increase is buried in footnote 1 on page 127 of the President's budget. That note reads: ''The estate tax is maintained at its 2009 parameters.'' This means the death tax won't fall to zero next year as scheduled under current law, but estates will be taxed instead at up to 45%, with an exemption level of $3.5 million (or $7 million for a couple). Better not plan on dying next year after all.

This controversy dates back to George W. Bush's first tax cut in 2001 that phased down the estate tax from 55% to 45% this year and then to zero next year. Although that 10-year tax law was to expire in 2011, meaning that the death tax rate would go all the way back to 55%, the political expectation was that once the estate tax was gone for even one year, it would never return.

And that is no doubt why the Obama Administration wants to make sure it never hits zero. It doesn't seem to matter that the vast majority of the money in an estate was already taxed when the money was earned. Liberals counter that the estate tax is ''fair'' because it is only paid by the richest 2% of American families. This ignores that much of the long-term saving and small business investment in America is motivated by the ability to pass on wealth to the next generation.

The importance of intergenerational wealth transfers was first measured in a National Bureau of Economic Research study in 1980. That study looked at wealth and savings over the first three-quarters of the 20th century and found that ''intergenerational transfers account for the vast majority of aggregate U.S. capital formation,'' The coauthor of that study was . . . Lawrence Summers.

Many economists had previously believed in ''the life-cycle theory'' of savings, which postulates that workers are motivated to save with a goal of spending it down to zero in retirement. Mr. Summers and coauthor Laurence Kotlikoff showed that patterns of savings don't validate that model; they found that between 41% and 66% of capital stock was transferred either by bequests at death or through trusts and lifetime gifts. A major motivation for saving and building businesses is to pass assets on so children and grandchildren have a better life.

What all this means is that the higher the estate tax, the lower the incentive to reinvest in family businesses. Former Congressional Budget Office director Douglas Holtz-Eakin recently used the Summers study as a springboard to compare the economic cost of a 45% estate tax versus a zero rate. He finds that the long-term impact of eliminating the death tax would be to increase small business capital investment by $1.6 trillion. This additional investment would create 1.5 million new jobs.

In other words, by raising the estate tax in the name of fairness, Mr. Obama won't merely bring back from the dead one of the most despised of all federal taxes, and not merely splinter many family-owned enterprises. He will also forfeit half the jobs he hopes to gain from his $787 billion stimulus bill. Maybe that's why the news of this unwise tax increase was hidden in a footnote.

Mr. POLIS. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order: on adopting House Resolution 456, by the yeas and nays; on ordering the previous question on House Resolution 457, by the yeas and nays; on adopting House Resolution 457, if ordered.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 627, CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on adoption of House Resolution 456, 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 resolution.

The vote was taken by electronic device, and there were—yeas 247, nays 180, not voting 6, as follows:

[Roll No. 273]

YEAS—247

Abercrombie	Fudge	Michaud
Ackerman	Gonzalez	Miller (NC)
Adler (NJ)	Gordon (TN)	Miller, George
Andrews	Grayson	Mitchell
Arcuri	Green, Al	Mollohan
Baca	Green, Gene	Moore (KS)
Baird	Griffith	Moore (WI)
Baldwin	Gutierrez	Moran (VA)
Barrow	Hall (NY)	Murphy (CT)
Bean	Halvorson	Murphy (NY)
Becerra	Hare	Murphy, Patrick
Berkley	Harman	Murtha
Berman	Hastings (FL)	Nadler (NY)
Berry	Heinrich	Napolitano
Bishop (GA)	Herseth Sandlin	Neal (MA)
Bishop (NY)	Higgins	Nye
Blumenauer	Himes	Oberstar
Boccieri	Hinchey	Obey
Boren	Hinojosa	Olver
Boswell	Hirono	Ortiz
Boucher	Hodes	Pallone
Boyd	Holden	Pascrell
Brady (PA)	Holt	Pastor (AZ)
Bright	Honda	Payne
Brown, Corrine	Hoyer	Perlmutter
Butterfield	Inslee	Perriello
Capps	Israel	Peters
Capuano	Jackson (IL)	Peterson
Cardoza	Jackson-Lee (TX)	Pingree (ME)
Carnahan	Johnson (GA)	Polis (CO)
Carney	Johnson, E. B.	Pomeroy
Carson (IN)	Jones	Price (NC)
Castor (FL)	Kagen	Quigley
Chandler	Kanjorski	Rahall
Childers	Kaptur	Rangel
Clarke	Kennedy	Reyes
Clay	Kildee	Richardson
Cleaver	Kilpatrick (MI)	Rodriguez
Clyburn	Kilroy	Ross
Cohen	Kind	Rothman (NJ)
Connolly (VA)	Kirkpatrick (AZ)	Roybal-Allard
Conyers	Kissell	Ruppersberger
Cooper	Klein (FL)	Rush
Costa	Kosmas	Ryan (OH)
Costello	Kratovil	Salazar
Courtney	Kucinich	Sanchez, Loretta
Crowley	Langevin	Sarbanes
Cuellar	Larsen (WA)	Schakowsky
Cummings	Larson (CT)	Schauer
Dahlkemper	Lee (CA)	Schiff
Davis (AL)	Levin	Schrader
Davis (CA)	Lewis (GA)	Schwartz
Davis (IL)	Lipinski	Scott (GA)
Davis (TN)	Loebsack	Scott (VA)
DeFazio	Lofgren, Zoe	Serrano
DeGette	Lowey	Sestak
Delahunt	Luján	Shea-Porter
DeLauro	Lynch	Sherman
Dicks	Maffei	Shuler
Dingell	Maloney	Sires
Doggett	Markey (CO)	Skelton
Donnelly (IN)	Markey (MA)	Slaughter
Doyle	Marshall	Smith (WA)
Driehaus	Massa	Snyder
Edwards (MD)	Matheson	Space
Edwards (TX)	Matsui	Spratt
Ellison	McCollum	Stupak
Ellsworth	McDermott	Sutton
Engel	McGovern	Tanner
Eshoo	McIntyre	Tauscher
Etheridge	McMahon	Taylor
Farr	McNerney	Teague
Fattah	Meek (FL)	Thompson (CA)
Filner	Meeks (NY)	Thompson (MS)
Foster	Melancon	Tierney
Frank (MA)	Michaud	Titus
Tonko	Wasserman Schultz	Welch
Towns	Waters	Wexler
Tsongas	Watson	Wilson (OH)
Van Hollen	Watt	Woolsey
Velázquez	Waxman	Wu
Visclosky	Weiner	Yarmuth
Walz		

NAYS—180

Aderholt	Gallegly	Miller, Gary
Akin	Garrett (NJ)	Minnick
Alexander	Gerlach	Moran (KS)
Altmire	Giffords	Murphy, Tim
Austria	Gingrey (GA)	Myrick
Bachus	Gohmert	Neugebauer
Bartlett	Goodlatte	Nunes
Barton (TX)	Granger	Olson
Biggert	Graves	Paul
Bilbray	Grijalva	Paulsen
Bilirakis	Guthrie	Pence
Bishop (UT)	Hall (TX)	Petri
Blackburn	Harper	Pitts
Blunt	Hastings (WA)	Platts
Boehner	Heller	Poe (TX)
Bonner	Hensarling	Posey
Bono Mack	Herger	Price (GA)
Boozman	Hill	Putnam
Boustany	Hoekstra	Radanovich
Brady (TX)	Hunter	Rehberg
Broun (GA)	Inglis	Reichert
Brown (SC)	Issa	Roe (TN)
Brown-Waite, Ginny	Jenkins	Rogers (AL)
Buchanan	Johnson (IL)	Rogers (KY)
Burgess	Johnson, Sam	Rogers (MI)
Burton (IN)	Jordan (OH)	Rohrabacher
Buyer	King (IA)	Rooney
Calvert	King (NY)	Ros-Lehtinen
Camp	Kingston	Roskam
Campbell	Kirk	Royce
Cantor	Kline (MN)	Ryan (WI)
Cao	Lamborn	Scalise
Capito	Lance	Schmidt
Carter	Latham	Schock
Cassidy	LaTourette	Sensenbrenner
Castle	Latta	Sessions
Chaffetz	Lee (NY)	Shadegg
Coble	Lewis (CA)	Shimkus
Coffman (CO)	Linder	Shuster
Cole	LoBiondo	Simpson
Conaway	Lucas	Smith (NE)
Crenshaw	Luetkemeyer	Smith (NJ)
Culberson	Lummis	Smith (TX)
Davis (KY)	Lungren, Daniel E.	Souder
Deal (GA)	Mack	Stearns
Dent	Manzullo	Sullivan
Diaz-Balart, L.	Marchant	Terry
Diaz-Balart, M.	McCarthy (CA)	Thompson (PA)
Dreier	McCarthy (NY)	Thornberry
Duncan	McCaul	Tiahrt
Ehlers	McClintock	Tiberi
Emerson	McCotter	Turner
Fallin	McHenry	Upton
Flake	McHugh	Walden
Fleming	McKeon	Wamp
Forbes	McMorris Rodgers	Westmoreland
Fortenberry	Mica	Whitfield
Foxx	Miller (FL)	Wilson (SC)
Franks (AZ)	Miller (MI)	Wittman
Frelinghuysen		Wolf
		Young (AK)
		Young (FL)

NOT VOTING—6

Bachmann	Sánchez, Linda T.	Stark
Barrett (SC)		
Braley (IA)	Speier	

□ 1230

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 2352, JOB CREATION THROUGH ENTREPRENEURSHIP ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 457, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 244, nays 175, answered ''present'' 1, not voting 13, as follows:

[Roll No. 274]

YEAS—244

Abercrombie	Griffith	Nadler (NY)
Ackerman	Grijalva	Napolitano
Adler (NJ)	Gutierrez	Neal (MA)
Altmire	Hall (NY)	Nye
Andrews	Halvorson	Oberstar
Arcuri	Hare	Obey
Baca	Harman	Olver
Baird	Hastings (FL)	Ortiz
Baldwin	Heinrich	Pallone
Barrow	Herseth Sandlin	Pascrell
Bean	Higgins	Pastor (AZ)
Becerra	Himes	Payne
Berry	Hinchey	Perlmutter
Bishop (GA)	Hinojosa	Perriello
Bishop (NY)	Hirono	Peterson
Blumenauer	Hodes	Pingree (ME)
Boccieri	Holden	Polis (CO)
Boren	Holt	Pomeroy
Boswell	Honda	Price (NC)
Boucher	Hoyer	Quigley
Boyd	Inslee	Rahall
Brady (PA)	Israel	Rangel
Bright	Jackson (IL)	Reyes
Brown, Corrine	Jackson-Lee (TX)	Richardson
Butterfield	Johnson (GA)	Rodriguez
Capps	Johnson, E. B.	Ross
Capuano	Kagen	Rothman (NJ)
Cardoza	Kanjorski	Roybal-Allard
Carnahan	Kaptur	Ruppersberger
Carney	Kennedy	Rush
Carson (IN)	Kildee	Ryan (OH)
Castor (FL)	Kilpatrick (MI)	Salazar
Chandler	Kilroy	Sanchez, Loretta
Childers	Kind	Sarbanes
Clarke	Kirkpatrick (AZ)	Schakowsky
Clay	Kissell	Schauer
Cleaver	Kosmas	Schiff
Clyburn	Kratovil	Schrader
Cohen	Kucinich	Schwartz
Connolly (VA)	Langevin	Scott (GA)
Conyers	Larsen (WA)	Scott (VA)
Cooper	Larson (CT)	Serrano
Costa	Lee (CA)	Sestak
Costello	Levin	Shea-Porter
Courtney	Lewis (GA)	Sherman
Crowley	Lipinski	Shuler
Cuellar	Loebsack	Sires
Cummings	Lofgren, Zoe	Skelton
Dahlkemper	Lowey	Slaughter
Davis (AL)	Luján	Smith (WA)
Davis (CA)	Lynch	Snyder
Davis (IL)	Maffei	Space
Davis (TN)	Maloney	Spratt
DeFazio	Markey (CO)	Stupak
DeGette	Markey (MA)	Sutton
Delahunt	Marshall	Tanner
DeLauro	Massa	Tauscher
Dicks	Matheson	Taylor
Dingell	Matsui	Teague
Doggett	McCarthy (NY)	Thompson (CA)
Donnelly (IN)	McCollum	Thompson (MS)
Doyle	McDermott	Tierney
Driehaus	McGovern	Titus
Edwards (MD)	McIntyre	Tonko
Edwards (TX)	McMahon	Towns
Ellison	McNerney	Tsongas
Ellsworth	Meek (FL)	Velázquez
Engel	Meeks (NY)	Visclosky
Eshoo	Melancon	Walz
Etheridge	Michaud	Wasserman Schultz
Farr	Miller (NC)	Waters
Fattah	Miller, George	Watson
Filner	Mitchell	Watt
Foster	Mollohan	Waxman
Frank (MA)	Moore (KS)	Weiner
Fudge	Moore (WI)	Welch
Giffords	Moran (VA)	Wexler
Gonzalez	Murphy (CT)	Wilson (OH)
Gordon (TN)	Murphy (NY)	Woolsey
Grayson	Murphy, Patrick	Wu
Green, Al	Murtha	Yarmuth
Green, Gene		

NAYS—175

Aderholt	Alexander	Bartlett
Akin	Austria	Biggert

Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Peters
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Buchanan

NOT VOTING—13

Bachmann
Bachus
Barrett (SC)
Barton (TX)
Berkley
Berman
Bishop (UT)
Braley (IA)
Klein (FL)
Sánchez, Linda T.
Speier
Stark
Van Hollen

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remaining.

□ 1239

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. FOXX. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 247, noes 175, not voting 11, as follows:

[Roll No. 275]

AYES—247

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—175

Aderholt
Akin
Alexander
Austria
Bachus
Bartlett
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Bachmann
Barrett (SC)
Barton (TX)
Bishop (UT)
Braley (IA)
Klein (FL)
Radanovich
Sánchez, Linda T.
Speier
Stark
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remaining.

□ 1247

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. KLEIN of Florida. Madam Speaker, I rise today to submit a record of how I would have voted on May 20, 2009 when I was unavoidably detained.

Had I voted, I would have voted "yea" on rollcall No. 274 and "aye" on rollcall No. 275.

CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2009

Mr. FRANK of Massachusetts. Mr. Speaker, pursuant to House Resolution 456, I take from the Speaker's table 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, with the Senate amendment thereto, and I have a motion at the desk.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment.

The text of the Senate amendment is as follows:

Senate 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).

MOTION OFFERED BY MR. FRANK OF MASSACHUSETTS

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. FRANK of Massachusetts moves that the House concur in the Senate amendment to H.R. 627.

The SPEAKER pro tempore. Pursuant to House Resolution 456, the motion shall be debatable for 1 hour equally divided and controlled by the Chair and ranking minority member of the Committee on Financial Services.

The gentleman from Massachusetts (Mr. FRANK) and the gentleman from Texas (Mr. HENSARLING) each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, to begin the debate, I recognize the major author and chief advocate for the credit card bill, dating back several years, and it is her diligent effort that is paying off today for the American consumer, the gentlewoman from New York (Mrs. MALONEY) for 4 minutes.

Mrs. MALONEY. I thank the gentleman for yielding and for his leadership on this and so many other issues.

Mr. Speaker, Congress is on the verge of passing landmark credit card reform. This bill will make the lives of hardworking, responsible Americans better. It will make their economic futures more predictable and their families more secure. It will level the playing field and restore balance to credit card contracts. It will end what the Fed has characterized as anti-competitive, unfair and deceptive practices.

I am very proud of the work that went into this bill by so many people, especially Chairman FRANK and Chairman DODD. It will have a positive impact everywhere and on anyone in this country who uses a credit card.

Over the past 3 years as I have labored on this bill with my colleagues, the need to stop credit card industry abuses has become ever more apparent with every passing billing cycle. Today, our families are being hard-hit in this economy, and some credit card companies are hurting our families by arbitrarily raising interest rates and changing the rules to increase their profits. This bill will put an end to these practices.

Many small businesses rely on personal credit cards, but we are seeing increased numbers of small business owners hit with increased penalties and interest rates and canceled credit for absolutely no reason, which is killing small businesses and hurting our economy. NFIB has endorsed this bill.

With these reforms, consumers will have more money to invest in the economy instead of paying off debt. A study by the Joint Economic Committee found that these abusive practices are slowing our recovery by effectively raising prices for consumers.

This bill is a reaffirmation of the principle of ''a deal is a deal'' and is the result of years of advocacy for this change by many of my colleagues, national consumer groups, civil rights organizations, labor unions, and business organizations. Americans want this bill. More than 50 editorial boards across this country have endorsed it.

In this Congress, under the leadership of Speaker PELOSI, Majority Leader HOYER, Subcommittee Chair GUTIERREZ and Chairman FRANK, we passed it with an overwhelming bipartisan vote of 357–70. Just yesterday the Senate passed it with a vote of 90–5 and maintained the core principles of the bill with many important additions.

My only regret with the Senate's action is that they voted to include a completely unrelated provision allowing guns in our national parks, rolling back a rule that was put into place by President Reagan that has absolutely no purpose on this bill and should be removed in a separate vote. And while I will vote against this provision later today, I do not think we should stop these important consumer protections for credit cardholders.

The President has asked us to send him this bill by Memorial Day. We have our chance to do that today. This is one credit card bill that the American people cannot afford to become past due.

I urge a ''yes'' vote.

Mr. HENSARLING. Mr. Speaker, I yield myself 5 minutes.

First, I observe this may be the seventh or eighth time we've had an opportunity to essentially debate the same bill. So I first want to congratulate the chairman of the full committee for a very open and deliberative process.

I also want to congratulate the gentlelady from New York. Although I very much disagree with the ultimate consequences of the legislation, certainly she has brought passion and tenacity to an issue and has seen it through the process. And to the extent that I can count votes in the minority where you have the luxury of being right about 99 percent of the time when you count votes, I'm sure her side is on the verge of victory.

But, Mr. Speaker, I just would say before my friends on the other side of the aisle high-five each other, they may want to do a high one or high two, but I'm not sure it's a high five.

I agree with the gentlelady from New York that there have been deceptive trade practices and misleading advertising by a number of credit card companies. This has to stop. There are a number of disclosure provisions that the Federal Reserve has presented after 3 years of a very careful study, a number of those provisions are mirrored in this particular legislation. I think the whole House agrees with those. Clearly, there needs to be consequences for companies that engage in this kind of behavior.

And in addition, we need to ensure that the laws that we have on the books, Mr. Speaker, are enforced: the Deceptive Trade Practices Act, the Truth in Lending Act, and other laws that we have on the books.

But, Mr. Speaker, just like when you hear in a tax debate that Congress is

getting ready to tax the rich, somehow the middle income have to hold on to their wallet; when you hear there's a piece of legislation that is aimed at reining in the credit card companies, well, John Q. Citizen had better watch out as well.

I'm afraid my friends on the other side of the aisle have been very effective through bailout legislation, stimulus legislation, omnibus legislation, a budget that creates more debt in the next 10 years than in the previous 220, they've been very adept at taking the cash out of Americans' wallets, and now with this legislation, many will have their credit cards removed by the Congress as well.

People know that Congress excels at one thing, and that is unintended consequences, and I fear, Mr. Speaker, there will be a number of unintended consequences through this particular legislation.

This legislation ultimately restricts economic opportunities. It has a version of price controls for late fees. It restricts the ability of credit card companies to engage in facets of what is called risk-based pricing, and ultimately what that means is, this legislation, notwithstanding the good portions of the bill which will create better and effective disclosure for consumers, but what it will ultimately do is a couple of things.

Number one, Mr. Speaker, this will force the good customers to yet, again, bail out the not-so-good customers. And it's interesting, Mr. Speaker, having debated this a number of times, there was an article that came out I believe in yesterday's New York Times, and this is isn't National Review or The Weekly Standard or Rush Limbaugh. It's the New York Times. I'd like to quote from portions of that article.

''Credit cards have been a very good deal for people who pay their bills on time and in full. Now Congress is moving to limit the penalties on riskier borrowers who have become a prime source of billions of dollars in fee revenue for the industry, and to make up for the lost income, the card companies are going after those people with sterling credit.''

Again, the observation of the New York Times.

Banks are expected to look at reviving annual fees, curtailing cash back and other rewards programs, and charging interest immediately on a purchase instead of allowing a grace period of weeks, according to bank officials and trade groups.

From the head of the American Bankers Association, those that manage their credit well will in some degree subsidize those that have credit problems.

Again, Mr. Speaker, I respectfully submit to you this is yet another piece of bailout legislation. Over 50 percent of Americans who have credit cards pay their bills in full and on time. There's another huge percentage who at least make the minimum payment on time. Why, why are we going to punish those——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HENSARLING. I yield myself 1 additional minute.

Why, Mr. Speaker, do we want to punish those people on behalf of those who don't do it right?

Now, some don't do it right because of circumstances beyond their control, but the way to address that is not to take away the rights and opportunities of others. That can be addressed through social safety net legislation. But others don't pay their bills simply because they're irresponsible. Why do the responsible have to bail out the irresponsible?

And we already see that we are in the midst of a huge credit contraction, Mr. Speaker. At a time when Americans are struggling to pay their mortgages, to pay for their groceries, to pay their health care costs, why, why would we want to make credit more expensive and less available? It is the completely wrong policy.

Now, again, I want to agree with the disclosure provisions. I also want to agree with the provisions in the bill that say that consumers ought to have a reasonable amount of time to close out their accounts under their old provisions and old interest rates, but otherwise, we need to reject this legislation.

I reserve my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself 1 minute.

The gentleman referred to money added to the budget. He talked about the bailout, et cetera.

□ 1300

I would remind Members that the $700 billion was asked for by the Bush administration, and it passed with Democratic support and the support of a significant minority on the Republican side, including the Republican leadership and a very heavy majority of Republican Senators. So, yes, that $700 billion was voted at the request of the Bush administration, with substantial bipartisan support.

There was, of course, also the matter of another $700 billion-or-so in the war in Iraq which I voted against. So I do regret some of these extra expenditures, but the responsibility is hardly that of one party.

And now I yield 2 minutes to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, I rise today in strong support of H.R. 627, the Credit Cardholders' Bill of Rights Act of 2009, introduced in the House by Congresswoman CAROLYN MALONEY from New York.

H.R. 627 will help consumers, especially Latinos, by eliminating harmful credit card industry policies and practices that have resulted in a dangerous accumulation in the Latino community of unsecured debt. It will empower Hispanics to reduce their reliance and dependence on credit cards, and help them build the assets and wealth they need for long-term economic stability, and to eventually attain the American Dream of homeownership.

As chairman of the Subcommittee on Higher Education, I strongly support the provisions in the bill that increase protections for students against aggressive credit card marketing and increased transparency of affinity arrangements between credit card companies and universities.

Mr. Speaker, this legislation is long overdue. It's imperative that we pass this bill and that the President sign it into law as soon as possible to begin the journey toward credit card reform.

Congresswoman MALONEY's legislation will help all individuals residing in the U.S. and will improve financial literacy of Americans across the board, which is the goal of the Financial and Economic Literacy Caucus I co-founded and currently co-chair with Congresswoman JUDY BIGGERT of Illinois.

I strongly encourage all my colleagues to support this very important and timely piece of legislation.

Mr. HENSARLING. Mr. Speaker, at this time I would like to yield 3 minutes to the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Speaker, since January, House Republicans have simply asked the Democrat majority in the House for a chance to debate an amendment on Second Amendment rights and to have a vote to allow citizens to carry firearms in national parks and wildlife refuges in accordance with State law.

Unfortunately, Democrat leaders have spent the last 5 months using every legislative trick in the book to obstruct a fair and open process. However, after Senator COBURN managed to force consideration of his amendment in the other body, Democrat leaders have finally cried uncle and decided to hold a debate and a vote.

Mr. Speaker, I applaud their capitulation.

During today's debate, you'll hear gun control advocates falsely claim that this amendment will increase poaching because American gun owners won't be able to resist the temptation to shoot wildlife encountered in national parks.

Mr. Speaker, their liberal base might believe this, but I doubt if the American people will. In fact, the fact is that American gun owners are simply citizens who want to exercise their Second Amendment rights without running into confusing red tape.

Opponents of this amendment will also call it unprecedented, far reaching and radical. But the fact is, it merely puts national parks and refuges in line with current regulations of national forest lands and Bureau of Land Management lands. Let me reiterate this. The Second Amendment rights are already in place in national forests and on Bureau of Land Management property.

The current policy is outdated, unnecessary, inconsistent and confusing to those who visit the checker board of public lands, and the policy needs to be changed, and this amendment does just that.

Finally, let me remind my colleagues that the current prohibition is only in place because of a lone activist Federal judge in Washington, D.C. who somehow rationalized that the Second Amendment should be subjected to environmental review and red tape bureaucracy—Second Amendment subjected to environmental review—and decided to singlehandedly throw out the previous policy. She did this, despite the fact that the previous administration had conducted months of review in a thorough public comment process.

Now, today, on this vote the House has the opportunity to right that wrong.

So, Mr. Speaker, I encourage my colleagues on both sides of the aisle to join me in restoring Americans' Second Amendment rights on Federal lands.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. I thank my chairman for allowing me to have these 2 minutes.

Mr. Speaker, I rise today to raise my voice in opposition to the Coburn amendment to H.R. 627, the Credit Cardholders' Bill of Rights.

Our economy is in trouble, and millions of consumers are hurting under the pressure of staggering credit card debt.

I am proud to support the hard work of my colleague, Congresswoman CAROLYN MALONEY, who has championed the Credit Cardholders' Bill of Rights, which will make the practice of credit card companies fairer, help dig consumers out of debt, and get our economy going.

But I am incredibly disappointed that this well-meaning bill has been hijacked and used as a political tool to ram a provision down the throats of Americans when they need our help to address more pressing issues.

Adding an amendment that will allow loaded guns into our national parks to a bill that is designed to help American families during an economic crisis shows an ignorance of the seriousness of our Nation's economic crisis and a disregard for the needs of its consumers. This amendment should not be part of this bill.

Our national parks are among our greatest treasures. We are blessed as a Nation with some of the most pristine and beautiful landscapes and open spaces in the world, and every year millions and millions of families from all walks of life travel from far and near to enjoy these amazing resources. When families are out experiencing the wonders of our lands, the last thing they should have to worry about is a threat or the possible threat of gun violence.

With the Coburn amendment, we are putting families at risk, which is wrong. And the method being used to push the bill is equally troubling. Are we going to have all of our bills coming over from the Senate with gun legislation on them?

I urge my colleagues to vote against the Coburn amendment and vote for H.R. 627.

Mr. HENSARLING. Mr. Speaker, at this time I would like to yield 3 minutes to the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Mr. Speaker, I am happy to be here to speak on this particular amendment.

There are, indeed, some in government who are very uncomfortable with the concept of an armed citizenry. That is nothing that is new.

Mr. Speaker, 234 years ago, on a spring day that's very similar to this one, a British commander in Boston sent out a detachment to Lexington and Concord for what he thought was a perfectly reasonable gun control measure. I mean, why would any rational person want to possess a gun on park-like greens and commons in those pleasant New England towns?

Unfortunately for General Howe, the patriots disagreed. And those same patriots were the ones who wrote our Constitution and gave the protection in the Second Amendment to gun rights.

The issue today is whether Congress will insist that the National Park Service live under the same rules that the national forests and the Bureau of Land Management areas have been under all the time.

There's nothing unique or new about this. It is simply a matter of conformity. The real winners in this amendment are law-abiding Americans who will no longer be treated as criminals, even though they're good people.

I give, for example, Damon Gettier, who was convicted of the heinous crime of driving through the Blue Ridge Parkway, which bisects his community towards his home one afternoon when he had a legally owned firearm in his car, which was legal in the State of Virginia, but not in the Park Service land a couple of blocks away.

Even the Federal judge admitted he, himself, had no idea it was unlawful to carry a firearm in a car in National Park Service land, though it was lawful in the State of Virginia. This man, nonetheless, was still penalized.

It is wrong. This rights that wrong. This brings continuity and it brings the National Park Service in line with every other public lands proposal that we have in this Nation. And I urge its adoption.

Ms. WATERS. Mr. Speaker, I yield myself 2 minutes.

It's unfortunate, Mr. Speaker and Members, that we have to deal with this misplaced Coburn amendment in what is a very good bill. The American taxpayers ought to be incensed.

We are trying to protect consumers against the practices of these credit card companies that have been ripping them off for so long, and here we have, placed in this bill, this irrelevant amendment that is dealing with guns and guns in parks.

It's a good bill. I support the bill. And I would like to thank Financial Institutions Chairman LUIS GUTIERREZ and Congresswoman MALONEY for their continued dedication and leadership on this issue. And I am a proud sponsor of H.R. 627.

I had no idea on the Senate side they would inject this amendment into the bill. It's about time that we reined in the abusive practices of credit card companies. For too long, credit card companies have squeezed consumers through every scheme imaginable, including double-cycle billing and universal default. This bill will finally give consumers the rights they deserve.

H.R. 627 bans double billing, double cycle billing. It bans universal default, and it flat out prohibits arbitrary interest rate increases. It even prohibits credit cards from raising rates during the first year that a credit card account is open, thereby eliminating the old bait-and-switch policies.

I am especially pleased that now credit card companies will have to allow consumers to opt in to overdraft plans, so that the $3 cup of coffee does not turn into a $35 overdraft charge.

Even with this bill, we know that credit card companies will still try to put the squeeze on the consumers. Already they are lowering the credit lines of borrowers in good standing, based on where the borrower shops. This is why this bill, H.R. 627, includes an amendment that I offered to require the Federal Reserve to report to Congress on the extent of these practices. With this study, we will have the information we need to further end these abusive practices.

I urge my colleagues to support H.R. 627, and I am hopeful that we can separate this bad Coburn amendment out of the bill.

Mr. HENSARLING. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I think, for the moment, I do wish to return to the credit card debate.

Again, Mr. Speaker, I fear that the legislation before us is going to be riddled with unintended consequences. Again, there are portions of the bill to which I think almost every Member of this body would agree. Consumers have been taken advantage of by misleading claims, by deceptive disclosures, and we must have effective disclosure written in legalese not voluminous disclosure. Rather, we need effective disclosure written in English, as opposed to voluminous disclosure written in legalese.

But we don't need to take away consumer's credit opportunities at a time when the market is already contracting from the economic recession. I mean, these credit cards are needed.

And again, Mr. Speaker, I fear that this legislation will take us back to a

bygone era, an era that most of us, frankly, don't want to revisit.

Now, in my earlier remarks I alluded to this New York Times piece, again, not exactly known as a bastion of conservative thought, but it is certainly a third-party validation to what many of us have been saying in this debate. But I allude to this New York Times article of May 19. And it talks about this bygone era, and in part of this article it says: ''Banks used to give credit cards only to the best customers and charge them a flat interest rate of about 20 percent, and an annual fee.'' Well, once certain usury laws have been relaxed, once there were technological innovations allowing this thing called risk-based pricing, something happened, Mr. Speaker, and that was, people who previously had no access to credit finally got access to credit.

□ 1315

Something else happened, Mr. Speaker. That is that those debtors who paid their bills on time, who were less risky, managed to pay a lower interest rate and managed to get rid of the dreaded annual fees. This is a piece of legislation that will take us back to a bygone era that most of us want to leave bygone. It is a step into the past.

The article in the New York Times goes on to say, ''The industry says that the proposals will force banks to issue fewer credit cards at greater cost to the current cardholders.''

Now, some may view that to be a good thing. Well, it's not necessarily the struggling families of the Fifth Congressional District of Texas. They want their credit cards. They want choices to be had. They want there to be honest disclosure that they understand, but they want choices in the marketplace.

Now, I may view this legislation differently, Mr. Speaker, if I thought there weren't competition in the marketplace, but we've heard testimony throughout this debate that there are over 10,000 different issuers of credit cards—10,000. We've seen contraction in the market due to the economic recession, and all this legislation is going to do is exacerbate that phenomenon.

So, again, this is a bailout bill. It's asking those who pay their bills on time and in full to bail out those who don't. So, again, we'll hear all of the rhetoric that we're slapping around the big credit card companies. Frankly, there are a number of their practices that deserve slapping around, but somebody else is going to get slapped around, and that is the borrower who pays his bill in full and on time. He is going to be punished. He is going to get slapped around by this legislation at a time when they can ill, ill afford it.

We've seen this before. We've heard testimony from, for example, community banks that tell us, if this legislation is passed—and I've heard this from banks in my own district—that ultimately the credit card portfolios of the smaller institutions are going to be ended or that they're going to be sold to the larger institutions. Less competition. Less opportunities.

We've heard from academics in this debate, like Professor Todd Zywicki from George Mason University. The increased use of credit cards has been a substitution for other types of consumer credit. If these individuals are unable to get access to credit cards, experience and empirical evidence indicates that they will turn elsewhere for credit.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HENSARLING. Mr. Speaker, I yield myself an additional minute.

They will turn elsewhere for credit, such as to pawnshops, to payday lenders, to rent-to-own or even to loan sharks. In some respects, maybe we ought to call this the Payday Lenders and Pawnshop Relief Act, because that will be the consequence. Now, I'm not trying to cast aspersions on their business models. Many consumers turn to them. That's not the point.

The point is this legislation is going to constrict consumer choice. We've seen similar legislation in the United Kingdom. They passed a law that capped default fees. What happened? Well, two of the three largest issuers promptly imposed annual fees on their cardholders. Nineteen of the largest raised interest rates, and by one independent study, 60 percent of new applicants were rejected. That's what happened in the U.K.

These are the unintended consequences of this legislation, and that is why I believe this conference report should be rejected at this time. There is a better way of doing this, Mr. Speaker, and it is with disclosure and with effective enforcement of any fraud laws.

Mr. FRANK of Massachusetts. Mr. Speaker, I now yield 2 minutes to a member of the committee who is one of the coauthors of this important bill, the gentleman from New York (Mr. MAFFEI).

Mr. MAFFEI. Mr. Speaker, I rise in strong support of sending this critical bill to the President for his signature. Enactment will stop deceptive and unfair practices by credit card issuers that have taken advantage of honest consumers.

I thank the chairman for his leadership, and I want to especially thank Congresswoman CAROLYN MALONEY.

When she started in this effort, the odds were dead set against her, and it was likely her efforts would run into stiff partisan opposition. Thanks to her leadership and hard work, this bill has very bipartisan support, passing this House this year by 357–70 and, yesterday, being approved by the Senate with an overwhelmingly bipartisan 90–5 vote.

Each time I am at home in my district, without fail, people share stories about their times with credit cards. One woman, Diana Lynn, from Baldwinsville, near Syracuse, recently noted that, in the fine print of her credit card, her interest rate had been raised from 14.25 to 21.5 percent for no reason, which was applied to her already existing balance. Diana runs an animal protection nonprofit and is taking care of her mother, who is in intensive care. Now, she is confident that she will eventually pay off this balance and will still maintain her good credit, but she is worried about those less well off, who are at the mercy of the credit card companies.

Hers is just one of the hundreds of stories that my office has heard. Today, we take action on their behalf. Under this legislation before us, Diana would have been protected. For too long, the credit card issuers have taken advantage of American families, of small businesses and even of churches that are too responsible to run away but are too poor to pay off their balances.

The Credit Cardholders' Bill of Rights means that credit card companies will no longer be allowed to act as loan sharks. The enactment of this bill is just the beginning. Just as the Bill of Rights in the Constitution provides a foundation for all of our laws that protect citizens' liberties, this bill will create a solid foundation for Congress to build upon in order to provide a needed floor for the industry to improve their practices and to highlight the need for consumer responsibility. This bipartisan coalition will continue to push for more transparency and fairness for consumers in upstate New York and throughout the country.

Mr. HENSARLING. Mr. Speaker, at this time, I would like to yield to the distinguished ranking member of the Financial Services Committee for as much time as he may consume, the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Speaker, I think all of us in this body have had constituents call and complain that what they saw were unfair and deceptive credit card practices, and in many cases, these practices were not fair.

As a result of that, the Financial Services Committee, working with the Federal Reserve, proposed—and the Federal Reserve has now adopted—changes. The things that have been talked about by Members of this body in the debate last week and in the debate today are taken care of in the Federal Reserve's requirements. In fact, they went through a long public process. They had over 60,000 public comments about the issues, and they issued, actually, 1,200 pages of changes in our credit card regulations. This included going up on balance fees. This included double-cycle billing. This included giving people a longer period of time from the time their statement was mailed to the time they had to get a payment in—all of the things, I think, that most of us have received calls on.

One matter that we raised when this bill was before us—and I want to commend the Senate, and I want to commend the Democratic majority in the House—was this idea in the original legislation that you could apply for a number of credit cards, but it would not go on your credit report until you activated that card. I think, as a result of the debate 2 weeks ago, we took a closer look at that, and we did pass an amendment by AARON SCHOCK, which, I think, will close the door to a lot of fraud in that regard. I appreciate the majority's support on that. I think the Senate further closed that loophole, and I think we've struck the right balance there.

As for the supporters of this bill, I don't question their sincerity, and I don't question their motivation. They and the American people want credit card reform. What we had said is there is tremendous reform in the Fed's proposals, in the Federal Reserve's proposals, and we felt like those ought to have a chance. We expressed why we were for those reforms which were going into effect next July and not for this bill.

One of our concerns—and I think that this bill will do this, and I hope I'm wrong—is that this legislation, I believe, will restrict credit for those who don't have the best credit reports. They're really the people who probably need credit the most. In fact, the subcommittee ranking member, Mr. HENSARLING, referred to a New York Times article. Now, that article and an article that appeared in today's Washington Post really express some of the same concerns that the gentleman from Texas and I expressed 2 weeks ago, which is that we are going to have several things happen as a result of this bill.

One is we're going to have a restriction of credit. The Washington Post article does quote from the Financial Services Roundtable, but they say that they believe that credit could be reduced by as much as $2 billion. That's not very good timing if that's done, ladies and gentlemen of the House.

As I have said and as I said yesterday in the Rules Committee, I fear that many Americans will not be able to renew their credit cards or I fear that their credit card lines will be reduced. Sometimes maybe this is good, but I think, in a time of economic crisis, it's going to be somewhat ill-timed.

The New York Times and The Washington Post both mention that they believe, as a result of this legislation, you are not going to see any offers to transfer balances at zero percent. They also say the most creditworthy customers, those who pay every month and who haven't had to pay interest, will probably have to as a result of these changes. They probably will be charged interest. There are predictions in here that there will be the return of higher fees. I hope these predictions don't pan out.

[From the New York Times, May 19, 2009]

CREDIT CARD INDUSTRY AIMS TO PROFIT FROM STERLING PAYERS

(By Andrew Martin)

Credit cards have long been a very good deal for people who pay their bills on time and in full. Even as card companies imposed punitive fees and penalties on those late with their payments, the best customers racked up cash-back rewards, frequent-flier miles and other perks in recent years.

Now Congress is moving to limit the penalties on riskier borrowers, who have become a prime source of billions of dollars in fee revenue for the industry. And to make up for lost income, the card companies are going after those people with sterling credit.

Banks are expected to look at reviving annual fees, curtailing cash-back and other rewards programs and charging interest immediately on a purchase instead of allowing a grace period of weeks, according to bank officials and trade groups.

''It will be a different business,'' said Edward L. Yingling, the chief executive of the American Bankers Association, which has been lobbying Congress for more lenient legislation on behalf of the nation's biggest banks. ''Those that manage their credit well will in some degree subsidize those that have credit problems.''

As they thin their ranks of risky cardholders to deal with an economic downturn, major banks including American Express, Citigroup, Bank of America and a long list of others have already begun to raise interest rates, and some have set their sights on consumers who pay their bills on time. The legislation scheduled for a Senate vote on Tuesday does not cap interest rates, so banks can continue to lift them, albeit at a slower pace and with greater disclosure.

''There will be one-size-fits-all pricing, and as a result, you'll see the industry will be more egalitarian in terms of its revenue base,'' said David Robertson, publisher of the Nilson Report, which tracks the credit card business.

People who routinely pay off their credit card balances have been enjoying the equivalent of a free ride, he said, because many have not had to pay an annual fee even as they collect points for air travel and other perks.

''Despite all the terrible things that have been said, you're making out like a bandit,'' he said. ''That's a third of credit card customers, 50 million people who have gotten a great deal.''

Robert Hammer, an industry consultant, said the legislation might have the broad effect of encouraging card issuers to become ever more reliant on fees from marginal customers as well as creditworthy cardholders—''deadbeats'' in industry parlance, because they generate scant fee revenue.

''They aren't charities. They have shareholders to report to,'' he said, referring to banks and credit card companies. ''Whatever is left in the model to work from, they will start to maneuver.''

Banks used to give credit cards only to the best consumers and charge them a flat interest rate of about 20 percent and an annual fee. But with the relaxing of usury laws in some states, and the ready availability of credit scores in the late 1980s, banks began offering cards with a variety of different interest rates and fees, tying the pricing to the credit risk of the cardholder.

That helped push interest rates down for many consumers, but they soared for riskier cardholders, who became a significant source of revenue for the industry. The recent economic downturn challenged that formula, and banks started dumping the riskiest customers and lowering their credit limits in earnest as the recession accelerated. Now, consumers who pay their bills off every month are issuing a rising chorus of complaints about shortened grace periods, new hidden fees and higher interest rates.

The industry says that the proposals will force banks to issue fewer credit cards at greater cost to the current cardholders.

Citigroup and Capital One referred comments to the A.B.A. Discover and American Express declined to comment. Bank of America intends to ''provide credit to the largest number of creditworthy customers possible, while also remaining prudent in our lending practices,'' said Betty Riess, a spokeswoman. Together with JPMorgan Chase, which has said the changes will force it to limit credit availability and raise fees, these banks account for 80 percent of the credit card industry.

Banks are not required to publicly reveal how much money they make from penalty interest rates and fees, though government officials and industry consultants estimate they constitute a growing portion of revenue.

For instance, Mr. Hammer said the amount of money generated by penalty fees like late charges and exceeding credit limits had increased by about $1 billion annually in recent years, and should top $20 billion this year.

Regulations passed by the Federal Reserve in December to curb unexpected interest charges would cost issuers about $12 billion a year in lost fees and income, according to industry calculations. The legislation before Congress would build on the Fed rules and would further squeeze banks' revenue when they are being hit with a high rate of credit card charge-offs. The government's stress tests showed that the nation's 19 biggest banks will take on $82 billion in credit card losses in the next two years.

A 2005 report by the Government Accountability Office estimated that 70 percent of card issuers' revenue came from interest charges, and the portion from penalty rates appeared to be growing. The remainder came from fees on cardholders as well as retailers for processing transactions. Many retailers are angry at the high fees and plan to pass them on to shoppers once the Congressional legislation takes effect.

Consumer advocates say they have little sympathy for credit card issuers, arguing that they have made billions in recent years with unfair and sometimes deceptive practices.

''The business model will change because the business model doesn't work for the public,'' said Gail Hillebrand, a senior lawyer at Consumers Union.

''In order to do business under the new rules, they'll actually have to tell you how much it's going to cost,'' she said.

With many consumers mired in debt and angry at what they consider gouging by credit card companies, the issue of credit card reform has broad populist appeal. Members of Congress and the Obama administration have seized on the discontent to push reforms that the industry succeeded in tamping down when the economy was flying high.

Austan Goolsbee, an economic adviser to President Obama, said that while the credit card industry had the right to make a reasonable profit as long as its contracts were in plain language and rule-breakers were held accountable, its current practices were akin to ''a series of carjackings.''

''The card industry is giving the argument that if you didn't want to be carjacked, why weren't you locking your doors or taking a different road?'' Mr. Goolsbee said.

[From the Washington Post, May 20, 2009]

CREDIT CARD RESTRICTIONS CLOSE TO ENACTMENT

(By Nancy Trejos)

Landmark credit card legislation, poised to reach President Obama's desk by Memorial Day, will force the card industry to reinvent itself and consumers to rethink the way they use plastic.

The Senate cleared a hurdle yesterday, voting 90 to 5 to pass a bill that would sharply curtail credit card issuers' ability to raise interest rates and charge fees. Lawmakers will now turn to reconciling differences with a similar bill approved by the House last month. Swift passage was expected given that the Senate version received so much bipartisan support and that the White House has pressed for action.

When Obama signs the bill into law as expected, the $960 billion credit card industry will go through a restructuring that could have broad implications for consumers.

The bill prohibits card companies from raising interest rates on existing balances unless a borrower is at least 60 days late. If the cardholder pays on time for the following six months, the company would have to restore the original rate. On cards with more than one interest rate, issuers will have to apply payments first to the debts with the highest rates, which would help borrowers pay off their cards more quickly.

Treasury Secretary Timothy F. Geithner said the bill ''will help create a more fair, transparent and simple consumer credit market.''

Card executives said the changes will force them to charge higher rates and annual fees to delinquent customers and those in good standing.

''This bill fundamentally changes the entire business model of credit cards by restricting the ability to price credit for risk,'' said Edward L. Yingling, the chief executive of the American Bankers Association. He said that lending would become more risky and that, ''It is a fundamental rule of lending that an increase in risk means that less credit will be available and that the credit that is available will often have a higher interest rate.''

Scott Talbott, senior vice president of government affairs for the Financial Services Roundtable, an industry group, said available credit could be reduced by as much as $2 billion.

When credit cards were introduced about 50 years ago, issuers practiced a one-size-fits-all approach of charging an annual fee and roughly the same interest rate of about 18 percent to everyone. As the industry became more deregulated in the 1980s, around the time that credit scores were introduced, issuers were able to separate the risky from the not-so-risky borrower and tailor the terms of card contracts.

The money they made from customers who did not pay their bills in full each month became an important revenue source. The industry makes $15 billion annually from penalty fees, and one-fifth of consumers carrying credit card debt pay an interest rate above 20 percent, according to figures cited by the White House and compiled from the Government Accountability Office and the Federal Reserve.

To make up for the lost revenue, card issuers will turn to those customers who pay what they owe in full and on time every month, analysts said. Gone will be the days when creditworthy customers enjoyed the benefits of low interest rates and cards that offer rewards such as frequent flier miles and cash back, they said. Annual fees, which had been banished to cards with rewards programs, are likely to return. Offers for zero percent balance transfers are likely to become more rare.

''This industry will start looking more like a one-size-fits-all pricing approach which dominated in the '80s—18 percent interest and $20 annual fees,'' said David Robertson, publisher of the Nilson Report, which covers the industry. Customers who pay in full each month will have ''to start picking up the slack, to start pulling their weight.''

Consumer advocates and legislators pointed out that the legislation still allows issuers to raise interest rates for future purchases as long as they give 45 days' notice. It also does not set any interest rate caps, allowing issuers to charge new customers any rate they want.

''This ominous we're-going-back-in-time threat doesn't make a whole lot of sense,'' said Travis B. Plunkett, legislative affairs director at the Consumer Federation of America.

Bruised by a rise in delinquencies and a record percentage of debts they have had to write off, some of the biggest players in the card industry, including Bank of America, Capital One and Chase, have already been increasing interest rates and cutting credit limits even on customers who pay on time.

Credit card issuers have come under fire for such any-time, for-any-reason interest rate increases at a time when consumers are buckling under the weight of debt. Outraged consumers have complained of mistreatment from the same companies that have been receiving federal bailout money.

The Senate bill, written by Banking Committee Chairman Christopher J. Dodd (D-Conn.), would also restrict the ability of college students to get credit cards and require card companies to make contracts easier to understand and available online.

The House bill, authored by Rep. Carolyn B. Maloney (D–N.Y.), largely mirrors regulations passed by the Federal Reserve in December that would ban many so-called unfair and deceptive practices. Both the House and the Fed's efforts are considered weaker than the Senate bill. Analysts and industry insiders said the fact that the Senate bill received so many votes is a good indication that it will make it to Obama.

The Federal Reserve's new rules do not go into effect until July 2010. The House and Senate bills seek to accelerate that timeline. The Senate bill would be enacted nine months after signing and the House bill 12 months after.

I want to mention one final thing. The gentlelady from California said that Senator COBURN's amendment was misplaced. I want to say that it's well-placed, and when that comes up, I want to urge the Members to support it and to vote ''yes.'' I applaud the action taken by Mr. COBURN in the Senate. I think it's important to law-abiding citizens who want to exercise their Second Amendment rights.

The gentleman from Washington (Mr. HASTINGS) pointed out that one Federal judge in one district in Washington arbitrarily, through a ruling, confused the law and changed the law—law by judge. I want to associate myself with the remarks of the gentleman from Washington. The Coburn amendment will provide uniformity on regulations governing the possession of firearms in national parks and refuges, which is of particular concern in carry and in right-to-carry States.

In my own Alabama, a citizen could be exercising his State-granted, concealed carry right and then enter into, for example, the Cahaba River National Wildlife Refuge, in my district, and be subject to a violation of Federal regulations, requiring weapons to be unloaded and to be kept out of reach.

I've cosponsored the National Parks Firearm Bill here in the House to address what is a patchwork of regulations. To me, it would be a violation of the Constitution and of our Forefathers' intent if someone exercising his Second Amendment right were to suddenly cross a line, go into a national park and find himself facing a Federal judge and a fine because of the uncertainty.

I urge my colleagues to vote ''yes'' on the Coburn amendment, which would eliminate the conflicting Federal regulations and would allow honest citizens to carry firearms in national parks and in wildlife refuges.

□ 1330

I urge each of my colleagues—and I know that credit card companies are not very popular—but I urge them to look at those Federal proposals that are going into effect with or without this bill and decide whether they want to roll the dice on legislation that could very well in the next few months result in greater costs and fees.

Yes, there are very many good things in this bill. I say that to the gentlelady from New York and the gentleman from Massachusetts, the chairman. Very good things. But I think that 99 percent of them are contained in the proposals by the Federal Reserve that will be implemented and have been carefully thought out.

Mr. FRANK of Massachusetts. I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Thank you very much for yielding. I want to speak in favor of the bill and very adamantly opposed to the amendment. I think people are just misaddressing the whole issue. National parks have the significance of being national. And if you think that it's okay to carry guns in national parks, why not carry them into the National Cemetery, into the national White House, into the national Capitol, into the National Arboretum. The list goes on and on. This is a dumb amendment—and Congress should be embarrassed that we have to vote on it.

People go to the national parks for a specific purpose—to enjoy the serenity of wildlife. Now you're going to have some gun nut come in there and see something rustling at night and decide that maybe, Oh, I'm being attacked by a wild animal, or maybe something is going on out in the bushes.

There are going to be problems with this. It doesn't make any sense. This is a credit card bill. And there's no purpose in the credit card bill to have a gun bill.

We talk a lot about pork in this House. I think this is an act of chicken.

Anyway, this is a bad amendment, and I hope that you'll vote ''yes'' on

the first vote and ''no'' on the second vote.

Mr. HENSARLING. Mr. Speaker, may I inquire how much time is remaining on both sides.

The SPEAKER pro tempore. The gentleman from Texas has 4½ minutes and the gentleman from Massachusetts has 16½ minutes.

Mr. HENSARLING. Mr. Speaker, I yield myself the balance of our time.

First, Mr. Speaker, I don't spend all of my time observing the processes and procedures and ways of the other body so I don't know how these two particular issues managed to get commingled. Having said that, I can't think of any bad time to stand up for the Second Amendment rights of our citizenry. Again, it appears to me that one lone, perhaps rogue Federal judge has tried to put a dent into the Second Amendment rights of our citizens.

I was happy in the last Congress to introduce H.R. 5434, the Protecting Americans from Violent Crime Act, that would have taken care of this issue. Again, this is a bedrock principle embedded in our Constitution. The citizens need to have their right to keep and bear arms protected, even on this Federal property, particularly when incidences of violence at Federal parks has shown increases, upticks. But regardless, we cannot allow the Constitution of the United States to be amended in such an unconstitutional fashion. So I'm happy to raise my voice in support of that.

Back to the credit card issue at hand—and I will try not to use the entire 4½ minutes. We have had testimony from the Congressional Research Service, we have had testimony from academics, we have had testimony from community bankers. We have seen the history. We have seen the history of what has happened in Great Britain.

There are huge unintended consequences associated with this legislation. The people who pay their credit card bills in full, on time, are about to be punished. They will be forced to bail out those who don't. They will end up paying annual fees. They will end up paying higher interest rates. They will see such things as member rewards programs contract.

I believe this to be patently unfair, Mr. Speaker, and it will be caused by this legislation. Again, I think the intentions are pure. I think the intentions are noble. But such will be the consequences of this legislation.

In the middle of a huge credit crisis we will take credit cards away from people who desperately need them. We will end up taking them away from families like the Blanks family of Fruitdale in the Fifth District of Texas, who wrote to me, ''Congressman, my new business would not have been started if not for my credit and credit cards. My existing job will be gone, and it is forcing me to do what I really want to do anyway.'' He goes on to say, ''I couldn't have achieved the American Dream without credit cards.''

I fear under this legislation that families like the Blanks family of Fruitdale will lose their credit cards.

I heard from the Vehon family in Rowlett, also in the Fifth District of Texas. ''In the fall of 2004, my wife and I were laid off from our jobs at the same time. Needless to say, the layoff was quite a shock, and without access to our credit cards at the time, frankly, I don't know what we would have done.

''Due to the flexibility that credit cards can supply to responsible people in challenging times like I have described, we were able to stay pretty current on our bills.''

I heard from the Juarez family in Mesquite, Texas, that I have the honor of representing in Congress. ''I oppose this legislation, as I have utilized my credit cards to pay for some costly oral surgeries. I do not want to get penalized by this legislation for making my payments on time.''

Again, Mr. Speaker, this legislation is not fair to the Juarez family, it is not fair to the Vehon family, it is not fair to the Blanks family, it is not fair to millions of other families across our land who desperately need their credit cards. And I urge that we reject this conference report.

I yield back the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume. Let me begin by responding to the gentleman from Texas' reference to small business. The National Federation of Independent Business supports this bill. So the suggestion that this will somehow have a negative effect on small business is repudiated by the active support for the bill of the organization that has generally been identified as the major spokes-organization for that, the National Federation of Independent Business.

Secondly, there was a premise here that I find very faulty. The gentleman from Texas quoted the New York Times and others, and they have said—Mr. Speaker, I'm going to interrupt myself at this point, if I may. The chairman of the Appropriations Subcommittee on the Interior has come in. I assume he wanted to speak.

I will now yield 2 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Thank you, Mr. Chairman. I rise in strong opposition to the Coburn amendment, which was adopted in the other body. It will make our parks less safe. According to the FBI, our national parks currently are among the safest place in the country. The current regulations were put in place by Ronald Reagan and James Watt, and what they want to do here is change that. I think it's a big mistake.

There were only 1.65 violent crimes per 100,000 visitors in 2006. Compare that to nearly 470 violent crimes per 100,000 for the nationwide average. Clearly, the argument that these guns are needed for visitors to be safe is simply not true.

The Coburn amendment would allow many everyday disturbances, especially if alcohol is involved, to spin out of control towards a possibly lethal end. The dedicated park rangers and wildlife refuge staff would be put at risk and their jobs would become even more difficult. Also, wildlife will be at risk with increased poaching if visitors are able to carry loaded weapons into the parks. In addition to more poaching, vandalism would increase, putting fragile natural resources at risk.

The former rangers, the former retirees from the Park Service have all stated unanimously that this thing is not needed. I think that it would be upsetting for many visitors to the parks to know that they run a risk of an encounter with someone who's carrying a loaded gun.

With the number of school groups who visit these places, it would be a real shame that their attendance drops due to the fear of loaded weapons.

So I strongly, as chairman of the Interior and Environment Appropriations Subcommittee, oppose this amendment and urge it to be struck from this legislation, and I thank the chairman for yielding.

Mr. FRANK of Massachusetts. I yield myself such time as I may consume. I repeat, the National Federation of Independent Businesses says this is good for small businesses, this bill, because they have been victimized. It will in no way cause there to be a failure to offer a credit card to a business that can pay it back. Nothing in this bill remotely suggests that.

There was also, as I said, a somewhat implausible argument. The New York Times quoted people in the credit card industry saying, If you do this, we won't like it, and we may raise rates.

The notion that if we pass this bill rates will be raised on the great majority makes this mistake. The assumption is that there is money now laying on the table that the beneficent credit card companies voluntarily forgo. Under the principles of free enterprise, the business is legally entitled and motivated to charge as much as it can. That argument only makes sense if you think they are voluntarily reducing money that they could get from some of the customers. Of course, they're not. No one expects them to.

But the most important thing here is the conflict that I see in my friend on the other side. The gentleman from Alabama repeatedly said what we should do is stick with the Federal Reserve's rules. The gentleman from Texas, as I heard him, didn't say that.

There's a difference here. This is a case—and maybe they caught it, and maybe not. It may be one of those cases where the right hand doesn't know what the far-right hand is saying. Because to the extent that there is any restriction on rates, it is identical in the Federal Reserve's rules as in this bill.

So there is a fundamental difference between the approach taken by the

gentleman from Alabama and the gentleman from Texas. The gentleman from Alabama says, Adopt what the Fed said. The gentleman from Texas specifically objected to that provision in our committee. And what the New York Times article is aimed at—the quotes from the credit card people—is that provision that's in the Federal Reserve.

By the way, it does nothing to cap interest rates going forward. That is a straw argument. The only restriction on rates here, on interest rates, is to say that you cannot raise them retroactively.

Now the Federal Reserve also says that. So the gentleman from Alabama agrees. The gentleman from Texas, who's an honest believer in no restrictions, says ''no.'' In fact, in our committee debate he cited an example of when he thought a company would be justified in raising rates retroactively.

He said, Suppose someone owes a company interest on debt already incurred and has been meeting the regular scheduled payments, but either goes to prison or loses his or her job. The gentleman from Texas said, If you have been paying the credit card company on a regular basis, and you lose your job, they should be legally allowed to raise the rates on what you already owe them.

We disagree. So does the Federal Reserve. So, apparently, does the gentleman from Alabama, because he supports what the Federal Reserve says.

Mr. HENSARLING. Will the gentleman yield?

Mr. FRANK of Massachusetts. I will yield to my friend from Texas.

Mr. HENSARLING. Was that not already embedded in the legislation, in that one of the four opportunities for credit card companies to raise interest rates retroactively is when people don't meet their workout plans. Would that not be one of the reasons?

Mr. FRANK of Massachusetts. The gentleman is quite wrong. I said—and he didn't listen, as he may not have listened to the gentleman from Alabama, because he didn't express disagreement with him—I said, If people are meeting their obligation under the bill that we put forward and under the Federal Reserve's rules, if you're meeting your obligations, if you're making your payments on time, they cannot raise your rates retroactively.

I see members of the staff checking it out. They will find out what I'm saying is accurate.

If you are meeting your obligations, you cannot have the rate raised. What the gentleman from Texas said is, Suppose you lose your job. Well, losing your job, if you are otherwise meeting your obligations, should not mean that they can raise your rate retroactively. We are only talking about in this bill retroactive raises. There is no limitation going forward.

Now the gentleman from Alabama also said, Well, if the Federal Reserve is right—the gentleman from Texas doesn't like what the Federal Reserve did—the gentleman from Alabama said, If the Federal Reserve is right, why don't you stop there?

□ 1345

Because we do some things the Federal Reserve doesn't do, one. Two, because many of us believe—and I have to say, my conservative friends flip-flop on the Federal Reserve issue with a speed that dazzles me. Sometimes the Federal Reserve is this undemocratic institution which people worry about. Other times we should delegate significant legislative authority to them.

I'm glad they acted. By the way, the Federal Reserve only acted after party control of the Congress changed. In 2007 we began to move on this, and then they acted.

There's another side point. Let me say this. Several of my colleagues said, Well, this has got good stuff in it. It's got disclosure. You know, if the Republicans, when they were in the majority, had broken out of this absolute slavish assumption that no regulation is ever any good, in effect—they don't say it quite like that, but that is the practical effect—if they had, when they were in power from 1995 to 2006, passed something that had the good parts of this bill, we might have not been here today on this bill because that might have chastened the companies. So they now find things in this bill that they like, but they refuse to do them. The gentleman from New York was pushing for some of this.

During their 12 years—and by the way, that's a pattern. During the 12 years of Republican rule, there were no financial regulations. There was some deregulation. There was nothing about the subprime or credit cards. We came to power and have begun to deal with it. We are dealing with the negative consequences of lack of regulation.

But to go back to the point, we go beyond the Federal Reserve. There is one area where, regrettably, we don't go beyond the Federal Reserve. The gentleman from Alabama correctly noted that our colleague from Illinois (Mr. SCHOCK) had a good amendment involving your credit rating. Unfortunately, while we accepted that amendment, it was left out of the final bill because of the objections of the ranking Senate Republican, the gentleman from Alabama, Mr. SHELBY.

I fought for the inclusion of the gentleman from Illinois' amendment. I spoke to him. I urged him to join in, but it was reported to me by the leadership of the committee that that amendment from the gentleman from Illinois was unfortunately rejected by the objections of Mr. SHELBY. So we didn't get that one.

We did get a very good amendment that the Federal Reserve didn't have, sponsored by the gentleman from North Carolina (Mr. JONES), to require that the estate of a decedent be correctly done. We also have some rules in here about not sending credit cards to people under 18.

By the way, the notion that this market works perfectly is somewhat rebutted by the fact that we're told that one of the crises now coming is credit card debt that's going to be a problem, securitized credit card debt because there were some imprudent things. So if this bill means that there will be some credit cards that won't be issued, good. Because they have been imprudent in doing that. But people who pay will not have a problem.

So just in summary, this bill does not restrict credit card interest going forward. Maybe that's what they did in the United Kingdom. It does not interfere with small business, in the opinion of the National Federation of Independent Business. It agrees with the Federal Reserve that you should not raise rates retroactively. On that one, it's the gentleman from Alabama, the Federal Reserve, and myself; the gentleman from Texas and some others who are on the other side, a legitimate difference of opinion. But we also have some consumer protections not in what the Federal Reserve did.

I would also say, this notion that we should leave public policy to the unelected Federal Reserve and that Congress should not step in also and act I think is one that underestimates the role of elected officials and democracy in our country.

Now I disagreed with the gun amendment. I wish it hadn't been in there. I don't control the rules in the Senate. I intend to vote against it. In my judgment, the value of the credit card bill outweighs the harm that I think that would do. I would say, some Members on the other side may have a dilemma. Many of them strongly welcomed the amendment of the gentleman from Oklahoma. But understand that unless both pieces pass, nothing passes. So no matter how strongly you support the gentleman from Oklahoma's amendment, if Members succeed in defeating the credit card part of it, that fails.

I do have to caution them that the Federal Reserve cannot come to their rescue, as they are prone to have it do. They may want to delegate legislative powers to the Federal Reserve. I don't. But I do not think the Federal Reserve, in the most expansive reading of section 13(3), can mandate that you carry a gun in a national park.

So, Mr. Speaker, I hope that the credit card part passes, that the gun part does not; but in any case, I hope that this bill is sent to the President.

Ms. McCOLLUM. Mr. Speaker, I rise today in strong support of a "gun free" Credit Cardholders' Bill of Rights, a bill which is intended to protect American consumers and requires financial institutions to work responsibly with their customers. This legislation will eliminate the most egregious billing excesses imposed on customers and protect them from extreme fees and penalties. I commend Congresswoman MALONEY and Chairman FRANK for their leadership to pass this important legislation.

Unfortunately, Credit Cardholders' Bill of Rights was returned to the U.S. House tainted

by an irresponsible amendment offered by Senator TOM COBURN and supported by sixty-six other U.S. Senators clearly more interested in their National Rifle Association rating than public safety. Senator COBURN's amendment to allow people to carry loaded, concealed firearms in America's National Park System is nothing short of insane and a political game played at the expense of millions of families who will visit our national parks seeking enjoyment, recreation, and peace. By permitting loaded guns in national parks, the Coburn amendment endangers the safety of park visitors, park rangers, and wildlife.

America's national parks are some of our country's most precious national treasures. Our national parks are not only the millions of acres of wild lands but also include urban parks like New York's Statue of Liberty and the National Mall and Lincoln Memorial in Washington, DC—just footsteps from the U.S. Capitol. What rationale is there for the need to carry a concealed weapon on the steps of the Lincoln Memorial? The only rationale can be for politicians to score political points with the NRA.

Families and foreign visitors to our national parks should be worried, I am. Individuals carrying loaded, concealed weapons would be allowed to attend ranger-led hikes and campfire programs along with families. Park Rangers, who are already the most assaulted federal officers in the country according to the National Parks Conservation Association, would face even greater life threatening safety risks. And park visitors would no longer have the assurance that our national parks are safe, secure places for themselves and their families.

I am not alone in this position. Last year, in a letter to the Secretary of Interior, seven former directors of the National Park Service voiced strong concerns with allowing loaded guns in national parks, citing increased risk of poaching, vandalism of historic resources, and risk to visitors. The Association of National Park Rangers and U.S. Park Rangers Lodge, Fraternal Order of Police, have stated that allowing visitors to carry readily-accessible, loaded firearms would impede both their safety and the ability to keep our parks safe.

This is a shameful example of the failure of the legislative process and I would urge President Obama to veto the Credit Cardholders' Bill of Rights and send it back to Congress to take the guns out.

Mr. MICA. Mr. Speaker, though I found several provisions in this bill today to be good, I am afraid that in the long-run this legislation will hurt credit card consumers, so I reluctantly voted against it.

Some worthwhile provisions of note include consumer protections. Raising interest rates without fair and timely notice is wrong, as is applying a penalty interest rate to your existing debt. Another good provision provides for adequate time to receive and pay your bill on time using the mail. I particularly liked the section that protects young people from getting in over their heads before they even start adult life.

My concerns are that there will be fewer credit cards and less credit to individuals and businesses that need it. Fees will go up on those who tried to pay on time.

I am afraid this bill in the end will extend our recession, cost those who currently hold cards more and deny those seeking cards access to the credit they need very badly.

Mr. FRANK of Massachusetts. I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 456, the previous question is ordered.

The question of adoption of the motion is divided. The first portion of the divided question is: Will the House concur in all of the provisions of the Senate amendment other than section 512?

The question is on the first portion of the divided question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FRANK of Massachusetts. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the first portion of the divided question, that is, concurring in all but section 512 of the Senate amendment will be followed by 5-minute votes on the second portion of the divided question, concurring in section 512 of the Senate amendment, if ordered; and suspending the rules and agreeing to House Resolution 297, if ordered.

The vote was taken by electronic device, and there were—ayes 361, noes 64, not voting 8, as follows:

[Roll No. 276]

AYES—361

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp
Campbell
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
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
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—64

Bachus
Bishop (UT)
Blackburn
Boehner
Bonner
Brady (TX)
Broun (GA)
Burton (IN)
Cantor
Carter
Chaffetz
Coble
Conaway
Davis (KY)
Deal (GA)
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Goodlatte
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Inglis
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
Kline (MN)
Lamborn
Latta
Linder
Lucas
Mack
Marchant
McCarthy (CA)
McClintock
McHenry
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Myrick
Neugebauer
Nunes
Olson
Paul
Pence
Poe (TX)
Price (GA)
Roskam
Royce
Ryan (WI)
Scalise
Sessions
Shadegg
Smith (NE)
Sullivan
Thompson (PA)
Thornberry
Tiahrt
Westmoreland

NOT VOTING—8

Bachmann
Barrett (SC)
Braley (IA)
Hinojosa
Polis (CO)
Sánchez, Linda T.
Speier
Stark

□ 1415

Messrs. NUNES and GARY G. MILLER of California changed their vote from ''aye'' to ''no.''

Messrs. BILBRAY, MINNICK, RADANOVICH, AKIN and GINGREY of Georgia changed their vote from ''no'' to ''aye.''

So the first portion of the divided question was adopted.

The result of the vote was announced as above recorded.

So the first portion of the divided question was adopted.

The result of the vote was announced as above recorded.

Stated for:

Mr. HINOJOSA. Mr. Speaker, on rollcall No. 276, had I been present, I would have voted "aye."

The SPEAKER pro tempore (Mr. HOLDEN). The second portion of the divided question is: Will the House concur in section 512 of the Senate amendment?

The question is on the second portion of the divided question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ROGERS of Michigan. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 279, nays 147, not voting 7, as follows:

[Roll No. 277]

YEAS—279

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Baca
Bachus
Barrow
Bartlett
Barton (TX)
Bean
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Cardoza
Carney
Carter
Cassidy
Chaffetz
Chandler
Childers
Coble
Coffman (CO)
Cole
Conaway
Costa
Costello
Courtney
Crenshaw
Cuellar
Culberson
Dahlkemper
Davis (AL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (TX)
Ehlers
Ellsworth
Emerson
Etheridge
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Gene
Griffith
Guthrie
Hall (TX)
Halvorson
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hodes
Hoekstra
Holden
Hunter
Inglis
Issa
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kennedy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Marshall
Massa
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Mollohan
Moran (KS)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Ortiz
Pallone
Paul
Paulsen
Pence
Perlmutter
Perriello
Peterson
Petri
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Putnam
Radanovich
Rahall
Rehberg
Reichert
Reyes
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (OH)
Ryan (WI)
Salazar
Scalise
Schauer
Schmidt
Schock
Schrader
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Tanner
Taylor
Teague
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Turner
Upton
Walden
Walz
Wamp
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NAYS—147

Abercrombie
Ackerman
Andrews
Baird
Baldwin
Becerra
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carson (IN)
Castle
Castor (FL)
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Crowley
Cummings
Davis (CA)
Davis (IL)
Delahunt
DeLauro
Dicks
Doggett
Doyle
Edwards (MD)
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Gonzalez
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Himes
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kirk
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey (MA)
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Nadler (NY)
Napolitano
Neal (MA)
Olver
Pascrell
Pastor (AZ)
Payne
Peters
Pingree (ME)
Price (NC)
Quigley
Rangel
Richardson
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Slaughter
Snyder
Sutton
Tauscher
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Yarmuth

NOT VOTING—7

Bachmann
Barrett (SC)
Braley (IA)
Polis (CO)
Sánchez, Linda T.
Speier
Stark

□ 1424

Messrs. HINOJOSA and DAVIS of Illinois changed their vote from ''yea'' to ''nay.''

So the second portion of the divided question was adopted.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. KENNEDY. Mr. Speaker, it was my intention to vote "nay" on question of passage of Senate Amendment 512 of H.R. 627 (rollcall vote 277). I case a vote of "aye" in error. I strongly support regulations to restrict individuals from bringing concealed or loaded weapons into our country's national parks.

RECOGNIZING NATIONAL MISSING CHILDREN'S DAY

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 297.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TONKO) that the House suspend the rules and agree to the resolution, H. Res. 297.

The question was taken.

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

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 423, noes 0, not voting 10, as follows:

[Roll No. 278]

AYES—423

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
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 (PA)
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
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
Delahunt
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)
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
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
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)
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
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
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

Bachmann
Barrett (SC)
Braley (IA)
Frelinghuysen
Murtha
Polis (CO)
Rush
Sánchez, Linda T.
Speier
Stark

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LUJÁN) (during the vote). There is 1 minute remaining.

□ 1433

Mr. JOHNSON of Georgia changed his vote from ''no'' to ''aye.''

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.

GENERAL LEAVE

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on H.R. 627 and include extraneous material thereon.

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

There was no objection.

PERSONAL EXPLANATION

Mr. MEEKS of New York. Mr. Speaker, on roll call No. 277, I inadvertently voted ''aye.'' I meant to vote ''nay.'' I want the RECORD to properly reflect that.

GENERAL LEAVE

Ms. VELÁZQUEZ. 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 gentlewoman from New York?

There was no objection.

JOB CREATION THROUGH ENTREPRENEURSHIP ACT OF 2009

The SPEAKER pro tempore. Pursuant to House Resolution 457 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2352.

□ 1435

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2352) to amend the Small Business Act, and for other purposes, with Mr. HOLDEN in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Missouri (Mr. GRAVES) each will control 30 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I rise in support of this measure which will update and improve the SBA's ED programs. This bill is a bipartisan product and will not only strengthen small firms but will help them create new jobs for American workers.

This week, we are honoring our Nation's job creators, the entrepreneurs who generate roughly 70 percent of all new positions. As we celebrate Small Business Week this year, we find ourselves in a different place than in celebrations past. The economic landscape has changed considerably, and in the face of an historic recession, small firms cannot always go it alone. After all, starting and running a small business is no easy lift, even when times are good. That is why the Job Creation Through Entrepreneurship Act is so important. It revs up the engine of our economy, the entrepreneurs who are creating jobs and changing the way our country does business.

This bill gives small firms the tools they need to flourish. By enhancing SBA's entrepreneurial development programs, it will help existing businesses grow and allow aspiring entrepreneurs to get off the ground. These resources are critical. In fact, small firms that use them are twice as likely to succeed than those that don't. But unfortunately, many of these initiatives are outdated and underfunded. Today, we will take important steps to ensure they are running at full capacity.

Despite declines in corporate America, the entrepreneurial spirit is alive and well. Every month, 400,000 new businesses start up across the country. Imagine if each of those firms had access to resources like business development training. Through H.R. 2352 they will. This bill provides entrepreneurs with the tools they need to do everything from draft a business plan to secure equity capital. These services put small firms on a level playing field, allowing them to compete in virtually any sector, including the Federal marketplace.

Although most industries are struggling, the Federal marketplace is booming. With billions of stimulus dollars now in play, that sector presents

enormous opportunity for entrepreneurs. But before they can crack the industry, small firms will need to know its ins and outs. H.R. 2352 provides the training they need to do so. It also offers the necessary technology.

In order to adapt to new markets, many entrepreneurs will need to retool their operations. Through cutting-edge technology programs, this bill allows entrepreneurs everywhere to access the information they need. In doing so, it encourages entrepreneurship in places where it might not otherwise grow. For struggling rural regions and inner cities, H.R. 2352 will be an economic catalyst. It will also reflect the changing face of American business. More and more, women, veterans, and Native Americans are starting their own firms. For these people, entrepreneurship is more than a means of employment; it is a path to economic independence.

From rejuvenating rural regions to promoting entrepreneurship in underrepresented communities, ED makes good economic sense. And in fact, every $1 put into the program puts another $2.87 into the Treasury. If you ask me, that's a pretty good return on investment. By modernizing and enhancing the program, the returns will only get better. Because at the end of the day, strengthening entrepreneurial development programs empowers small businesses, allowing them to grow and, perhaps most importantly, create new jobs for American workers.

I reserve the balance of my time.

Mr. GRAVES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in support of H.R. 2352, the Job Creation Through Entrepreneurship Act of 2009. This legislation reauthorizes some of the SBA's most critical programs, those that prepare America's entrepreneurs to start and maintain successful small businesses.

The Small Business Administration, or the SBA, accomplishes this important mission through its Office of Entrepreneurial Development and its use of programs such as Small Business Development Centers, or SBDCs; the Women's Business Centers, WBC; the Service Corps of Retired Executives, or SCORE; the Office of Veterans Business Development; the Office of Native American Affairs; and its distance learning program. These programs have not been reauthorized in a comprehensive way in nearly 10 years, and given the changes in the economy, it is long overdue.

Starting and maintaining a successful business has always been a daunting task, fraught with unforeseen and unavoidable problems and pitfalls for American entrepreneurs. In the past, a solid business plan, a loan from friends or a banker that you knew and good old-fashioned hard work was a recipe for success. The entrepreneurial development programs at the SBA were available to assist fledgling and seasoned small business owners in navigating the difficult entrepreneurial terrain of developing a business plan and growing their businesses.

However, times are more difficult now. Financing is harder to get. Competition does not just come from the business down the street but comes from businesses all around the world. In acknowledgment of these new challenges and their need for immediate attention, the Job Creation Through Entrepreneurship Act of 2009 addresses the changing climate for entrepreneurs and makes minor tweaks to programs that have a record of success.

These programs are even more critical today as the country's economy is more focused on small businesses. As more large corporations begin to close or downsize, many more Americans have chosen to go into business for themselves and are in need of the type of guidance the entrepreneurial development programs at the SBA provide.

But it is not just fledgling entrepreneurs and those downsized from large corporations who have the desire to run their own businesses. When the men and women who have chosen to serve their country honorably in the armed services leave, they are faced with beginning new careers. Often they choose to serve their country in another way. These Americans frequently choose to open up a small business and contribute to the growth of America's economy. For these great Americans, we must provide them with the very best training to make their transition to civilian life as equally secure.

This bill seeks to expand and improve the educational and training resources provided by the SBA to our veterans. Although the SBA currently runs a veterans outreach and education program, no such program is authorized under the Small Business Act. This legislation would correct that and expand the number of centers available to serve our veterans. It is a small price to pay for the sacrifice they have made for us.

Many aspiring entrepreneurs live in rural areas or work out of their homes. Neither may have access to physical locations at which the SBA and its partners offer education and training. Given today's technology, we can provide these entrepreneurs with appropriate education through quality distance learning programs. H.R. 2352 requires the SBA, working with private vendors, to develop online courses that will educate entrepreneurs about starting and expanding their businesses, including having the opportunity to obtain online counseling from other business owners.

Often forgotten are our Native Americans located in very remote areas of the country. They, too, can contribute to economic growth if they have access to education and training programs offered by the SBA. H.R. 2352 codifies the Office of Native American Affairs at the SBA and directs that office to expand its service to Native Americans through the use of Tribal Business Information Centers. These centers will provide entrepreneurial education programs that meet the unique needs of Native Americans.

The broadest effort at entrepreneurial development is the Small Business Development Center program, a joint program between the SBA and institutions of higher learning. Changes in the bill modernize the management and establish, without risk to core funding, competitive grant programs designed to provide businesses with the best practices for things such as raising capital in constricted lending markets.

Half of all small business owners are women. Many small business owners who are women have benefited from training they have received at Women's Business Centers over the years and, as a result, have made great contributions to their communities. This bill makes several changes to the Women's Business Centers to ensure that they are functioning at their optimum level and reaching as many women as possible. In addition, the bill also makes provisions to ensure that the centers are on a sound path to self-sufficiency.

□ 1445

This will free up funds to allow new centers to open and serve areas not currently served by the Women's Business Centers.

These entrepreneurial programs frequently rely on the dedication of volunteers. Advice from executives, whether active or retired, proves invaluable to small business owners.

The SCORE Program at the SBA oversees a core of 11,000 knowledgeable volunteers willing to offer guidance to small business owners. It is an effective program that should offer more services. H.R. 2352 does just that by expanding the ability of SCORE to offer greater outreach and improved counseling to small business owners.

It is obvious that the SBA operates a number of entrepreneurial development programs. Many provide an overlapping service. While it is important to ensure that small businesses are receiving the necessary training, it is also important that these programs operate in the most efficient manner possible. And this bill before us requires the SBA to increase its oversight of these programs, improve coordination, eliminate waste and duplication.

Mr. Chairman, this legislation makes critical changes to vital programs at a critical time. And, in short, this bill sharpens already existing tools employed by the SBA to cultivate one of our Nation's greatest natural resources, its entrepreneurs. Mr. SHULER and my fellow Missourian, Mr. LUETKEMEYER, should be commended for their work on this bill. And I would like to thank the chairwoman very much for her bipartisan efforts in moving this key bill through the committee. I'd also like to thank Ms. FALLIN, Mr. BUCHANAN, Mr. SCHOCK and

Mr. THOMPSON for their vital contributions to this legislation. And I'd encourage my colleagues to support this important legislation with me.

Mr. SHULER. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I want to commend the chairwoman for her extraordinary leadership in the Small Business Committee, along with Ranking Member GRAVES, their hard work, their dedication and truly working in a bipartisan way. Far too often here in Washington, it's too much partisanship. But within this committee we're seeing the great leadership and the great work of Chairwoman VELÁZQUEZ.

Also I would like to congratulate the ranking member on the subcommittee, Mr. LUETKEMEYER, for his outstanding work and all the members and staff and their hard work and their dedication on this very important legislation that can help us get out of the recession through the work of our small businesses.

Mr. Chairman, as we observe Small Business Week, we have an opportunity to not only celebrate small businesses but to strengthen them.

Entrepreneurs are the beating heart of the American industry. They don't just create jobs, more jobs than big businesses, they unlock more new markets and create more products. Entrepreneurs generate 60 to 80 percent of all new positions and are the most effective drivers of the economic growth.

At a time when big companies are slashing their work force, we need to invest in businesses that are creating jobs, not cutting them. Entrepreneurial development programs or ED, do just that. And the benefits don't stop at small business community.

Every dollar spent on these initiatives drives another $2.87 back into the economy. In 2008 alone, ED programs pumped $7.2 billion into communities across the country. They also laid the groundwork for 73,000 new jobs.

Small businesses have a history of sparking recovery. The Job Creation Through Entrepreneurship Act will give them the tools they need to succeed. As the name suggests, the Job Creation through Entrepreneurship Act, or H.R. 2352, focuses on the job creators. It will give existing firms the tools necessary to succeed and allow new businesses to get off the ground.

That's important because small firms can pull us out of this recession. After all, they did it in the mid-1990s. At that time small firms created 3.8 million jobs, ushering in an era of prosperity.

Today, national unemployment is on the rise. By 2010, it is expected to reach 9.8 percent. In my home State of North Carolina, it's already 10.8 percent. That is why H.R. 2352 is so important. It incentivizes our job creators so they can put Americans back to work.

Small Business Administration ED programs are critical resources. Small firms that use these services are twice as likely to succeed. This legislation takes important steps in strengthening ED. ED helps entrepreneurs do everything from draft business plans to access capital. It also encourages entrepreneurship within underrepresented groups and underserved communities.

H.R. 2352 includes language to encourage veterans and Native American business ownership. It modernizes SCORE, makes improvements to the Women's Business Centers and establishes distance learning initiatives.

As we celebrate Small Business Week, I can't imagine a better time to invest in entrepreneurs. They are all a very vital and very important part of our economic recovery, not only in this year but in decades to come. Small businesses have sparked recoveries in the past, and with the proper tools, will do it again in the future.

I strongly urge and support H.R. 2352.

I reserve the balance of my time.

Mr. GRAVES. Mr. Chairman, I now yield such time as he may consume to the ranking member of the Finance and Tax Committee, Mr. BUCHANAN from Florida.

Mr. BUCHANAN. I want to thank the chairwoman and the ranking member for including my legislation, the bill to modernize SBA's SCORE Program, into the larger bill before us today.

For years, SCORE Program has been providing entrepreneurs with free, confidential and valuable small business advice. Nationwide, SCORE has 389 chapters throughout the United States, nearly 11,000 volunteers.

Locally, I know it has had a huge impact on our small business community. They do a lot to help them, especially with small business planning, which is critical to starting any kind of business today.

Small business creates 70 percent of all the new jobs, not only in our market, but throughout Florida. Their success is vital to our economy, and we need to do everything we can to ensure their success. And this bill helps that.

My legislation will help ensure that qualified SCORE volunteers are available to provide one-on-one advice and counsel to small business owners in Florida and across the country.

Again, I want to thank the chairwoman and the ranking member for giving me this opportunity today.

Mr. SHULER. Mr. Chairman, I yield 3 minutes to the gentlewoman from Pennsylvania (Mrs. DAHLKEMPER).

Mrs. DAHLKEMPER. Mr. Chairman, I rise today as a cosponsor and strong supporter of the Job Creation Through Entrepreneurship Act of 2009. And I want to thank the chairwoman, the ranking member and the subcommittee chair and Republican ranking member on the subcommittee for this bipartisan effort.

A strong small business community is critical to rebuilding our economy, to create the good-paying jobs that stay here in the United States. However, as a small business owner myself, I know firsthand that America's entrepreneurs often need assistance, whether it be accessing capital, procuring contracts or marketing their firms.

Entrepreneurial development programs have a proven track record of successfully providing businesses with this type of assistance. However, they have not been modernized in over a decade to meet today's small business needs. This is especially important for groups that are underrepresented in the business world, such as women, minorities, and veterans.

For example, the Veterans Business Outreach Program is designed to provide entrepreneurial development services, such as business training, counseling, mentoring, and referrals for eligible veterans owning or considering starting a small business.

It was my amendment in the Small Business Committee that will allow members of the National Guard and Reserve to also access this important program. As we have seen from the wars in Iraq and Afghanistan, these brave men and women can be deployed for months and then struggle when they return home to their business or job.

The Job Creation Through Entrepreneurship Act improves current programs. In this case, it gives all those who have bravely served our country in uniform the tools to start and grow their own business.

Mr. Chairman, we are here today because we understand that small business is critical, not only to creating jobs, but to driving our Nation's economic recovery. Small business development and growth is crucial to aiding our economic recovery in this Nation.

For this reason, in the middle of National Small Business Week, I urge my colleagues to join me in supporting the Job Creation Through Entrepreneurship Act.

Mr. GRAVES. Mr. Chairman, I now yield such time as she may consume to the gentlelady from Oklahoma (Ms. FALLIN).

Ms. FALLIN. Mr. Chairman, I too would like to offer my support for H.R. 2352, the Job Creation Through Entrepreneurship Act, and to thank Chairwoman VELÁZQUEZ and Ranking Member GRAVES for their work in crafting a bipartisan piece of legislation that incorporates several important pieces of small business legislation and work.

Especially at a time when our national economy is struggling, and the American people have asked us here in Congress to focus on economic recovery, this bill will provide important job creation opportunities for our Nation's entrepreneurs.

And I'd especially like to thank our chairwoman and our ranking member for allowing a piece of my legislation, H.R. 1838, the SBA Women's Business Centers Improvement Act, to be included in the Job Creation Through Entrepreneurship Act. This section of legislation adds accountability and transparency to the distribution of funding to Women's Business Centers to offer temporary assistance rather

than permanent dependency on the Federal Government.

The Women's Business Centers are an important part of the grant programs that are funded by the Small Business Administration. Today, Women's Business Centers all across the country are providing women entrepreneurs with much-needed technical assistance in starting and operating their own small businesses.

In the mid-1990s, the Federal Government began awarding grants to Women's Business Centers that were operating as nonprofit organizations in conjunction with institutions of higher learning. Originally these grants were intended to be awarded to business centers in their first 5 years, with the understanding that after this 5-year period had ended, the center would be financially self-sustaining. Although many of the Women's Business Centers did meet this goal, some did not, and for a variety of reasons. And, as a result, a greater percentage of the funding for this program has been consumed by the operating costs of the potentially unviable centers, rather than the intended purpose of establishing new women's business centers. The result has been a drag upon the system, and viable business centers that are not truly serving an unmet need in their community were allowed to continue on. And this has jeopardized the effectiveness and the viability of this entire program.

The SBA Women's Business Programs Act restores its original priorities held by the Federal Government when this program was originally enacted. By offering a three-tiered system of funding and lowered caps on spending for older business centers, we can assure a balanced percentage of the funding issues to support both new and existing business centers.

Modernizing the SBA entrepreneurial development programs will ensure small businesses have the opportunity to help lead our Nation out of this recession and into economic prosperity. The Job Creation Through Entrepreneurship Act is a huge step in the right direction and provides much-needed help to lend a helping hand to our Nation's small businesses.

And once again, in closing, I just would like to commend the chairwoman and the ranking member for working together in a bipartisan way to craft a piece of legislation that encompasses so many areas that will help our small businesses and our Nation, especially during the National Small Business Recognition Week.

Mr. SHULER. Mr. Chairman, I would like to inquire how much time is left on both sides

The CHAIR. The gentleman from North Carolina has 19½ minutes remaining, and the gentleman from Missouri has 19 minutes remaining.

Mr. SHULER. I yield 3 minutes to the gentleman from Virginia (Mr. NYE).

Mr. NYE. Mr. Chairman, I rise today in support of H.R. 2352, the Job Creation Through Entrepreneurship Act of 2009. And I want to thank our chairwoman and our ranking member. I appreciate all your efforts to move this comprehensive package of legislation forward and especially want to thank our chairwoman for working with me on title I of the bill, the Veterans Business Centers Act, which will help our Nation's veteran entrepreneurs.

□ 1500

In my district, we have the second largest concentration of veterans of any congressional district in the country. My district is home to Norfolk Naval Base, the largest naval base in the world. In our community, there are countless veteran-owned businesses that are vital to the local economy.

The measure that we are considering today will give veteran entrepreneurs everywhere the support they need to launch new enterprises and to grow existing businesses. The cornerstone of this effort will be a new nationwide network of services dedicated to veteran entrepreneurs, called Veterans Business Centers, the first nationwide business assistance program for veterans. Establishing this network will provide veterans with dedicated counseling and business training, with access to capital and to securing loans and credit and with help in navigating the procurement process.

We know already, when they have access to the right tools, veterans can succeed in business, and I believe that we can build on what works and that we can expand access to these critical services. I strongly urge the passage of this bill.

Mr. GRAVES. Mr. Chairman, I now yield such time as he may consume to the gentleman from Illinois (Mr. SCHOCK), who is also the ranking member on the Contracting and Technology Subcommittee.

Mr. SCHOCK. Mr. Chairman, I rise today in support of H.R. 2352, the Job Creation Through Entrepreneurship Act.

I, too, wish to extend my appreciation to Chairwoman VELÁZQUEZ, to Ranking Member GRAVES, and specifically to the bill's sponsor, Mr. SHULER, for including not only my language in H.R. 1845 but also the proposals of five other Republican members on our committee. This is truly a bipartisan bill, and I think you'll see that the votes reflect it.

I introduced H.R. 1845, which seeks to modernize the Small Business Development Centers. Small Business Development Centers are commonly referred to as SBDCs. They provide emerging entrepreneurs with the tools they need to successfully take their business concepts into reality and also to provide existing small business owners with important financial and budgeting consulting to assist in long-term growth and management. Investments in the SBDC network provide a truly cost-effective way to help stimulate our economy while also enhancing American companies and our competitiveness around the world.

With all of the talk today about how we should stimulate growth and create long-term economic growth here in our country, we shouldn't look any further than where half of all Americans get their paychecks—with small business.

The facts speak for themselves. A new business is opened by a Small Business Development Center client every 41 minutes. A new job is created in the United States by a Small Business Development Center client every 7 minutes. In the year 2007, SBDC clients created over 70,000 new full-time jobs. With the current economic condition, more and more small business owners are visiting their SBDCs, seeking the advice on how to best manage their resources during the economic downturn. The bill also works to make the money that we are appropriating to SBDCs more efficient, and it also rewards those who have better outcomes.

For these reasons and many more, I urge passage of this bill and the Small Business Development Center Modernization Act legislation that is included in it.

Mr. SHULER. I yield 3 minutes to the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. Mr. Chairman, I rise today to encourage my colleagues to support the Job Creation Through Entrepreneurship Act. This important piece of legislation will modernize and expand key economic development programs within the Small Business Administration.

As just one example, section 1 of this legislation establishes the Veterans Business Center program. Now, as many of my colleagues know, this is a program that is near and dear to my heart. Last session, I introduced legislation that was signed into law to help expand business opportunities for veterans and Reservists. The bill we are debating today builds upon my legislation, and it provides a dedicated funding stream to help ensure that our veterans and Reservists are afforded every opportunity for economic success at home.

So it is for this and for many other reasons that I encourage my colleagues to support this bill.

Mr. SHULER. Mr. Chairman, I reserve the balance of my time.

Mr. GRAVES. Mr. Chairman, I would yield such time as he may consume to the gentleman from Missouri (Mr. LUETKEMEYER). He is a subcommittee ranking member. Along with Mr. SHULER, they were the cosponsors of the bill.

Mr. LUETKEMEYER. Mr. Chairman, I would like to thank the gentleman from North Carolina (Mr. SHULER) for his hard work in crafting this much needed small business legislation, and I would like to thank Chairwoman VELÁZQUEZ and Ranking Member GRAVES for their hard work and for allowing this thing to expeditiously go through the full committee.

Small business accounts for 70 percent of our Nation's jobs, and it provides an invaluable source of innovation to our economy. As we try to revive the slumping economy and put people back to work, wouldn't it only make sense to provide relief to our Nation's most productive job creators?

As a small business man myself, I am pleased to sponsor a bill that will assist the many small owners and employees throughout my district and the country. Two out of every three jobs are created by a small business, and like every recession before, small business will lead the way out of this recession into economic growth again. Rather than relying so heavily on the government to spend our way out of this recession, we need to focus on ensuring that our small businesses are able to utilize all of the resources already available.

This bill beefs up support services in key entrepreneurial development programs, making these programs more effective and responsive to the needs of small businesses and ensuring that existing programs are being used effectively and that duplicative government programs are done away with.

To be sure, an investment in entrepreneurial development programs yields strong returns. In 2008, the SBA entrepreneurial development programs helped to generate 73,000 new jobs and to bring in $7.2 billion to the economy. Some economists have estimated that every dollar invested in these initiatives returns $2.87 to our economy and helps these small businesses thrive.

Given that the biggest challenge facing small businesses right now is their ability to access credit, I am particularly pleased to support a bill that strengthens Small Business Development Centers, one-stop assistance centers for current and prospective small business owners, designed to assist small firms in securing capital and credit.

This bill moved promptly through the full committee and to the House floor. I am pleased with the bipartisan support this bill has received in the committee. I want to thank my colleagues for their careful and timely attention to the legislation that will give our small business owners the opportunity to grow and expand.

Mr. SHULER. Mr. Chairman, again, I would like to commend Mr. LUETKEMEYER, the ranking member, for his hard work, for his dedication, and for his true leadership in a bipartisan way on the subcommittee.

At this time, Mr. Chairman, we have no further speakers. I will reserve the balance of my time.

Mr. GRAVES. Mr. Chairman, at this time, I would yield such time as he may consume to the gentleman from Pennsylvania (Mr. THOMPSON).

Mr. THOMPSON of Pennsylvania. Mr. Chairman, I rise today to lend my support for this measure, H.R. 2352, the Job Creation Through Entrepreneurship Act of 2009, and to express my sincere appreciation and thanks to Subcommittee Chair SHULER, to Subcommittee Ranking Member LUETKEMEYER, to Committee Chairwoman VELÁZQUEZ, and to Ranking Member GRAVES for their leadership on this bill, for their ability to work through regular order, and for encouraging debate and input from the members of the Small Business Committee, particularly Subcommittee Chair SHULER and Ranking Member LUETKEMEYER.

Coming from a long line of small business owners myself, I can attest to the many challenges that these entrepreneurs face on a daily basis. Never mind the challenges a person faces to get a business off the ground, once that business is running, it is often an uphill battle day after day to keep the doors open and the employees paid. During this time of economic downturn, there are many entrepreneurs throughout America who are facing start-up challenges who do not have the resources or the networks to provide the advice or the assistance that is required for them to be successful.

H.R. 2352 will provide entrepreneurs from all walks of life and geographic locations the ability to harness tools that would otherwise not be available to them. This bill provides a Veterans Business Center program within the SBA to provide entrepreneurial training and counseling to veterans. It utilizes technology to provide distance learning and peer-to-peer networking for those in rural and underserved areas. It enhances entrepreneurial programs for Native American populations, and it broadens the scope of the SBA's Women's Business Center.

During this time of economic downturn, we have the power to arm America's entrepreneurs with the tools to provide real stimulus for our economy and to get the country back to work. I certainly encourage my fellow colleagues to support H.R. 2352, a real smart government solution.

Ms. VELÁZQUEZ. Mr. Chairman, I have no further speakers if the ranking member is prepared to close.

Mr. GRAVES. I have no further speakers. I yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I would like to take this opportunity to commend the work of Mr. SHULER and Mr. LUETKEMEYER in putting together this bill. I would also like to commend the other members of the committee—Mr. NYE, Mr. BUCHANAN, Mr. SCHOCK, Mr. THOMPSON, Mrs. KIRKPATRICK, Ms. FALLIN, and particularly the ranking member, Mr. GRAVES—for all of their efforts and contributions in putting together this bipartisan product.

Entrepreneurs have much talent for job creation. In the last few months, much has been made of that ability and with good reason. As employment continues to climb, we need to be investing in the businesses that can put Americans back to work. The Job Creation Through Entrepreneurship Act of 2009 will do just that. That is why this bill is supported by groups as diverse as the American Legion, the Association for Enterprise Opportunity, the International Franchise Association, the National Association for the Self-Employed, the National Black Chamber of Commerce, the National Center for American Indian Enterprise Development, the U.S. Hispanic Chamber of Commerce, the U.S. Women's Chamber of Commerce, and the Veterans of Foreign Wars.

Already, the SBA's entrepreneurial development programs help small firms do everything from draft business plans to accessing capital. These services have been an invaluable resource for countless entrepreneurs, and they have led to the creation of hundreds of thousands of jobs. In fact, entrepreneurial development helped generate 73,000 new positions in 2008 alone.

Despite the program's inherent value, it is in sore need of modernization. Today, we are going to begin the process of turning it around. In doing so, we will ensure that small firms have the tools they need to spark a sustained recovery. What better time to reinforce the backbone of our economy than during Small Business Week. We can do more than celebrate our entrepreneurs. We can empower them and can help them play their unique role as an economic catalyst.

I will now yield to the gentlewoman from Illinois as much time as she may consume.

Mrs. HALVORSON. Mr. Chairman, thank you, and thank you, Mr. SHULER, for the opportunity to speak.

I rise today in support of H.R. 2352, the Job Creation Through Entrepreneurship Act.

Consideration of this legislation couldn't have come at a more critical time. During an economic downturn, many people start their own businesses because they are faced with few other options. They've lost their jobs; they can't find new employment, and they need to feed their families. Yet it is the start-up businesses that are most at risk for failure. The legislation we are considering today will give entrepreneurs and new business owners the tools that they will need to succeed.

As a member of both the Small Business and Veterans' Affairs Committees, I am especially pleased that this bill creates a new Veterans Business Center program under the SBA. I commend the gentleman from Virginia (Mr. NYE) for his hard work on this section of the bill.

The Veterans Business Centers will provide essential training and counseling to veteran business owners, including assistance in seeking Federal contracting opportunities. The bill includes an amendment I offered in committee to make surviving spouses of Armed Forces members and veterans eligible for assistance from the Veterans Business Centers.

As we celebrate Memorial Day next week, I can hardly think of a more fitting way to honor our men and women

who have served in uniform and to honor their families. I especially thank Chairwoman VELÁZQUEZ and Ranking Member GRAVES and Mr. SHULER for their strong, bipartisan leadership on this legislation.

I ask all of my colleagues to join me in supporting the Job Creation Through Entrepreneurship Act.

Mr. GENE GREEN of Texas. Mr. Chair, I rise today to show my support for the Credit Cardholder's Bill of Rights Act of 2009.

This bill is more important now than ever, because credit card practices have become a huge problem in our country.

Americans are saving less than they borrow on credit and the individual debt level is the highest it's been in decades.

Consumers should have as much information as possible when it comes to credit and finance policies and these policies should be easy to understand.

That is why I was an original cosponsor of the Credit Cardholders' Bill of Rights Act, which among other things, includes provisions to protect consumers against: arbitrary interest rate increases, early pre-payment penalties, due date gimmicks, and excessive fees.

It also provides better general oversight of the credit card industry.

This bill passed out of the House of Representatives on April 30, 2009 with my support and I am pleased to see that the Senate sent this bill back with even stronger consumer protections and moved its implementation date up 3 months.

I look forward to voting in favor of this bill, and I encourage my colleagues to do the same.

This is a chance for us to protect American consumers and rein in abusive credit card practices.

Mr. LANGEVIN. Mr. Chair, I rise in strong support of H.R. 2352, the Job Creation Through Entrepreneurship Act, which overhauls the Small Business Administration's entrepreneurial development programs and creates new services geared toward veterans and Native Americans. This legislation builds on SBA changes made in the American Reinvestment and Recovery Act, and it provides relief for small businesses and consumers who have been greatly affected by the credit crunch.

Small businesses are the backbone of America, and they are especially important to Rhode Island's economy. Now more than ever, Congress must support the growth of America's small businesses and help stimulate the real engine of our Nation's economy. In Rhode Island, there are many businesses that are passed down from generation to generation, and it is so important that these successful businesses have access to the tools they need to weather this economic downturn.

H.R. 2352 modernizes the Small Business Development Center Program by focusing on entrepreneurial development, broadens the Women's Business Centers Program by increasing counseling and training facilities, establishes the Veterans Business Center Program, formally establishes the Office of Native American Affairs, and improves the Service Corps of Retired Executives, a mentoring resource program.

This bill also creates a grant program specifically designed to assist small firms in securing capital such as the new small business lending generated under the American Reinvestment and Recovery Act. This measure also establishes a green entrepreneurial development program, which will provide classes and instruction on starting a business in the fields of energy efficiency or green technology. It will also create a procurement training program to help local small firms find suitable contracts and technical assistance on the federal procurement process.

American prosperity depends on the success of small businesses and the innovative spirit of the American people. I am committed to bringing relief to Main Street and to the small businesses that are struggling in our state, and urge my colleagues to support this bill.

Mr. ETHERIDGE. Mr. Chair, I rise in support of H.R. 2352, The Job Creation Through Entrepreneurship Act of 2009.

The American spirit of entrepreneurship is one of the key values that have made our nation great. As a former small business owner, I believe it is essential that we nurture these ventures and increase opportunities for more Americans to start their own business. Small businesses employ millions of Americans, and help form the backbone of our economy. These small businesses play an even more important role in today's struggling economy.

H.R. 2352 takes several steps to bolster and expand opportunities for entrepreneurs. This bill modernizes the Small Business Administration's (SBA's) entrepreneurial development programs so that these businesses can survive the downturn and help move our economy forward by creating jobs. H.R. 2352 provides small businesses with new tools to address their changing needs by bolstering Small Business Development Centers across the country. H.R. 2352 also expands opportunities to our nation's veterans by authorizing $10 million in FY 2011 and $12 million in 2012. These funds will be used to increase outreach facilities across the country and establish specialized assistance programs targeted to veterans. H.R. 2352 also includes increased counseling and training initiatives designed to increase business opportunities for women.

I support efforts to foster the American spirit of entrepreneurship and I support The Job Creation Through Entrepreneurship Act of 2009. I urge my colleagues to join me in voting for its passage.

Ms. VELÁZQUEZ. Mr. Chairman, I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 2352

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Job Creation Through Entrepreneurship Act of 2009''.

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

Sec. 1. Short title; table of contents.

TITLE I—ESTABLISHMENT OF VETERANS BUSINESS CENTER PROGRAM

Sec. 101. Veterans Business Center program.
Sec. 102. Reporting requirement for interagency task force.

TITLE II—EDUCATING AND NETWORKING ENTREPRENEURS THROUGH TODAY'S TECHNOLOGY

Sec. 201. Educating entrepreneurs through technology.

TITLE III—ENHANCING NATIVE AMERICAN ENTREPRENEURSHIP

Sec. 301. Office of Native American Affairs; Tribal Business Information Centers program.
Sec. 302. Small Business Development Center assistance to Indian tribe members, Alaska Natives, and Native Hawaiians.

TITLE IV—BROADENING THE WOMEN'S BUSINESS CENTER PROGRAM

Sec. 401. Notification of grants; publication of grant amounts.
Sec. 402. Communications.
Sec. 403. Funding.
Sec. 404. Performance and planning.
Sec. 405. National Women's Business Council.

TITLE V—SCORE PROGRAM IMPROVEMENTS

Sec. 501. Expansion of volunteer representation and benchmark reports.
Sec. 502. Mentoring and networking.
Sec. 503. Name of program changed to SCORE.
Sec. 504. Authorization of appropriations.

TITLE VI—EXPANDING ENTREPRENEURSHIP

Sec. 601. Expanding entrepreneurship.

TITLE VII—MODERNIZING THE SMALL BUSINESS DEVELOPMENT CENTER PROGRAM

Sec. 701. Small business development centers operational changes.
Sec. 702. Access to credit and capital.
Sec. 703. Procurement training and assistance.
Sec. 704. Green entrepreneurs training program.
Sec. 705. Main street stabilization.
Sec. 706. Prohibition on program income being used as matching funds.
Sec. 707. Authorization of appropriations.

TITLE I—ESTABLISHMENT OF VETERANS BUSINESS CENTER PROGRAM

SEC. 101. VETERANS BUSINESS CENTER PROGRAM.

Section 32 of the Small Business Act (15 U.S.C. 657b) is amended—

(1) in subsection (f), by inserting ''(other than subsections (g), (h), and (i))'' after ''this section''; and

(2) by adding at the end the following:

''(g) VETERANS BUSINESS CENTER PROGRAM.—

''(1) IN GENERAL.—The Administrator shall establish a Veterans Business Center program within the Administration to provide entrepreneurial training and counseling to veterans in accordance with this subsection.

''(2) DIRECTOR.—The Administrator shall appoint a Director of the Veterans Business Center program, who shall implement and oversee such program and who shall report directly to the Associate Administrator for Veterans Business Development.

''(3) DESIGNATION OF VETERANS BUSINESS CENTERS.—The Director shall establish by regulation an application, review, and notification process to designate entities as veterans business centers for purposes of this section. The Director shall make publicly known the designation of an entity as a veterans business center and the award of a grant to such center under this subsection.

''(4) FUNDING FOR VETERANS BUSINESS CENTERS.—

''(A) INITIAL GRANTS.—The Director is authorized to make a grant (hereinafter in this subsection referred to as an 'initial grant') to each

veterans business center each year for not more than 5 years in the amount of $150,000.

''(B) GROWTH FUNDING GRANTS.—After a veterans business center has received 5 years of initial grants under subparagraph (A), the Director is authorized to make a grant (hereinafter in this subsection referred to as a 'growth funding grant') to such center each year for not more than 3 years in the amount of $100,000. After such center has received 3 years of growth funding grants, the Director shall require such center to meet performance benchmarks established by the Director to be eligible for growth funding grants in subsequent years.

''(5) CENTER RESPONSIBILITIES.—Each veterans business center receiving a grant under this subsection shall use the funds primarily on veteran entrepreneurial development, counseling of veteran-owned small businesses through one-on-one instruction and classes, and providing government procurement assistance to veterans.

''(6) MATCHING FUNDS.—Each veterans business center receiving a grant under this subsection shall be required to provide a non-Federal match of 50 percent of the Federal funds such center receives under this subsection. The Director may issue to a veterans business center, upon request, a waiver from all or a portion of such matching requirement upon a determination of hardship.

''(7) TARGETED AREAS.—The Director shall give priority to applications for designations and grants under this subsection that will establish a veterans business center in a geographic area, as determined by the Director, that is not currently served by a veterans business center and in which—

''(A) the population of veterans exceeds the national median of such measure; or

''(B) the population of veterans of Operation Iraqi Freedom or Operation Enduring Freedom exceeds the national median of such measure.

''(8) TRAINING PROGRAM.—The Director shall develop and implement, directly or by contract, an annual training program for the staff and personnel of designated veterans business centers to provide education, support, and information on best practices with respect to the establishment and operation of such centers. The Director shall develop such training program in consultation with veterans business centers, the interagency task force established under subsection (c), and veterans service organizations.

''(9) INCLUSION OF OTHER ORGANIZATIONS IN PROGRAM.—Upon the date of the enactment of this subsection, each Veterans Business Outreach Center established by the Administrator under the authority of section 8(b)(17) and each center that received funds during fiscal year 2006 from the National Veterans Business Development Corporation established under section 33 and that remains in operation shall be treated as designated as a veterans business center for purposes of this subsection and shall be eligible for grants under this subsection.

''(10) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $10,000,000 for fiscal year 2010 and $12,000,000 for fiscal year 2011.

''(h) ADDITIONAL GRANTS AVAILABLE TO VETERANS BUSINESS CENTERS.—

''(1) ACCESS TO CAPITAL GRANT PROGRAM.—

''(A) IN GENERAL.—The Director of the Veterans Business Center program shall establish a grant program under which the Director is authorized to make, to veterans business centers designated under subsection (g), grants for the following:

''(i) Developing specialized programs to assist veteran-owned small businesses to secure capital and repair damaged credit.

''(ii) Providing informational seminars on securing loans to veteran-owned small businesses.

''(iii) Providing one-on-one counseling to veteran-owned small businesses to improve the financial presentations of such businesses to lenders.

''(iv) Facilitating the access of veteran-owned small businesses to both traditional and non-traditional financing sources.

''(B) AWARD SIZE.—The Director may not award a veterans business center more than $75,000 in grants under this paragraph.

''(C) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $1,500,000 for each of fiscal years 2010 and 2011.

''(2) PROCUREMENT ASSISTANCE GRANT PROGRAM.—

''(A) IN GENERAL.—The Director shall establish a grant program under which the Director is authorized to make, to veterans business centers designated under subsection (g), grants for the following:

''(i) Assisting veteran-owned small businesses to identify contracts that are suitable to such businesses.

''(ii) Preparing veteran-owned small businesses to be ready as subcontractors and prime contractors for contracts made available through the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) through training and business advisement, particularly with respect to the construction trades.

''(iii) Providing veteran-owned small businesses technical assistance with respect to the Federal procurement process, including assisting such businesses to comply with Federal regulations and bonding requirements.

''(B) AWARD SIZE.—The Director may not award a veterans business center more than $75,000 in grants under this paragraph.

''(C) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $1,500,000 for each of fiscal years 2010 and 2011.

''(3) SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS GRANT PROGRAM.—

''(A) IN GENERAL.—The Director shall establish a grant program under which the Director is authorized to make, to veterans business centers designated under subsection (g), grants for the following:

''(i) Developing outreach programs for service-disabled veterans with respect to the benefits of self-employment.

''(ii) Providing tailored training to service-disabled veterans with respect to business plan development, marketing, budgeting, accounting, and merchandising.

''(iii) Assisting service-disabled veteran-owned small businesses to locate and secure business opportunities.

''(B) AWARD SIZE.—The Director may not award a veterans business center more than $75,000 in grants under this paragraph.

''(C) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $1,500,000 for each of fiscal years 2010 and 2011.

''(i) VETERANS ENTREPRENEURIAL DEVELOPMENT SUMMIT.—

''(1) IN GENERAL.—The Director of the Veterans Business Center program is authorized to carry out an event, once every two years, for the purpose of providing networking opportunities, outreach, education, training, and support to veterans business centers funded under this section, veteran-owned small businesses, veterans service organizations, and other entities as determined appropriate for inclusion by the Director.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $450,000 for fiscal years 2010 and 2011.

''(j) INCLUSION OF SURVIVING SPOUSES.—For purposes of subsections (g), (h), and (i) the following apply:

''(1) The term 'veteran' includes a surviving spouse of the following:

''(A) A member of the Armed Forces, including a reserve component thereof.

''(B) A veteran.

''(2) The term 'veteran-owned small business' includes a small business owned by a surviving spouse of the following:

''(A) A member of the Armed Forces, including a reserve component thereof.

''(B) A veteran.

''(k) INCLUSION OF RESERVE COMPONENTS.—For purposes of subsections (g), (h), and (i) the following apply:

''(1) The term 'veteran' includes a member of the reserve components of the armed forces as specified in section 10101 of title 10, United States Code.

''(2) The term 'veteran-owned small business' includes a small business owned by a member of the reserve components of the armed forces as specified in section 10101 of title 10, United States Code.''.

SEC. 102. REPORTING REQUIREMENT FOR INTER-AGENCY TASK FORCE.

Section 32(c) of the Small Business Act (15 U.S.C. 657b(c)) is amended by adding at the end the following:

''(4) REPORT.—The Administrator shall submit to Congress biannually a report on the appointments made to and activities of the task force.''.

TITLE II—EDUCATING AND NETWORKING ENTREPRENEURS THROUGH TODAY'S TECHNOLOGY

SEC. 201. EDUCATING ENTREPRENEURS THROUGH TECHNOLOGY.

The Small Business Act (15 U.S.C. 631 et seq.) is amended by redesignating section 44 as section 46 and by inserting the following new section after section 43:

''SEC. 44. EDUCATING AND NETWORKING ENTREPRENEURS THROUGH TECHNOLOGY.

''(a) PURPOSE.—The purpose of this section is to provide high-quality distance learning and opportunities for the exchange of peer-to-peer technical assistance through online networking to potential and existing entrepreneurs through the use of technology.

''(b) DEFINITION.—As used in this section, the term 'qualified third-party vendor' means an entity with experience in distance learning content or communications technology, or both, with the ability to utilize on-line, satellite, video-on-demand, and connected community-based organizations to distribute and conduct distance learning and establish an online network for use by potential and existing entrepreneurs to facilitate the exchange of peer-to-peer technical assistance related to entrepreneurship, credit management, financial literacy, and Federal small business development programs.

''(c) AUTHORITY.—The Administrator shall contract with qualified third-party vendors for entrepreneurial training content, the development of communications technology that can distribute content under this section throughout the United States, and the establishment of a nationwide, online network for the exchange of peer-to-peer technical assistance. The Administrator shall contract with at least 2 qualified third-party vendors to develop content.

''(d) CONTENT.—The Administrator shall ensure that the content referred to in subsection (c) is timely and relevant to entrepreneurial development and can be successfully communicated remotely to an audience through the use of technology. The Administrator shall, to the maximum extent practicable, promote content that makes use of technologies that allow for remote interaction by the content provider with an audience. The Administrator shall ensure that the content is catalogued and accessible to small businesses on-line or through other remote technologies.

''(e) COMMUNICATIONS TECHNOLOGY.—The Administrator shall ensure that the communications technology referred to in subsection (c) is able to distribute content throughout all 50 States and the territories of the United States to small business concerns, home-based businesses, Small Business Development Centers, Women's Business Centers, Veterans Business Centers, and the Small Business Administration and network entrepreneurs throughout all 50 States and the territories of the United States to allow for

peer-to-peer learning through the creation of a location online that allows entrepreneurs and small business owners the opportunity to exchange technical assistance through the sharing of information. To the extent possible, the qualified third-party vendor should deliver the content and facilitate the networking using broadband technology.

''(f) REPORTS TO CONGRESS.—The Administrator shall submit a report to Congress 6 months after the date of the enactment of this section containing an analysis of the Small Business Administration's progress in implementing this section. The Administrator shall submit a report to Congress one year after the date of the enactment of this section and annually thereafter containing the number of presentations made under this section, the number of small businesses served under this section, the extent to which this section resulted in the establishment of new businesses, and feedback on the usefulness of this medium in presenting entrepreneurial education and facilitating the exchange of peer-to-peer technical assistance throughout the United States.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $2,000,000 for each of the fiscal years 2010 and 2011.''.

TITLE III—ENHANCING NATIVE AMERICAN ENTREPRENEURSHIP

SEC. 301. OFFICE OF NATIVE AMERICAN AFFAIRS; TRIBAL BUSINESS INFORMATION CENTERS PROGRAM.

(a) ASSOCIATE ADMINISTRATOR.—Section 4(b)(1) of the Small Business Act (15 U.S.C. 633(b)(1)) is amended—

(1) by striking ''five Associate Administrators'' and inserting ''six Associate Administrators''; and

(2) by inserting after ''vested in the Administration.'' the following: ''One such Associate Administrator shall be the Associate Administrator for Native American Affairs, who shall administer the Office of Native American Affairs established under section 45.''.

(b) ESTABLISHMENT.—The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 44, as added by section 201 of this Act, the following:

''SEC. 45. OFFICE OF NATIVE AMERICAN AFFAIRS AND TRIBAL BUSINESS INFORMATION CENTERS PROGRAM.

''(a) OFFICE OF NATIVE AMERICAN AFFAIRS.—

''(1) ESTABLISHMENT.—There is established in the Administration an Office of Native American Affairs (hereinafter referred to in this subsection as the 'Office').

''(2) ASSOCIATE ADMINISTRATOR.—The Office shall be administered by an Associate Administrator appointed under section 4(b)(1).

''(3) RESPONSIBILITIES.—The Office shall have the following responsibilities:

''(A) Developing and implementing tools and strategies to increase Native American entrepreneurship.

''(B) Expanding the access of Native American entrepreneurs to business training, capital, and Federal small business contracts.

''(C) Expanding outreach to Native American communities and aggressively marketing entrepreneurial development services to such communities.

''(D) Representing the Administration with respect to Native American economic development matters.

''(4) COORDINATION AND OVERSIGHT FUNCTION.—The Office shall provide oversight with respect to and assist the implementation of all Administration initiatives relating to Native American entrepreneurial development.

''(5) AUTHORIZATION OF APPROPRIATIONS.—To carry out this subsection, there is authorized to be appropriated to the Administrator $2,000,000 for each of fiscal years 2010 and 2011.

''(b) TRIBAL BUSINESS INFORMATION CENTERS PROGRAM.—

''(1) ESTABLISHMENT.—The Administrator is authorized to operate, alone or in coordination with other Federal departments and agencies, a Tribal Business Information Centers program that provides Native American populations with business training and entrepreneurial development assistance.

''(2) DESIGNATION OF CENTERS.—The Administrator shall designate entities as centers under the Tribal Business Information Centers program.

''(3) ADMINISTRATION SUPPORT.—The Administrator may contribute agency personnel and resources to the centers designated under paragraph (2) to carry out this subsection.

''(4) GRANT PROGRAM.—The Administrator is authorized to make grants of not more than $300,000 to centers designated under paragraph (2) for the purpose of providing Native Americans the following:

''(A) Business workshops.

''(B) Individualized business counseling.

''(C) Entrepreneurial development training.

''(D) Access to computer technology and other resources to start or expand a business.

''(5) REGULATIONS.—The Administrator shall by regulation establish a process for designating centers under paragraph (2) and making the grants authorized under paragraph (4).

''(6) DEFINITION OF ADMINISTRATOR.—In this subsection, the term 'Administrator' means the Administrator, acting through the Associate Administrator administering the Office of Native American Affairs.

''(7) AUTHORIZATION OF APPROPRIATIONS.—To carry out this subsection, there is authorized to be appropriated to the Administrator $15,000,000 for fiscal year 2010 and $17,000,000 for fiscal year 2011.

''(c) DEFINITION OF NATIVE AMERICAN.—The term 'Native American' means an Indian tribe member, Alaska Native, or Native Hawaiian as such are defined in section 21(a)(8) of this Act.''.

SEC. 302. SMALL BUSINESS DEVELOPMENT CENTER ASSISTANCE TO INDIAN TRIBE MEMBERS, ALASKA NATIVES, AND NATIVE HAWAIIANS.

(a) IN GENERAL.—Section 21(a) of the Small Business Act (15 U.S.C. 648(a)) is amended by adding at the end the following:

''(8) ADDITIONAL GRANT TO ASSIST INDIAN TRIBE MEMBERS, ALASKA NATIVES, AND NATIVE HAWAIIANS.—

''(A) IN GENERAL.—Any applicant in an eligible State that is funded by the Administration as a Small Business Development Center may apply for an additional grant to be used solely to provide services described in subsection (c)(3) to assist with outreach, development, and enhancement on Indian lands of small business startups and expansions owned by Indian tribe members, Alaska Natives, and Native Hawaiians.

''(B) ELIGIBLE STATES.—For purposes of subparagraph (A), an eligible State is a State that has a combined population of Indian tribe members, Alaska Natives, and Native Hawaiians that comprises at least 1 percent of the State's total population, as shown by the latest available census.

''(C) GRANT APPLICATIONS.—An applicant for a grant under subparagraph (A) shall submit to the Administration an application that is in such form as the Administration may require. The application shall include information regarding the applicant's goals and objectives for the services to be provided using the grant, including—

''(i) the capability of the applicant to provide training and services to a representative number of Indian tribe members, Alaska Natives, and Native Hawaiians;

''(ii) the location of the Small Business Development Center site proposed by the applicant;

''(iii) the required amount of grant funding needed by the applicant to implement the program; and

''(iv) the extent to which the applicant has consulted with local tribal councils.

''(D) APPLICABILITY OF GRANT REQUIREMENTS.—An applicant for a grant under subparagraph (A) shall comply with all of the requirements of this section, except that the matching funds requirements under paragraph (4)(A) shall not apply.

''(E) MAXIMUM AMOUNT OF GRANTS.—No applicant may receive more than $300,000 in grants under this paragraph for any fiscal year.

''(F) REGULATIONS.—After providing notice and an opportunity for comment and after consulting with the Association recognized by the Administration pursuant to paragraph (3)(A) (but not later than 180 days after the date of enactment of this paragraph), the Administration shall issue final regulations to carry out this paragraph, including regulations that establish—

''(i) standards relating to educational, technical, and support services to be provided by Small Business Development Centers receiving assistance under this paragraph; and

''(ii) standards relating to any work plan that the Administration may require a Small Business Development Center receiving assistance under this paragraph to develop.

''(G) ADVICE OF LOCAL TRIBAL ORGANIZATIONS.—A Small Business Development Center receiving a grant under this paragraph shall request the advice of a tribal organization on how best to provide assistance to Indian tribe members, Alaska Natives, and Native Hawaiians and where to locate satellite centers to provide such assistance.

''(H) DEFINITIONS.—In this paragraph, the following definitions apply:

''(i) INDIAN LANDS.—The term 'Indian lands' has the meaning given the term 'Indian country' in section 1151 of title 18, United States Code, the meaning given the term 'Indian reservation' in section 151.2 of title 25, Code of Federal Regulations (as in effect on the date of enactment of this paragraph), and the meaning given the term 'reservation' in section 4 of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903).

''(ii) INDIAN TRIBE.—The term 'Indian tribe' means any band, nation, or organized group or community of Indians located in the contiguous United States, and the Metlakatla Indian Community, whose members are recognized as eligible for the services provided to Indians by the Secretary of the Interior because of their status as Indians.

''(iii) INDIAN TRIBE MEMBER.—The term 'Indian tribe member' means a member of an Indian tribe (other than an Alaska Native).

''(iv) ALASKA NATIVE.—The term 'Alaska Native' has the meaning given the term 'Native' in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)).

''(v) NATIVE HAWAIIAN.—The term 'Native Hawaiian' means any individual who is—

''(I) a citizen of the United States; and

''(II) a descendant of the aboriginal people, who prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii.

''(vi) TRIBAL ORGANIZATION.—The term 'tribal organization' has the meaning given that term in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).

''(I) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $7,000,000 for each of fiscal years 2010 and 2011.

''(J) FUNDING LIMITATIONS.—

''(i) NONAPPLICABILITY OF CERTAIN LIMITATIONS.—Funding under this paragraph shall be in addition to the dollar program limitations specified in paragraph (4).

''(ii) LIMITATION ON USE OF FUNDS.—The Administration may carry out this paragraph only with amounts appropriated in advance specifically to carry out this paragraph.''.

TITLE IV—BROADENING THE WOMEN'S BUSINESS CENTER PROGRAM

SEC. 401. NOTIFICATION OF GRANTS; PUBLICATION OF GRANT AMOUNTS.

Section 29 of the Small Business Act (15 U.S.C. 656) is amended by adding at the end the following new subsection:

''(o) NOTIFICATION OF GRANTS; PUBLICATION OF GRANT AMOUNTS.—The Administrator shall disburse funds to a women's business center not later than one month after the center's application is approved under this section. At the end of each fiscal year the Administrator (acting through the Office of Women's Business ownership) shall publish on the Administration's website a report setting forth the total amount of the grants made under this Act to each women's business center in the fiscal year for which the report is issued, the total amount of such grants made in each prior fiscal year to each such center, and the total amount of private matching funds provided by each such center over the lifetime of the center.''.

SEC. 402. COMMUNICATIONS.

Section 29 of the Small Business Act (15 U.S.C. 656), as amended, is further amended by adding at the end the following new subsection:

''(p) COMMUNICATIONS.—The Administrator shall establish, by rule, a standardized process to communicate with women's business centers regarding program administration matters, including reimbursement, regulatory matters, and programmatic changes. The Administrator shall notify each women's business center of the opportunity for notice and comment on the proposed rule.''.

SEC. 403. FUNDING.

(a) FORMULA.—Section 29(b) of the Small Business Act (15 U.S.C. 656(b)) is amended to read as follows:

''(b) AUTHORITY.—

''(1) IN GENERAL.—The Administrator may provide financial assistance to private nonprofit organizations to conduct projects for the benefit of small business concerns owned and controlled by women. The projects shall provide—

''(A) financial assistance, including training and counseling in how to apply for and secure business credit and investment capital, preparing and presenting financial statements, and managing cash flow and other financial operations of a business concern;

''(B) management assistance, including training and counseling in how to plan, organize, staff, direct, and control each major activity and function of a small business concern; and

''(C) marketing assistance, including training and counseling in identifying and segmenting domestic and international market opportunities, preparing and executing marketing plans, developing pricing strategies, locating contract opportunities, negotiating contracts, and utilizing varying public relations and advertising techniques.

''(2) TIERS.—The Administrator shall provide assistance under paragraph (1) in 3 tiers of assistance as follows:

''(A) The first tier shall be to conduct a 5-year project in a situation where a project has not previously been conducted. Such a project shall be in a total amount of not more than $150,000 per year.

''(B) The second tier shall be to conduct a 3-year project in a situation where a first-tier project is being completed. Such a project shall be in a total amount of not more than $100,000 per year.

''(C) The third tier shall be to conduct a 3-year project in a situation where a second-tier project is being completed. Such a project shall be in a total amount of not more than $100,000 per year. Third-tier grants shall be renewable subject to established eligibility criteria as well as criteria in subsection (b)(4).

''(3) ALLOCATION OF FUNDS.—Of the amounts made available for assistance under this subsection, the Administrator shall allocate—

''(A) at least 40 percent for first-tier projects under paragraph (2)(A);

''(B) 20 percent for second-tier projects under paragraph (2)(B); and

''(C) the remainder for third-tier projects under paragraph (2)(C).

''(4) BENCHMARKS FOR THIRD-TIER PROJECTS.—In awarding third-tier projects under paragraph (2)(C), the Administrator shall use benchmarks based on socio-economic factors in the community and on the performance of the applicant. The benchmarks shall include—

''(A) the total number of women served by the project;

''(B) the proportion of low income women and socio-economic distribution of clients served by the project;

''(C) the proportion of individuals in the community that are socially or economically disadvantaged (based on median income);

''(D) the future fund-raising and service coordination plans;

''(E) the diversity of services provided; and

''(F) geographic distribution within and across the 10 regions of the Small Business Administration.''.

(b) MATCHING.—Subparagraphs (A) and (B) of section 29(c)(1) of the Small Business Act (15 U.S.C. 656(c)(1)) are amended to read as follows:

''(A) For the first and second years of the project, 1 non-Federal dollar for each 2 Federal dollars.

''(B) Each year after the second year of the project—

''(i) 1 non-Federal dollar for each Federal dollar; or

''(ii) if the center is in a community at least 50 percent of the population of which is below the median income for the State or United States territory in which the center is located, 1 non-Federal dollar for each 2 Federal dollars.''.

(c) AUTHORIZATION.—Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by inserting the following new subsection after subsection (e):

''(f) WOMEN'S BUSINESS CENTERS.—There is authorized to be appropriated for purposes of grants under section 29 to women's business centers not more than $20,000,000 in fiscal year 2010 and not more than $22,000,000 in fiscal year 2011.''.

SEC. 404. PERFORMANCE AND PLANNING.

(a) IN GENERAL.—Section 29(h)(1) of the Small Business Act (15 U.S.C. 656(h)(1)) is amended—

(1) by striking ''and'' at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (D); and

(3) by inserting the following new subparagraphs after subparagraph (A):

''(B) establish performance measures, taking into account the demographic differences of populations served by women's business centers, which measures shall include—

''(i) outcome-based measures of the amount of job creation or economic activity generated in the local community as a result of efforts made and services provided by each women's business center, and

''(ii) service-based measures of the amount of services provided to individuals and small business concerns served by each women's business center;

''(C) require each women's business center to submit an annual plan for the next year that includes the center's funding sources and amounts, strategies for increasing outreach to women-owned businesses, strategies for increasing job growth in the community, and other content as determined by the Administrator; and''.

(b) CONFORMING AMENDMENT.—Section 29(h)(1) of the Small Business Act (15 U.S.C. 656(h)(1)), as amended, is further amended by adding the following at the end thereof:

''The Administrator's evaluation of each women's business center as required by this subsection shall be in part based on the performance measures under subparagraphs (B) and (C). These measures and the Administrator's evaluations thereof shall be made publicly available.''.

SEC. 405. NATIONAL WOMEN'S BUSINESS COUNCIL.

The Women's Business Ownership Act of 1988 is amended as follows:

(1) In section 409(a) (15 U.S.C. 7109(a)), by adding the following at the end thereof: ''Such studies shall include a study on the impact of the 2008–2009 financial markets crisis on women-owned businesses, and a study of the use of the Small Business Administration's programs by women-owned businesses.''.

(2) In section 410(a) (15 U.S.C. 7110(a)), by striking ''2001 through 2003'' and insert ''2010 and 2011''.

TITLE V—SCORE PROGRAM IMPROVEMENTS

SEC. 501. EXPANSION OF VOLUNTEER REPRESENTATION AND BENCHMARK REPORTS.

(a) EXPANSION OF VOLUNTEER REPRESENTATION.—Section 8(b)(1)(B) of the Small Business Act (15 U.S.C. 637(b)(1)(B)) is amended—

(1) by inserting ''(i)'' after ''(B)''; and

(2) by adding at the end the following:

''(ii) The Administrator shall ensure that SCORE, established under this subparagraph, carries out a plan to increase the proportion of mentors who are from socially or economically disadvantaged backgrounds and, on an annual basis, reports to the Administrator on the implementation of this subparagraph.''.

(b) BENCHMARK REPORTS.—Section 8(b)(1)(B) of the Small Business Act (15 U.S.C. 637(b)(1)(B)), as amended, is further amended by adding at the end the following:

''(iii) The Administrator shall ensure that SCORE, established under this subparagraph, establishes benchmarks for use in evaluating the performance of its activities and the performance of its volunteers. The benchmarks shall include benchmarks relating to the demographic characteristics and the geographic characteristics of persons assisted by SCORE, benchmarks relating to the hours spent mentoring by volunteers, and benchmarks relating to the performance of the persons assisted by SCORE. SCORE shall report, on an annual basis, to the Administrator the extent to which the benchmarks established under this clause are being attained.''.

SEC. 502. MENTORING AND NETWORKING.

Section 8(b)(1)(B) of the Small Business Act (15 U.S.C. 637(b)(1)(B)), as amended, is further amended by adding at the end the following:

''(iv) The Administrator shall ensure that SCORE, established under this subparagraph, establishes a mentoring program for small business concerns that provides one-on-one advice to small business concerns from qualified counselors. For purposes of this clause, qualified counselors are counselors with at least 10 years experience in the industry sector or area of responsibility of the small business concern seeking advice.

''(v) The Administrator shall carry out a networking program through SCORE, established under this subparagraph, that provides small business concerns with the opportunity to make business contacts in their industry or geographic region.''.

SEC. 503. NAME OF PROGRAM CHANGED TO SCORE.

(a) NAME CHANGE.—The Small Business Act is amended as follows:

(1) In section 8(b)(1)(B) (15 U.S.C. 637(b)(1)(B)), by striking ''Executives (SCORE)'' and inserting ''Executives (in this Act referred to as 'SCORE')''.

(2) In section 7(m)(3)(A)(i)(VIII) (15 U.S.C. 636(m)(3)(A)(i)(VIII)), by striking ''the Service Corps of Retired Executives'' and inserting ''SCORE''.

(3) In section 20 (15 U.S.C. 631 note)—

(A) in subsection (d)(1)(E), by striking ''the Service Corps of Retired Executives program'' and inserting ''SCORE''; and

(B) in subsection (e)(1)(E), by striking ''the Service Corps of Retired Executives program'' and inserting ''SCORE''.

(4) In section 33(b)(2) (15 U.S.C. 657c(b)(2)), by striking ''Service Corps of Retired Executives'' and inserting ''SCORE''.

(b) ELIMINATION OF ACE.—Section 8(b)(1)(B) of the Small Business Act (15 U.S.C. 637(b)(1)(B)), as amended, is further amended by striking ''and an Active Corps of Executive (ACE)''.

SEC. 504. AUTHORIZATION OF APPROPRIATIONS.

Section 20 of the Small Business Act (15 U.S.C. 631 note), as amended by section 403(c) of this Act, is further amended by inserting the following new subsection after subsection (f):

''(g) AUTHORIZATION OF APPROPRIATIONS FOR SCORE.—There is authorized to be appropriated $7,000,000 for SCORE under section 8(b)(1) for each of the fiscal years 2010 and 2011.''.

TITLE VI—EXPANDING ENTREPRENEURSHIP

SEC. 601. EXPANDING ENTREPRENEURSHIP.

Section 4 of the Small Business Act (15 U.S.C. 633) is amended by adding at the end the following:

''(g) MANAGEMENT AND DIRECTION.—

''(1) PLAN FOR ENTREPRENEURIAL DEVELOPMENT AND JOB CREATION STRATEGY.—The Administrator shall develop and submit to Congress a plan, in consultation with a representative from each of the agency's entrepreneurial development programs, for using the Small Business Administration's entrepreneurial development programs as a catalyst for job creation for fiscal years 2009 and 2010. The plan shall include the Administration's plan for drawing on existing programs, including Small Business Development Centers, Women's Business Centers, SCORE, Veterans Business Centers, Native American Outreach, and other appropriate programs. The Administrator shall identify a strategy for each Administration region to create or retain jobs through Administration programs. The Administrator shall identify, in consultation with appropriate personnel from entrepreneurial development programs, performance measures and criteria, including job creation, job retention, and job retraining goals, to evaluate the success of the Administration's actions regarding these efforts.

''(2) DATA COLLECTION PROCESS.—The Administrator shall, after notice and opportunity for comment, promulgate a rule to develop and implement a consistent data collection process to cover all entrepreneurial development programs. Such data collection process shall include data relating to job creation, performance, and any other data determined appropriate by the Administrator with respect to the Administration's entrepreneurial development programs.

''(3) COORDINATION AND ALIGNMENT OF SBA ENTREPRENEURIAL DEVELOPMENT PROGRAMS.—The Administrator shall submit annually to Congress, in consultation with other Federal departments and agencies as appropriate, a report on opportunities to foster coordination, limit duplication, and improve program delivery for Federal entrepreneurial development programs.

''(4) DATABASE OF ENTREPRENEURIAL DEVELOPMENT SERVICE PROVIDERS.—The Administrator shall, after a period of 60 days for public comment, establish a database of providers of entrepreneurial development services and, make such database available through the Administration's Web site. The database shall be searchable by industry, geography, and service required.

''(5) COMMUNITY SPECIALIST.—The Administrator shall designate not less than one staff member in each Administration district office as a community specialist who has as their full-time responsibility working with local entrepreneurial development service providers to increase coordination with Federal resources. The Administrator shall develop benchmarks for measuring the performance of community specialists under this subsection.

''(6) ENTREPRENEURIAL DEVELOPMENT PORTAL.—The Administrator shall publish a design for a Web-based portal to provide comprehensive information on the Administration's entrepreneurial development programs. After a period of 60 days for public comment, the Administrator shall establish such portal and—

''(A) integrate under one Web portal, Small Business Development Centers, Women's Business Centers, SCORE, Veterans Business Centers, the Administration's distance learning program, and other programs as appropriate;

''(B) revise the Administration's primary Web site so that the Web portal described in subparagraph (A) is available as a link on the main Web page of the Web site;

''(C) increase consumer-oriented content on the Administration's Web site and focus on promoting access to business solutions, including marketing, financing, and human resources planning;

''(D) establish relevant Web content aggregated by industry segment, stage of business development, level of need, and include referral links to appropriate Administration services, including financing, training and counseling, and procurement assistance; and

''(E) provide style guidelines and links for visitors to the Administration's Web site to be able to comment on and evaluate the materials in terms of their usefulness.

''(7) PILOT PROGRAMS.—The Administrator may not conduct any pilot program for a period of greater than 3 years if the program conflicts with, or uses the resources of, any of the entrepreneurial development programs authorized under section 8(b)(1)(B), 21, 29, 32, or any other provision of this Act.''.

TITLE VII—MODERNIZING THE SMALL BUSINESS DEVELOPMENT CENTER PROGRAM

SEC. 701. SMALL BUSINESS DEVELOPMENT CENTERS OPERATIONAL CHANGES.

(a) ACCREDITATION REQUIREMENT.—Section 21(a)(1) of the Small Business Act (15 U.S.C. 648(a)(1)) is amended as follows:

(1) In the proviso, by inserting before ''institution'' the following: ''accredited''.

(2) In the sentence beginning ''The Administration shall'', by inserting before ''institutions'' the following: ''accredited''.

(3) By adding at the end the following new sentence: ''In this paragraph, the term 'accredited institution of higher education' means an institution that is accredited as described in section 101(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)(5)).''.

(b) PROGRAM NEGOTIATIONS.—Section 21(a)(3) of the Small Business Act (15 U.S.C. 648(a)(3)) is amended in the matter preceding subparagraph (A), by inserting before ''agreed'' the following: ''mutually''.

(c) CONTRACT NEGOTIATIONS.—Section 21(a)(3)(A) of the Small Business Act (15 U.S.C. 648(a)(3)(A)) is amended by inserting after ''uniform negotiated'' the following: ''mutually agreed to''.

(d) SBDC HIRING.—Section 21(c)(2)(A) of the Small Business Act (15 U.S.C. 648(c)(2)(A)) is amended by inserting after ''full-time staff'' the following: '', the hiring of which shall be at the sole discretion of the center without the need for input or approval from any officer or employee of the Administration''.

(e) CONTENT OF CONSULTATIONS.—Section 21(a)(7)(A) of the Small Business Act (15 U.S.C. 648(a)(7)(A)) is amended in the matter preceding clause (i) by inserting after ''under this section'' the following: '', or the content of any consultation with such an individual or small business concern,''.

(f) AMOUNTS FOR ADMINISTRATIVE EXPENSES.—Section 21(a)(4)(C)(v)(I) of the Small Business Act (15 U.S.C. 648(a)(4)(C)(v)(I)) is amended to read as follows:

''(I) IN GENERAL.—Of the amounts made available in any fiscal year to carry out this section, not more than $500,000 may be used by the Administration to pay expenses enumerated in subparagraphs (B) through (D) of section 20(a)(1).''.

(g) NON-MATCHING PORTABILITY GRANTS.—Section 21(a)(4)(C)(viii) of the Small Business Act (15 U.S.C. 648(a)(4)(C)(viii)) is amended by adding at the end the following: ''In the event of a disaster, the dollar limitation in the preceding sentence shall not apply.''.

(h) DISTRIBUTION TO SBDCS.—Section 21(b) of the Small Business Act (15 U.S.C. 648(b)) is amended by adding at the end the following new paragraph:

''(4) LIMITATION ON DISTRIBUTION TO SMALL BUSINESS DEVELOPMENT CENTERS.—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, the Administration shall not distribute funds to a Small Business Development Center if the State in which the Small Business Development Center is located is served by more than one Small Business Development Center.

''(B) UNAVAILABILITY EXCEPTION.—The Administration may distribute funds to a maximum of 2 Small Business Development Centers in any State if no applicant has applied to serve the entire State.

''(C) GRANDFATHER CLAUSE.—The limitations in this paragraph shall not apply to any State in which more than one Small Business Development Center received funding prior to January 1, 2007.

''(D) DEFINITION.—For the purposes of this paragraph, the term 'Small Business Development Center' means the entity selected by the Administration to receive funds pursuant to the funding formula set forth in subsection (a)(4), without regard to the number of sites for service delivery such entity establishes or funds.''.

(i) WOMEN'S BUSINESS CENTERS.—Section 21(a)(1) of the Small Business Act (15 U.S.C. 648(a)(1)), as amended, is further amended—

(1) by striking ''and women's business centers operating pursuant to section 29''; and

(2) by striking ''or a women's business center operating pursuant to section 29''.

SEC. 702. ACCESS TO CREDIT AND CAPITAL.

Section 21 of the Small Business Act (15 U.S.C. 648) is amended by adding at the end the following new subsection:

''(o) ACCESS TO CREDIT AND CAPITAL PROGRAM.—

''(1) IN GENERAL.—The Administration shall establish a grant program for small business development centers in accordance with this subsection. To be eligible for the program, a small business development center must be in good standing and comply with the other requirements of this section. Funds made available through the program shall be used to—

''(A) develop specialized programs to assist local small business concerns in securing capital and repairing damaged credit;

''(B) provide informational seminars on securing credit and loans;

''(C) provide one-on-one counseling with potential borrowers to improve financial presentations to lenders; and

''(D) facilitate borrowers' access to non-traditional financing sources, as well as traditional lending sources.

''(2) AWARD SIZE LIMIT.—The Administration may not award an entity more than $300,000 in grant funds under this subsection.

''(3) AUTHORITY.—Subject to amounts approved in advance in appropriations Acts and separate from amounts approved to carry out the program established in subsection (a)(1), the Administration may make grants or enter into cooperative agreements to carry out this subsection.

''(4) AUTHORIZATION.—There is authorized to be appropriated not more than $2,500,000 for the purposes of carrying out this subsection for each of the fiscal years 2010 and 2011.''.

SEC. 703. PROCUREMENT TRAINING AND ASSISTANCE.

Section 21 of the Small Business Act (15 U.S.C. 648), as amended, is further amended by adding at the end the following new subsection:

''(p) PROCUREMENT TRAINING AND ASSISTANCE.—

''(1) IN GENERAL.—The Administration shall establish a grant program for small business development centers in accordance with this subsection. To be eligible for the program, a small business development center must be in good standing and comply with the other requirements of this section. Funds made available through the program shall be used to—

''(A) work with local agencies to identify contracts that are suitable for local small business concerns;

''(B) prepare small businesses to be ready as subcontractors and prime contractors for contracts made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) through training and business advisement, particularly in the construction trades; and

''(C) provide technical assistance regarding the Federal procurement process, including assisting small business concerns to comply with federal regulations and bonding requirements.

''(2) AWARD SIZE LIMIT.—The Administration may not award an entity more than $300,000 in grant funds under this subsection.

''(3) AUTHORITY.—Subject to amounts approved in advance in appropriations Acts and separate from amounts approved to carry out the program established in subsection (a)(1), the Administration may make grants or enter into cooperative agreements to carry out this subsection.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated not more than $2,500,000 for the purposes of carrying out this subsection for each of the fiscal years 2010 and 2011.''.

SEC. 704. GREEN ENTREPRENEURS TRAINING PROGRAM.

Section 21 of the Small Business Act (15 U.S.C. 648), as amended, is further amended by adding at the end the following new subsection:

''(q) GREEN ENTREPRENEURS TRAINING PROGRAM.—

''(1) IN GENERAL.—The Administration shall establish a grant program for small business development centers in accordance with this subsection. To be eligible for the program, a small business development center must be in good standing and comply with the other requirements of this section. Funds made available through the program shall be used to—

''(A) provide education classes and one-on-one instruction in starting a business in the fields of energy efficiency, green technology, or clean technology;

''(B) coordinate such classes and instruction, to the extent practicable, with local community colleges and local professional trade associations; and

''(C) assist and provide technical counseling to individuals seeking to start a business in the fields of energy efficiency, green technology, or clean technology.

''(2) AWARD SIZE LIMIT.—The Administration may not award an entity more than $300,000 in grant funds under this subsection.

''(3) AUTHORITY.—Subject to amounts approved in advance in appropriations Acts and separate from amounts approved to carry out the program established in subsection (a)(1), the Administration may make grants or enter into cooperative agreements to carry out this subsection.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated not more than $2,500,000 for the purposes of carrying out this subsection for each of the fiscal years 2010 and 2011.''.

SEC. 705. MAIN STREET STABILIZATION.

Section 21 of the Small Business Act (15 U.S.C. 648), as amended, is further amended by adding the following new subsection at the end thereof:

''(r) MAIN STREET STABILIZATION.—

''(1) IN GENERAL.—The Administration shall establish a grant program for small business development centers in accordance with this subsection. To be eligible for the program, a small business development center must be in good standing and comply with the other requirements of this section. Funds made available through the program shall be used to—

''(A) establish a statewide small business helpline within every State and United States territory to provide immediate expert information and assistance to small business concerns;

''(B) develop a portfolio of online survival and growth tools and resources that struggling small business concerns can utilize through the Internet;

''(C) develop business advisory capacity to provide expert consulting and education to assist small businesses at-risk of failure and to, in areas of high demand, shorten the response time of small business development centers, and, in rural areas, support added outreach in remote communities;

''(D) deploy additional resources to help specific industry sectors with a high presence of small business concerns, which shall be targeted toward clusters of small businesses with similar needs and build upon best practices from earlier assistance;

''(E) develop a formal listing of financing options for small business capital access; and

''(F) deliver services that help dislocated workers start new businesses.

''(2) AWARD SIZE LIMIT.—The Administration may not award an entity more than $250,000 in grant funds under this subsection.

''(3) AUTHORITY.—Subject to amounts approved in advance in appropriations Acts and separate from amounts approved to carry out the program established in subsection (a)(1), the Administration may make grants or enter into cooperative agreements to carry out this subsection.

''(4) AUTHORIZATION.—There is authorized to be appropriated not more than $2,500,000 for the purposes of carrying out this subsection for each of the fiscal years 2010 and 2011.''.

SEC. 706. PROHIBITION ON PROGRAM INCOME BEING USED AS MATCHING FUNDS.

Section 21(a)(4)(B) (15 U.S.C. 648(a)(4)(B)) is amended by inserting after ''Federal program'' the following: ''and shall not include any funds obtained through the assessment of fees to small business clients''.

SEC. 707. AUTHORIZATION OF APPROPRIATIONS.

Section 20 of the Small Business Act (15 U.S.C. 631 note), as amended by sections 403(c) and 504 of this Act, is further amended by inserting after subsection (g) the following new subsection:

''(h) SMALL BUSINESS DEVELOPMENT CENTERS.—There is authorized to be appropriated to carry out the Small Business Development Center Program under section 21 $150,000,000 for fiscal year 2010 and $160,000,000 for fiscal year 2011.''.

The CHAIR. No amendment to the committee amendment is in order except those printed in House Report 111–121. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

□ 1515

AMENDMENT NO. 1 OFFERED BY MS. VELÁZQUEZ

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111–121.

Ms. VELÁZQUEZ. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Ms. VELÁZQUEZ:

Page 9, beginning line 19, strike ''with respect to the benefits of self-employment'' and insert ''to promote self-employment opportunities''.

Page 9, line 21, strike ''tailored''.

Page 12, line 20, strike ''high-quality''.

Page 14, line 9, insert after ''Veterans Business Centers,'' the following: ''SCORE chapters,''.

Page 16, line 21, strike ''capital'' and insert ''financing''.

Page 16, line 24, strike ''aggressively''.

Page 33, line 9, strike ''the performance''.

Page 33, line 13, strike ''relating'' and insert ''related''.

Page 36, beginning line 13, strike ''as a catalyst for job creation for'' and insert ''to create jobs during''.

Page 36, line 14, strike ''2009 and 2010'' and insert ''2010 and 2011''.

Page 7, after line 22 insert the following:

''(v) Providing one-on-one or group counseling to owners of small business concerns who are members of the reserve components of the armed forces, as specified in section 10101 of title 10, United States Code, to assist such owners to effectively prepare their small businesses for periods when such owners are deployed in support of a contingency operation.''.

Page 6, line 22, strike ''(10)'' and insert ''(11)''.

Page 6, after line 21 insert the following:

''(10) RURAL AREAS.—The Director shall submit annually to the Administrator a report on whether a sufficient percentage, as determined by the Director, of veterans in rural areas have adequate access to a veterans business center. If the Director submits a report under this paragraph that does not demonstrate that a sufficient percentage of veterans in rural areas have adequate access to a veterans business center, the Director shall give priority during the one year period following the date of the submission of such report to applications for designations and grants under this subsection that will establish veterans business centers in rural areas.''.

Page 31, line 12, insert after ''community'' the following: '', strategies for increasing job placement of women in nontraditional occupations''.

Page 47, line 8, strike ''and''.

Page 47, line 12, strike the period and insert ''; and''.

Page 47, after line 12, insert the following new subparagraph:

''(D) provide services that assist low-income or dislocated workers to start businesses in the fields of energy efficiency, green technology, or clean technology.''.

Page 47, line 4, insert after ''clean technology'' the following: ''and in adapting a business to include such fields''.

Page 47, line 12, insert after ''clean technology'' the following: ''and to individuals seeking to adapt a business to include such fields''.

Page 27, line 18, insert after ''per year.'' the following: ''Projects receiving assistance under this subparagraph that possess the capacity to train existing or potential business owners in the fields of green technology, clean technology, or energy efficiency shall receive the maximum award under this subparagraph.''.

Page 29, after line 5 insert the following:

''(E) the capacity of the project to train existing or potential business owners in the fields of green technology, clean technology, or energy efficiency;''.

Page 29, line 6, strike ''(E)'' and insert ''(F)''.

Page 29, line 7, strike ''(F)'' and insert ''(G)''.

Page 32, after line 12 insert the following:

SEC. 406. APPLICANT EVALUATION CRITERIA.

Section 29(f) of the Small Business Act (15 U.S.C. 656(f)) is amended—

(1) in paragraph (3) by striking ''and'' at the end;

(2) in paragraph (4) by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(5) whether the applicant has the capacity to train existing or potential business owners in the fields of green technology, clean technology, or energy efficiency.''.

Page 5, line 13, after ''hardship.'' insert the following: ''The Director may waive the matching funds requirement under this paragraph with respect to veterans business centers that serve communities with a per capita income less than 75 percent of the national per capita income and an unemployment rate at least 150 percent higher than the national average.''.

The CHAIR. Pursuant to House Resolution 457, the gentlewoman from New York (Ms. VELÁZQUEZ) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. VELÁZQUEZ. Thank you, Mr. Chairman. I yield myself such time as I may consume.

The manager's amendment makes technical and conforming changes to the underlying legislation. It also incorporates several important amendments offered by Ms. MARKEY, Mr. CARNEY, Mr. POLIS, Ms. PINGREE, and Mr. CARDOZA.

Across all areas of the legislation, these amendments sharpen the provisions, making them more effective in assisting our entrepreneurs. In particular, these amendments strengthen provisions dealing with veterans, rural entrepreneurs, women entrepreneurs, and green technology.

I would like to thank my colleagues who contributed these changes and allowed them to be included in the manager's amendment. Ultimately, we have a manager's amendment that will improve this legislation and, more importantly, foster entrepreneurship and job growth.

Mr. Chairman, I strongly encourage my colleagues to support this amendment.

I reserve the balance of my time.

Mr. GRAVES. Mr. Chairman, I rise to claim time on the gentlelady's amendment.

The CHAIR. Without objection, the gentleman from Missouri is recognized for 10 minutes.

There was no objection.

Mr. GRAVES. Mr. Chairman, Chairwoman VELÁZQUEZ's amendment makes very much needed technical changes to the bill. In addition, the amendments clarify and strengthen the ability of Reservists and veterans to access the full range of SBA training and education programs. I fully support those changes.

The amendments also provide for more detailed criteria in evaluating applications for the Women's Business Center. These additional criteria will help the SBA select the worthiest of the applicant pool.

I have to say, Mr. Chairman, I know there's a lot of thank-yous going around today, but I do sincerely want to thank the gentlelady, Chairwoman VELÁZQUEZ, because she spent a lot of time working on issues facing rural America, and it's kind of a hard area to understand in a lot of cases. And I appreciate that. I know a lot of people appreciate that. It doesn't go unnoticed at all.

I yield back the balance of my time.

Ms. VELÁZQUEZ. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MS. MARKEY OF COLORADO

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111–121.

Ms. MARKEY of Colorado. As the designee for Mr. POLIS, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. MARKEY of Colorado:

Page 27, line 1, insert after ''concern'' the following: '', including implementing cost saving energy techniques''.

The CHAIR. Pursuant to House Resolution 457, the gentlewoman from Colorado (Ms. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Colorado.

Ms. MARKEY of Colorado. Mr. Chairman, I rise in support of my colleagues' amendment. I thank Representative SHULER, Representative VELÁZQUEZ, and members of the Small Business Committee and their staff for bringing forward this legislation that will promote entrepreneurship at a time when our Nation needs it most.

As a former small business owner, I know that starting a new business is an exciting experience. I know also that with the steep learning curve involved in managing and building a business, all too important details are left unattended. It is these details, however, that can determine whether a business will succeed or fail.

The educational and networking programs established by this bill will help small business owners attend to these details with the assistance of dedicated professionals.

Each community and each business presents a unique set of challenges and rewards. By creating specialized Small Business Development Centers, the modest funds we allocate in this bill will yield strong results through targeted counseling and training. This amendment simply adds training on reducing operating expenses through energy savings to the existing list of educational programs under this bill.

Entrepreneurs will greatly benefit from targeted training on energy use, a detail that represents 19 percent of the cost of running a small business. This high recurring cost can be inconsistent, unpredictable, and fluctuate seasonally.

High energy costs in periods of reduced revenue can be a frustrating challenge for a small business—but it's also avoidable.

Many communities and utilities offer programs to help businesses reduce energy consumption and many also offer tax breaks and incentives to reduce energy use. Some of the incentive programs available include assistance in acquiring efficient office hardware and installing renewable energy projects, but they can also help business owners with simple solutions, such as installing fluorescent light bulbs, turning off unused equipment, and closing doors and windows.

However, as common sense as it may seem to turn off a light when not in use, during the intense activity of starting a new business, ordering inventory, and hiring new employees, the lack of attention paid to an open window can quickly morph from a harmless oversight to an expensive habit.

Mr. Chairman, I want to remind my colleagues that 19 percent paid for energy is 19 percent that is not being reinvested in the business. That is 19 percent less cushion a business owner has in the event of an economic downturn. Nineteen percent may seem small, but it could be smaller.

Energy, of course, is a necessary expense. Compared to good employees and quality projects, however, this expenditure yields marginal returns. There is a reason that our utility companies call us valued customers and don't call us wise investors. Imagine if that 19 percent could be 9 percent.

To put it a better way, what if we could offer entrepreneurs an additional 10 percent capital? That 10 percent of additional resources can be invested in aspects of the operation that generate revenue.

The accumulated cost savings from moving the thermostat just a few degrees and reinvesting those funds into the business over time can be the difference between new supplies, expanding, or hiring a new employee.

This amendment strengthens our investment in small businesses by helping them with low-cost ways to improve their operations and increase their profits. The most exciting aspect of small business is the spirit of entrepreneurship, but finding creative solutions to reduce costs and save energy are possible only when business owners are made aware of the opportunities available to them.

This amendment, by simply creating awareness of energy-saving techniques and programs, will help small businesses thrive. Reducing energy consumption is not only smart environmental policy, it is sound economic policy.

I ask my colleagues to support this amendment and this important bill. I once again thank Representative SHULER, Chairwoman VELÁZQUEZ, and members of the Small Business Committee

I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask to claim the time in opposition.

The CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, as our Nation transitions to a green economy, America's entrepreneurs are leading the way. Entrepreneurs make up 90 percent of the renewable energy sector that is harnessing wind and solar power, as well as producing biofuels. Small companies are also dominant in the field of energy efficiency, and they're finding better, cleaner ways to use existing fuel sources.

The renewable energy and efficiency sectors are leading a new way for growth. They are expected to account for one out of every four jobs by 2030. Small businesses are also instrumental in efforts promoting energy efficiency in both existing and new buildings.

The amendment offered by the gentlelady from Colorado will build on this role. It clarifies that Women's Business Centers may utilize their resources to promote cost-saving energy techniques. That is a valuable change to the legislation, and I urge my colleagues to support this amendment.

I now yield to the gentleman from Missouri for any comments that he might have.

Mr. GRAVES. Mr. Chairman, I support the amendment.

Ms. VELÁZQUEZ. Mr. Chairman, I yield back the balance of my time.

Ms. MARKEY of Colorado. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Colorado (Ms. MARKEY).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. PAULSEN

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111–121.

Mr. PAULSEN. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. PAULSEN:

At the end of title I, insert the following new section:

SEC. 103. COMPTROLLER GENERAL STUDY OF SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY VETERANS.

The Comptroller General shall carry out a study on the effects of this Act and the amendments made by this Act on small business concerns owned and controlled by veterans and submit to Congress a report on the results of such study. Such report shall include the recommendations of the Comptroller General with respect to how this Act and the amendments made by this Act may be implemented to more effectively serve small business concerns owned and controlled by veterans.

The CHAIR. Pursuant to House Resolution 457, the gentleman from Minnesota (Mr. PAULSEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

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

First of all, I'd like to thank the chair of the subcommittee. Mr. Chairman, growing small businesses must be a top priority in order to turn this economy around. Our military veterans that own businesses face their own unique challenges—and the government must ensure that the programs in place to assist these veterans are achieving their goals.

I recently took part in a Minnesota Defense Alliance event where I was briefed by several small-to-medium-sized businesses in Minnesota that do work related to defense issues. Many of these companies were veteran-owned.

One of the concerns that was raised by a few of the participants was that the programs currently available to veteran-owned businesses are not effective and do not meet their needs. Because of these concerns, I authored this amendment, which would require the GAO to study the effectiveness of the legislation in growing and assisting veteran-owned companies and businesses.

My amendment also requires the GAO to offer suggestions to Congress as to how we can better assist veteran-owned business.

The government needs to do a better job of spending our taxpayer money wisely. So one of the best things that we can do for any business right now is to increase the availability of capital for growth.

Small businesses have created two of every three net new jobs in the United States since the 1970s, and certainly all the members of the Small Business Committee know this. Small businesses are also responsible for roughly half of the privately generated GDP in the United States.

I support the underlying legislation, and I believe it will go a long way in assisting and growing small businesses at a time when our Nation's economy needs a boost. Specifically, I'm interested in the new grant program for Small Business Development Centers to develop programs which help local small firms in securing capital and repairing damaged credit.

I want to thank Mr. SHULER and the rest of the Small Business Committee for their work as well. I'm extremely pleased that this bill provides the assistance for veteran-owned business, and I urge my colleagues to vote ''yes'' for this amendment and ''yes'' on the underlying legislation.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. I thank the gentleman from Minnesota for offering this amendment. All of us on both sides of the aisle want to make sure that these programs meet the needs of our entrepreneurs. I think we're doing good work with this legislation. But, as with many government programs, we must ensure there is sufficient oversight.

It is important that we carefully monitor how taxpayer dollars are spent and what effect they're having. Most of all, we must be sure that these programs accomplish what Congress intended.

The amendment in question will provide this oversight. It requires the Government Accountability Office to report on the effectiveness of ED programs for veterans.

I welcome this additional oversight. If Congress is going to ensure veterans are receiving the help they need from the SBA, we must make sure these new programs are functioning correctly. I will encourage my colleagues to vote for this amendment.

Now I yield to the gentleman from Missouri for any comments that he may have.

Mr. GRAVES. I appreciate the gentlelady from New York yielding me time. Mr. Chairman, I think this is a great amendment, and I support it.

□ 1530

Ms. VELÁZQUEZ. We are prepared to accept the amendment.

I yield back the balance of my time.

Mr. PAULSEN. We had one additional speaker, but I'm not sure if he's going to make it. So I just want to encourage support as well. I thank the gentlewoman for her support of the amendment and all the members of the Small Business Committee to truly help veteran-owned businesses grow and create jobs as well.

Mr. ROE of Tennessee. Mr. Chair, I rise in support of the amendment offered by my friend from Minnesota. As a veteran I support the underlying goal of this legislation to create opportunities for veteran-operated small businesses.

It is important in this global economy to train and provide guidance in business administration for our veterans. Veteran Business Centers and grant assistance should expand the economic playing field for these businesses.

However, if the Congress authorizes these programs it is our duty to the taxpayer to oversee their progress. This amendment calls for the Government Accountability Office to study and report on the effectiveness of these programs. We need to ask the question: "Is money spent on veteran owned small businesses helping these businesses?" "How can these programs be improved?"

I look forward to having those answers and thank the Gentleman from Minnesota for offering this amendment. I encourage my colleagues to support its adoption and yield back.

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

The CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. PAULSEN).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. BOCCIERI

The CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111–121.

Mr. BOCCIERI. Mr. Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. BOCCIERI:

Page 7, insert after line 22 the following:

''(v) Developing specialized programs to assist unemployed veterans to become entrepreneurs.''.

Page 10, line 21, insert after ''Director.'' the following: ''Such event shall include education and training with respect to improving outreach to veterans in areas of high unemployment.''.

The CHAIR. Pursuant to House Resolution 457, the gentleman from Ohio (Mr. BOCCIERI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. BOCCIERI. Thank you, Mr. Chair. I yield myself as much time as I may consume.

Mr. Chair, I rise today in support of my amendment to H.R. 2352, the Job Creation Through Entrepreneurship Act. I want to thank Chairwoman VELÁZQUEZ and Congressman SHULER for their vision in this landmark piece of legislation that will help restore our economy to what it has always been.

My amendment does two things, Mr. Chair. It allows veterans centers to receive grants to develop specialized programs that assist unemployed veterans, reservists and surviving spouses by becoming entrepreneurs. And it requires a Veterans Development Summit to provide training for veterans centers to improve their outreach to veterans in areas of high unemployment.

I strongly support the underlying bill and its creation of the Veterans Business Center program. By expanding assistance and training to veteran entrepreneurs, we can increase the number of successful small businesses and, thereby, create jobs, taking these highly skilled, highly trained individuals and helping them. Providing them with the opportunity to create jobs and create businesses is the right way to go.

The purpose of my amendment is to ensure that we are targeting outreach to unemployed veterans, reservists and surviving spouses.

Let's go over a few facts, Mr. Chair. While the economy continues to be tough for all Americans, it seems that young veterans are among the hardest hit. One out of nine Iraq and Afghanistan veterans are now out of work, and the total number of unemployed veterans of the two wars roughly averages about 170,000. It is about the same number as U.S. troops deployed to those wars, according to the Department of Labor. The 11.2 percent jobless rate for veterans who served in Iraq and Afghanistan rose 4 percentage points in the past year. That's significantly higher than the corresponding 8.8 percent for nonveterans in the same age group. On the battlefield, we pledge to leave no soldier behind. As a Nation, it should be our pledge that when they return home, we leave no veteran behind, and that includes making sure that every veteran has a job when they return.

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

Ms. VELÁZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. I thank the gentleman from Ohio for his amendment. The legislation on the floor today places a high priority on helping veterans who wish to transition from the military to entrepreneurship. As I have noted, this bill for the first time creates a nationwide network of Veterans Business Centers. As our servicemen and -women return home from Afghanistan and Iraq, many of them will look to launch their own businesses as the next step in their careers. This network of Veterans Business Centers will aid them as they make that move. For many veterans, entrepreneurship is a logical next step. Already today, veterans comprise 14 percent of self-employed people. Service-disabled veterans make up 7 percent of small businesses. The underlying legislation would help these veterans who own their own firms as well as assist veterans seeking to start their own enterprises. The amendment before us helps to refine and improve the veterans provisions contained in this bill.

Specifically, the amendment requires that the new veterans centers offer specialized services to help unemployed veterans. In addition, the amendment will help the SBA improve outreach and education to veterans in high unemployment areas, and it would mean that the SBA will dedicate resources to assist those veterans who need help the most. In short, this amendment will do right by those who have served our Nation.

I now yield to the ranking member, the gentleman from Missouri, for any comments that he may have.

Mr. GRAVES. Thank you, Madam Chair, for yielding me time.

Mr. Chairman, the area where you are seeing a lot of veterans right now come back and, obviously, set up a lot of small businesses is a rapidly growing area. This provision in the bill is well overdue, in my opinion. It just goes along with the whole nature of the bill, to modernize so many of the SBA programs. I support the amendment.

Ms. VELÁZQUEZ. Mr. Chairman, I reserve the balance of my time.

Mr. BOCCIERI. Mr. Chairman, I recognize the gentleman from Ohio (Mr. DRIEHAUS) for as much time as he may consume.

Mr. DRIEHAUS. I thank the gentleman for his amendment and the underlying bill. I rise to support the amendment and the underlying bill.

We heard just a little while ago the gentlewoman from Colorado talk about the pitfalls in creating small businesses and the challenges that entrepreneurs face. This is about identifying those challenges and helping veterans, as they return, think through the issues of creating a viable business plan, assistance with product development, providing assistance in marketing, learning how to access capital necessary to make their businesses successful. In sum, this is about leveraging the skills that so many of our men and women have learned, so many of our men and women have utilized overseas so that when they return home, they can put those skills to work in terms of small business development, in terms of coming together and driving this economy and creating new jobs. This is the direction we should be heading.

I support the amendment.

Mr. BOCCIERI. Mr. Chairman, I reserve the balance of my time.

Ms. VELÁZQUEZ. If the gentleman is prepared to yield back, we are prepared to accept the amendment.

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

Ms. VELÁZQUEZ. I urge adoption of the amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. BOCCIERI).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. HIMES

The CHAIR. It is now in order to consider amendment No. 5 printed in House Report 111–121.

Mr. HIMES. Mr. Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. HIMES:

Page 12, line 15, strike ''section 46'' and insert ''section 47''.

Page 50, after line 16, add the following new title:

TITLE VIII—MICROENTERPRISE TRAINING CENTER PROGRAM

SEC. 801. MICROENTERPRISE TRAINING CENTER PROGRAM.

The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 45, as added by section 301(b) of this Act, the following:

''SEC. 46. MICROENTERPRISE TRAINING CENTER PROGRAM.

''(a) ESTABLISHMENT.—The Administrator shall establish and carry out a microenterprise training center program for the purpose of providing low-income and unemployed individuals with training and counseling with respect to starting a microenterprise.

''(b) NUMBER AND LOCATION OF CENTERS.—In carrying out the program under subsection (a), the Administrator shall establish

10 microenterprise training centers, which, to the extent practicable, shall be located in a manner that promotes the geographic diversity of such centers. The Administrator shall give priority in locating such centers to areas with high proportions of low-income and unemployed individuals.

''(c) FUNCTION.—In carrying out the program under subsection (a), the Administrator shall ensure that microenterprise training centers provide training and resources to individuals seeking to start a new microenterprise, including through the provision of classes, one-on-one instruction, and other services the Administrator determines appropriate.

''(d) COORDINATION.—The Administrator shall coordinate the program established under subsection (a) with other programs of the Administration that may provide support to microenterprises.

''(e) DEFINITION OF MICROENTERPRISE.—In this section, the term 'microenterprise' means a business with not more than 6 employees and begun with an initial investment of not more than $40,000.''.

The CHAIR. Pursuant to House Resolution 457, the gentleman from Connecticut (Mr. HIMES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Connecticut.

Mr. HIMES. Mr. Chair, I yield myself as much time as I may consume.

Entrepreneurship in low-income areas is hindered not just by a lack of capital but by a lack of skills and training. Business skills training in low-income communities works. A recent Center For Employment Training study of 5,000 workers showed an average income boost of $7,500 to $26,000 for individuals receiving 28 weeks of business training. My amendment directs the SBA to invest in 10 Microenterprise Training Centers to provide training and resources to individuals seeking to start new small businesses, including expert-led classes, group workshops and one-on-one instruction. It authorizes no specific amount of new funds. We will look to make a small addition to the SBA operating budget later in the appropriations process.

This amendment is about spurring job creation in low-income communities, those communities that need jobs, that need small businesses most. These are the communities that are hardest hit by economic downturns, the last to recover and, in many instances, the communities that, absent jobs, draw on the public purse for the kind of public support that they need. So in the spirit of this bill, and with the support of the Small Business Committee, I urge my colleagues' positive consideration of this amendment.

I reserve the balance of my time.

Mr. GRAVES. Mr. Chair, I rise to claim time in opposition to the gentleman's amendment.

The CHAIR. The gentleman from Missouri is recognized for 5 minutes.

Mr. GRAVES. Mr. Chairman, I certainly concur with the gentleman that it is important to make sure that individuals wishing to start a very small business have access to appropriate training and technical assistance. However, where I part company with the gentleman is the need to create a program that duplicates services already available through the SBA. Microloan intermediaries are required by section 7(m) of the Small Business Act to provide counseling and training to individuals wanting to start microenterprises. In addition, such services also are available from Small Business Development Centers, Women's Business Centers, Tribal Business Centers and Veterans Business Centers. Nothing exists in the record before the committee that suggests individuals who are interested in starting microenterprises do not have access to necessary training and technical assistance. So creating another program that duplicates existing efforts through the SBA is not a sound use of scarce taxpayer dollars.

I yield back the balance of my time.

Mr. HIMES. I yield to the gentlelady from New York.

Ms. VELÁZQUEZ. Mr. Chairman, let me thank the gentleman from Connecticut for this great amendment.

We often hear discussion of the concept of ''welfare to work.'' Well, the amendment before us will move many Americans from ''welfare to entrepreneurship.'' Studies consistently demonstrate that entrepreneurship provides a path out of poverty for many Americans. In particular, we have seen that for many impoverished women, launching their own small business can mean a chance at a bright future. This amendment will provide entrepreneurial development resources to those communities that have been hardest hit by this recession by creating Microenterprise Training Centers. These centers will let Americans interested in starting a very small business, such as a home-based business, access valuable classes, one-on-one instruction and other guidance. These resources will help launch the smallest small businesses, those with six or less employees and that start with $40,000 or less in capital. Under the amendment, the SBA will establish these training centers. The administrator is instructed to place them in parts of the country that have a high proportion of low-income and unemployed individuals.

Mr. Chairman, when economic downturns like the current one hit, those communities that are already hurting often carry the brunt of the pain. Those areas already struggling with high unemployment suffer the most when jobs become even more scarce. The amendment before us will provide additional options for Americans living in these communities. It will mean that those living in poverty will have a better chance to secure their economic independence and build a better life for themselves. The Microloans Program is a program that lends to businesses and those who want to start up a business. These are microenterprises that will provide technical assistance and guidance for those who want to start up a business. It's different.

I commend the gentleman for offering this amendment.

Mr. HIMES. I thank the gentlelady from New York for her statement and for her terrific leadership on this bill.

I would just note to my colleague from Missouri that he is absolutely right to be concerned about safeguarding taxpayer dollars and avoiding duplicative efforts. However, I would point out that this amendment creates a program targeted and tailored to low-income and unemployed individuals and, therefore, doesn't duplicate the SBA's currently existing programs, which are largely tied to the lending that is often not extended to lower income and unemployed individuals. In fact, there are very few Federal resources available for lower income individuals seeking to start a business. The Microloan Program that the gentleman refers to is built around loans and actually in previous budgets has been zeroed out. So I believe and feel this personally, having spent a year helping microbusinesses in the Bronx and seeing personally how very economically powerful small businesses can be in distressed communities, that we can find our way to support this amendment and make it part of a very good and useful bill.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Connecticut (Mr. HIMES).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. KRATOVIL

The CHAIR. It is now in order to consider amendment No. 6 printed in House Report 111–121.

Mr. KRATOVIL. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. KRATOVIL:

Page 12, line 15, strike ''section 46'' and insert ''section 47''.

Page 50, after line 16, add the following new title:

TITLE VIII—RURAL ENTREPRENEURSHIP ADVISORY COUNCIL

SEC. 801. RURAL ENTREPRENEURSHIP ADVISORY COUNCIL.

The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 45, as added by section 301(b) of this Act, the following:

''SEC. 46. RURAL ENTREPRENEURSHIP ADVISORY COUNCIL.

''(a) ESTABLISHMENT.—The Administrator shall establish a rural entrepreneurship advisory council (hereinafter referred to in this section as the 'council').

''(b) COMPOSITION.—The Administrator shall ensure that the council is composed of appropriate officials from the Administration, the rural development programs of the Department of Agriculture, and the Department of Commerce and of representatives, who volunteer for the council, from the academic, small business, agriculture, and high-tech communities.

''(c) FUNCTIONS.—

''(1) INITIAL REPORT.—Not later than 90 days after the date of the enactment of this section, the council shall submit to the Administrator and to Congress a report on the following:

''(A) Entrepreneurship in rural communities compared to urban communities.

''(B) Potential barriers to entrepreneurship for individuals in rural communities.

''(C) Effective Federal policies that are expanding entrepreneurship in rural communities.

''(D) Recommendations for Federal policies to foster entrepreneurship in rural communities and to ensure that rural entrepreneurs have equal access to technical assistance, entrepreneurial opportunities, and educational outreach.

''(2) ADVICE.—The council shall provide ongoing advice to the Administrator with respect to rural entrepreneurship and make recommendations to foster rural entrepreneurs, including through the effective use of broadband technology.''.

The CHAIR. Pursuant to House Resolution 457, the gentleman from Maryland (Mr. KRATOVIL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

□ 1545

Mr. KRATOVIL. Mr. Chairman, I yield myself such time as I may consume.

I would like to congratulate the Small Business Committee chairwoman, Ms. VELÁZQUEZ, and lead sponsor, Congressman HEATH SHULER, for bringing H.R. 2352, the Job Creation Through Entrepreneurship Act of 2009, to the floor today. This legislation will arm small businesses and entrepreneurs, who are the lifeblood of our economy, to grow and prosper.

Investing in America's small businessmen and -women will help our economy recover. Small businesses create approximately four out of five new jobs. These small businesses are the backbone of the economy. They are the mom-and-pop stores on the Main Streets in small towns across America. But they are also individuals who are willing to take a risk and begin their own small high-tech companies.

I, like many Members of the House of Representatives, represent a largely rural district. A drive up and down Route 50 in my district reveals a landscape dotted with car dealerships that have closed their doors, restaurants that have gone out of business, empty hotel parking lots and store fronts with more vacancy than occupants. Although these images are not unique to rural areas, they deliver a much deeper blow to rural areas that rely on these small businesses for a greater percentage of local revenue and regional commerce than metropolitan and suburban areas.

For this reason, I have offered an amendment that would establish a rural entrepreneurship advisory council within the Small Business Administration. The council will be comprised of appropriate officials from the SBA, the rural development programs of the Department of Agriculture and the Department of Commerce, as well as representatives from the academic, small business, agriculture and high-tech sectors. The council is tasked with providing a report to Congress on rural entrepreneurship, specifically a report on entrepreneurship in rural communities compared to urban communities, potential barriers for individuals in rural communities, effective Federal policies that are expanding entrepreneurship in rural communities, and recommendations for Federal policies to foster entrepreneurship in rural communities and to ensure that rural entrepreneurs have equal access to technical assistance, entrepreneurial opportunities and educational outreach.

The council will also provide ongoing advice to the SBA administrator on issues related to rural entrepreneurship and how to foster rural entrepreneurs, including the effective use of broadband technology. This is a simple, commonsense amendment that will ensure our Nation's rural entrepreneurs are not left behind.

I urge support of the amendment as well as the underlying bill.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, the amendment offered by the gentleman from Maryland will greatly expand the reach of entrepreneurial development programs. Too often small business owners or prospective entrepreneurs cannot access these programs because they live in a rural or remote area. For those small businesses in these parts of America, the nearest Small Business Development Center or Women's Business Center is often many miles away. This can prevent small businesses from accessing the services that we are improving and reauthorizing in the underlying bill.

The amendment offered by the gentleman from Maryland will further ensure that the SBA pays attention to the needs of rural America. Specifically, it creates a rural entrepreneurship advisory council at the Small Business Administration. Drawing from the expertise of the Department of Agriculture and the Department of Commerce, this panel will see to it that ED services provided by the SBA are effective for rural small businesses.

In many rural areas, many small businesses are particularly important. Often they are the community's largest employer. This amendment will ensure that the SBA's entrepreneurial development programs are meeting the needs of rural America.

I urge the adoption of the amendment.

And I now yield to the gentleman from Missouri for any remarks that he might have.

Mr. GRAVES. Mr. Chairman, I support the amendment, and I have no opposition. I thank the gentlelady.

Ms. VELÁZQUEZ. If the gentleman is prepared to yield back, we are prepared to accept the amendment.

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

Ms. VELÁZQUEZ. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Maryland (Mr. KRATOVIL).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. KRATOVIL. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Maryland will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. MURPHY OF NEW YORK

The CHAIR. It is now in order to consider amendment No. 7 printed in House Report 111–121.

Mr. MURPHY of New York. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. MURPHY of New York:

Page 4, line 11, strike ''$150,000'' and insert the following: ''$200,000''.

Page 4, line 18, strike ''$100,000'' and insert the following: ''$150,000''.

Page 6, line 24, strike ''$10,000,000'' and insert the following: ''$12,000,000''.

Page 6, line 25, strike ''$12,000,000'' and insert the following: ''$14,000,000''.

The CHAIR. Pursuant to House Resolution 457, the gentleman from New York (Mr. MURPHY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. MURPHY of New York. Mr. Chairman, I yield myself such time as I may consume.

Like so many other Members here today, I rise to speak in favor of this bill and in particular an amendment that I think will make it stronger. For many years, I have been a small business owner, a founder of small businesses, and for the last 8 years, I have been investing in small businesses all over New York. I have seen the challenges that small business people face, and I'm well aware of the needs that they have as they start these businesses. And in particular in this troubled economic time, what those of us that work in the small business world know is that many more entrepreneurs will turn to their own efforts to start small businesses. We will see a lot more small businesses founded by entrepreneurs in these troubled economic times as people can't find jobs and they are getting laid off from bigger companies.

In particular, you have got that combined with the veterans that are coming back from our efforts overseas. And as we draw down in Iraq, a large number of veterans will be coming back and mustering out looking for job opportunities. What they are going to need is help because they are going to go and try to start small businesses. And it is a difficult task.

My amendment would increase the funding for the Veterans Business Centers that are already contemplated in

this bill. Instead of $150,000 for each of the first 5 years, they would be allocated up to $200,000. And instead of $100,000 thereafter for 3 additional years, they could go up to $150,000. I think it is critical that we make sure that we have enough of these Veterans Business Centers, like the one that we already have in the Albany area near my district, to help as many veterans as we can when they come back.

There is a great need out there. I saw this myself. I started my first business when I was 24 years old. People ask me, What would you do differently if you did it again? And every time I say, The thing I would do differently is I would turn to get more advice from experienced people early on. That is exactly what these centers will provide for our veterans. And I ask that people support this amendment to make sure we have the funding for them.

And I reserve the remainder of my time.

Ms. VELÁZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, I thank the gentleman from New York for offering this amendment, as I believe it will help to improve the bill. As we all know, and we have seen and we heard that veteran entrepreneurship is on the rise, meaning that these services are in greater and greater demand.

The existing Veterans Business Outreach Centers have seen a 61 percent increase in veterans' requests for their services. Women's Business Centers report a 103 percent increase in veterans' requests. Clearly there is a hunger out there for these type of initiatives. And as more of our men and women return from Iraq and Afghanistan, the need for veterans' entrepreneurial development programs can be expected to grow.

By increasing the resources that are available for our former servicemen and -women, this amendment will help many of them launch their own businesses.

I will now yield to the gentleman from Missouri (Mr. GRAVES) for any comments that he wishes to make.

Mr. GRAVES. Mr. Chairman, I have no opposition to the amendment and support it; and I thank the gentlelady for yielding time.

Ms. VELÁZQUEZ. Mr. Chairman, if the gentleman is prepared to yield back, we are prepared to accept this amendment.

Mr. MURPHY of New York. I yield back.

Ms. VELÁZQUEZ. Mr. Chairman, I urge the adoption of this amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. MURPHY).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. NYE

The CHAIR. It is now in order to consider amendment No. 8 printed in House Report 111–121.

Mr. NYE. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. NYE:

Page 12, line 15, strike ''section 46'' and insert ''section 47''.

Page 50, after line 16, add the following new title:

TITLE VIII—MILITARY ENTREPRENEURS PROGRAM

SEC. 801. MILITARY ENTREPRENEURS PROGRAM.

The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 45, as added by section 301(b) of this Act, the following:

''SEC. 46. MILITARY ENTREPRENEURS PROGRAM.

''(a) ESTABLISHMENT.—The Administrator shall establish and carry out a program to provide business counseling and entrepreneurial development assistance to members of the Armed Forces to facilitate the development of small business concerns.

''(b) LIAISON.—In carrying out the program described in subsection (a), the Administrator shall establish a liaison to facilitate outreach to members of the Armed Forces with respect to business counseling and entrepreneurial development assistance.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this section $1,000,000 for fiscal years 2010 and 2011.''.

The CHAIR. Pursuant to House Resolution 457, the gentleman from Virginia (Mr. NYE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. NYE. Mr. Chairman, I rise today in support of the Job Creation Through Entrepreneurship Act. In fact, I authored title I, the Veterans Business Centers provision, and I am in strong support of the title as it is. Today, however, I would like to make a minor addition to that bill, the Military Entrepreneurs Program.

Mr. Chairman, it takes a special kind of person to be an entrepreneur. Small business ownership takes leadership. And in times like these, it takes resilience. So it is not surprising that, as they reenter civilian life, many of our returning servicemembers decide to launch their own enterprises. After all, these are the same attributes that they have exhibited while serving our Nation.

Our veterans leave the military with valuable skills and experience. But they often don't have the resources to apply those skills to the challenge of starting and running a small business. This bill will make sure our veterans have the support they need to launch successful small businesses. And by supporting our veterans and our small businesses, we will help create jobs and get our economy going again.

The cornerstone of this effort will be a new nationwide network of services dedicated to veteran entrepreneurs called Veteran Business Centers. Establishing this joint public-private network will provide veterans with the dedicated counseling and business training they need to launch new enterprises or grow existing businesses. By creating a new program to assist veterans in accessing capital and securing loans and credit, we will help them overcome some of the most significant hurdles blocking them from becoming successfully self-employed.

By creating a new program to help our veterans to navigate the procurement process, they will be able to compete more effectively in the Federal marketplace.

The Recovery Act is expected to create work in many sectors that are veteran dominated, like engineering, telecommunications, project management and construction. This bill will help veteran entrepreneurs take advantage of these opportunities.

In coordination with these new Veteran Business Centers, this amendment, the Military Entrepreneurs Program, will direct the SBA to provide servicemembers transitioning to civilian life entrepreneurial information, training and financial guidance, the things they need to start up a business.

This amendment specifically targets young entrepreneurs and proactively reaches out to them, letting them know the immense resources that are available to them. This ensures our returning warfighters have the know-how to land firmly on their feet after they have honorably served our country.

Our veterans made every sacrifice necessary to defend liberty, justice and American values; and they deserve every chance at a fair shot at the American Dream. For that reason, the Veteran Business Centers provision has the support of both the American Legion and the Veterans of Foreign Wars.

I strongly urge passage of this amendment and the bill.

And I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, let me start by saying that the gentleman from Virginia has been enormously helpful in crafting this legislation. He authored the bill on which title I is based. That measure establishes a portfolio of entrepreneurial development services for our Nation's veterans.

The amendment that he is now offering will go even further. As we have already noted, members of our Armed Forces are natural candidates for entrepreneurship. They exhibit the dedication, resolve and leadership skills that it takes to launch a new enterprise. In many cases, they make excellent Federal contractors as they are familiar with the procurement process or are in fields in high demand by the government.

This amendment takes a very proactive approach by reaching out to members of the military before they are discharged easing their transition back into civilian life.

Today, too many Americans who have worn the uniform of our Nation find themselves unemployed after separating from the service. With this amendment, we create another option, another career path for members of our military.

I thank the gentleman from Virginia for offering this amendment and for all of his work on this bill.

And I now yield to the ranking member from Missouri for any comments that he might have.

Mr. GRAVES. Mr. Chairman, I have no opposition to the amendment. I support it. I thank the gentlelady for yielding.

Ms. VELÁZQUEZ. If the gentleman is prepared to yield back, we are prepared to accept the amendment.

Mr. NYE. I yield back.

Ms. VELÁZQUEZ. I urge the adoption of the amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. NYE).

The amendment was agreed to.

□ 1600

AMENDMENT NO. 9 OFFERED BY MR. SCHAUER

The CHAIR. It is now in order to consider amendment No. 9 printed in House Report 111–121.

Mr. SCHAUER. Mr. Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. SCHAUER:

Page 50, after line 16, add the following new section:

SEC. 708. SMALL MANUFACTURERS TRANSITION ASSISTANCE PROGRAM.

Section 21 of the Small Business Act (15 U.S.C. 648), as amended, is further amended by adding at the end the following new subsection:

''(s) SMALL MANUFACTURERS TRANSITION ASSISTANCE PROGRAM.—

''(1) IN GENERAL.—The Administration shall establish a grant program for small business development centers in accordance with this subsection. To be eligible for the program, a small business development center must be in good standing and comply with the other requirements of this section. Funds made available through the program shall be used to—

''(A) provide technical assistance and expertise to small manufacturers with respect to changing operations to another industry sector or reorganizing operations to increase efficiency and profitability;

''(B) assist marketing of the capabilities of small manufacturers outside the principal area of operations of such manufacturers;

''(C) facilitate peer-to-peer and mentor-protege relationships between small manufacturers and corporations and Federal agencies; and

''(D) conduct outreach activities to local small manufacturers with respect to the availability of the services described in subparagraphs (A), (B), and (C).

''(2) DEFINITION OF SMALL MANUFACTURER.—In this subsection, the term 'small manufacturer' means a small business concern engaged in an industry specified in sectors 31, 32, or 33 of the North American Industry Classification System in section 121.201 of title 13, Code of Federal Regulations.

''(3) AWARD SIZE LIMIT.—The Administration may not award an entity more than $250,000 in grant funds under this subsection.

''(4) AUTHORITY.—Subject to amounts approved in advance in appropriations Acts and separate from amounts approved to carry out the program established in subsection (a)(1), the Administration may make grants or enter into cooperative agreements to carry out this subsection.

''(5) AUTHORIZATION.—There is authorized to be appropriated not more than $2,500,000 for the purposes of carrying out this subsection for each of the fiscal years 2010 and 2011.''.

The CHAIR. Pursuant to House Resolution 457, the gentleman from Michigan (Mr. SCHAUER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. SCHAUER. Thank you, Mr. Chair. I yield myself such time as I may consume.

Mr. Chair, I rise to a offer an amendment to address a pressing need in my community and in many communities around the country. We need to help small businesses succeed in this difficult economy. It's not enough to simply survive this downturn; we need to expand and grow jobs, and small businesses are the best way to do that. I'm so pleased that this bill has been brought forward. I thank the chair for her leadership and the sponsor of this bill to address these pressing needs.

In Michigan, we've been fighting this economic fight for 9 years. One of the bright spots in our fight has been the Small Business Development Center program. In my State, our SBDC has a great record of achievement. In 2007, more than 11,000 businesses were served by this program, and these companies created more than 3,000 jobs. In 2008, more than 12,000 businesses were assisted through SBDCs. These businesses included 515 veteran-owned businesses, 2,200 female-owned businesses, and 2,500 startups. Counseling provided by SBDCs helped create more than 3,400 new jobs in Michigan, despite the economic turmoil that my State has been facing.

Clearly, this program works, and my amendment grows this program to help small manufacturers that have been pummeled by this recession. Specifically, Mr. Chair, my amendment creates a $2.5 million pool of funds to establish a grant program. It's a new section in the Small Business Act to create the Small Manufacturers Transition Assistance Program to provide technical assistance and expertise to small manufacturers that are seeking opportunities in different industrial sectors.

For example, if a small machine shop wants to shift from automotive contracting to aviation or aerospace contracting, my amendment provides funding for Small Business Development Centers to provide help with that transition.

And this isn't just a hypothetical situation. This is a very real one in my State where struggling manufacturers are looking to new opportunities to survive and grow.

The SBDCs have had real success in this area, but more resources are needed during these tough times for American manufacturing. That is why I offer this amendment to create the Small Manufacturers Transition Assistance Program. Mr. Chair, these are services that 11,000 to 12,000 businesses a year use in my State, and they're desperately needed at this time. I hope my colleagues will support this amendment.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I am not opposed to the amendment. I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. The amendment offered by the gentleman from Michigan is a well-thought-out proposal. In fact, earlier this month, the House Small Business Committee conducted a hearing regarding how small parts suppliers and manufacturers are coping given the current problems in the automobile industry. What we heard is troubling. Experts predict that half of the Nation's auto suppliers will be shut down by 2012. Many have already closed their doors.

These factories are vital not just to the automotive sector but to our overall economy. Parts suppliers alone employ 3.2 million workers. We know that the three big car manufacturers are suffering, but these are the smaller of the smaller, and they need our help. So it is very important what this amendment will do.

In the past, these manufacturers have supplied the American automobile industry, and I believe they can continue to have a bright future. By modernizing their facilities and entering new markets, they can keep offering good-paying jobs to millions of Americans while maintaining a strong manufacturing base in this country.

If we have learned any one thing from the current economic crisis, it is that economic stability starts from the bottom up, not the other way around. By stabilizing small manufacturers and part suppliers, we can help the larger firms in the automotive industry. In that process, we will protect millions of jobs. The amendment before us will further this goal.

I urge its adoption, and I yield to the gentleman from Missouri (Mr. GRAVES) for any comments he wishes to make.

Mr. GRAVES. Mr. Chairman, I have no opposition to the amendment. I associate myself with the remarks of the gentlelady from New York.

Ms. VELÁZQUEZ. If the gentleman is prepared to yield back.

Mr. SCHAUER. I thank my colleagues for their support.

I yield back the balance of my time.

Ms. VELÁZQUEZ. I urge adoption of the amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. SCHAUER).

The amendment was agreed to.

Ms. VELÁZQUEZ. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MURPHY of New York) having assumed the chair, Mr. HOLDEN, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2352) to amend the Small Business Act, and for other purposes, had come to no resolution thereon.

RECESS

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

Accordingly (at 4 o'clock and 6 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1717

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. TONKO) at 5 o'clock and 17 minutes p.m.

RECOGNIZING AMERICA'S TEACHERS

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 374.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TONKO) that the House suspend the rules and agree to the resolution, H. Res. 374.

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.

JOB CREATION THROUGH ENTREPRENEURSHIP ACT OF 2009

The SPEAKER pro tempore. Pursuant to House Resolution 457 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2352.

□ 1718

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2352) to amend the Small Business Act, and for other purposes, with Mr. SALAZAR (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, amendment No. 9 printed in House Report 111–121 offered by the gentleman from Michigan (Mr. SCHAUER) had been disposed of.

AMENDMENT NO. 6 OFFERED BY MR. KRATOVIL

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Maryland (Mr. KRATOVIL) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 427, noes 0, not voting 12, as follows:

[Roll No. 279]

AYES—427

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Christensen
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
Delahunt
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
Faleomavaega
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
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)
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
Norton
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)
Sablan
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)
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—12

Bachmann
Barrett (SC)
Becerra
Bishop (UT)
Braley (IA)
Castor (FL)
Linder
Pierluisi
Sánchez, Linda T.
Speier
Stark
Thompson (PA)

□ 1744

Mr. BURGESS changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1745

The Acting CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. TAUSCHER) having assumed the chair, Mr. SALAZAR, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2352) to amend the Small Business Act, and for other purposes, pursuant to House Resolution 457, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mrs. CAPITO. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Mrs. CAPITO. In its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mrs. Capito moves to recommit the bill H.R. 2352 to the Committee on Small Business with instructions to report the same back to the House forthwith with the following amendment:

Add at the end the following new title:

TITLE VIII—ASSISTANCE RELATED TO CARBON EMISSION TAX

SEC. 801. ASSISTANCE RELATED TO CARBON EMISSION TAX.

Section 21(c)(3) of the Small Business Act (15 U.S.C. 648(c)(3)) is amended—

(1) in subparagraph (S), by striking the final ''and'';

(2) in subparagraph (T), by striking the period and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(U) providing information and technical assistance to any small business owner that faces an increase in costs as a result of the enactment of any program to impose a tax on carbon emissions, either directly or through the operation of a cap and trade system on such emission limits.''.

Mrs. CAPITO (during the reading). Madam Speaker, I ask unanimous consent to dispense with the reading.

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

There was no objection.

The SPEAKER pro tempore. The gentlewoman from West Virginia is recognized for 5 minutes.

Mrs. CAPITO. Madam Speaker, the intent of this motion to recommit is clear. My amendment amends the legislation to include important language that would ensure that small business owners are made aware of adverse effects that could be caused by future energy taxes.

The simple amendment will direct the Small Business Administration to make sure small businesses are provided with information and technical assistance if and when they face an increase in costs as a result of the enactment of any program to impose a tax on carbon emissions, either directly or through the operation of a cap-and-trade system on such amendment emission limits.

Small business owners understand that cap-and-trade is essentially a national energy tax that will hit consumers and business owners alike. Manufacturers and small business owners in States like mine depend on the low cost of energy. These businesses compete in a global marketplace where energy costs are critical to economic success.

The cost increases from a national energy tax will prove to be severely damaging to the bottom lines of small businesses in my State and many others across this country. It is only appropriate to communicate those costs associated with such a policy. Small businesses operate on very clear margins, and it is the duty of this body to protect those job creators, not go after them with increased tax burdens.

I urge adoption of this amendment.

I yield back the balance of my time.

Ms. VELÁZQUEZ. Madam Speaker, I claim the time in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 5 minutes.

Ms. VELÁZQUEZ. Madam Speaker, I understand that the gentlelady is trying to make a point of climate change reform. What I would hope is that you will engage in a constructive dialogue on our long-term energy challenges. I understand the point that you're trying to make, and I will invite you to engage in a constructive dialogue when it comes to climate change reform.

The legislation that you're referring to will provide assistance to small businesses and also small manufacturers as we transition to a green economy, and in fact, the bill that we have before us today creates a green entrepreneurs training program in the sectors of energy efficiency, clean technology. Also, several amendments adopted today will help promote energy efficiency under the Polis amendment. The Women's Business Center program will provide such a system for women-owned firms. The manager's amendment includes several provisions that will assist firms to adopt processes and techniques that will reduce their use of energy.

And, finally, last Congress we passed an energy bill which includes a wide range of provisions that encourage small businesses to become more energy efficient. So we are calibrating the effect that any legislation regarding climate change will have on small businesses, and that is why we are addressing some of those issues in the bill that we have here today.

I applaud the gentlelady's intent to provide more assistance to small businesses, and I accept her motion to recommit.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mrs. CAPITO. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 385, noes 41, not voting 7, as follows:

[Roll No. 280]

AYES—385

Ackerman	Brown, Corrine	Davis (IL)
Aderholt	Brown-Waite, Ginny	Davis (KY)
Adler (NJ)	Buchanan	Davis (TN)
Akin	Burgess	Deal (GA)
Alexander	Burton (IN)	DeFazio
Altmire	Butterfield	DeGette
Andrews	Buyer	Delahunt
Arcuri	Calvert	DeLauro
Austria	Camp	Dent
Baca	Campbell	Diaz-Balart, L.
Bachus	Cantor	Diaz-Balart, M.
Baird	Cao	Dicks
Barrow	Capito	Doggett
Bartlett	Capps	Donnelly (IN)
Barton (TX)	Cardoza	Doyle
Bean	Carnahan	Dreier
Becerra	Carney	Driehaus
Berkley	Carson (IN)	Duncan
Berman	Carter	Edwards (TX)
Berry	Cassidy	Ehlers
Biggert	Castle	Ellison
Bilbray	Castor (FL)	Ellsworth
Bilirakis	Chaffetz	Emerson
Bishop (NY)	Chandler	Engel
Bishop (UT)	Childers	Etheridge
Blackburn	Clyburn	Fallin
Blumenauer	Coble	Fattah
Blunt	Coffman (CO)	Filner
Boccieri	Cohen	Flake
Boehner	Cole	Fleming
Bonner	Conaway	Forbes
Bono Mack	Cooper	Fortenberry
Boozman	Costa	Foster
Boren	Costello	Foxx
Boswell	Courtney	Franks (AZ)
Boucher	Crenshaw	Frelinghuysen
Boustany	Cuellar	Gallegly
Boyd	Culberson	Garrett (NJ)
Brady (PA)	Cummings	Gerlach
Brady (TX)	Dahlkemper	Giffords
Bright	Davis (AL)	Gingrey (GA)
Broun (GA)	Davis (CA)	Gohmert
Brown (SC)		Gonzalez

Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hodes
Hoekstra
Holden
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (IL)
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
Latta
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Marshall
Massa
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
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)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
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 (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
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
Titus
Tonko
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—41

Abercrombie
Baldwin
Bishop (GA)
Capuano
Clarke
Clay
Cleaver
Connolly (VA)
Conyers
Crowley
Dingell
Edwards (MD)
Eshoo
Farr
Frank (MA)
Fudge
Gutierrez
Harman
Hirono
Holt
Honda
Johnson (GA)
Johnson, E. B.
Lee (CA)
Lewis (GA)
Lofgren, Zoe
Markey (MA)
Matsui
McDermott
McGovern
Moore (WI)
Napolitano
Olver
Polis (CO)
Ryan (OH)
Sherman
Tierney
Towns
Tsongas
Waters
Woolsey

NOT VOTING—7

Bachmann
Barrett (SC)
Braley (IA)
LaTourette
Sánchez, Linda T.
Speier
Stark

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1812

Ms. WOOLSEY changed her vote from ''aye'' to ''no.''

Messrs. THOMPSON of California, GORDON of Tennessee, GONZALEZ, FATTAH, Ms. KILROY, Messrs. SPRATT, NADLER of New York, and Ms. PINGREE of Maine changed their vote from ''no'' to ''aye.''

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Ms. VELÁZQUEZ. Madam Speaker, pursuant to the instructions of the House in the motion to recommit, I report the bill, H.R. 2352, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Ms. VELÁZQUEZ:

Add at the end the following new title:

TITLE VIII—ASSISTANCE RELATED TO CARBON EMISSION TAX

SEC. 801. ASSISTANCE RELATED TO CARBON EMISSION TAX.

Section 21(c)(3) of the Small Business Act (15 U.S.C. 648(c)(3)) is amended—

(1) in subparagraph (S), by striking the final ''and'';

(2) in subparagraph (T), by striking the period and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(U) providing information and technical assistance to any small business owner that faces an increase in costs as a result of the enactment of any program to impose a tax on carbon emissions, either directly or through the operation of a cap and trade system on such emission limits.''.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. VELÁZQUEZ. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 406, nays 15, not voting 12, as follows:

[Roll No. 281]

YEAS—406

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
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
Brady (PA)
Brady (TX)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
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
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
Hastings (FL)
Hastings (WA)
Heinrich
Heller
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 (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
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 (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
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)

Paulsen	Ryan (WI)	Taylor
Payne	Salazar	Teague
Pence	Sanchez, Loretta	Terry
Perlmutter	Sarbanes	Thompson (CA)
Perriello	Scalise	Thompson (MS)
Peters	Schakowsky	Thompson (PA)
Peterson	Schauer	Thornberry
Petri	Schiff	Tiahrt
Pingree (ME)	Schmidt	Tiberi
Pitts	Schock	Tierney
Platts	Schrader	Titus
Poe (TX)	Schwartz	Tonko
Polis (CO)	Scott (GA)	Towns
Pomeroy	Scott (VA)	Tsongas
Posey	Sensenbrenner	Turner
Price (GA)	Serrano	Upton
Price (NC)	Sessions	Van Hollen
Putnam	Sestak	Velázquez
Quigley	Shea-Porter	Visclosky
Radanovich	Sherman	Walden
Rahall	Shimkus	Walz
Rangel	Shuler	Wamp
Rehberg	Shuster	Wasserman Schultz
Reichert	Simpson	
Reyes	Sires	Waters
Richardson	Skelton	Watson
Rodriguez	Slaughter	Watt
Roe (TN)	Smith (NE)	Waxman
Rogers (AL)	Smith (NJ)	Weiner
Rogers (KY)	Smith (TX)	Welch
Rogers (MI)	Smith (WA)	Westmoreland
Rohrabacher	Snyder	Wexler
Rooney	Souder	Whitfield
Ros-Lehtinen	Space	Wilson (OH)
Roskam	Spratt	Wilson (SC)
Ross	Stearns	Wittman
Rothman (NJ)	Stupak	Wolf
Roybal-Allard	Sullivan	Woolsey
Ruppersberger	Sutton	Wu
Rush	Tanner	Yarmuth
Ryan (OH)	Tauscher	Young (FL)

NAYS—15

Broun (GA)	Flake	Moran (KS)
Campbell	Foxx	Paul
Chaffetz	Franks (AZ)	Royce
Culberson	Hensarling	Shadegg
Duncan	Miller (FL)	Young (AK)

NOT VOTING—12

Bachmann	Harper	Sánchez, Linda T.
Barrett (SC)	Johnson (GA)	
Boyd	King (IA)	Speier
Braley (IA)	Klein (FL)	Stark
Conyers		

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KISSELL) (during the vote). There is 1 minute remaining in this vote.

□ 1820

Messrs. POE of Texas and BURTON of Indiana changed their vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BRALEY of Iowa. Madam Speaker, I regret missing floor votes on Wednesday, May 20, 2009, as I was attending my son's high school graduation in Iowa. If I was present, I would have voted:

''Yea'' on rollcall 273, agreeing to 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 open end consumer credit plan, and for other purposes.

''Yea'' on rollcall 274, On Ordering the Previous Question on H. Res. 457, Providing for consideration of the bill (H.R. 2352) to amend the Small Business Act, and for other purposes.

''Aye'' on rollcall 275, agreeing to H. Res. 457, Providing for consideration of the bill (H.R. 2352) to amend the Small Business Act, and for other purposes.

''Aye'' on rollcall 276, Concur In All But Sec. 512 of Senate Amdt. to H.R. 627, Credit Cardholders Bill of Rights Act of 2009.

''Nay'' on rollcall 277, Concur In Sec. 512 of Senate Amdt. to H.R. 627, Credit Cardholders Bill of Rights Act of 2009.

''Aye'' on rollcall 278, On Motion to suspend the Rules and Agree to H. Res. 297, Recognizing May 25, 2009, as National Missing Childrens Day.

''Aye'' on rollcall 279, On Agreeing to the Kratovil of Maryland Amendment to H.R. 2352, Job Creation Through Entrepreneurship Act of 2009.

''Aye'' on rollcall 280, On Motion to recommit H.R. 2352, Job Creation Through Entrepreneurship Act of 2009.

''Yea'' on rollcall 281, On Passage of H.R. 2352, Job Creation Through Entrepreneurship Act of 2009.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2352, JOB CREATION THROUGH ENTREPRENEURSHIP ACT OF 2009

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to correct section numbers, punctuation, and cross-references, and to make other necessary technical and conforming corrections in the engrossment of H.R. 2352.

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

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON S. 454, WEAPON SYSTEM ACQUISITION REFORM ACT OF 2009

Mr. CARDOZA, from the Committee on Rules, submitted a privileged report (Rept. No. 111–125) on the resolution (H. Res. 463) providing for consideration of the conference report to accompany the Senate bill (S. 454) to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, 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. 915, FAA REAUTHORIZATION ACT OF 2009

Mr. CARDOZA, from the Committee on Rules, submitted a privileged report (Rept. No. 111–126) on the resolution (H. Res. 464) providing for consideration of the bill (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, to provide stable funding for the national aviation system, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ROSLYN LITTMAN SCHULTE

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

Mr. MURPHY of New York. Mr. Speaker, I rise today with a very sad duty of reporting the tragic passing of Roslyn Littman Schulte, who was taken from us by a roadside bomb just north of Kabul earlier today while serving our country.

Roslyn Schulte was a first lieutenant in the United States Air Force, an intelligence officer, and the younger sister of my chief of staff, and a great friend of this body, Todd Schulte.

Roslyn Schulte was born March 18, 1984, in St. Louis, Missouri. She was a graduate of John Burroughs High School in St. Louis, and attended the United States Air Force Academy, where she graduated in 2006. She was deployed to Afghanistan on February 18 of this year.

Like so many patriotic Americans, Lieutenant Schulte was willing to give her life in service to all of us and to her country. The expression of our gratitude to her is beyond words.

Roslyn is survived by her parents, Bob and Suzy Schulte, and her brother, Todd. The thoughts and prayers of a grateful Nation are with the Schulte family and with Roslyn's fellow troops and friends at this difficult time.

As we stand on this floor and debate the profound issues of our times, let us never forget the true cost of the freedoms that we so often take for granted.

NOMINATION OF DAWN JOHNSEN

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

Mr. CANTOR. Mr. Speaker, I rise today with deep and growing concern over President Obama's nomination of Dawn Johnsen to head up the Justice Department's Office of Legal Counsel. My worry isn't merely her position on the question of life. It's that she routinely has taken hard-line stances and made extreme statements that cast doubt on her fitness to manage the power entrusted to her in a responsible way.

Ms. Johnsen has claimed that abortion restrictions ''reduce pregnant women to no more than fetal container.'' Her arguments have compared pro-life advocates to the KKK and pregnancy to slavery.

The Office of Legal Counsel does not need an activist. It needs someone with a temperament to accurately inform the administration on the legality of policies being contemplated.

I encourage Members of the Senate, including my Senator from Virginia, Senator WEBB, to vote against this nomination.

HONORING ROSLYN LITTMAN SCHULTE

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

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I too today rise with a heavy heart. We learned early this morning that America lost a great patriot, Roslyn Littman Schulte, who was killed this morning just north of Kabul by a roadside bomb.

First Lieutenant Schulte, an intelligence officer in the United States Air Force, was serving in Afghanistan. She was only 25 years old.

A 2006 graduate of the United States Air Force Academy, Roslyn was born and raised in St. Louis, Missouri.

I am heartbroken for a good friend of many of us, Todd Schulte, chief of staff to Congressman SCOTT MURPHY, who is Roslyn's brother. It is on days like today that we must remind ourselves of the great sacrifices that members of the armed services and their families make in defense of freedom and the security of the United States.

My thoughts and prayers are with her parents, Bob and Suzy, her brother Todd, her extended family and her unit at this grievous time.

NOMINATION OF DAWN JOHNSEN

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

Mr. THORNBERRY. Mr. Speaker, one of the key lessons from the release of legal memos analyzing interrogation techniques is the importance of the Office of Legal Counsel in the Justice Department. One may agree or disagree with the analysis used in the past, but they were quite clear and quite specific on what was allowed and what was not, down to the number of seconds that each technique could be used.

The lawyer's opinions were binding. If they had prohibited a technique, for example, that lowered a terrorist suspect's self-esteem, then that opinion would be binding too.

The importance of this position in our government is highlighted by the controversial nomination that President Obama has made for this position. The opinions of Professor Dawn Johnsen that she has expressed in the past, and her reluctance to provide clear answers today, call into question her opinions and whether they could be the basis upon which our national security professionals could do their job.

Our colleagues in the other body should be very cautious when considering this nomination when so much is at stake.

ARMY RESERVISTS FROM THE NORTHERN MARIANA ISLANDS WHO ARE SERVING IN KUWAIT

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

Mr. SABLAN. Mr. Speaker, I rise today to recognize the remarkable men from the Northern Mariana Islands who are presently serving their country in Kuwait. These 78 heroic Army Reservists are members of Echo Company, 100th Battalion, 442nd Infantry Regiment. The 442nd is well known for bravery under tough conditions, and that attitude is embodied in its motto: ''Go for broke.''

Echo Company is operating under tough conditions. This is the second deployment for this detachment since the U.S. went to war in the Middle East. The company was first sent into combat from August 2004 to February 2006 for 19 months. The current deployment began last August and will end sometime in September after another 14 months.

These are tough conditions. These soldiers must leave families behind, and their spouses must do their best on their own while praying for the safe return of their loved ones. And some do not return home. The Northern Marianas has already lost 11 individuals in the combat zone just in this war alone.

I have a special connection to Echo Company. I was one of the first volunteers for the 442nd when it was first established in the early 1980s in the Northern Marianas. More so, I know most of these men on a personal basis as family, friend or neighbor.

I stand before this body today with the utmost respect and gratitude to individuals from the Northern Marianas and from everywhere in America who bravely serve our Nation and its people.

To Echo Company, I say Godspeed and Si Yu'us Ma'a'se.

□ 1830

NOMINATION OF DAWN JOHNSEN—LIFE ISSUES

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

Ms. FOXX. Mr. Speaker, the President has said we should find common ground on the issue of abortion, but his nomination of Dawn Johnsen to head up the Office of Legal Counsel is amongst the most controversial of his nominees.

Johnsen, who formerly worked for NARAL and the ACLU's Reproductive Freedom Project has compared pregnancy to involuntary servitude. She has described pregnant women as ''losers in the contraceptive lottery.'' She criticized then Senator Clinton for claiming a need to keep abortions rare. Some of her positions encompass questionable legal arguments, including the assertion that abortion bans might undermine the 13th Amendment, which bans slavery.

I quote her here: ''Statutes that curtail a woman's abortion choice are disturbingly suggestive of involuntary servitude, prohibited by the 13th Amendment, in that forced pregnancy requires a woman to provide continuous physical service to the fetus in order to further the State's asserted interest.''

A quote again: ''Our position is that there is no 'father' and no 'child'—just a fetus. Any move by the courts to force a woman to have a child amounts to involuntary servitude.''

I and millions of other women do not feel this way. We cherish the opportunity to have borne a child.

THE LOSS OF AMERICA'S MANUFACTURING SECTOR

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

Mr. ROE of Tennessee. Mr. Speaker, Americans are tired of watching our manufacturing sector move overseas. We need to implement policies that encourage companies to invest here in America and that make the cost of doing business less expensive. Lowering corporate tax rates, creating tax incentives for purchasing new plant equipment and increasing depreciation allowances all would be helpful in expanding investment here.

Unfortunately, House Democrats are advancing cap-and-tax legislation that has many theoretical benefits but one absolute consequence—the loss of millions of American manufacturing jobs. The Democrats' response to global warming is to tax coal, of which we have hundreds of years of reserves, and to tax oil so that Americans will start using other power sources. Employers who are in globally competitive industries and who can't simply raise the cost of their goods will be forced to lay off even more people, as their factories close, to pay for a program that may or may not be necessary to reverse climate change.

I, for one, am not willing to sacrifice two American manufacturing jobs for every one green job. I hope all Americans will let their legislators know they don't want to pay higher taxes on energy while watching their jobs disappear.

NATIONAL ENERGY TAX

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

Mr. PENCE. As we stand in Congress this evening, legislation on climate change continues to move through this body. As more Americans are realizing

every day, the cap-and-trade legislation is nothing more than a national energy tax that will raise the energy costs on every American household by thousands of dollars a year. It will hit the Midwest, low-income Americans and Americans on fixed incomes the hardest.

The President, himself, said more than a year ago that, if his cap-and-trade proposal became law, utility rates would, in his words now, ''necessarily skyrocket.'' Millions of Americans are catching on.

Next week, House Republicans will go from coast to coast in this country with energy summits, taking our case against this national energy tax to the four corners of this Nation. I look forward to engaging the American people. During these tough economic times, the last thing we should do is raise the burden and the cost of energy on every working family in this Nation.

Let's say ''no'' to a national energy tax and say ''no'' to cap-and-trade.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE STABILIZATION OF IRAQ—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111–42

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the Federal Register for publication. This notice states that the national emergency with respect to the stabilization of Iraq declared in Executive Order 13303 of May 22, 2003, as modified in scope and relied upon for additional steps taken in Executive Order 13315 of August 28, 2003, Executive Order 13350 of July 29, 2004, Executive Order 13364 of November 29, 2004, and Executive Order 13438 of July 17, 2007, is to continue in effect beyond May 22, 2009.

Obstacles to the orderly reconstruction of Iraq, the restoration and maintenance of peace and security in the country, and the development of political, administrative, and economic institutions in Iraq continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. Accordingly, I have determined that it is necessary to continue the national emergency with respect to this threat and maintain in force the measures taken to deal with that national emergency.

BARACK OBAMA.

THE WHITE HOUSE, *May 19, 2009.*

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.

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.)

SAVING AN EMBLEM OF THE AMERICAN SPIRIT

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, President Obama has stated that America can not, must not and will not let our auto industry simply vanish. The industry is like no other, he said—''an emblem of the American spirit, a once and future symbol of America's success.'' I could not agree more with the President. We must do what we need to do to save this vital industry in the face of the Wall Street meltdown and virulent and often unfair foreign competition. No major industrial power has ever survived without a strong automobile industry.

First of all, auto production is essential for our domestic economic security. Automobiles built the middle class in America, and they made possible the greatest economic and continental expansion the world has ever seen.

Secondly, auto production is essential for our national defense. When President Obama talks about the future symbol of America's success, he is talking about my district, including Toledo, as well as Sandusky and Lorain, but also Cleveland and Youngstown and, of course, Detroit. Why? Because we have been sowing the seeds for the rebirth of the American automobile industry in these communities and especially in my hometown of Toledo—that is, until Wall Street hit us with a blunt mallet.

Mr. Speaker, Toledo is looking forward to a visit tomorrow by Dr. Ed Montgomery, the President's auto czar. He will visit Dayton as well as our hometown. In Toledo, we are going to tell him the story of automobiles and what they mean to America. We'll tell him how Toledo has been making cars for over 100 years, starting with an entrepreneur named John North Willys, who founded an auto company in Toledo that became Willys-Overland, later owned by Kaiser, then by Chrysler.

Willys-Overland is a perfect example of the importance of automobiles in America. Willys was the second largest carmaker in America from 1912 to 1918—only Ford was larger—and then it took off when it won a spirited national competition, which we should repeat, to build the rough-and-ready vehicle that General George C. Marshall wanted for U.S. troops in the war. That vehicle was the Jeep.

When President Obama talks about an emblem of the American spirit, he could have been talking about the Jeep plant in Toledo, Ohio, because nowhere else did the American spirit manifest itself more magnificently. When World War II started, the United States was caught flatfooted. When Hitler invaded Poland, the United States had the 16th largest army in the world, just ahead of Bulgaria. If not for our domestic automobile platform, America could not have mobilized its industrial might to turn back Adolf Hitler and save the world.

Toledo workers, my friends and family and, indeed, their parents answered our Nation's call and turned out hundreds of thousands of Jeeps during World War II. Men and women alike, they helped win the war, and they were proud of their contribution and deserved to be.

The goodwill alone associated with the Jeep brand name is still magic today around the world.

We'll tell Dr. Montgomery how the Toledo factory is today the most modern and efficient, indeed, the most innovative in the Chrysler family, how it's a model for flexible manufacturing production and labor management relations across this continent. We'll tell Dr. Montgomery that Toledo, Ohio, will be what President Obama calls ''the future system of America's success'' as the home, not only of Chrysler innovation and efficiency, but of General Motors' new green, six-speed transmission plant that won the Harbour & Associates' top ranking for productivity for 5 straight years and that it is poised to lead the way in America for the fuel-efficient and low-polluting vehicles of the future.

We'll tell Dr. Montgomery how the University of Toledo, through its clean and alternative energy incubator, is leading the way in research and development and in the commercialization of green power, including for vehicles, and how the University of Toledo Transportation Center is focusing on economic development through transportation, research and education.

Detroit will always be Motown and the Motor City, but the rebirth of the American automobile industry will happen in places like Toledo, where our legacy leads us to innovate, to create, to collaborate, and to meet the challenges of a new century and to build a new symbol of America's success. Frankly, it's time for a new national competition, for the rough-and-ready vehicles of the future. We know those will be built in Toledo, Ohio.

NATIONALIZED HEALTH CARE

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, the talk around town is universal health care for all Americans. This is a noble ideal and a great goal, but the real question is: Do we want universal health care run by the government or universal health care run by the private sector? That is the question to be asked and answered.

Even though every Nation that has tried socialized public health care has proven it's unaffordable, doesn't work and provides inferior health care, those who want the United States Government to run every aspect of our lives still demand public health care. Let's look at a couple of examples of socialized, nationalized health care:

Katie Brickell is a young woman who lives in Great Britain where they have government-run health care. When Katie was 19, she tried to get a test for cervical cancer, which is a matter of routine here in the United States. Katie was told that she had to wait until she was 20. When she tried again at 20, she was told that the age was moved to 25 so the government could save some money. While waiting 5 more years because some bureaucrat told her that's what she had to do, Katie got sick and was diagnosed with cervical cancer.

Now some bureaucrat is telling this young lady, who is just starting out in her adult life, that her disease is not treatable, all because some bureaucrat said it cost too much. Neither Katie nor her doctor made a medical decision, but this no-named bureaucrat made all of these decisions. This is the British example of government-run, universal public health care.

Charlie Wadge lives in Canada where they have long waiting lines and rationed health care because they have a government-run system. Limping badly, Charlie was diagnosed with arthritis in his hip. When he needed his replacement surgery, the bureaucrats told him he'd have to be on a waiting list for between 18 months and 2 years before he could have that surgery. Charlie paid what we call a private medical broker, who negotiated a price for him to have surgery in the United States, in Oklahoma City.

□ 1845

He had to pay for the whole thing out of his pocket—and it's a good thing he had the money. At least he can walk. Left up to Canada's system of universal-run, government-rationed health care, he would have probably been permanently crippled by now.

Now if we want an example of what health care run by the American bureaucrats looks like, we should examine Medicare, Medicaid, or even the VA. These government programs are now a disaster. They waste so much money, and they will probably completely go bankrupt if they're not overhauled.

The Medicare program trustees just a week ago said the program has ''unfunded liability'' of nearly $38 trillion. That's the amount of benefits promised to Americans but not paid by them through taxes. If we don't fix the waste and inefficiency in Medicare, Medicaid, and the VA, millions of people will not be treated properly. Taxes keep going up but these government-run health care services in the United States keep getting worse.

The kind of government-run health care that is being considered right now will have the same sort of underpayments to doctors and hospitals that we see in Medicare and Medicaid. Even with the massive taxes that would come up with this government health care program, if people think health care is expensive now, just wait until it's free.

The government underpaying for services will force the price of medical insurance so high to make up for the gap in what health care really costs that their employer will no longer be able to afford the health insurance.

Studies have shown the kind of government-run health care being worked on by Congress tonight, right now, will end up forcing 120 million Americans on the government plan for this very reason. 120 million Americans who get their health care from their jobs would have to go into the government system because their employer cannot afford to pay for the high cost of insurance. That's half of the Americans in this country today.

But the most frightening part of the government plans being considered is the rationing of health care for procedures based on cost, age, and survivability rate. Let me repeat: Health care will be rationed based on cost, age, and survivability rate.

Somebody needs to explain to me how it's an improvement in our health care system for somebody in Washington, D.C., to decide that someone can't have a cancer treatment because it's too expensive, like is happening in England right now. Or that people can't have a medical procedure because some bureaucrat thinks it's too expensive because they're too old. The patient and doctor will be completely cut out of the decisionmaking process. And that is wrong.

There's an alternative plan to put all Americans on universal coverage even without raising taxes. This idea would leave decisions about people's health care between their doctor and the patient, not the bureaucrats and the taxacrats in D.C. It's a plan to put everyone on private insurance plans. This deserves a close examination by this Congress.

We'd better take a long look at the choices we have, Mr. Speaker. If we go down the road of government-run health care in America, we will destroy the best health care structure in the world.

Mr. Speaker, the new government, nationalized, impersonal health care system will have the compassion of the IRS, the competence of FEMA, and the efficiency of the post office.

And that's just the way it is.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. QUIGLEY) is recognized for 5 minutes.

(Mr. QUIGLEY addressed the House. His 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. JONES) is recognized for 5 minutes.

(Mr. JONES addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

INVISIBLE CHILDREN

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. Imagine, if you can, living in a place so plagued by war and kidnapping that you have to walk up to 12 miles a day just to find a place to sleep at night that's safe. As Americans, I don't think we can fully grasp what that would be like. But, for thousands of children living in northern Uganda today, this is their daily commute. This is their life.

For fear of being abducted by rebel leader Joseph Kony and his Lord's Resistance Army, children living in rural homes and villages would walk to town centers to sleep where they could hope to be safe. The children were among the victims of a conflict that began in 1986, and that somehow still continues today in Uganda and neighboring countries.

Lacking support from the local population, Kony resorted to kidnapping children as young as 8 years old and conscripting them to his army. The children have been brutalized and forced to commit atrocities on fellow abductees and even siblings. The vicious initiations were meant to break the children's ties to their community and gain their loyalty to the LRA. More than 25,000 children have been abducted over the course of this 23-year conflict.

While many Americans first learned about this issue when they saw a film made by college-age students called Invisible Children, many more remain unaware of the violence and suffering happening half a world away. I was recently reminded of the severity of this situation when students in my hometown of Hays and the community of Sterling, Kansas, shared with me the latest news from this conflict.

In 2006, many were hopeful a peace agreement could be reached to allow a new generation of children to finally live a life free of fear. Although it appeared progress had been made, Kony

refused to sign the final agreement in 2008, and instead escalated his attacks. Since then, the LRA has killed more than 1,000, including more than 200 on Christmas Day. The LRA has also abducted more than 450 children during this time.

A few weeks ago, concerned citizens from around the world, in more than 100 cities, participated in an event called the Rescue to raise awareness about the conflict and call on their elected officials—people here in this House of Representatives—to take action. Two of these events were held in my home State—in Wichita and Kansas City.

I'm here today to join my voice with the voices of those that participated in the Rescue and to call on Congress to support efforts to end the violence and to rebuild shattered lives.

People look to the United States to defend those who cannot help themselves, to free the oppressed, and to champion the cause of freedom. This Congress can be the voice for those who have none.

As Brandon Nimz, a student at Fort Hayes State University, who is active in raising awareness about this issue, said in a recent letter to the editor, ''In this time when the world does not look very kindly toward the United States, I believe we must show everyone that we're not driven solely by a need for power and influence—we do have a heart. Even though we will receive no political or economic gains by helping these defenseless villagers in the five affected African nations, it is the right thing to do.''

Mr. Speaker and colleagues, tonight let us show that America does indeed have that heart. Please join me in doing the right thing by taking action to help this conflict and protect the helpless.

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.)

107TH ANNIVERSARY OF THE INDEPENDENCE OF THE REPUBLIC OF CUBA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 5 minutes.

Mr. LINCOLN DIAZ-BALART of Florida. I rise today because it is the 107th anniversary of the independence of the Republic of Cuba. May 20, 1902.

Most people, Mr. Speaker, think that independence of the Republic of Cuba was obtained from Spain. It was not. The fight was against Spain for almost 100 years. Hundreds of thousands of heroic Cubans lost their lives. Then, the United States intervened to help Cuba in 1898. And this Congress was instrumental in making certain that after there was pacification—and obviously Spanish colonialism had been expelled—that the Republic of Cuba would be possible.

The United States voluntarily left Cuba. Withdrew. Granted Cuba its independence by withdrawing. May 20, 1902.

So, today is an anniversary of a very important occasion. It's a sad anniversary, because 50 years ago the Cuban Republic fell in the hands of a demented serial killer, a demonic mass murderer, Fidel Castro. And he continues to rule. He has been ill for some years and so he has granted some titles of power to his brother. But he continues to be the absolute, personal, total dictator of the totalitarian circus that oppresses the Cuban people.

There are hundreds of recognized prisoners of conscience—journalists, librarians, teachers, lawyers, physicians; people who simply have expressed their point of view that they want to see Cuba free. They're in the dungeons. And there are thousands of others who are there as well because they violated so-called laws that would not and do not exist in democratic nations. They're imprisoned for things such as dangerousness. Untold thousands thus are political prisoners in Cuba, suffering in the gulag because they have bothered that demonic mass murderer in some way, because they seek freedom, those political prisoners.

Now the system, the totalitarian system that has lasted 50 years, is rotten to the core, Mr. Speaker. Not only does it have the abject opposition, rejection of the entire people, in consensus fashion, the entire nation, but it's putrefied. It's absolutely rotten. And that system is in effect a corpse that is unburied.

So, when the dictator does finally die, that circus, that system, totalitarian, oppressive system will die with them. We have seen, in recent examples in very personalized dictatorships, whether it's Franco in Spain or Trujillo in the Dominican Republic, it's a matter of months or years. Their systems die with them. That's what we're going to see in Cuba.

Now, Mr. Speaker, I will submit for the CONGRESSIONAL RECORD a very important letter and list of signatories received just a few days ago. It was sent to the Organization of American States because there's this pathetic, grotesque effort to readmit the Cuban military dictatorship that's lasted 50 years into the inter-American system, including the Organization of American States. And 300 dissidents have signed this letter.

These are the heroes of Cuba; mostly young people, many of them wearing bracelets like this, calling for change. They're the future of Cuba. And I recommend to my colleagues and the American people—and I will put it on my Web site—that they see the names of the future leaders of democratic Cuba.

TO THE ORGANIZATION OF AMERICAN STATES

Republic of Cuba, May 15, 2009

We, members of the Cuban democratic opposition, along with our brothers in the Resistance who are exiled, consider it necessary to address you in the name of our people's sovereign democratic aspirations.

We contemplate how a call for the readmission of the longest-lived and most oppressive of Latin American dictatorships to has been raised in the Latin American region, which, as if were not enough, the Castro dictatorship itself has reviled. It is a painful contradiction for the complete normalization of all ties with this tyrannical regime and the diplomatic acceptance of despotic rule on our Island to be proposed precisely on the 50th anniversary of the advent of totalitarianism in Cuba.

Cuba has not been separated from the OAS. It is the tyrannical regime which violates the public liberties of Cubans that has been separated. It is the Cuban nation which has continued to belong to this organization in symbolic tribute to the thousands of Cubans who have paid harshly for their democratic resistance against this regime.

Nevertheless, what worries us most is not the affront which would be committed against our rights by accepting the dictatorship which oppresses us as an equal in terms of the fundamental values of its democratic neighbors, but rather the damage that would be inflicted on the hemisphere itself.

It has cost great pain and sacrifice to banish dictatorships from our Latin America. To ignore the Inter American Democratic Charter, and specifically articles 1, 2, and 3 which state:

Article 1—The peoples of the Americas have a right to democracy and their governments have an obligation to promote and defend it.

Article 2—The effective exercise of representative democracy is the basis for the rule of law and of the constitutional regimes of the member states of the Organization of American States.

Article 3—Essential elements of representative democracy include, inter alia, respect for human rights and fundamental freedoms, access to and the exercise of power in accordance with the rule of law, the holding of periodic, free, and fair elections based on secret balloting and universal suffrage as an expression of the sovereignty of the people, the pluralistic system of political parties and organizations, and the separation of powers and independence of the branches of government.

To readmit the totalitarian Castro regime to the OAS would mean opening the door to every kind of future despotism for the region, and would portend grave and unpredictable consequences for the millions of human beings who are part of the Latin American community.

We ask you, in the name of the very values of civilization, not to take this step. To do so would be to lower our American democratic community to the level of totalitarian barbarism. The 1962 Resolution expresses a clear democratic principle: there can be no democratic tolerance for the institutionalized violation of human rights embodied totalitarian, Marxist-Leninist regimes.

The Inter-American Commission of Human Rights, an institution affiliated to the OAS, has been one of the most serious and consistent institutions to document the atrocities committed by the Castro dictatorship against its own people.

Furthermore, we consider that the free Cuban nation would leave through the same door that the Castro regime may potentially be admitted to the OAS.

Consideramos además que por la misma puerta que entraría la dictadura castrista al ser admitida potencialmente por la OEA, saldría la nación cubana libre.

Embrace the Cuban people. Condemn its dictatorship. Do not reinstate the Castro regime in the Latin American democratic community; open the doors of the OAS to the Cuban civil society that non-violently struggles for democratic transformation.

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162. Lázara Bárbara Cendiña Recarte, Consejo de Relatores de Derechos Humanos de Cuba, Ciudad de La Habana
163. Leonardo Fernández Cutiño, Movimiento 10 de diciembre, Unidad Camagüeyana de Derechos Humanos, Camagüey.
164. Leonardo Morejón Sorra, Partido Cubano Demócrata Cristiano, Unidad Camagüeyana de Derechos Humanos, Camagüey.
165. Leticia Ramos Herrería, Consejo de Relatores de Derechos Humanos, Movimiento Femenino Martha Abreu, Matanzas.

166. Libertad Acosta Díaz, esposa del ex prisionero político y de conciencia Bernardo Arévalo Padrón, Cienfuegos.
167. Liliana Bencomo Menéndez, Partido Cubano Demócrata Cristiano, Unidad Camagüeyana de Derechos Humanos, Camagüey.
168. Liliana Morfis Núñez, Colegio de Pedagogos Independientes de Cuba, Hoguín.
169. Liliana Morfis Núñez, Colegio de Pedagogos Independientes de Cuba, Holguín.
170. Lisandra Domíbguez Mora, Movimiento Cristiano de Cuba, Holguín.
171. Lissete Zamora Carrandi, periodista independiente, Coalición Central Opositora, Villa Clara.
172. Lizardo Vargas González, Movimiento Cristiano de Cuba, Holguín.
173. Loreto Hernández García, Presidio Político Pedro Luis Boitel, Coalición Central Opositora. Villa Clara.
174. Luciano Vera Leiva, Movimiento Cristiano de Cuba, Holguín.
175. Luis González Medina, Partido pro Derechos Humanos de Cuba afiliado a la Fundación Andrei Sajarov, Provincia Habana.
176. Luis Julián Báez Sierra, Partido Democrático 30 de Noviembre Frank País, Manzanillo, Granma
177. Luis Miguel González Leiva, Partido Liberal de Cuba, Coalición Central Opositora.
178. Luis Orlando Quintana Rodríguez, Movimiento Cristiano de Cuba, Holguín.
179. Luz María Barceló Padrón, Partido pro Derechos Humanos de Cuba afiliado a la Fundación Andrei Sajarov, Provincia Habana.
180. Magaly Norvis Otero Suárez, periodista independiente Agencia ALAS, Ciudad de La Habana.
181. Maikel Verdecia Torres, Fundación Cubana de Derechos Humanos, Consejo de Relatores de Derechos Humanos de Cuba, Holguín.
182. Maiky Martorell Mayans, Sindicato Obrero Independiente Victoria, Las Tunas.
183. Mailet Sierra Pupo, Colegio de Pedagogos Independientes de Cuba, Holguín.
184. Maite Verdecia Torres, Presidio Político Pedro Luis Boitel.
185. Manuel González Miranda, Movimiento de Resistencia Civica Pedro Luis Boitel, Consejo de Relatores de Derechos Humanos de Cuba, Holguín.
186. Manuel González Rodríguez, Movimiento de Resistencia Cívica Pedro Luis Boitel, Consejo de Relatores de Derechos Humanos de Cuba, Holguín.
187. Manuel Martínez León, Círculos Democráticos Municipalistas, Consejo de Relatores de Derechos Humanos de Cuba, Holguín.
188. Marcelina Lara Morales, Consejo Nacional por los Derechos Civiles, Movimiento Feminista por los Derechos Civiles Rosa Parks, Coalición Central Opositora. Villa Clara.
189. Marcos Antonio Fuster Ciguenza, Movimiento Cubano de Jóvens por la Democracia, Santiago de Cuba.
190. Marcos Pupo Ramírez, Movimiento Cristiano de Cuba, Holguin.
191. Margarito Broche Espinosa, Consejo de Relatores de Derechos Humanos de Cuba, Villa Clara.
192. Maria de la Caridad Noa Gonzalez, Consejo de Relatores de Derechos Humanos de Cuba, Villa Clara.
193. Maria Esther Blanco Aguirre, Dama de Blanco, esposa del prisionero político Próspero Gainza Agüero, Holguín.
194. Maria López Báez, Fotoreportera del Centro de Información Hablemos Press, Ciudad de La Habana.
195. Maria Magdalena Moreno Cadenas, Partido Democrático 30 de Noviembre Frank Pais, Manzanillo, Granma.
196. Mariano Hernández Creag, Movimiento Cubano de Jóvenes por la Democracia, Guantánamo.
197. Mariano Vera Espinosa, Movimiento Cristiano de Cuba, Holguín.
198. Mario Camoira Aguilera, Partido Pro Derechos Humanos Afiliado a la Fundación Andrei Sajarov, Alianza Democrática Oriental, Holguín.
199. Mario Hechavarria Driggs, periodista independiente, Ciudad de La Habana.
200. Maritza Ross Morrieta, Colegio de Pedagogos Independientes de Cuba, Holguín.
201. Marlene Bermúdez Sardiñas, Asamblea para Promover la Sociedad Civil en Cuba, Bibliotecas Independientes, Camagüey.
202. Marlon Guillermo Martorell Quiñonez, Colegio de Pedagogos Independientes de Cuba, Sindicato Obrero Independiente Victoria, Holguín.
203. Marta Díaz Rondón, Movimiento Feminista por los Derechos Civiles Rosa Parks, Alianza Democratica Oriental. Holguín.
204. Mayelín Méndez Rivas, Sindicato Obrero Independiente Victoria, Las Tunas.
205. Maylín Katiusca Sánchez Ramayo, Liliana Morfis Núñez, Colegio de Pedagogos Independientes de Cuba, Hoguín.
206. Mayra Morejón, Partido por la Unidad Democrática Cristiana de Cuba, Consejo de Relatores de Derechos Humanos de Cuba, Ciudad de La Habana
207. Melba Santana Ariz, Dama de Blanco, esposa del prisionero político Rodolfo Domínguez Batista, Las Tunas
208. Mercedes Fresneda Castillo, Circulos Democráticos Municipalistas, Partido por la Unidad Democrática Cristiana de Cuba, Ciudad de La Habana.
209. Michel Oliva López, Plantados, Coalición Central Opositora.
210. Miguel Angel López Herrera, Movimiento Cubano de Jóvenes por la Democracia, Guantánamo.
211. Miguel Carmenate Batista, Partido Liberal de Cuba.
212. Miguel López Santos, Partido Democrático 30 de Noviembre Frank País. Ciudad de La Habana.
213. Miguel Martorell Quiñones, Sindicato Obrero Independiente Victoria, Las Tunas.
214. Milagros Rondón Leiva, Fraternidad de Ciegos Independientes de Cuba, Ciego de Avila.
215. Mildred Nohemí Sánchez Infante, Movimiento Cubano de Jóvenes por la Democracia, Holguín.
216. Milena Rodríguez Pelayo, Movimiento Feminista por los Derechos Civiles Rosa Parks, Alianza Democrática Oriental, Holguín.
217. Nelson Ramón Peña Camejo, Movimiento Cristiano de Cuba, Holguín.
218. Néstor Rodríguez Lobaina, Movimiento Cubano de Jóvenes por la Democracia, Alianza Democrática Oriental.
219. Néstor Rodríguez Lobaina, Movimiento Cubano de Jóvenes por la Democracia, Alianza Democrática Oriental, Guantánamo.
220. Niober García Fournier, Movimiento Cubano de Jóvenes por la Democracia, Guantánamo.
221. Noelia Pedraza Jiménez, Consejo de Realtores de Derechos Humanos de Cuba, Dama de Blanco, Villa Clara.
222. Norberto Gómez Paz, Sindicato Obrero Independiente Victoria, Las Tunas.
223. Odalina Cruz Ricardo, Sindicato Obrero Independiente Victoria, Las Tunas.
224. Orestes Rodríguez Bustamante, Corriente Martiana, Provincia Habana.
225. Osmani Cobas Rodríguez, Movimiento Cubano de Jóvenes por la Democracia, Guantánamo.
226. Osvaldo Rams de la Cruz, Movimiento Cubano de Jóvenes por la Democracia, Santiago de Cuba.
227. Pedro Enrique Martínez Machado, Consejo de Relatores de Derechos Humanos de Cuba, Santiago de Cuba.
228. Pedro González Rodríguez, Movimiento de Resistencia Cívica Pedro Luis Boitel, Consejo de Relatores de Derechos Humanos de Cuba, Holguín.
229. Pedro Luis Olivera Martínez, Partido Cubano Demócrata Cristiano, Unidad Camagüeyana de Derechos Humanos, Camagüey.
230. Pedro Maga Zaldívar, Colegio de Pedagogos Independientes de Cuba, Holguín.
231. Prudencio Nápoles Hidalgo, Fraternidad de Ciegos Independientes de Cuba, Ciego de Avila.
232. Quirenia Cossio Fonseca, Movimiento Cubano de Jóvenes por la Democracia, Santiago de Cuba.
233. Rafael Meneses Pupo, prisionero político, Presidio Político Pedro Luis Boitel.
234. Rafael Santiesteban Marrero, Partido Pro Derechos Humanos Afiliado a la Fundación Andrei Sajarov, Alianza Democrática Oriental, Holguín.
235. Ramón Reyes Orama, Presidio Político Pedro Luis Boitel, Alianza Democrática Orienta, Holguín.
236. Ramóna Sánchez Ramírez, Movimiento Cubano de Jóvenes por la Democracia, Guantánamo.
237. Raúl Borges Alvares, Partido por la Unidad Democrática Cristiana de Cuba, Consejo de Relatores de Derechos Humanos de Cuba, Ciudad de La Habana.
238. Raúl Hipoli Leiva, Sindicato Obrero Independiente Victoria, Las Tunas.
239. Raúl Hipoli Miranda, Sindicato Obrero Independiente Victoria, Las Tunas.
240. Raúl Luis García Tirado, Partido Liberal de Cuba.
241. Raúl Luis Risco Pérez, ex prisionero político, Presidio Político Pedro Luis Boitel, Movimiento Solidario Expresión Libre, Pinar del Rio.
242. Raúl Menéndez Martínez, ex prisionero político del Presidio Político Histórico, Villa Clara.
243. Raúl Parada Ramírez, Centro de Información Hablemos Press, Cienfuegos.
244. Reina Luisa Tamayo Dánger, Dama de Blanco, madre del prisionero político Orlando Zapata Tamayo, Holguín.
245. Reinaldo Cabalet Del Risco, Partido Cubano Demócrata Cristiano, Unidad Camagüeyana de Derechos Humanos, Camagüey.
246. Reinaldo Rivera Fasli, Liliana Morfis Núñez, Colegio de Pedagogos Independientes de Cuba, Hoguín.
247. Reinaldo Villafaña Villavicencio, Movimiento 24 de febrero, Unidad Camagüeyana de Derechos Humanos, Camagüey.
248. Ricardo González Cendiña, Consejo de Relatores de Derechos Humanos de Cuba, Ciudad de La Habana.
249. Ricardo Pupo Sierra, Plantados, Coalición Central Opositora, Cienfuegos.
250. Roberto de Jesús Guerra Pérez, Centro de Información Hablemos Press, Ciudad de La Habana.
251. Roberto Escalona Blanco, Fundación Cubana de Derechos Humanos, Consejo de Relatores de Derechos Humanos de Cuba, Holguín.
252. Roberto Marrero La Rosa, Partido Cubano Demócrata Cristiano, Unidad Camagüeyana de Derechos Humanos, Camagüey.
253. Roberto Pupo Sierra, Partido Liberal de Cuba, Coalición Central Opositora.
254. Roberto Yoel Fonseca Rojo, Partido Democrático 30 de Noviembre Frank Pais, Manzanillo, Granma.
255. Rodolfo Domínguez Batista, prisionero político y de conciencia, Las Tunas.
256. Rodolfo Ramírez Cardoso, Movimiento Línea Pacifica Democrática, Ciudad de La Habana.

257. Rogelio Tavio López, Movimiento Cubano de Jóvenes por la Democracia, Guantánamo.
258. Rogelio Tavio Ramírez, Movimiento Cubano de Jóvenes por la Democracia, Guantánamo.
259. Rolando Rodríguez Lobaina, Movimiento Cubano de Jóvenes por la Democracia, Alianza Democratico Oriental, Guantánamo.
260. Rosaida Ramírez Matos, Movimiento Cubano de Jóvenes por la Democracia, Guantánamo.
261. Rosina González Cruz, Partido Cubano Demócrata Cristiano, Unidad Camagüeyana de Derechos Humanos, Camagüey.
262. Rubén Ignacio Núñez San Miguel, Partido Democrático 30 de Noviembre Frank País, Manzanillo, Granma.
263. Ruperto Pérez Zayas, Partido Cubano Demócrata Cristiano, Unidad Camagüeyana de Derechos Humanos, Camagüey.
264. Sahilí Navarro Alvarez, Dama de Blanco, hija del prisionero político Félix Navarro Rodríguez, Matanzas.
265. Sandra Guerra Pérez, Centro de información Hablemos Press, Provincia Habana.
266. Sandra Rey Moreno, Movimiento Feminista por los Derechos Civiles Rosa Parks, Coalición Central Opositora, Villa Clara.
267. Santa Lilián Rodríguez Rodríguez, Movimiento de Resistencia Cívica Pedro Luis Boitel, Consejo de Relatores de Derechos Humanos de Cuba, Holguín.
268. Santos Alberto Escalona Blanco, Fundación Cubana de Derechos Humanos, Consejo de Relatores de Derechos Humanos de Cuba, Holguín.
269. Segundo Rey Cabrera González, Comité Cubano Pro Derechos Humanos, Consejo de Relatores de Derechos Humanos de Cuba, Sancti Spiritus.
270. Solícito Mena Contreras, Presidio Político Pedro Luis Boitel, Coalición Central Opositora, Villa Clara.
271. Sonia Alvarez Campillo, Dama de Blanco, esposa del prisionero político Félix Navarro Rodríguez, Matanzas.
272. Tamara Carmenate Betancourt, Partido Cubano Demócrata Cristiano, Unidad Camagüeyana de Derechos Humanos, Camagüey.
273. Tania Maseda Guerra, Consejo de Relatores de Derechos Humanos de Cuba, Ciudad de La Habana.
274. Tatiana Murillo Guerra, Partido Democrático 30 de Noviembre Frank País, Manzanillo, Granma.
275. Tatiana Parra Pérez, Liliana Morfis Núñez, Colegio de Pedagogos Independientes de Cuba, Hoguín.
276. Teófilo Alvarez Gil, Círculos Democráticos Municipalistas, Fundación Cubana de Derechos Humanos, Camagüey.
277. Víctor Kindelán Sánchez, Movimiento Cubano de Jóvenes por la Democracia, Holguín.
278. Virgilio Mantilla Arango, Fundación Cubana de Derechos Humanos, Unidad Camagüeyana de Derechos Humanos, Camagüey.
279. William Alexis Reyes Mir, prisionero político, Presidio Político Pedro Luis Boitel.
280. William Rodríguez Paredes, Movimiento 24 de febrero, Provincia Habana.
281. Wladimir Aguilera Portelles, Partido Pro Derechos Humanos Afiliado a la Fundación Andrei Sajarov, Alianza Democrática Oriental, Holguín.
282. Wladimir Hall de la Torre, Partido Pro Derechos Humanos Afiliado a la Fundación Andrei Sajarov, Alianza Democrática Oriental, Holguín.
283. Yaité Dianellis Cruz Sosa, Movimiento Feminista por los Derechos Civiles Rosa Parks.
284. Yamila Sofía Saumell Naranjo, Partido Democrático 30 de Noviembre Frank País, Manzanillo, Granma.
285. Yamisleidy Portilla Olivera, Partido Cubano Demócrata Cristiano, Unidad Camagüeyana de Derechos Humanos, Camagüey.
286. Yanoski Echevarría Rodríguez, Partido Cubano Demócrata Cristiano, Unidad Camagüeyana de Derechos Humanos, Camagüey.
287. Yoan Alexis Mir Torres, Colegio de Pedagogos Independientes de Cuba, Holguín.
288. Yoan Alexis Mis Torres, Partido Pro Derechos Humanos Afiliado a la Fundación Andrei Sajarov, Alianza Democrática Oriental, Holguín.
289. Yoandri Naoski Ricardo Mir, Presidio Político Pedro Luis Boitel, Holguín.
290. Yoandris Beltrán Gamboa, Movimiento Cubano de Jóvenes por la Democracia, Guantánamo.
291. Yoandris Durán Sánchez, Movimiento Cubano de Jóvenes por la Democracia, Holguín.
292. Yordán Velázquez Rodríguez, Movimiento Cristiano de Cuba, Holguín.
293. Yorkis Rodríguez Domínguez, Movimiento Cristiano de Cuba, Holguín.
294. Yorledis Duvalón Guivert Ortiz, Movimiento Cubano de Jóvenes por la Democracia, Santiago de Cuba.
295. Yudalmis Fernández Martínez, Consejo de Relatores de Derechos Humanos de Cuba, Círculos Democráticos Municipalistas, Matanzas.
296. Yudelmis Fonseca Rondón, Movimiento Feminista por los Derechos Civiles Rosa Parks, Holguín.
297. Yudisleidis Saavedra Sánchez, Movimiento Cubano de Jóvenes por la Democracia, Holguín.
298. Yumisleidy Fonseca Rondón, Fundación Cubana de Derechos Humanos, Consejo de Relatores de Derechos Humanos de Cuba, Holguín.
299. Yunieski García López, Presidio Político Pedro Luis Boitel, Coalición Central Opositora, Villa Clara.
300. Yurisander Gómez Hernández, Movimiento Cristiano de Cuba, Holguín.

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.)

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 454) ''An Act to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes.''.

ISRAEL REMAINS A KEY U.S. ALLY IN THE MIDDLE EAST

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. With Prime Minister Benjamin Netanyahu in Washington this week, it's important that we refocus on the unique relationship the U.S. shares with the Nation of Israel. This year is the 61st anniversary of the State of Israel. But 61 years of existence does not mean that Israel no longer faces profound threats to its very survival. Chief among those is the threat of a nuclear-armed Iran and Iran's continuing aggressive stance towards Israel in the region.

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Making matters even more urgent, Iran announced today that it has successfully test-fired a missile that is capable of striking Israel in addition to U.S. military installations in the Middle East and parts of Southeastern Europe. With his typical rhetorical hammer and anvil, Iranian President Mahmoud Ahmadinejad said that with today's missile launch, Iran is sending a strong message on the nuclear front: ''Today the Republic of Iran is running the show.''

While I doubt that this is the case, it is increasingly clear that Iran relishes its role as Middle East troublemaker and is nowhere near giving up its troubling belligerent stance toward our Israeli allies. Yet despite the threats and instability that proliferate in the Middle East, Israel has proven to be a steadfast ally to the U.S. and a model of a free and open democratic state in this troubled region. Since the time of its creation more than 60 years ago, Israel has served as an example of democracy and equal rights for her neighbors. Israel has also proved to be a steadfast ally to the United States in a variety of ways, particularly within our country's diplomatic efforts in the Middle East.

Since its founding in 1948, the State of Israel has served as a democratic anchor in the Middle East. Like the United States, the Israeli Declaration of Independence protects freedom of speech, freedom of religion, a free press, free elections and many other tenets of a free society. Israel established a democracy in the midst of a politically tumultuous region and by guaranteeing the basic rights of her citizens, sets herself apart from her authoritarian neighbors. Israel prides herself on women's rights and equal pay for women in the workforce. The first female Prime Minister, Golda Meir, was elected in 1969, just 21 years after the formation of modern Israel. Women now serve as the Foreign Minister, Speaker of the Knesset and Chief Justice of the Israeli Supreme Court. Furthermore, Israel has recognized the necessity of providing equal rights regardless of gender or race and deserves to be commended.

Not only is Israel an example for her neighbor as a thriving democracy where citizens' rights are protected through the rule of law, she has also been an avid supporter in the global war on terror. The U.S. and Israel are continually working together to develop sophisticated military technology and improve Israel's defense

systems and soldier protection. In the interest of global freedom, I hope and am confident that this friendship will continue in the future.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

(Mr. PAUL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

(Mr. WOLF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. MCCOTTER) is recognized for 5 minutes.

(Mr. MCCOTTER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

GREEN ENERGY AS A SOLUTION TO OUR MANY CRISES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from New York (Mr. TONKO) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mr. TONKO. 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 the subject of my Special Order.

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

There was no objection.

Mr. TONKO. Thank you, Mr. Speaker.

The crises facing our government and our country are broad in range. We are faced with an energy crisis, an economic crisis, an environmental crisis and certainly an unemployment crisis. President Obama, in his boldness of vision throughout the campaign for President and certainly in the infancy stages of his presidency, has made it very clear that he wants to deliver to the American public this new vision of how to resolve many of these crises in one fell swoop. It is important to recognize that we, as an American economy, are heavily dependent upon fossil-based fuels. It is important for us to recognize that some 60 percent of the oil on which we depend is imported from some of the most troubled spots in the world. We move forward here as we try to resolve our crises in a way that's creative and innovative and inspiring. It will require consumer behavioral change, and it will require investments. It will require policy formats that will break from traditional dependency on fossil-based fuels and allow us to move forward in a way that addresses green jobs for a green economy, American-produced power to run our factories, our farms, our homes, the institutions that are important to us.

When we look at the opportunities, there are many. There are projections that some 5 million additional clean energy jobs could be created if just 25 percent of our electricity and our vehicle fuels are produced from renewable resources by the year 2025. That's a staggering statistic. Those are dollars that, when invested, will produce these 5 million jobs that will allow us to grow a cleaner environment, address favorably the carbon footprint and respond to the pressures of global warming. It allows us also to embrace the intellect of this Nation, that intellectual capacity represented through our many academic centers and our private sector R&D centers, which are tools that can really retrofit this economy, that can allow us to grow in ways that are measured in green terms for jobs and green opportunities for energy supplies.

Now we know that the unemployment rate, which was inherited by this administration, which has grown and is going to be resolved, we believe, with several reforms, is something that can be addressed through those sorts of jobs that are not yet on the radar screen. We need to also think of international competition. If I could, I would take this discussion back decades where many of us as youngsters, perhaps in an elementary classroom setting, heard about the race, the race for Sputnik. We were certain that math and science was important in that classroom and that this competitive race, this international race had to be won by the United States because it was going to set in the forefront, it was going to make the premier nation that nation that won that race.

Well, we know what history dictated via investments on the space race and putting a man on the Moon and creating technology that really inspired job growth and really pumped this economy to a high level. That same sort of situation decades later now is existing in terms of a competitive race to be the energy nation, the nation that will export the intellect and the ideas and the innovation in a way that will be a masterful response to the several crises that we try to resolve. We can do that by emerging the winner in this race.

When we look at the fact that China is now the number one producer of solar panels in the world, that should challenge our thinking and our response as a government. When we think of the fact that Germany's number two export, after automobiles, is that of wind turbines, that should challenge and inspire us. And when we think of the fact that only six of the top 30 solar wind and advanced battery manufacturers are American-owned, that should inspire us.

I will now yield to my good friend and colleague, the gentleman from New York, Representative MASSA, who is a strong and outspoken voice on energy reform, on green jobs, on a green economy. He has a message that he'll share this evening.

Mr. MASSA. I thank my colleague from the State of New York, my neighbor just slightly to the east, and rise today to discuss from several new perspectives why it is, frankly, so critically important that we get energy legislation correct as we move boldly into the 21st century.

Just a short election season ago, this Nation was assaulted with a message from one side of the aisle that rang like a motto. It repeated itself over and over and over again on the floor of this House and, frankly, in the living room of every American family, often intrusively during dinner hour, where we heard, Drill here, drill now, pay less. How empty today those words ring. In fact, after the price of crude oil has tumbled from its height of almost $140 a barrel, bottoming to somewhere near the low thirties without the new drilling of a single well, we ask ourselves the question, how empty that slogan was.

And so we rise as we build a new national energy policy, one based on thoughtfulness, one based on science, one based on economic reality and not on sloganeering. So while I ran to become a Member of this House, motivated by such things as health care and an economic recovery, I have now become a very, very aggressive individual on this issue, looking at the absolute need to get this right. The first step I took as I approached my job was to go to the only hydrogen fuel cell propulsion research and development system and center in the United States, located in Upstate New York in Honeoye Falls, where to my astonishment as an engineer lifelong and a graduate of an engineering school, I saw the application of science. They took us not into science fiction but into science reality there in Honeoye Falls, working tirelessly for the last several decades, having taken engineering work that had been done out west 25 years ago and propelled us from the NASA Apollo program into the reality of some 116 reality-based automobiles. I had the opportunity to drive one of them, actually two, from Honeoye Falls all the way here to report for my first day. This was like driving an Apollo spacecraft. My eyes were opened to the fact that we were on the verge of a great industrial revolution, and we are at this moment leading the world. But if we listen to sloganeering, if we listen to the naysayers, if we allow the argument to be shaped by narrow special interests, we will never, ever cross the threshold of economic and industrial greatness that these and other technologies put in front of us. It's not just the fact that we have to get it right because we need to rebuild an economy

based on 21st century jobs, it's not just the fact that we believe as a caucus and myself personally that our impact on this world, through the burning of fossil fuels, is actually changing our climate, but it is also coming from the fact that I am a 24-year military veteran who realizes the vast and dramatic expenses that we are committing in our military just to secure an ever-increasing and yet rarely obtainable source of overseas fossil fuel.

Imagine, if you will, if we were not held hostage to the noose of Middle East oil. Imagine the trillions of dollars of resources that we would not be expending in the protection of, the extraction of and the transportation of oil sources from the very nations who use the money that we pay to feed our enemies and their hostile intent against us. This must be broken, and nowhere is that future clearer than right in Upstate New York. I know that my colleague, with his career in innovative engineering where he took his leadership to the New York State Energy Development Agency that has pioneered so much of the technology we need to move forward, agrees and understands with what we can do together standing as a Nation instead of listening to well-crafted and, frankly, crafty sloganeering.

So I rise with my colleague today to put an exclamation point at the very end of the reality that we must move ahead to get this right. I agree with the President's vision for a future. I agree with our caucuses that we need to move boldly into the future with an economically viable, science-based, thoughtful energy plan that breaks this ridiculous stranglehold that foreign oil has on us. It's not just a matter of drill here, drill now, pay less. We have grown beyond that sloganeering.

Mr. TONKO. Thank you. I reclaim the time, Mr. Speaker.

I, with curiosity, listened to Representative MASSA from New York. As a fellow colleague from New York State, I think of the impacts we can make in just New York alone. And when we then extrapolate that over the map of the United States, what a powerful statement.

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He's right, that with this grip on our economy that was allowed to grow just through the Presidential tenure of President Bush, $1,100 more per year was demanded of our American families for that dependency on oil, gas and electricity. We can go forward and inspire this green innovation of an economy. The green thinking that we can embrace can allow dollar for dollar to be a much more lucrative outcome. Four times as many jobs, would be created.

Mr. MASSA. Would my colleague yield on that point?

Mr. TONKO. Sure. Sure.

Mr. MASSA. I would like to pick up a very critical point my colleague just made about jobs. Around Lake Seneca, that great deep and beautiful Finger Lake in Upstate New York, every year we run something called the Green Grand Prix. I'm sure you would love to be a participant in it. It is a road race, or a road rally, where navigation is important. I must confess that more than once I made a wrong turn. But I made a wrong turn in a vehicle this year, as I did last year, powered not by imported, foreign, distilled gasoline but rather by alternative fuels. We had ethanol-powered vehicles. We had steam-powered vehicles. We had solar-powered vehicles, hydrogen-powered cars. And this year I drove a Ford F–150 modified at a dealership in Elmira, New York, once a bustling hub of heavy manufacturing, to accept a dealer-approved kit that allowed this heavy truck to be powered by propane with some 350 miles per filling at one-third of the cost of gasoline. This was a technology that was unbeknownst to me, one that Ford Motor Company, in engineering innovation, has now authorized several dealerships around the United States to install without even voiding their basic engine warranties.

We have an abundance of propane in rural New York. This is an alternative fuel that helps us break the cycle of dependence on foreign oil, and for pennies on the dollar, for a mere tax break, to those who invest in this technology, it becomes competitive and real. And not only do those automobiles, those trucks, then get sold, but the individuals who modify those trucks have jobs. The dealerships that sell these vehicles to the public have jobs. The individuals who use them have extra money in their back pocket because they are not paying these overseas foreign fuel providers.

It is not just hydrogen or propane. It is the entire menu of alternative fuels and alternative electrical capability that we need to put on the table. And I will tell you what, if we can spend $700 billion, a move, by the way, I opposed, bailing out banks who don't put a penny of that back in the consumer's pocket through alternative credit sources, we can certainly fund the single most important national security requirement we have before this Nation today. And that is to get an energy policy that is science-based and thoughtful.

Mr. TONKO. I couldn't agree more. And all while we speak, we need to recognize that China is investing $12.6 million in its economy for green energy technology every hour. Now, that is a challenge to us. We can stand still and watch the emerging powers of energy out there as a nation, be it China or Japan or India or you name the country, or we can make a plan and implement a plan and move forward accordingly.

The President understands this is so critical to resolving so many of the crises we mentioned earlier. Speaker PELOSI and the leadership of this House, Energy and Commerce Chair WAXMAN, Ways and Means Chair CHARLIE RANGEL, and many, many other leaders who are making their voices heard and helping construct the right outcome here.

The jobs of which my colleague and friend, Representative MASSA, just made mention, offer four times greater job creation than an investment, dollar for dollar, in oil and gas. And we certainly in New York State, as colleagues from that New York delegation, can attest to the projections that are made for the New York economy, over 130,000, nearly 132,000 clean energy jobs at a time when our unemployment statistics are perhaps beyond 8 percent. We can see flowing into the New York State economy as much as $20 billion. And our taxpayers in New York State pay some $2.8 billion, it is calculated, to pay subsidies for big oil companies, and certainly those gasoline corporations out there that are draining our economy. We hear this discussion about, it is a tax, it is a tax that is coming, that is befalling. Well, $400 billion is the savings, that is a tax, call it whatever you want, that we are paying now to Venezuela and Middle East countries for every annual installment that we make in foreign energy imports. That is a huge price tag that could be avoided.

When we look at the potential out there in R&D investment that could be part of this great energy resource, it is limitless in terms of our academic institutions and our private sector partnerships out there. We can make this happen. We need to be innovative. We need to think outside the barrel. And we need to move forward in a progressive fashion.

I yield to my colleague from New York, ERIC MASSA. I yield to you, sir, to continue the discussion.

Mr. MASSA. Thank you, Mr. TONKO. And I have to tell you, you used two turns of a phrase that I thought were particularly appropriate. You talked about energy flowing. We come from a part of the world that pioneered cheap electricity. And we did it through one of the largest and one of the first great hydropower facilities in the world, capturing the hydro energy of Niagara Falls. And western New York, the great industrial cities of Buffalo, Rochester and Syracuse benefited thereby. This was 100 years ago. Now we must look 100 years into the future. And you are right to say we need to think ''outside the barrel'' because unfortunately what we will hear in the coming debate is the demonization of the individuals making the argument and not the thoughtful discussion of the policy. I fear that we will become, once again, held hostage to the economic and energy sloganeering that will make it so difficult for the American people to understand that doing nothing is moving backwards, that doing nothing is surrendering without a new idea to the forces of Big Oil who so clearly ripped off from the American public trillions of dollars just this time last year as gasoline shot up to over $4 a gallon

with no real economic excuse other than gross corporate profiteering.

We cannot continue to be held hostage by the annual cycle of unexplained gasoline price increases and gasoline price fluctuations. And the only way that we are going to reclaim our own energy future is by looking beyond the slogans of the other side in a thoughtful, science-based, economically proven capability to explore all the new sources of alternative energies, not just for automotive propulsion, but also for fundamental electrical generation.

So thank you to my colleague from New York for allowing me the opportunity tonight to raise some key issues that this issue is not only about energy. It is about national security. It is not only about energy. It is about job creation for the future. It is not only about energy. It is about using the resources that we have to ourselves in the great American innovative manner that has always persevered in the face of challenge instead of surrendering to the foreign economies who, like they have been doing so aggressively lately, are taking over economic sector after economic sector. This is a battle that we can win. This is one that we can put ''Made in America'' on for future generations. And we can start right here, right now, tonight, by committing ourselves to thoughtful debate that raises issues and not sloganeering.

I yield back and thank my colleague for the opportunity to join him in this great discussion.

Mr. TONKO. Thank you to the Representative from New York, Representative MASSA.

Let me reclaim my time, Mr. Speaker. We have heard all of this talk about innovation economy. We have heard about the gluttonous dependency we have as a Nation on energy, in this case, fossil-based fuels, 60 percent of that need being met by imports from some of the most troubled spots in the world. We cannot continue along this dangerous path. It is a rocky road that needs to be addressed.

The approach, I believe, comes from an investment in American jobs, a green jobs agenda, growing a green energy transition that allows us to inspire an innovation economy. We do that with investments in R&D. While I served as president and CEO at NYSERDA, New York State Energy Research and Development Authority, I saw first hand up close and personal just how it happened. We invested in R&D. Not every one of those investments might be a success story, but the prototypes that are developed and funded then need to be addressed through additional funding that deploys that investment, that magic in the research lab, into deployment into manufacturing and then into the commercial sector, utilizing these shelf-ready opportunities that are the emerging technologies to respond to the needs of retrofitting energy efficiency mechanisms into our businesses, our factories, our industries, our farms and our homes. That potential exists today. It is underutilized. We need to see energy efficiency as our fuel of choice. We need to address it just like we would any other source of fuel, to use it as we would mine coal or drill for oil, we need to mine and drill energy efficiency as that outcome that will address the demand side of the equation. Both supply and demand need to be addressed by this innovation economy.

I believe that through the leadership of the President and certainly Speaker PELOSI and others that I have made mention of, we can go forward with the soundness of an agenda that will really spark the kind of creative genius that speaks to the pioneer spirit that has always existed in this country. We need just to formulate the concepts that will take us there.

Just recently at GE's R&D center in Schenectady County, New York, GE announced its intentions to now move to an advanced battery technology that will create somewhere between 350 and 400 manufacturing jobs that will be the key that unlocks the doors to golden opportunity, or perhaps green opportunity. The battery situation, whether it is applied to transportation, transportation of light vehicles or heavy vehicles, energy, energy generation, energy storage for intermittent purposes or with transmission improvements that are being addressed by SuperPower in Schenectady County again, these are the formula outcomes that we need to promote and encourage.

We can do it. We have this skill set to do it as a Nation. We need to invest in green collar job opportunities. We need to invest in R&D making certain that research and development is part of that energy comeback. And we need to change our behavior in a way that will produce this new golden opportunity for New Yorkers, in my case, and for Americans across the board. We do have that potential, the immense potential.

I saw also what happened when we applied these retrofits for energy purposes, energy efficiency at dairy farms, first in a demonstration project and then across the board to some 70 farms where, as dairy farms, they are dealing with a perishable product. And where they are dealing with ebbs and flows of energy need, they cannot necessarily because of mother nature demands and dealing with off-peak situations. They can't cleverly quite construct that outcome. But what they can do is utilize the resources of energy efficiency which was done through these demonstrations. And it was a success because a great deal of savings, 35 to 45 percent, was made available for these farms simply by addressing their demand through energy retrofits that were done in partnership with the local utility, with the staff from Cornell University, with the staff from NYSERDA and certainly with groups working as ESCOs, the Energy Services Companies, that were helping in this effort to change things at these given dairy farms. The result was remarkably strong.

That is the sort of real-life experience that we ought to apply to our policy creation and innovation and to our resource dedication that comes through the budgets that we will deal with here in Washington. It is a great opportunity for us to respond in an innovative way, responding to challenges of several crises out there and allowing us to emerge very strong in that outcome.

So it is about green power. It is about green jobs. It is about Americans producing for their needs, and it is allowing our industries to be all the more prosperous and all the more productive simply because we have given them a break in the energy area.

So with all of that being said, I encourage us to look strongly at the opportunities that exist today in this given Chamber that will allow us to go forward in progressive fashion. And we will be able to look back and say that this was the generation that provided that response that ignited this new energy thinking that really turned around the American economy and has helped save the environment in a way that was immeasurably important to coming generations.

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to recognize the good works of the faith community to protect the integrity of God's creation. As a seminarian, I appreciate the advocacy of people of faith for protecting this earth.

The Catholic Climate Covenant has contacted me about the St. Francis Pledge to Care for Creation and the Poor. Members of the Covenant include Catholic Relief Services, Catholic Charities USA, The Franciscan Action Network, and the Association of Catholic Colleges and Universities. Religious charities are on the front lines battling poverty around the world. Whether it is a church in Fairfax providing housing to the homeless to prevent hypothermia or an overseas mission to build housing, members of faith-based charities have direct knowledge of the realities of poverty around the world.

The faith community is telling us that climate change poses a dire threat to the world's poor, whether they are residents of New Orleans, Bangladesh, or coastal communities in the Mid Atlantic. Based on the best available scientific data, faith-based charities' concerns are well founded. Experts predict that rising sea levels and increased incidence of severe storms will create 100 million climate refugees in the next hundred years. As former Virginia Senator John Warner noted in his testimony to the Energy and Commerce Committee, this volume of refugees will strain our capacity to respond to national security threats.

We can see these threats right here in the National Capital Region. Neighborhoods in Fairfax County like Huntington and Belleview have experienced unprecedented flooding within the last five years. With their proximity to tidal reaches of the Potomac River, they are threatened by rising sea levels. These older neighborhoods are important because they

have maintained a stock of affordable housing that is increasingly scarce in this region. Whether it is in Bangladesh or Belleview, climate change poses a threat to the welfare of working families around the world.

I haven't heard any expression of concern from the minority party about the millions of families that are endangered by climate change. Maybe they assume that these folks are politically powerless, that their loss of homes, land, and livelihoods can be ignored with impunity. But even if one is comfortable with condemning millions of people to refugee status, I would dispute the assumption that such an approach has no financial impact on the rest of us. Here in Northern Virginia, the Army Corps of Engineers is planning multi-million dollar flood prevention systems for low-lying neighborhoods. The cost of these systems will only rise with the level of the sea. Senator Warner noted that we cannot ignore refugees overseas lest we create conditions in which political organizations such as the Taliban will thrive.

The Catholic Climate Covenant and other faith groups remind us that we have a moral responsibility to protect the world's poor. That moral imperative coincides with self interest: If we do not arrest the rising concentration of greenhouse gasses in the atmosphere then we will saddle the next generation with ever-rising costs of dealing with climate change and its human costs. Whether those costs come from floodwalls or humanitarian support for refugees, we will not be able to avoid paying the bill. We must act now to reduce greenhouse gas pollution—for the sake of millions whose lives are tied up in the stability of our climate and because inaction will create an insurmountable cost burden for the rest of us.

Mr. Speaker, every challenge presents an opportunity. Sometimes the opportunities are difficult to identify. As we attempt to reduce global warming pollution, we are fortunate to have many models from which we can learn. I would like to focus on the acid rain reduction program that we initiated under the Clean Air Act nearly 20 years ago.

During the 1960s and 1970s, sulphur dioxide pollution was poisoning rivers and streams across America while inflicting damage on infrastructure and some of our most famous public art. This pollution came from some of the same sources that are emitting global warming pollution, including coal-fired power plants. In 1980, polluters released over 17 million tons of sulphur dioxide in the atmosphere. Since implementation of a cap and trade program to reduce acid rain pollution, we have eliminated 8.9 million tons of sulphur dioxide pollution annually, a 50% cut.

When Congress was considering capping acid rain pollution in 1990, polluters claimed that such a cap would drive up electricity prices and cripple the economy. In fact, the acid rain cap and trade program has saved $40 in costs for every dollar spent on pollution controls. This 40–1 cost to benefit ratio saves Americans $119 billion every year. Each dollar that we don't have to spend on premature health problems or damaged infrastructure is another dollar saved or invested. Nor did the acid rain program hurt American energy production. Coal companies installed scrubbers that remove sulphur dioxide as well as other pollution like mercury. Installation of these scrubbers created high paying jobs right here in America, creating new sources of employment for electricians and other skilled tradesmen.

The non-partisan Congressional Research Service has conducted several reports on the efficacy of the acid rain cap and trade program. A recent CRS memo notes that the acid rain reduction program has nearly one hundred percent compliance in pollution reduction and has not experienced any problems with market manipulation.

Today, the minority party claims that we cannot afford to reduce greenhouse gas pollution because it will increase costs and hurt the economy. We've heard all these arguments before, during the acid rain debate in 1990, and they have all been proven false. We have saved money by cutting acid rain pollution, created clean energy jobs, improved public health, and achieved our goals of reducing pollution. Far from being a burden, reduction of acid rain pollution improved our quality of life.

Today we face a different threat: global warming pollution. Unlike in 1990, however, we have a very successful model that we can follow. The American Clean Energy and Security Act emulates many of the successful components of the acid rain reduction program, and offers Congress a proven model of cost-effective pollution reduction.

IRAN'S MISSILE TEST

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Thank you, Mr. Speaker. It is a pleasure to be able to join you this evening and my colleagues on a couple of very interesting topics. I think the first thing that we will talk about is something that has been on the minds of people since this morning. That was when we got an announcement from Iran that they had just fired a missile some 1,200 miles. That is what they claimed.

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We don't know the details. We're waiting for a brief on the Armed Services Committee on exactly what it was that Iran did, the nature of the missile that they fired. But this is something that has captured the attention and the concern of Americans because you have coming together here a combination of three things that we find to be of high level of concern.

The first is the ability to make these long-range missiles; particularly, we're talking about solid fuel missiles that have multiple stages. That allows a missile to go some considerable distance and therefore target larger areas of the Earth's surface.

The second thing is nuclear energy. That is a weaponized nuclear energy in the form of a warhead. So now you have a missile that can go some distance; it has a nuclear warhead on it. That becomes extremely dangerous.

And now when you add the third element, that is radical Islam, to that, people who think it is their destiny and their duty to destroy other people who don't think the way you do, you put those three together and you have something that has indeed captured the news for the day. So I thought that would be important today to look a little bit at what do you do when you have an adversary that has a missile, a nuclear warhead, and a will to use it against you.

That was the question that was faced historically some years ago by Ronald Reagan. Up to that time, there had been a whole series of treaties and different things had come along, and we had gotten to the point where we said, Well, they have got missiles; they can blow us up. We've got missiles; we could blow them up. And that would be so crazy, we will have a Mexican standoff. We will call it mutually assured destruction. But that really was a very, very foolish idea.

I'm joined tonight by one of the foremost authorities in the U.S. Congress on the subject of missile defense and strategic missile defense, my good friend, Congressman FRANKS. And it's a treat to have you here on the floor, and talk about a timely subject, Iran just having launched a missile.

And surprisingly, this has been a matter of a great deal of partisan division and a lot of debate on this subject, and if you could help us with a little bit about the logic and the history. I would like to do the background on missile defense so we can understand what is going on today in context.

I would yield.

Mr. FRANKS of Arizona. I thank the gentleman for yielding, and I appreciate what you're doing here tonight, Congressman AKIN.

Ever since mankind took up arms against his fellow human beings, there has always been an offensive capability that essentially, in time, has been met with the defensive capability. And first it was the sword or the spear and the shield, maybe, and then—

Mr. AKIN. Or a rock and somebody had a shield to stop the rock or something. So one offense, one defense.

I didn't mean to interrupt. Go ahead.

Mr. FRANKS of Arizona. When we came to having firearms and bullets, we came to find armor and came up with a tank, and it has been an ongoing back-and-forth for a long time. But now that we face the most dangerous weapons in the history of humanity—that being a nuclear warhead borne by an intercontinental ballistic missile which can reach thousands of miles with accuracy—all of a sudden there became a debate whether we needed a defense for something like that. Now, for a time, there wasn't really the technological ability to defend against something like that.

And as you said, when the Soviets had thousands of warheads and hundreds of missiles that were capable of destroying every city that we had that was of any size, we had to come up with this equation to where they knew that if they attacked our cities and they

killed our women and children, that our missiles would leave almost shortly after theirs left the launching pad and they would suffer the same fate. And it was such an unthinkable scenario that there was this grim achievement that said we will have mutually assured destruction and, therefore, each will be afraid to launch against the other.

In a sense, as frightening as it was, it gave us a real tense time when we could have a chance to feel relatively safe because we placed our safety in their sanity, as they did with us.

Mr. AKIN. And just to reclaim my time.

I recall—and even that was a very troublesome kind of truce, because one thing we found was they cheated on every treaty that they signed, and we didn't cheat. And we had made an agreement that we were not going to develop a defense against nuclear missiles, and then that whole idea was challenged.

Now, why don't you run through——

Mr. FRANKS of Arizona. That was the ABM Treaty that you speak of. And fortunately Bush, this last George Bush, was wise enough in this day and age recognizing that the coincidence of jihadist terrorism and nuclear proliferation gave us a different equation than we had with the Soviets because all of a sudden deterrence wasn't enough. We were dealing with an enemy that was willing to see their own children die in order to attack our children.

And so he knew that we needed to discard this outdated ABM or antiballistic missile treaty, and he did that, and unfortunately, tremendous strides seemed to be made very quickly in the area of missile defense.

Mr. AKIN. Reclaiming my time.

I think the one thing that I really recall—and I think it's something we historically skip, and that is really the guy—we have an awful big ''thank you'' to say to Ronald Reagan. He had the imagination to take a look at this mutually assured destruction and say, This is nuts. I mean, as you said, all through history of mankind, somebody picks up a rock and somebody picks up a garbage can lid, you know? I mean, there's always offense and defense. He said, If we're saying we're not going to defend ourselves, we're crazy.

So we start talking to scientists and came up with this idea that we could use different kinds of technology to stop those missiles so they wouldn't come and hit our children and families. And then he went a much more gracious step and said, What's more, we're going to share our defensive technology with our opponents so that mankind does not have to live under the threatening shadow of the nuclear mushroom cloud. And he sold that idea to the American public. And, of course, the liberals all made fun of him. They said, You can't do it. It won't work and it's too expensive, and all of those kinds of things. But he hung on and kept talking about it, but he actually didn't build it, did he?

Mr. FRANKS of Arizona. The truth is that Ronald Reagan was, indeed, the father of modern missile defense. And there is a great irony there because, while we owe him everything, in a sense, to where we are, he said, Isn't it better to protect our citizens rather than to avenge them? And I thought that was the quote that, in my mind, started it all out.

But the tragedy is that somehow now the modern-day liberals who disdain Ronald Reagan as much as they do, sometimes they are biased against missile defense simply because it was Ronald Reagan's idea. And we don't discuss it in the realm that it should be discussed, which is what is best for the country rather than we don't want to give Ronald Reagan too much credit. This is the ironic tragedy of it.

Mr. AKIN. You know, the funny thing was—I was elected in 2000, came here in 2001 and started right off in the Armed Services Committee. And we had these debates in the Armed Services Committee in those long hearings, and every year for about 4 years or 5 years when it came to funding missile defense, it was a party line vote. The Democrats never wanted to do anything with funding missile defense. And yet, because we had a majority, we voted for it.

And President Bush became very unpopular in Europe and with Russia. He went over and he gave them their 6 months' notice. I think the treaty required, give us 6 months' notice. So he went over and said, Okay, guys. The clock's running. We're going to start developing missile defense in 6 months. And the Russians just had kittens, Putin went nuts, and the Europeans were all upset about this. They thought he was some kind of cowboy from Texas. And yet at the end of that 6 months, we started funding it in the Armed Services Committee, totally party line vote, and we started on the path of actually building the dream that Ronald Reagan had passed down to us.

Mr. FRANKS of Arizona. Two things have happened since then.

First of all, Democrats in Congress have begun to see that missile defense does indeed have a very, very important role to play in this age of nuclear proliferation. That's a good thing. It's a good thing. The downside, of course, is that the Democrat President in the White House right now is incredibly, in my judgment, naive as to the danger that we face and to his approach with our allies.

He has now, under his budget, submitted numbers that would cut the European missile defense site by 89 percent, nearly 90 percent, which is effectively killing the program. And this was the system that we were putting in place under the Bush administration to protect the homeland of the United States, to protect Europe and our forward-deployed troops against an Iranian missile.

Mr. AKIN. Wait, wait, wait. Reclaiming my time.

What you just said is pretty important. When Bush left office, the setup was there was—we were going to build a couple of sites. One was a radar site and one was an actual place to launch these ground-based missiles. The radar site, was that in Romania?

Mr. FRANKS of Arizona. No. The radar site is in the Czech Republic. That was the X–10 radar there, and they went through tremendous political machinations to accomplish that overcoming a 2–1 dissent among their public. And yet they had the leadership to say, This is important to us, this is important to the world, and we're going to move forward. And they put tremendous capital in that, and now they're being betrayed by the country that asked them to do it.

Mr. AKIN. So the Czech leadership responded to our initiative, said, We'll put the radar site in the Czech Republic. The leadership of Czechoslovakia had a public that was not that enthused about that idea, but they sold it to them. We are going to move ahead. And so you had the Czech Republic was going to have the radar and the actual missiles were going to be loaded—was it in Poland?

Mr. FRANKS of Arizona. Yes. The intercepter field itself, with 10 intercepters, it would have been in Poland.

Mr. AKIN. This has been, with the new administration, President Obama has traded that away to the Russians, is that correct, or do we know what the deal was? Because he's cut all of the money out of it.

Mr. FRANKS of Arizona. The tragedy—and this goes back to the statement that I said about the naive way of approaching this—because the Russians said that somehow they could exert influence over Iran or over other countries, that we would give up defending our homeland, our physical mechanism to defend our homeland in order to gain the influence of the Russians over Iran. Well, this is unbelievable.

Mr. AKIN. Reclaiming my time.

Now, wait a minute. This isn't supposed to be funny hour. We're here talking about missile defense because Iran just launched a missile. Is that the sort of influence that Russia has over Iran, that it's going to help them launch solid rocket loader multistage missiles that can go 1,200 miles? Is that what we traded away in order to give up missile defense for Europe? Wait a minute. I don't see—the logic of this is incredible.

Mr. FRANKS of Arizona. Unfortunately, the Russians have sold us their influence over Iran about a dozen times now and never have really given us anything of substance to be helpful. And I think this is incredibly dangerous.

Iran has continued to go forward and defy the world community. This solid fuel rocket that they have used today is something that you said was very,

very important. And the ability to stage is incredibly significant because it ultimately means that if they have the guidance systems—and they've already proven that they do by launching the satellite—that they will have almost an indefinite range across the world, because once they learn to stage, they can do almost anything in terms of reach.

Mr. AKIN. Reclaiming my time.

These are some of the missiles. This picture was taken before the launch this morning. And then we have a picture, I believe—I believe this picture was one released of the actual launch this morning. So you can see this appears to be a multistage kind of a missile, but we don't know the details on it yet because we haven't had the brief on it.

Mr. FRANKS of Arizona. This is a Sager, a solid fuel rocket that is something that we've known about for some time, and we knew the Iranians had it and at some point they would test it. But the danger of—

Mr. AKIN. Just reclaiming my time. Is this a multistage, do you believe?

Mr. FRANKS of Arizona. Yes. I'm convinced that it is.

The danger, of course, is that Iran is not only a dangerous enemy, to have these types of weapons, but they can sell and proliferate this type of weaponry. And when they prove that it works, it makes the price go up and it makes other countries who are trying to gain this technology much more interested in the technology. And I believe that it's important that we do whatever is necessary to prevent them from having successful tests in the future, including—and this is a big statement—including shooting those missiles down with our own missile defense capability, our Aegis capability when they come over international waters.

Mr. AKIN. We have a few more minutes to talk about that. I think people might be interested in how did this—how does this technology that we have work, because for years, people are saying, You can't do it; it is impossible.

I'm an engineer by training, and what we have developed in America—basically on the dream of Ronald Reagan—is an incredibly elegant solution. And from a physics point of view, this is the kind of thing that should inspire kids in school to be studying up on physics. And I didn't know if other Members want to join us.

We have Congressman BISHOP here. We'll talk a little bit about the way the thing works, and then we'll jump in.

And what we have when you talk about missile defense is you've got—basically you've got the boost stage where the enemy's rocket here, if this is aimed at our country or one of our allies, this is taking off. It's called a boost stage. Then as the missile starts to go more horizontally, it goes into what's called midcourse. And eventually, when it comes down on the target, and that's where it's reentering—if it's a very long-range missile, reentering the atmosphere.

So we kind of break missile defense into these three areas, and we have different technologies to try to shoot the thing down before it hits us. And our thinking is, well, the more shots you can get, the better, because if you miss with the boost phase, you may get it in midcourse. And if you miss in midcourse, you may still stop it in reentry. So we have different kinds of technologies.

But the main one that's been developed that's just incredible, from a physics point of view, is a metal-on-metal kill. We don't use any explosive in it. We just send the missile up, and the guidance is so accurate, and the head-on collision that we energize generates so much energy that it just literally vaporizes the missiles. And I would encourage my friend from Arizona to just sort of flesh out how it's done.

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Mr. FRANKS of Arizona. If you will permit me, I can get through this just briefly.

You know, the age-old argument against Ronald Reagan's perspective is that this like hitting a bullet with a bullet. Well, as General Obering, the former Defense agency head said this, he said, We don't just hit a bullet with a bullet. We hit a dot on the side of a bullet with a bullet consistently.

And interestingly enough, in recent days, you know, now they say well, there's so much fratricide, if there's some type of collision, that if there are multiple reentry vehicles or multiple vehicles, we wouldn't be able to hit all of them. But just recently we, in a test down in Hawaii, we shot a Scud missile off of a destroyer and it went 218 kilometers into the air and then, off of a THAD battery in one of the islands there, we shot two interceptor missiles 16 seconds apart to try to intercept this. The theory is if the first one hits, the second one will fly on by, and it's no big deal. If the first one misses, the second one will hit.

But here is the amazing thing that occurred. At 218 kilometers into the air, literally exo-atmospheric, into space, the first THAD interceptor hit the target dead center and blew it to smithereens. Fratricide was everywhere. And the second missile, they had it almost coordinated at that time to only 2 seconds apart, it picked the biggest piece, which was a little over a meter long, and hit it.

Now, let me suggest to you, if that doesn't light your fire, your wood is wet, because this was an incredible accomplishment by our missile defense agency, and it showed that our sensors have the capability of finding that most important target, even in an environment of that kind of fratricide, and it was an incredible accomplishment and you didn't hear it on the news.

Mr. AKIN. Reclaiming my time, it's interesting that you just explained something that really put a little spring in the step of a lot of Americans and should give an awful lot of our kids that are reading Popular Science and Popular Mechanics, that should fire them up, jazz them up a little bit, and there's not a word about this. All we hear is, oh, it won't work, it won't work, and the amazing thing is I've seen some of those pictures where here comes the enemy missile. These things are taken in fractions of a second, and you see basically the thing is creating through a sighting mechanism a target on the side of the enemy missile, and it is literally picking a spot, as you said. It's not hitting a bullet with a bullet. It's hitting that spot right on the missile where they want to hit it.

And to be able to do that—I've always been awfully skeptical as an engineer about when people say you can't do it. You know, when you tell Americans you can't do something, it's like, oh, yeah? Well, the fact of the matter is, we did, and as you said, not only did we hit the first missiles dead-on, we just picked off the biggest piece of scrap metal that was left after.

We've got our friend, Congressman BISHOP from Utah. If you would like to join us, we would love to have you in our discussion this evening.

Mr. BISHOP of Utah. I'd appreciate that because we have been talking about so many upbeat messages right here on what we can do, that I want to be the downer of the group and present the fear that we have simply because the administration budget for missile defense has been submitted.

And I'm grateful my friend from Arizona is still here, because in our land-based—maybe you can add and flush this out—our land-based interceptors, we have 30, and as short as nine months ago, every expert was telling us we need to have at least 44, and a backup site from the Alaska site down in California to be expanded at the same time. And yet mysteriously in this particular budget, somehow we have now changed the expert opinion that we only need 30 of these instead of 44. Even though in Alaska, where the site is, they are ready to start in the short construction period to building the extra silos that they may need. In fact, one person said it might be cheaper just to build them and use them as storage bays until we're ready for something else.

But maybe the gentleman from Arizona can talk about how significant this issue in the budget is and what this does to our potential defense, not just from Iran but from especially North Korea at the same time.

Mr. FRANKS of Arizona. Well, the gentleman speaks of a system called GMD, or ground-based mid-course defense, and it is our only system capable of defending the homeland against an incoming intercontinental ballistic missile from either North Korea or, in some cases in the United States, from Iran.

And the significance, as he said, just a year ago, there was a conviction that

we needed at least 44 interceptors, and as you go through the war colleges here in the area, nearly always when they go through their scenarios, they say we need even more than the 44. But now all of the sudden—and we only have 26 actually now. We're capped at a number of 30. Now all of a sudden we're going to cap it at 30, and I think that's very dangerous. Because keep in mind, this is not just one interceptor per incoming missile. We want to do everything that we can to have some redundancy where we sometimes shoot three and perhaps even four to one where if we have one missile coming in, we want to make sure we get as many shots off as possible to make sure one doesn't land. Because if a nuclear missile lands in one of your cities, it will ruin your whole day.

Mr. AKIN. No doubt about that. I yield.

Mr. BISHOP of Utah. If I can go back, though, I want to make this a little bit worse than it is, because not only is this program capped at 30 when we need at least 44, the KEI, kinetic energy interceptor, a program where the contracts were let only in 2003, they have gone through seven static tests. In fact, they are on the launch site and ready to do the first flight tests, and the Secretary of Defense has decided to cancel that program, even though the admiral in charge of the Chiefs of Staff says we need more research and development.

This is a remarkable idea to try and catch these missiles coming at us at a different stage in the game, where with the technology that is being developed, it's working, it has been successful in the static tests. We should at least go forward and see how far this program can go. But this program has also been chopped, and at the same time, the old traditional defense of the Minuteman 3 has been stopped and capped. We will no longer refurbish or rebuild these particular rockets.

And indeed, what is scary to me is the Russians have already said they are going to rebuild and redo their ICBM projects so that by 2018, 80 percent of their ICBMs are going to be brand new with new capability, and we do not have the capability in our defense budget to actually meet any of that future need which may be there.

Mr. AKIN. I yield to the gentleman from Arizona.

Mr. FRANKS of Arizona. The gentleman is correct on a number of different points. Once we don't build those, not only are they not there for the defense capabilities, but we also eventually lose our industrial base to build them at all. We can't just go out in the street and find someone on the sidewalk and say come on, we would like to build a missile defense capability; we'd like to have you come in and be one of our rocket scientists. It takes a great deal of time and energy to have that industrial base which is in place now, and I think we make a terrible mistake.

Mr. AKIN. Reclaiming my time, let's take a look at what this budget is doing because the gentleman from Utah has brought up some good points.

What's happened is the Democrats are basically cutting component parts of missile defense. They know it works. They have seen the tests. They know the stuff works. They can't say it doesn't work, but they are not going to fund it. They're funding some of it, but they're not funding some of the key programs that are important.

The first thing they're cutting is the number of what's called ground-based missiles. Those are the ones, if you think about a missile and how far it can go, the missiles that go the farthest, we call them intercontinental ballistic missiles, and those missiles, the only way you stop them is with that ground-based defense. And so we're going to freeze the number of those ground-based defenses, but that's not all that we're cutting.

What we're also going to do is, we're going to stop the kinetic kill. Is that in the reentry aspect? Is that what that was for, or is that a different part?

Mr. FRANKS of Arizona. No, sir. The KEI is an extremely fast missile, and it was made to intercept other missiles in the boost phase, and the airborne laser and KEI were our only boost phase systems, and both of those have been cut precipitously, and that's the most important place to try to interdict a missile because it's moving slower. There are no countermeasures. There are no decoys deployed, and of course, if you have an impact, then the fratricide falls back upon the offending Nation. So this is the most important phase that we could ever attack or intercept an enemy missile, and we're essentially doing away with both of those programs, leaving only the ABL in place as an experiment, as a research project.

Mr. AKIN. So what's happening, though, are they cutting the funding for the airborne laser, also?

Mr. FRANKS of Arizona. The airborne laser has been cut precipitously and is now essentially a research project, rather than a deployable future system.

Mr. AKIN. So, in other words, what we're doing is we've got the three stages where you can shoot at a missile: when the missile is being launched, which is in some ways the place where the missile is most vulnerable and where you turn it into junk, it falls on the country that launched it at you. Then you've got the mid-course and we're limiting that. And then you've got the reentry part of it. So what you're saying is we're doing some serious cuts in all of those areas.

And so here you have Iran just this morning launches this, and their technology is moving fast, moved to solid rocket, multiple stage. They're busy putting the centrifuges together to make the nuclear devices. Let's take a look at what a range of 1,200 miles would mean.

Here from Iran, as you come out in these circles, what you are saying is, first of all, you can hit all of Israel, and second of all, you can threaten sort of the southwest part of Europe with that range missile. Is that correct, gentleman from Arizona?

Mr. FRANKS of Arizona. That is correct, and of course, the other irony here is that there's really only one payload that makes any sense to put on a missile like that, and that's a nuclear warhead. The other applications don't make a lot of sense.

Mr. AKIN. And yet our President has negotiated away, from what we know, putting the radar that we need and the battery of missiles to protect Europe and eastern United States.

Mr. FRANKS of Arizona. Well, that's correct, and of course, to try to make the rhetoric they say, well, there are other mechanisms that we have potentially to defend Europe, which may be a land-based SM–3 system with the augment of Aegis, but there are two things wrong with that. Number one, it's more than twice as expensive to do that, and number two, those systems do not protect the homeland of the United States against any ICBM from Iran.

Mr. AKIN. I'm going to reluctantly recognize the gentleman from Utah. He's been bringing a lot of bad news tonight, but still I guess we better know what the truth is.

Mr. BISHOP of Utah. I appreciate that, and I'm sorry to be the downer in this party night. This is one of the ironies. Not only did the Iranians launch something today, but when the administration announced their budget cuts for the missile defense program, on the very day, 7,000 miles away, North Korea's Kim Jong Il was shooting another missile. Now, admittedly this one landed in the Sea of Japan, but it threatens Japan and it was on a trajectory toward the United States. They are not backing down, and they're not backing off, and I want to put in perspective what we're talking about because all of the discussion we've heard so far is these are very expensive programs, we may not be able to afford them.

The entire savings for these programs in 2010 is $1.7 billion, roughly. Now, that sounds like a whole lot of money, until you remember on our stimulus bill we spent $800 billion, supposedly to create jobs we're now cutting here. And what's even worse in that bill is $5 billion for government organizations like ACORN. Now, I'm sorry, that's not my priority list.

Mr. AKIN. Reclaiming my time, now you're stopping the preaching and getting on to meddling.

What you're saying is in the first five weeks that this Congress met, we passed this porkulous bill or stimulus bill or whatever you want to call it at $800-something billion, and you're talking about cutting missile defense by less than $2 billion. Did I understand the number correctly?

Mr. BISHOP of Utah. That's what I said.

Mr. FRANKS of Arizona. The total missile defense budget, in total, is less

than $9 billion, and the administration wants to cut it almost $2 billion more.

Mr. AKIN. So we're talking about less than 1 percent, a minuscule part of our defense, to protect our cities from being turned into dust. I don't understand the logic of that.

Also, this is a North Korean ballistic missile threat. So it's not just Iran, and Iran threatening Europe. We're also talking about North Korea developing longer and longer-range missiles, and as they stack more—as you have said before, you take these solid rocket motors and you stack them up into multiple stages. You get the velocity to get the distance to start threatening the continental United States from North Korea. And he hasn't shown any signs of backing off. He's still busy making nuclear weapons and still busy working on his warheads. And even if he doesn't use them, he wants to sell them to other people. So why would we want to be cutting our missile defense at this time? It just seems like about insanity.

I yield to the gentleman.

Mr. FRANKS of Arizona. The thing that's important to remember is that Iran gained most of its missile technology from North Korea, and Iran has actually outpaced North Korea now in their missile capability, but North Korea has nuclear warheads now, and if North Korea sold Iran missile technology, is it unthinkable to think they might sell them nuclear warheads at some point? It may not be even necessary for Iran to build their own warheads.

And here's the really astonishing tragedy about this. Rhetorically, some of the liberals say that the reason that we should cut our GMD system is because we need more testing. Well, under this system, where they're cutting down on the number of interceptors we have, we won't be able to test this system again until after 2014.

Mr. AKIN. So we're talking out of both sides of our mouth here again. What you are saying is, on the one hand, they're saying we need more testing, and second of all, they're cutting the budget so we can't test.

Mr. FRANKS of Arizona. That's exactly right.

Mr. AKIN. It just comes back out to the same thing. There's this hostility to developing the defense that we need to protect our homeland, and the excuses that it won't work have been proven—test after test, these things are working extremely well, and the fact is that if there's any function of this Congress that we should be paying attention to, it's protecting our own citizens. And so I just find it impossible to understand the decisions that are being made in cutting the missile defense.

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I don't think that's the right thing to do. I can certainly say that on the Armed Services Committee, I will not vote to cut missile defense.

And I would yield back to my friend from Utah, Congressman BISHOP.

Mr. BISHOP of Utah. I appreciate that commitment, and you have my commitment at the same time. This is a work that needs to go forward. We have money to do this.

One of the things we also—when Secretary Gates talked to us, he talked about a zero sum game, meaning that if we wanted to improve this missile defense budget we would have to take money from some other part of our military needs to put over here. And I'm sorry, I reject that.

One of the things we need to do is make sure that the military is properly funded. It's really the only constitutional role we really have to do, and make sure that it's not coming from some other—we're not going to cannibalize another area of the military just to make sure that this done. That is simply flat out wrong, and I'm not going to do it.

I'd like to add one other negative since I'm on the role of whining here about things going on. This administration did something that was totally unique in its budget process called a ''gag order'' which simply meant that when the Kinetic Energy Interceptor Program was canceled, it was canceled during the time of the gag order. There is not a single person on Capitol Hill, in any branch of Congress, that knew what was taking place because no one in the Pentagon was allowed to talk about what the decision was. A stop work order had been administered by this administration before anyone knew what was taking place.

And, in fact, when the Secretary of Defense announced his overall view, not one word on this missile program was mentioned in that, even though, 2 days earlier, the decision had been made to cut it.

Mr. AKIN. Reclaiming my time, wait a minute now. I recall that the President stood on this floor, and one of the things that he made a big point about was transparency. I have a hard time understanding the transparency of the administration cutting a major part of missile defense that's very important, and we're on the Armed Services Committee and we didn't even have a clue that that was going on. Is that transparency?

I yield to my friend from Utah.

Mr. BISHOP of Utah. No, in my definition it's not transparency. Now, I know that some people have said the Pentagon leaks like a sieve. To be honest, that's what President Nixon said about the White House when he came in there, and I hope there's no plumbers left around to try and fix the Pentagon situation.

But it's one of those things that, in a republic, in a republic, we are not devowed by those types of secrets that should take place there. And the representatives of people who make these decisions should be made aware, you can do it in some kind of a system or order in which sensitive information is let out.

But this is not sensitive information. This is what the future direction of this country should be. And I'm sorry, before you put the stop work order, you at least should be able to tell Congress what you're about to do.

I hope we never, never engage in this kind of gag order in any branch of this administration again because, as the gentleman from Missouri accurately said, it is not transparency. It was not what was promised. And it is simply a wrong problem which allows a whole lot of issues to be pushed to the side, which could have been easily fixed, adjudicated, simplified had we simply had some kind of communication as the process was being developed.

Congress is now behind the 8 ball on this. If we want to fix this problem, and I desperately think we should, our options are severely limited because of the way the administration handled this year's budget preparation.

I yield back.

Mr. AKIN. Well, that's quite an indictment. And you sure had a snoutful of bad news for us. I didn't even know about that last one. And it's enough to really make you irritated, isn't it?

You know, we hear about transparency, and yet there isn't transparency, and this isn't the way we should be running a country. It seems to me that somebody's trying to hide something. That's what it seems like, somebody is trying to cover something up.

Now we're about done with our first half hour so we're going to be finishing up on ballistic missile and strategic missile defense. I am going to let the last word go to my good friend from Arizona, Congressman FRANKS.

Mr. FRANKS of Arizona. Ostensibly, the whole purpose of cutting missile defense is so that we can use the money somewhere else. But sometimes we forget that when we suffer some type of weakness in our military system it invites or it provokes some type of attack from an enemy which nearly always costs us much more than any savings that we had. When airplanes hit our buildings and our Pentagon, they cost us in our total economy, around $2 trillion. And so this is not only bad defense. It's bad economics.

And if some day, if we build a system and we don't need it, I will stand before the American public and say, you know, we used this system every day because it deterred an attack. But I'll still apologize to you for spending all the money.

But God save us all from the day when we have to stand before the American people and apologize to them because some type of an attack left hundreds of thousands of our people dead in a city or worse and we had the ability to defend them and we didn't out of political correctness.

And with that I yield back to the gentleman and thank him very much.

Mr. AKIN. I appreciate your passion on that subject. Gentlemen, there's one point that I always like to make on

missile defense that it seems like many times people overlook it. And what I hear, just talking to people back in my district they say, well, couldn't these bad guys basically smuggle a missile into our city and just set it off? And they don't really need a missile to do that. And the answer is, they can try, but that's not as easy to do as it appears because the bombs and things do emit some radiation and there's some chance we could catch them.

But the other main point is that a bomb set off up in the air is far, far more deadly, hundreds of times more deadly in terms of casualties than one set off on the ground. I think that's part of the reason why you see our opponents developing these ballistic and intercontinental ballistic missiles because of this high level of threat and a very rapid ability to deploy a weapon. And so that's part of the reason why this is a very key topic.

And I thank you so much. The gentleman from Arizona has taken a lot of time to understand this, knows it inside and out. He's just about like an expert. And Arizona has been doing the right thing sending you up here.

And I think we're going to move on to another topic which is particularly of importance to Americans today, and that's the subject of taxation and energy. Not so long ago, our President said, under my plan of a cap-and-trade system, or that is cap-and-tax system, electric rates would necessarily skyrocket. That will cost money. They will pass that money on to consumers. This is the President in a meeting in guilty January of 2008.

Well, he is now the President. And they're talking about this cap-and-tax system that's been the subject of debate now for hours and hours in the Energy and Commerce Committee. And from what we're seeing and taking a look at what's being proposed, the President was accurate in this statement. It is going to be extremely expensive, and electric rates are going to skyrocket indeed.

The interesting thing about this though was he stood here at the beginning of this year and said, I'm not going to tax anybody that's making less than $250,000. And yet what's being proposed here is every time you turn a light switch on, you're going to get some more taxation.

How much taxation are we talking about? And what's the logic of this?

Well, the logic is supposed to be that the Earth is getting too hot, and that's really a serious problem for us. The Earth is getting too hot. And so I thought it was interesting to take a look back historically over the last hundred years, not at the temperature of the Earth, but at what the scientists have been saying down through the years.

In 1920, the newspapers were filled with scientific warnings of a fast approaching glacial age, 1920s.

1930s, scientists reversed themselves and they said there's going to be serious global warming in the 1930s.

In 1972, Time magazine, citing numerous scientific reports that imminent runaway glaciation is what the Time magazine called it. And by 1975, Newsweek, scientific evidence of an ice age. And so people were being called to stockpile food, and the question of whether we should use nuclear weapons or some method of melting the Arctic ice cap.

1976, U.S. government: ''The Earth is heading into some sort of mini-ice age.''

And now we've got global warming. And so over the period of the last hundred years, well-meaning scientists and, supposedly majorities of scientists, even, have changed their opinion about this global warming about three times or so.

Well, the complaint now is that we've got this CO_2 that's being generated which makes the Earth warmer and, therefore, we want to tax the CO_2. When the government wants to tax something, usually you'd better hang on to your wallet. We're talking about a lot of tax.

And tonight we have probably one of the most foremost experts in the House on the whole subject of this what's called cap-and-tax. A man who's been in the middle of these hearings for hours and hours is joining us. It's a treat to have Congressman SHIMKUS from Illinois. I yield time, gentleman.

Mr. SHIMKUS. Thank you. I appreciate the time. As stated, we're in the, in essence, the markup of the bill right now. And so I thought I'd just take a few minutes to talk about what happened yesterday and what's happening today.

The basic premise that we're trying to just remind the public that because to address this global warming you have to monetize carbon, that is, in essence, adding a dollar amount to carbon, which that dollar amount would be passed on. Ratepayers will pay more. President Obama admits it. Really, the draft bill admits it because there's 55 pages of what to do with job losses in the bill.

Here's a couple of amendments that we debated last week—I mean yesterday. An amendment offered by LEE TERRY, Republican, of Nebraska, would require annual EPA certification of the average retail price of gasoline. If the price exceeds $5 per gallon as a result of this act, this act would cease to be effective.

We're admitting that there will be an increase in cost. Voted down on a party-line vote.

Mr. AKIN. Reclaiming, you're just saying that what we said is, hey, gas is painful when it gets up there to $3 or $4 a gallon. But you're saying if gas gets to $5, we put an amendment saying enough already; that's enough tax at $5 a gallon. And that was a party-line vote. The Republicans voting, I assume, that they don't want to let it get over 5. The Democrats saying it's okay to tax more than that; is that correct?

Mr. SHIMKUS. That is correct. Another amendment offered by our colleague, MIKE ROGERS, Republican, from Michigan, that would require an annual certification by the administrator in consultation with the Department of State and the United States Trade Representative that China and India have adopted a mandatory greenhouse gas reduction program at least as stringent as that would be imposed under this act. And what we're saying is this is all pain and no gain unless we have an international agreement that brings in China and India.

Well, my colleagues on the other side all voted ''no'' against requiring China and India to be under the same regime. Republicans all voted that we should be in the same regime.

Another amendment that said if unemployment gets to 15 percent, that we ought to change course, that this cap-and-trade scheme is not working. Another party-line vote, Republicans saying we ought to get out of this agreement if job loss gets to 15 percent. Democrats stayed on the party line saying, no, 15 percent job loss is acceptable under this bill.

Mr. AKIN. Just reclaiming my time for a minute. What—how much unemployment do we have now? We're not up to 10 percent yet, are we gentleman?

Mr. SHIMKUS. We are right around 10 percent.

Mr. AKIN. Right near 10. So you're saying if it gets to 15, enough already. We've got to ease back on this thing that's hurting us. Because the point of the matter is this tax is going to create unemployment. Right? And if they say, well, it's not going to create unemployment, then they don't have any problem with an amendment saying that at 15 percent unemployment we're going to stop it. Right?

But, no, so they're saying no we don't want that amendment, saying they think it will go over 15 percent.

Mr. SHIMKUS. And I am going to head back to the committee and I appreciate the time. Let me just say we also had an amendment: will global warming bills' costs be disclosed. We asked for full disclosure on electricity bills. Republicans said, yeah, that's a good idea. Democrats voted ''no.'' Democrats declined to shield homeowners from electricity spike hikes.

So what we're trying to do is, understanding that this is going to cause an increased cost to the ratepayer, no one's speaking for the ratepayers. Well, the Republicans are speaking to the ratepayer. The Democrats in the committee markup are speaking to those special interest groups that cut this deal behind closed doors.

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You've got a lot of my colleagues here who all want to speak with you. I appreciate your yielding me some time. Keep up the great fight.

Mr. AKIN. Congressman SHIMKUS is just doing the yeoman's job on the committee. It's a tough thing. Those amendments seem to me so commonsense that I'm kind of amazed that

anybody in the political business would dare to vote against something that's saying, hey, it's $5 a gallon for gasoline or unemployment is at 15 percent. Actually, that's not such an odd idea because Spain has put in this same thing that is being proposed here. Their unemployment now is 17.5 percent, and they're suffering. They're calling all the green jobs ''subprime jobs.''

Thank you very much, Congressman SHIMKUS.

We're joined by a very sober judge from the State of Texas, my good friend, Judge CARTER. Welcome to our discussion this evening. Let's talk a little bit about these taxes.

Mr. CARTER. Well, some of the things that our friend Congressman SHIMKUS said are pretty sobering.

Mr. AKIN. Yes, they're sobering. They even make a judge sober. I yield.

Mr. CARTER. We're saying $5 a gallon for gasoline with that increase being caused by this tax-and-trade scheme that's being sold to the Congress as some kind of clean-up-the-world project. We think that at least ought to raise the issue and should slow down the process. Yet they say, No. Let's see what's going to happen when it gets to be $5 a gallon.

Let's think in our recent past as to what happens when gasoline gets to $5 a gallon. Well, of course it's going to be the evil oil companies' fault that secretly have made deals with each other to fix prices and to make them go up. That's why, when they said the electricity bills are going to go up, we just said that we wanted them to say on the electricity bill what caused this to go up. Well, it happens to be our cap-and-tax program that caused it to go up. That's fair. The American people ought to know what caused the doubling of their electricity bills. Guess what they're going to say? Oh, the evil power companies have jacked the prices up to bilk the poor consumers. Truth and sunshine is what this government needs. Put the truth in the bill.

Mr. AKIN. That's absolutely right. I appreciate the gentleman's perspective, and that's coming from a judge.

You want to know what has happened and exactly what's going on. Don't put this behind smoke and mirrors. We're talking here about comparing the cost of these taxes being proposed. This is the cost of World War II right here, this big blue circle. This cap-and-trade here at $1.9 trillion is a tremendous, tremendous tax. The other wars—this thing here—would be the war in Afghanistan and the terrorist wars and all. All of these are small by comparison to what's being proposed.

So what does that mean for the average family? What are their costs going to be?

Well, you can see the energy here. The blue here is gasoline, and the gasoline is going to jump 16 percent. This is just by 2012. You're going to see a 16 percent increase in the cost of gasoline. The green is electricity. That's going to jump 9 percent, and that's just the beginning. That's only by 2012. Then you've got natural gas, which is going to jump 14 percent. Now, when the economy is rough and people are having trouble with unemployment, this somehow or other seems like a pretty strange thing to be talking about, a massive tax increase like this.

We're joined by my good friend from Georgia, and I would yield time to the doctor.

Mr. BROUN of Georgia. I thank the gentleman for yielding.

I think the American people need to understand what this is going to mean to them directly. I think these charts are great. As Judge CARTER said, I think the facts that Mr. SHIMKUS gave us were absolutely sobering, but there are a number of people in this House of Representatives who have openly said that they would like to see gas go up to $10 a gallon. They think that that will start people conserving gas in America. Well, most folks can't afford $10 a gallon gas. There are people in this House who want to federalize—nationalize—the whole of the energy system, and there are many Members of the Democrat majority who are promoting that. I think this may very well be the opening for them to try to nationalize it, just like Hugo Chavez has done in Venezuela, and that's exactly the picture that we see here in America.

What NANCY PELOSI and company are doing here in this Congress is they're going down the same road, and they're trying to force America into the same policies and down the same road that Hugo Chavez in Venezuela has taken that country down. Yet what is it going to cost each individual family?

It is estimated that every family is going to pay over $1,000 in increased electricity costs. It's estimated that the tax, itself—I've seen various estimates—will be anywhere from over $3,000 per family in America to over $4,000 per family in America per year in increased taxes. It's going to increase the cost of food and of medicines. Every single good and service in this country is going to go up because every bit of food and every medicine—every good and service in America—is dependent upon energy. If you flip on the light switch, your bill is going up. If you go to the gas pump, your bill is going up. If you ride public transportation, the bill is going up. The bill is going up. The bill is going up for everything in this country. The American people need to say ''no'' to this idiotic, what I call, ''tax-and-cap.'' The reason I call it ''tax-and-cap'' is because it is a huge tax. It's not about the environment.

The President, himself, said that this needs to pass so that he can fund his socialistic agenda. He didn't call it a ''socialistic agenda,'' but that's exactly what it is. It's a big government agenda for health care. For every single thing that this country does, they want to do that.

Mr. AKIN. Dr. BROUN, I appreciate your firmness and your just basically calling this what it is.

An hour ago, we heard the Democrats talking about the fact that, oh, they're really into technology and innovation and all of this kind of stuff. This thing has nothing to do with technology or innovation. This is just a plain, old tax increase. It's a plain, old tax increase, but it's a big, whopping tax increase, is what we're dealing with here, and the justification is kind of amusing.

I'd like to take just a minute, and then I'm going to recognize my good friend, Congresswoman LUMMIS from Wyoming.

Having an engineering background, I kind of get interest out of it. How much human activity does it take to affect greenhouse gases? This block here of all of these boxes represents all of the greenhouse gases which comprise only 2 percent of the atmosphere. So these are all of the things that cause global warming. Most of this is water vapor. By the way, it's not CO_2, okay? Now then, this yellow stuff over here is the part of the greenhouse gases that is CO_2. Those are the yellow boxes. The little red box there is the CO_2 that is caused by human activity, and that little red box right there is the excuse for this whopping, big tax. Now, somehow or other, the logic of this just seems like a very, very thinly veiled excuse for a great big tax.

Mr. BROUN of Georgia. Will the gentleman yield?

Mr. AKIN. The thing that is the most amusing on this is that the one major source of energy that we have that makes no CO_2 is not being given any credit or is being pushed forward at all, which is nuclear power. We'll talk about that, but I want to yield to the gentlewoman from Wyoming, Congresswoman LUMMIS.

Thank you for joining us tonight. It's just a treat to have you here.

Mrs. LUMMIS. Thank you, Congressman AKIN. I appreciate being involved in this discussion.

This is a national energy tax. This will not solve our problems with pollution, but what will? Sometimes we Republicans are called the ''party of no,'' and it's because we need opportunities to express our better ideas. Indeed, I believe we do have better ideas, and some of them are being illustrated by the chart that Mr. AKIN has on the board right now.

We have opportunities to clean up the technologies and sources of energy that we have right now. We have the opportunity to increase the number of hybrid and zero-emission vehicles on the road. We have the opportunity to increase wind and solar and biofuels. We have the opportunity to add to the amount of natural gas that we use because it is, by far, the cleanest burning hydrocarbon. We have opportunities to sequester the CO_2 that comes from coal, and as we know, coal is more than half of the electricity that is produced in this country. So, to abandon coal

abruptly is just not possible. We should pursue ways to clean it up. That includes sequestering carbon.

My State of Wyoming has the most advanced carbon sequestration laws in the country, which say that the pores under the surface where carbon can be sequestered—or captured and secured—belong to the surface owner, and that liability for the escape of hydrocarbons that are introduced into those pores are on the companies that put that carbon in the ground. So that creates a mechanism that other States are looking at right now, including Montana and others that are following Wyoming's lead.

In addition, we need to produce from coal liquid products that burn less. In addition, we need more nuclear energy. As we know, nuclear energy is not a carbon emitter, and it is producing 20 percent of our electricity now. So we absolutely cannot take nuclear energy off the table. It's very important that we add more nuclear.

Mr. AKIN. Reclaiming my time, Congresswoman LUMMIS, what you're saying is really exciting. You're talking about what the Republicans have been pushing for now and since I've been here, which has been since 2001. It's an all-of-the-above strategy. It's saying let's let freedom work. Just get out of the way, and let's start developing hydrogen. If we've got places we ought to drill for oil, then do that. Fine. If we've got to do coal, let's figure out if you're going to sequester it or not. If we need nuclear and if you're really worried about that percentage of CO_2—I mean if you're really serious about that, then why not embrace the number 1 technology that doesn't make any CO_2, which is nuclear? We're saying do all of these things. Let the free marketplace work and let freedom basically run. Let American innovation—and let the resources that God gave us on this land—work, and we will have energy.

You know, there's an ironic thing that is just absolutely crazy about government. Do you know why the Department of Energy was created years and years ago? This is kind of a quiz question if any of my colleagues happen to know the answer. Why did we create the Department of Energy?

Dr. BROUN from Georgia, do you know why we created the Department of Energy?

Mr. BROUN of Georgia. Absolutely. It was created to make America energy independent.

Mr. AKIN. What has happened since we've created it, Congressman?

Mr. BROUN of Georgia. Well, it has not made America energy independent whatsoever.

Mr. AKIN. We are less that way.

Mr. BROUN of Georgia. We are less.

Mr. AKIN. What has happened to the number of employees in the Department of Energy?

Mr. BROUN of Georgia. It has skyrocketed. They're really not fulfilling the obligation that they have under the charter of developing the Department of Energy, so they've been an abject failure at what they were charged to do.

Mr. AKIN. In fact, you could almost say it's of inverse proportion. The more people they've hired and the bigger it has gotten, the more dependent we have become on foreign energy. That doesn't make a whole lot of sense.

I want to thank Congresswoman LUMMIS, and I also want to get back to Judge CARTER here.

I want to give you a chance to take a look at some of these things. We've got, I think, only just about another 5 minutes or so.

Mr. CARTER. First, if they're not doing their job, we ought to fire them. That's just really easy, okay?

Mr. AKIN. I think that was pretty straightforward. If they don't do the job, fire them.

Mr. CARTER. That's simple stuff. If they're not doing what we hired them to do, we've got to fire them.

Mr. AKIN. Now, Ronald Reagan wanted to close the department down.

Mr. CARTER. Yes.

Mr. AKIN. Is that what you're advocating?

Mr. CARTER. That's fine. I don't have a problem with that at all, but let's get back to what we're doing.

You know, there's an old saying: ''I won't tax you and I won't tax me. I'll tax that fellow behind the tree,'' okay? That's kind of what we heard from the Obama administration when we started off: Don't worry. Ninety-five percent of the people in America are not going to be taxed by this administration. Yet, as my colleague from Georgia said, there's not anything you can think of that doesn't have an energy cost in it. Nothing. I mean it's in everything. So I don't care how rich you are or how poor you are. You're going to be taxed by this.

Now, don't give me the excuse of, well, we're just taxing the company, and they're taxing you. That doesn't work. Everybody knows where this tax is going. They know it in the administration, and we know it in Congress. It's going to us, to the individual Americans, and we're going to pay this tax. Look at that. Shoes. Plastic. Food. Electricity. Housing. All that.

Mr. AKIN. Reclaiming my time, these are all different places. If you're going to have to use it up, it's going to cost you $1,900 per household just for the first year of this tax. This just tells you what you'd have to give up to save that money to pay that tax. This one here is all of the meat, poultry, fish, eggs, dairy products, fruits and vegetables that a family eats in 1 year.

□ 2030

That's what you've got to give up to compensate for this tax that's being proposed. Or, maybe you don't want to do that. You want to give up this—all furniture, appliances, carpet, and other furnishings. You can give that up for 1 year.

Mr. CARTER. If the gentleman would yield for just a minute. On that food thing, you have forgotten the next tax they're coming up with is the flatulence tax on cows.

Mr. AKIN. Are you going to collect that in bags, gentlemen?

Mr. CARTER. Ask our farmers if they like that idea.

Mr. AKIN. I think we're getting close on time, but the good news is my good friend, Congressman KING from Iowa, is here. I think he is going to continue talking on the same subject. I think he might be willing to recognize some of the other Congressmen that want to weigh in on this absolutely crazy sort of tax system that's being proposed.

The funny thing is that, just to conclude, this chart right here, this is something the Democrats have been unwilling to deal with or talk about. But, see this little card? There's a little plastic thing here and there's a thing inside there that's the size of two mechanical pencil erasers. There's enough nuclear energy in that little pill right there to equal 149 gallons of oil, 1 ton of coal, or 17,000 cubic feet of natural gas. That's how much energy is in that one little tablet. Maybe we ought to be thinking about real technology.

Thank you all for joining me this evening.

AMERICA'S ENERGY CRISIS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Thank you, Mr. Speaker. The gentleman from Iowa is pleased to be recognized to address you tonight in this 60-minute period of time.

Having recognized that the gentleman from Missouri was in the middle of a statement, and having recognized that there were gentlemen here on the floor, along with the gentlewoman from Wyoming, that are still full of information that America needs to hear, Mr. Speaker, I will just simply set the stage with a very short piece of this—and that is that I think we need to have the smoothest of transitions from Special Order to Special Order, and that would require that I yield so much time as he may consume to the gentleman from Missouri (Mr. AKIN) who was in the middle of a statement when his 60-minute clock ran out.

Mr. AKIN. I thank you very much, gentlemen. Congressman KING is known for the Opportunity Society that he chairs. He brought in a speaker just a matter of a couple of weeks ago, an economist from Spain, talking about the exact same thing that's being proposed here in America. In fact, the President has referred to Spain as a great example of what we should do. And he informed us that it's a great example if you like 17½ percent unemployment.

What he described was—one of the things that was just amazing to me in terms of the contradiction that's involved was, they closed down nuclear

power plants in Spain because they're worried about CO_2. Yet, nuclear power plants don't make any CO_2 at all.

In fact, the chart next to my good friend from Iowa there, the chart is a blowup of that little tiny card in the top left corner that's clipped on there. That little tiny pellet that's the size of two pencil erasers, if you have a couple of those, it takes just—let's see, if you have two of those, it takes all of the energy you need to heat your house for 1 year. Two of those little tiny pellets. Yet, you're talking about two times 149 gallons of oil or 2 tons of coal or the equivalent of two times 17,000 cubic feet of natural gas.

And so if you're really serious about stopping CO_2, aside from the flatulence of the sheep in Australia and all, look, nuclear is clearly the logical thing for us to do.

If you could pop the next chart up there, too. These are the sources of emission-free electricity. If you take a look at it, nuclear right now, that's making no CO_2 emissions, is 73 percent. Yet, there's no discussion at all about what is going to be done with nuclear. That just seems to be—I mean, what we are really talking about is just a good excuse to tax people. And I'm afraid.

I don't want to ramble on too far, but it seems so odd that Spain would basically shut down nuclear in the name of trying to protect against CO_2. I mean the engineer in me just says these people have drunk some kind of Kool-Aid.

The thing that was frightening—and I will conclude with this—about the Spanish system, was that the country sold off licenses to people to make their clean energy that was solar and wind. And the government would guarantee you a really high rate of electricity if you bought solar panels if you bought one of these licenses.

So the people would give these licenses. You've got all these people with licenses. They're buying solar panels and windmills. As they do that, they feed that electricity into the grid, and they get paid a good chunk of change for it, which then of course is then passed on to the taxpayers.

They have had a 30 percent increase in electric rates in the last couple of years for the consumer. But for industry, in a year and a half, it's been a 100 percent increase. Here's the bad thing. When the wind and the solar don't cooperate, they tell the aluminum manufacturer, they tell the steel manufacturer, Shut your plant down.

Guess what those aluminum and steel manufacturers are doing? They're moving out of Spain. That's why they have got a 17½ percent unemployment over there.

And so I don't think we really want to follow Spain's example. They create this system where now, politically, they can't put the genie back in the bottle because you have all these people on the take and you politically can't say we're going to take away your lucrative business of making all of this electricity because they bought windmills and solar panels which don't work when the sun isn't shining or the wind isn't blowing.

It's a really amazing thing. I sure hope America doesn't go down this big old tax thing. I yield back to my good friend from Iowa and your leadership.

Mr. KING of Iowa. Thanking the gentleman from Missouri, and reclaiming my time, I would add to the statement he's made—and I'm quite impressed with the attention the gentleman must have paid at that presentation that morning—but to look at the situation in Spain, the highest unemployment in the industrialized world; 17½ percent, as the gentleman from Missouri has said. Over 100 percent increase in industries' electricity costs, and the idea that 20 percent of the electricity in Spain is generated by wind, which pushes up against the threshold of anybody in the country, anybody in the world that lays out these standards.

If you could produce 20 percent of your electricity by wind, that's way up against the threshold because we know that wind doesn't blow all the time. It lays down often at night, it doesn't always blow when you need the electricity. You have to have backup systems, you have to have gas-fired generators that can be fired up to take care of that demand when the wind is not blowing.

But, additionally, another statement that the gentleman from Missouri didn't make is how the Sicilian Mafia stepped in and was engaged in the brokering of licenses that determined who would be building the wind generation plants in Spain and the companies that would be building them and the inefficiencies that came from that, let alone the corruption that came from it.

Whenever you have government involved in brokering out licenses that has to do with who's going to be providing something that's not demanded by the market, I think exposes a great flaw in this. And the government of Spain about 7 or 8 years ago decided they wanted to be the world's leader in renewable energy. They set about going down that path.

Following that path to become the world's leader in renewable energy, they achieved it. But they also achieved the highest unemployment in the industrialized world—17½ half percent—a 100 percent increase in industries' electricity costs. They brought in the Mafia from Sicily, the Sicilian Mafia, that would be brokering the licensures along with some people in Spain, I'm convinced, and now they have a situation that so many people are bought into it that they can't step away and say that was a colossal mistake, and if we're going to save the economy of Spain, we have to pull the plug on this renewable energy idea.

This greenest of countries in the industrialized world, Spain, has the most stressed economy in the industrialized world and, in big part, because they have bought into this vast green concept of American energy.

So, as we flow with this, I see a posture of eagerness on the part of the gentlelady from Wyoming, Mrs. LUMMIS.

Mrs. LUMMIS. Thank you, Mr. KING. You do such a nice job of laying out these issues. I want to thank Mr. AKIN for including me in his last hour as well.

The chart that was just placed up on the board illustrates something that is a new phenomenon in terms of the debate about renewable energies that I had not heard before arriving here in Washington—and that is objection by the environmental community to something called industrial-scale wind farms and industrial-scale solar farms.

So even the advocates of renewable energy in terms of wind and solar are saying, Yes, we embrace wind energy and solar energy, but we do not want them done in industrial scale because it consumes so much land, it creates view sheds that have too many wind turbines on it, too many solar panels on it, and that we don't want them.

And we are seeing efforts by Members of Congress when, coupled with environmental groups, to prevent large-scale wind farms and large-scale solar facilities in deserts and in areas where one might think would be appropriate for wind and solar, such as places where the wind blows and the sun shines. But, nevertheless, the problem seems to be the industrial scale that is being proposed for these facilities.

Well, as you and I know, Mr. KING, unless you do these on industrial scales, you can't possibly promote them as a larger component of our industrial energy mix. In fact, if you blanketed the entire State of Ohio with wind turbines, it would produce annually the equivalent amount of energy as one square mile of Wyoming coal.

Now, Wyoming coal comes in square miles, which is very unusual for those of you from the East who are used to underground mines. We have something called surface mines, where you may have 30 to 100 feet of overburden, which is essentially the soil on top of the coal. And then you will uncover 100-foot coal seams. They are 100 feet level of coal, with no striations of anything but coal in between.

So all you have to do is scrape off and save the overburden—the soil—pile it up, recover the coal, scoop it out, load it in trucks, load it in rail cars, and then put the top soil back in the same contours as it was before you began mining, reclaim the surface to a condition that is equivalent to or superior to the condition of the surface of the ground before you even began to recover the coal, and put it back to normal with ground for sage grouse, for rabbits, for snakes, and perfect, perfect ground cover.

Mr. KING of Iowa. Will the gentlelady yield?

Mrs. LUMMIS. So it is a wonderful resource.

Mr. KING of Iowa. For snakes?

Mrs. LUMMIS. Snakes and rabbits. They seem to go together. I was at a

field hearing 2 weeks ago for the Natural Resources Committee. We toured solar facilities in California. We were in Representative MARY BONO MACK's district and Representative JERRY LEWIS' district. We were on a Marine base at Twenty-Nine Palms with my committee cochairman, JIM COSTA, who is from California as well.

We got to tour their solar facilities. And they are about to put at a Marine base at Twenty-Nine Palms 240 acres of an abandoned lake bed—it is dry, there's absolutely nothing on it—in solar panels. And they will be able to do that in a way that improves the makeup, the mix of renewable and unrenewable resources on that base that will make it the leading base in the whole Marine system for renewables, because they have wind, solar, and some geothermal.

But they probably could not pull that off if they were not on a nearly 600,000-acre military base, because if you try to move that same facility onto public lands in the desert, you encounter environmental group resistance to having large solar and wind projects, industrial scale.

□ 2045

So there's nowhere to go without offending someone in this country. Oil and gas development offshore on the Outer Continental Shelf would be a magnificent resource for us, but there are environmental groups that have testified against that. Industrial-scale wind and solar on deserts in California, groups are testifying against that. Nuclear, groups are testifying against that. Any hydrocarbon, groups are testifying against that. Coal, there are groups saying there's no such thing as clean coal.

We have to meet our energy needs as human beings, and there are ways to do it by using all of the resources we've discussed in moderation. That is the Republican response to this issue. To do it cleaner, do it better, do it with all of the resources that we have at our disposal in America; disengage from our need for foreign oil, because that is a national security issue, and produce our own energy, our own security. Do it in a more environmentally sensitive manner, but don't diminish our standard of living at the time we do it because it falls more seriously on working-class Americans and poor Americans than it does on rich Americans when we do something like our national energy tax, which is proposed under the name of cap-and-tax.

Thank you very much for including me in your discussion this evening, and I yield back to the gentleman from Iowa.

Mr. KING of Iowa. I thank the gentlelady from Wyoming.

It occurs to me that if this Congress is to have a nuclear carbon footprint—I remember the Speaker when she was, let me say, sworn into the third-highest constitutional office in the United States of America, third in line for the presidency, she concluded that this Capitol Complex was going to be carbon neutral, which means greenhouse gas neutral, which means CO_2 gas neutral. And having a look at the generating equipment that produces the lights that illuminates us tonight, Mr. Speaker, it occurred to the gentlelady, the Speaker of the House of Representatives, that she would need to make a correction that would make it consistent with her left coast constituents. So it went on the Board of Trade and carbon credits were purchased at a cost to the American taxpayers of $89,000 to buy these credits that were designed to pay people to change their behavior that was contributing to the greenhouse gas, CO_2, and the atmosphere over all of God's creation. That $89,000 was invested in two areas. I checked this out, and I went to visit some of the sites. One of them was no-till farmers in South Dakota. They were no-till farmers before they got the check. They were no-till farmers after they got the check. If they actually tilled the ground afterwards, the carbon escaped anyway. So if they sell the farm, somebody comes in, puts a disk or a plow to it, it will go back into the atmosphere. So the sequestration was nillo, shall we say. That was the no-till farmers in South Dakota. There was also a nice check that was written to an electrical generating plant in Chillicothe, Iowa, that was to pay them to burn switchgrass in place of coal in order to make the CO_2 emissions carbon neutral as opposed to contributing to the CO_2 in the atmosphere, which would come from the net consumption of coal. Well, I don't know. This is a pretty interesting thing. So I went to Chillicothe, Iowa, and I visited the generating plant. I went into these buildings that were full of the switchgrass hay they had purchased several years earlier, at the cost to the Federal taxpayer and a government grant, the equipment to run these big round bails, 1,500-pound switchgrass bails, through a hammermill to chew them up into little itty-bitty pieces, to spit them into the incinerator and blend them with the coal dust that would come from the grinding of the coal that would allow it to combust at the most efficient rate. This switchgrass that was going to be carbon neutral had been burned to generate electricity a couple years earlier, but—here is something I know—when I'm looking at a shed full of switchgrass brown bails, and it's covered with coon manure—not cow flatulence but coon manure—they probably haven't burned much of that hay in a long time.

So the conclusion that one can draw was actually, 2 years earlier was when they shut down the switchgrass burning technique, but yet they were paid to burn the switchgrass and to do this carbon-neutral approach. So we have 89,000 taxpayer dollars invested in purchasing carbon credits to provide carbon-neutral emissions for the Capitol Complex, to buy these carbon credits on the Board of Trade in Chicago, to encourage people to do more things that are more conducive to the environment and produce less CO_2 than they would have otherwise. I couldn't verify that anybody changed their behavior whatsoever for $89,000. I can tell you, if somebody wrote me a check for $89,000, I would at least consume less energy, let alone produce that energy in a more environmentally friendly fashion.

So that's the result of cap-and-trade that is being proposed by the Energy and Commerce Committee today and probably tomorrow and hopefully the next day and the next day and the next day ad infinitum until they decide that the science doesn't support this and the economics doesn't support it. But that comes to mind for me. And, by the way, the electricity that we consume in Iowa, a lot of it comes out of the Powder River Basin in Wyoming. I have been up there to look at that, where you could put a school bus in the bucket of the drag line. I'm still a little confused about square miles versus cubic miles of coal, but I know they have a lot of it in the Powder River Basin. I'm glad to have the power, and I appreciate the rail lines that come down. I really don't want captive shipping going on, but I appreciate the connection we have along with the renewable energy that comes out of the Missouri River and the seven dams that are on the Missouri River and the hydroelectric power that comes, which is carbon neutral, Madam Speaker. Our hydroelectric is carbon neutral but it does not get credit for being renewable energy because Bobby Kennedy Jr. and others think that however the rivers were is how they ought to be reverted back to and that we can't improve upon Mother Nature. I think God gave us these natural resources, and he's given us the ability to improve upon them. We've done so in many cases, and we should do so into the future.

I would be happy to yield to the gentleman from Texas, the Secretary of our conference, Judge CARTER, as much time as he may consume.

Mr. CARTER. I thank my friend from Iowa.

As I listened to that story about switchgrass and that we paid those people money, I don't have anything against them, but it sure sounds like the inmates are running the asylum around here. I mean, I think anybody that heard that story would think, Good Lord, those people are crazy. I really want to say again—and I've said this before—if you're trying to stop CO_2, and I'm throwing off a bunch of CO_2 in my company, and I can go out and buy some carbon credits from you who happens to be running a real good clean company, I still keep putting the stuff in the atmosphere, right? I haven't cleaned up my act. I mean, they put a cap on me. I'm not meeting the cap, and I just bought an excuse. Kind of like Al Gore with his 100,000-foot house—or whatever it is he's got,

or two or three houses—he said, Oh, that's all right. I buy carbon credits. He's still putting the stuff up there in the air.

Mr. KING of Iowa. Reclaiming my time for a moment, I would point out that the carbon credits are the modern-day equivalent of the reason that Martin Luther came forward and nailed his positions up on the Diet of Worms which is, the church was selling indulgences. Carbon credits are indulgences that allow a company to pay for the carbon emissions that they're emitting into the atmosphere. I think that's what the judge is talking about.

Mr. CARTER. I think indulgence is a perfect word because you are allowing the dirty people to indulge in staying dirty by paying for it.

Mr. KING of Iowa. For a price.

Mr. CARTER. Under this ingenious government program we have got now, all they're doing is just paying more taxes.

Mr. KING of Iowa. Sin tax.

Mr. CARTER. It is a sin tax. That's exactly right. It's a sin tax. It is ludicrous to think it's going to reduce any carbon, CO_2 that goes into the atmosphere. Because as long as a guy wants to pay the taxes, he's in business. Let's face it, if I'm the guy that's paying the sin credit, the indulgence, well, if I can pass it on down to the neighbors down the street in their bill, that's where it's going to go. So those poor slobs are paying the tax. Why should I worry about it? Why is that going to keep me from putting CO_2 into the atmosphere? This is insanity, but that's where we are.

Mr. KING of Iowa. Passing it on to the consumer is what this is about. We have seen the numbers that show that an MIT professor has done the calculation on the costs of the proposal on this cap-and-tax that's out before this Congress and put a macronumber on the cost to our economy. Then some ingenious people who just simply took the average number of persons in a household, which is calculated to be 2.54, and divided that into the overall cost to our economy, the increased cost of energy that has to do with cap-and-tax. They concluded that each household would see their energy costs go up annually by $3,128 a year. Then the professor at MIT said, Oh, wait a minute. I'm real sorry I released the number because I don't like the result of the conclusion that came about because of the division of the numbers of persons in a household and the cost per household that would be the increase in the cost of all of our energy, electrical, our heat, our gas bill, our gasoline bill and our fuel oil and all of those things that are required to keep each household going. That's what's going on here. This is almost to the point where it's a religion that believes in something that isn't based upon a science. Now I'm great with faith, but I'm not so good with faith that's based upon pseudo-science.

I would ask the Speaker, how much time do we have remaining?

The SPEAKER pro tempore. The gentleman has 35 minutes remaining.

Mr. KING of Iowa. I would be happy to yield as much time as he may consume to the gentleman from Georgia, Dr. PAUL BROUN, another one of my friends and colleagues.

Mr. BROUN of Georgia. I thank the gentleman for yielding.

Mr. Speaker, this whole cap-and-tax philosophy is a hoax. It's a hoax. It's a hoax on the American people, and it's a hoax because it's giving a promise that cannot be fulfilled. We are promised by the Democrats that this is going to create green jobs. Going back to what the gentleman from Spain said as Mr. AKIN and you, Mr. KING, were talking about, he said it cost jobs. Going back to the figure that you put out, Mr. KING, they had an unemployment rate of 17.5 percent because of their cap-and-tax, cap-and-trade policy that they put in place. The experts have looked at our economy, at our job market, and we're being promised green jobs. But the experts say that for every single green job that's produced, we're going to lose 2.2 other jobs, a net loss of 1.2 jobs for every job created in this false promise, this empty promise of creating jobs.

Now to buy off some certain groups, particularly the retirees and the poor people, they're going to give—who knows what, refundable tax credits—the President and Mr. WAXMAN and others are promising to give more money to the poor people to take care of this higher tax, higher food cost, higher cost for all goods and services. Where's that going to come from? It's going to steal from my grandchildren. It's stealing from their future. Don't be fooled by this hoax, by all the smoke and mirrors, by all this promise because it's not going to do anything but cost jobs. It's going to create a higher cost of living for everybody, and it's going to put us in a deeper recession, maybe even a depression if we continue down this road. Republicans have offered amendment after amendment in the committee, but they've been defeated by the Democrats. Amendments to even just stop this from going into place if the gas taxes or gas costs go too high or if electric prices go too high or if other prices go too high for the American people. But the Democrats have voted uniformly not to accept those amendments over and over again.

Congresswoman LUMMIS from Wyoming talked very eloquently about some of the ideas that Republicans are producing. The American people are told that the Republican Party is the Party of No. Well, I agree with that. We are the Party of No, but the know is K-N-O-W. We know how to solve this economic downturn. We know how to solve some of the financing problems in health care. We know how to create an all-of-the-above solution to the energy problem to make America energy independent.

□ 2100

But the Speaker of the House has been an obstructionist. She has been an obstructionist and not allowed any idea that we have proposed for all these things to stimulate the economy, to solve the problem we had with the housing market and to solve the banking problem. We have not been allowed. All of our ideas have been blocked by the leadership of this House and the leadership of the Senate.

Mr. KING of Iowa. Will the gentleman yield?

Mr. BROUN of Georgia. Absolutely.

Mr. KING of Iowa. I would just ask: Have all of your ideas been blocked? How does this work? Can't you offer an amendment that would put up a recorded vote and tell America where you stand? What prevents you from at least telling America where you stand so that they can evaluate the votes of people on both sides of the aisle and make their decision in November of 2010? What is the obstruction there?

Mr. BROUN of Georgia. Absolutely. And I have offered an amendment to the non-stimulus bill. I offered an amendment that said, let's bail out the American people instead of bailing out all these favorable groups, the payback groups. In fact, the Democrats were bent on spending $835 billion of our grandchildren's and children's future. I said, if we are going to do that, let's really do something that stimulates the economy. Let's send that money to the legal resident taxpayers in this country. And I introduced an amendment that would have sent a check for almost $9,000 per legal resident taxpayer. A couple would have gotten $18,000. That would have stimulated the economy because they would have paid off credit card bills. They would have saved it. They would have bought education or food.

Mr. KING of Iowa. If the gentleman would yield, then why didn't I see that amendment on the floor of the House of Representatives and have an opportunity to send a message to my constituents about how I would like to see this economy managed? Is there a reason that blocked that from coming to the floor?

Mr. BROUN of Georgia. Absolutely. And I thank you for asking because that is exactly what I was referring to. Every single idea, my idea as well as many others, have been blocked. They have been obstructed. My amendment was considered not to be valid. And they just totally would not allow my amendment to even be considered on this floor.

Mr. KING of Iowa. Reclaiming my time, the Rules Committee, which is up there on the third floor, meets without the benefit of television cameras and often without the benefit of the news media even reporting it. They can decide whether your idea can be heard on the floor of the House of Representatives. And often the Rules Committee decides that your idea will not be heard and it will not see the light of day. Is that correct?

Mr. BROUN of Georgia. You are absolutely correct, Mr. KING. That is exactly what has happened. That is what has happened over and over again. And I want to remind the gentleman from Iowa, my dear friend, that over and over again, we see these bills come to the floor with what is called a closed rule. Now we know here in the House what that means. That means we cannot amend the bill. They will not accept our amendments. They have their bills shoved down the throats of the American people. That is the reason I'm calling what is going on here a steamroller of socialism. That is being shoved down the throats of the American people and strangling the American economy

Mr. KING of Iowa. Am I hearing that the Speaker of the House of the Representatives, NANCY PELOSI, is the one who has the power and does decide what will be voted on on the floor of the House of Representatives, and the people of America have no access to being able to know what your position is or what the position is of Democrats and Republicans because it is being blocked by the Speaker and by the Rules Committee? That is how I understand that.

And I would yield to the gentleman from Texas to clarify that point.

Mr. CARTER. Let me make this very clear. The Rules Committee is the Speaker's committee. The Speaker decides who is on the Rules Committee. So this Rules Committee is an arm of the Speaker's committee. Like one of my Democratic colleagues who went before the Rules Committee said just the other day, he was sort of nervous until he went in and he counted one, two, three, four, five, six; one, two, three, four, oh, I think I'm going to win because there are six Democrats and four Republicans. But the Speaker chooses that committee. They answer to the Speaker. And the chairman is set by the Speaker.

Mr. KING of Iowa. Reclaiming my time, I would make also three additional points to this process.

Mr. Speaker, the American people don't care about process. But I'm about to address process again. It has been raised by the gentleman from Georgia and addressed by the gentleman from Texas. And I will say this, that not only do we have a Rules Committee that decides what the American people get to know about the opinions by recorded vote here on the floor of the House of Representatives, because no matter what kind of logical improvement that may come to perfect legislation from the minds and hearts of the American people, as brought through the minds and hearts of their elected representatives, if the Speaker's Rules Committee doesn't think it is a good idea for that debate to take place, let alone the vote to take place, it will not happen, Mr. Speaker. That is what happens here in the House of Representatives. It is a distorted process. And the rules regulate how much, what is going to be heard, what is going to be debated and what is going to be voted on here on the floor of the House of Representatives. And so I think that that is an educational process that needs to take place. And as I have gone before the Rules Committee, and I have found out that no matter how good my idea is, I actually have come down to the floor here and into the RECORD, it is a matter of record, I have said that we need to get television cameras up there so at least the American people can see the behavior of the Rules Committee carte blanche wiping out good idea after good idea.

Additionally, it isn't just the Rules Committee. It is the full committee process. And I can think of three occasions, Mr. Speaker, where the committee chair has either allowed his staff, or directed his staff, to change a bill after it passed out of committee to go to the floor. And I can think of the case of the stimulus package where there was a 12-hour markup in Energy and Commerce, the ranking member, former chairman, JOE BARTON, was livid that they spent 12 hours marking up, writing, trying to amend and seeking to perfect legislation that was the stimulus package that was initiated at the request of the President, having seen that bill finally pass out of the Energy and Commerce Committee and come to the Rules Committee and come to this floor in a different form, the committee had no say in the end. It was a mock markup in Energy and Commerce.

Subsequent to that, the bankruptcy bill came out of the Judiciary Committee, where I sit and where Judge CARTER and I used to sit arm to arm. I offered an amendment that would set up special provisions for people who went bankrupt because of their house mortgages. I offered an amendment that would have exempted those who have fraudulently misrepresented their income, their assets or the appraisal of the property. It would have exempted them from relief under the bankruptcy bill. That amendment was passed in the Judiciary Committee by a vote of 21–3. After the bill passed out of the Judiciary Committee, the language was changed before it came to the floor.

Then just a little over 1 week ago, on the Financial Services Committee, there was an amendment offered by MICHELE BACHMANN of Minnesota. I think she is Minnesota Number 5. And that amendment would have exempted any proceeds of the bill from going to ACORN, an organization that had been indicted and was under investigation by the Federal Government for election fraud. And that amendment passed unanimously out of the Financial Services Committee. It should have come to the floor as part of the bill. It was totally changed, I believe, at the direction of the chairman of the Financial Services Committee to limit it to only those companies that had been actually convicted of fraud, not those that had admitted to fraudulently filing over 400,000 voter registration forms.

This process is corrupted, Mr. Speaker, and it is because the process doesn't work. If it can change after it comes out of the committee, if it can change out of the Energy and Commerce Committee, if it can change out of the Judiciary Committee, if it can be changed at the direction of the chairman out of the Financial Services Committee, and if the Rules Committee can decide and the Speaker can direct them to decide what comes to this floor, then the American people don't even have the benefit of the debate, let alone the opportunity to improve and perfect legislation, which is a provision by our Founding Fathers.

And I would yield to the gentleman from Georgia to reiterate my point.

Mr. BROUN of Georgia. Thank you, Mr. KING, for bringing this up. The American people need to understand this. And I think this is something that you made very clear. What they did is all of your hard work, and all of Energy and Commerce's hard work, was just thrown in the trash can. And who was involved in doing that? It was the leadership of this House. It was thrown in the trash can. It didn't go through the normal process, normal ''order'' as we call it here. It was thrown in the trash can. And something else was produced by just a very small handful of people. And we had no way of changing that, no way of amending it and no way of doing anything with it. It was shoved down our throats.

That is an oligarchy type of rule. It is a dictatorial manner of running things. And the American people need to know that that's what is going on up here. And the Republicans are offering solution after solution to all these things. The American people need to start demanding something different. It is up to the American people. Because we are in a minority, we can be here talking tonight and every night, as we are, and Mr. AKIN has been here week after week, and you too have, Mr. KING. But the American people need to stand up and say ''no'' to the way this business is going on up here.

Let's go back to regular order. Let's go back to having debate and being able to bring forth ideas from both sides of the aisle. But we are not allowed to do that by the leadership of this House. It is wrong. It is immoral. It needs to stop. And the American people need to demand it to be stopped.

Mr. KING of Iowa. Reclaiming my time, the gentleman from Georgia, I thank you for your statement on this matter. And I would reiterate that each of us represents somewhere between 600 and 700,000 Americans. The franchise is this, Mr. Speaker, we owe all our constituents our best effort and our best judgment. And a lot of that best judgment comes from our constituents who are tuned into those issues who funnel those ideas to us. And we need to sort those ideas, and then we need to bring them back into the process in the hearing process in the subcommittee and in the full committee markup process and in the

Rules Committee and in debate on the floor of the House of Representatives. And the vision of the Founding Fathers is this, that the best ideas of America get synthesized, they get compressed and encapsulated here through this process that I have described finally being debated and voted upon on the floor of the House of Representatives. And there the vigor of the American people can be presented to the United States Senate for them to cool the coffee in the saucer as opposed to the hotter cup that comes from the House. That is the vision of our Founding Fathers. That is the vision that is being usurped by the policies of our regal Speaker who has undermined our national security.

And I would yield to the gentleman from Texas.

Mr. CARTER. We should be very grateful that the Speaker promised us the most open, honest and ethical Congress in the history of the Republic because think how bad it would be if we didn't have that. We wouldn't even be here, would we? It is amazing what promises are made and what promises are broken in this House of Representatives. It is a shame. It is a shame that somebody besides us on the floor of the House, and hopefully some people are watching this, it is a shame, Mr. Speaker, that we are not getting that message out. This is wrong. It is not what the American people sent us here for.

Getting back to our hoax and our indulgences that we are talking about here, I want everybody to know that when Martin Luther hammered that up on the door of the church, he was informing the church that this was wrong to have these indulgences. We need to be pounding one on the front door of this Capitol Building. This is wrong to put this burden on the American people, some of whom really can't afford it, and many of whom are losing their jobs. And to give us a target of 17½ percent unemployment that we can see could come in a much less industrialized nation than we are and what happened there, think what can happen in this Nation.

Mr. KING of Iowa. The President of the United States has said, why can't you learn from Spain?

Mr. CARTER. What we learned from Spain is 17½ percent unemployment. My gosh, back during the Clinton administration they kept saying 6½ percent, 6 percent unemployment was full employment. Well, we have learned that is not true. But there is nobody going to argue 17½ percent unemployment is full employment. We are going to be hurting.

We just spent, as my colleague says, our children and grandchildren and great grandchildren and maybe even for generations never even thought of, we just spent their inheritance just in the first 100 days of the Obama administration. We spent more money than all the history of the Republic put together. And we are wanting to put in a program that can put almost 20 percent of the American workforce out of work? Isn't this the inmates running the asylum?

□ 2115

Mr. KING of Iowa. Reclaiming my time.

This sparks a little bit of a number of some data that I produced about not quite a week ago. I have been asking the question, How do you put this global warming in context, Mr. Speaker? And so I begin to ask these basic questions that any environmentalist that was creating the idea of limiting the amount of greenhouse gasses that could be emitted into the atmosphere, when asked this broader question of, well, how big is this atmosphere—I mean, that is like question number one: How big is the atmosphere? And I don't think anybody here knows the answer to that question, Mr. Speaker. And I would ask you this question directly, but I don't want to put you on the spot. I just want you to listen carefully. That is that our atmosphere, the total weight—this is how we measure it in metric tons—the total weight of our atmosphere is 5.150 quadrillion metric tons. That's the pressure of all of this atmosphere that's pushing down on the Earth's gravity. If you could put a scale on all of the surface of the Earth, they would say, Oh, 5.150 quadrillion metric tons. That's all the atmosphere we have.

Now, that's the idea or the content of the volume of our atmosphere.

Then the next question you've got to ask is, well, if you're going to set the Earth's thermostat by controlling the emissions into the atmosphere from the industry of the United States of America, wouldn't you want to know what the net cumulative total of the U.S. industry since the dawn of industrial revolution would actually be?

Well, I asked the question of the energy information agency that we have—and it's their job—and of course they don't have the answer to that because they never asked the second most obvious question. The first one is how big is the atmosphere. The second one is what has the Earth done or what has America done to contribute to the greenhouse gasses, the CO_2 within the atmosphere? The cumulative total contributed by the U.S. industrial giant since 1800 works out to be this: 178,792,900 metric tons of CO_2.

Now, what's that mean to anybody that's paying attention? I'm sure there is somebody out there that's run the calculator and already come to this conclusion. This would be .00347 percent of the overall atmosphere.

Now, what does that mean in terms we can understand? This way, Mr. Speaker. If you would draw a circle that represented the entire volume of the Earth's atmosphere and do it at a 48-inch radius, 8-foot circle—so two 4-by-8 sheets of drywall side to side, circle drawn, full amount, more than my full wingspan here, that's the circle that you envision, Mr. Speaker. Now, how much of this overall volume of the U.S. atmosphere is the cumulative total of CO_2 contributed by the U.S. industrial might since the dawn of the industrial revolution? That little circle in the middle of that 8-foot circle would be about like that, .56 inches. The diameter of about a buffalo bullet is about all it would be in the center of that 8-foot circle, and that's the cumulative total.

And we are going to reduce the overall U.S. emissions by 20 percent for a while and then 40 percent for a while and 83 percent for a while. And sooner or later, the arrogance and the vanity of America is going to adjust the thermostat of God's green Earth with a ratio of less than half an inch on an 8-foot diameter circle. How could we possibly imagine that could work? Where is Al Gore when I need him to explain this to me?

I will say this. Al Gore, you were wrong on the science. And those of you who are busily marking up in Energy and Commerce a cap-and-tax bill today, tomorrow, the next day, and for eternity, are utterly wrong on the economics. You would handicap America's economy on some myopic idea, some vanity idea that we could control the Earth's temperature, set the thermostat of America by reducing the size of this .56 circle in the middle of the 8-foot diameter. That's what we are dealing with. That's Midwestern common sense. And we're dealing with the utter arrogance of people who believe this rather than the God that created this Earth.

Mr. CARTER. Well, you forgot that there is one other source of CO_2 that we haven't figured out how to tax on it, but I'm sure they're working on it. We've created some today as we've been in here.

I had a lady when I was doing a townhall meeting. We were talking about energy, and she said, You know, I'm concerned about these emissions because I want my children to be able to breathe clean air. And I said, Do you ever lean over and kiss your kid goodnight? She said, Yeah, I do. I said, Do you realize when you breathe out you're breathing CO_2 into that child's face? She stopped. She said, You know? That is right. I said, You're going to have to stop breathing in the presence of your child.

This gas we're talking about we are all breathing out every breath and all animals are doing the same thing and all plants are loving it because they take it in. And guess what they give back? Oxygen for us. It's crazy. It's really crazy what we're talking about. But that number needs to be added in there. Maybe we should limit ourselves to 30 breaths a minute.

Mr. KING of Iowa. Or allow the miracle of photosynthesis to solve this problem of mothers kissing their children goodnight.

I will yield to the other judge from Texas, Mr. GOHMERT.

Mr. GOHMERT. I appreciate my friend from Iowa for yielding, and I appreciate being in the presence of my former judge, my friend Judge CARTER, and my doctor friend, Dr. BROUN.

Now, I was talking with a group from Baylor University working on their MBA here in Washington, and, of course, the rules are you don't acknowledge people in the gallery, so I won't do that.

But one thing they understand, as sophisticated as the Baylor MBA program is, they understand that if you find yourself in a hole, it's time to stop digging. And the economy is in a hole, and we've been digging. And we're spending so much, we're digging a bigger hole. And we've got manufacturers leaving the country because we're digging ourselves a bigger hole.

And when, as some of us have, you travel to China, Why did you move your industry here? they tell you—the number one answer I got was because the corporate tax is so—it's less than half of what it is in the U.S.—17 percent. And they will cut you a deal. If you bring them a big enough industry, they'll cut some off of that for years. We've got 35 percent, and I believe it's the most insidious tax that there is in this country because we tell the American people that you don't have to pay it. We'll tax these greedy, evil corporations, but you don't have to worry about it. And they don't realize, because the Congress misleads them, that they're the ones that pay it because if they don't, the corporation cannot stay in business.

So here we are with this insidious tax that hurts our corporations trying to compete worldwide, and we're losing jobs. The economy is in the crapper, and we are trying to bring it up. And we're bringing the economy back up, and what happens? Along comes this cap-and-trade idea that is going to further tax businesses that are producing the jobs in America that keep people working and keep people eating and living and surviving. And we're going to add another tax that those in China are not going to pay. And it is hurting the country.

Mr. KING of Iowa. Will the gentleman yield?

I would ask the gentleman from Texas, can you think of some program, a tax or any other program that would more effectively transfer jobs to China, India, and developing countries other than cap-and-tax here in the United States?

Mr. GOHMERT. I appreciate my friend yielding.

I can't think of one. This will drive so many jobs overseas. It's like somebody is sitting back thinking, How can we further hurt the economy? Let's do that. And some genius came up with cap-and-tax.

Mr. KING of Iowa. Reclaiming my time.

I want to pose this question, and this is the question I posed to the judge from Texas and I posed this to the other judge from Texas and the doctor from Georgia. I pose this to all of my Democrat friends over on this side of the aisle. Can you envision any program that would transfer more jobs from America to the developing countries than cap-and-tax? Is there anything out there that would be worse for our economy? If you have an idea, stand. I will yield to you. I will be very happy to yield this microphone to anybody on this side of the aisle that believes that Judge GOHMERT would happen to be wrong or I happen to be wrong that there is any means that can more cripple America's industry or cost our economy more or transfer more jobs to foreign countries than cap-and-tax that's being debated right now in Energy and Commerce. I say none. You don't ask me to yield. That means you have no better idea.

I will yield to the gentleman from Georgia instead.

Mr. BROUN of Georgia. It's a great question.

In my district in Georgia, the 10th Congressional District in Georgia where many counties already have right now, today, right at a 14 percent unemployment rate, I've been told by a number of manufacturers that are still left here in this country that if this cap-and-tax bill goes through, they're shutting the doors. They're moving offshore. They cannot afford to continue to operate in this country. And they're going to do that. It's going to drive up the unemployment rate in my district that's already at 14 percent in many counties.

Mr. KING of Iowa. So the gentleman agrees with my conclusion.

Mr. BROUN of Georgia. Absolutely. Nothing could be worse except for maybe the budget that has been produced by this administration.

Mr. KING of Iowa. Let me pose a question. What would be, in the history of the United States of America, today, including potentially a cap-and-tax bill that's before the Energy and Commerce Committee today, what would be the most colossal mistake ever made in the history of the United States Congress? In your opinion. And then I want to hear the opinion from the gentleman from Texas as well.

Mr. CARTER. We know the corporate tax drives people offshore looking for a better tax structure. We know right now in just a competitive market we have the Chinese offer cheaper natural gas than the Americans. So if you're powering your plant by natural gas and you're paying that corporate tax structure, just in today's world, there is a lure to go overseas to China.

Now, you come in and you're going to add 30 percent to the cost of everything. Why in the world would you not think it's the absolutely worst thing that could happen? We're probably going to get trampled if we don't get out of the way as they head for the west coast to get on a boat to go to China.

Mr. KING of Iowa. Reclaiming my time.

Is there a bigger mistake that has been made in the history of the United States Congress other than handicapping the U.S. economy by applying a cap-and-tax program? Can you think of anything, Judge CARTER, that has happened in the last 200-and-some years?

Mr. CARTER. One of the things that comes to mind is tariffs. Tariffs brought on the Great Depression. I don't know what you're fishing for.

Mr. KING of Iowa. Let me make this statement that Smoot-Hawley didn't put on our economy nearly as much burden as we would have with cap-and-tax. This taxation is the most inefficient taxation ever devised in the history of the United States of America. It applies about $5 worth of tax for every dollar that ends up in the Federal coffers, and otherwise it has no impact whatsoever. It is a tax. It is an 80 percent overburden for a 20 percent revenue stream. That's how bad cap-and-tax is. And I believe it's the most colossal mistake—if it's done—in the history of the United States Congress.

I yield to the gentleman from Georgia.

Mr. BROUN of Georgia. I absolutely agree with you, Mr. KING. I don't believe there's been a bigger colossal failure to the American people than this proposed cap-and-tax—tax-and-cap, as I call it. It's going to be disastrous for our economy. It's going to be disastrous for everything that we believe in as a Nation.

Right now today, this government is spending too much money, it's taxing too much, as Judge CARTER was talking about. We have the highest corporate tax rate in the world, which is driving companies offshore and it's causing unemployment. We're borrowing too much. We're borrowing our children's and our grandchildren's future. They're going to live at a lower standard of living than we do today with the policies that we've seen just over the last about 120 days already today. And this cap-and-tax policy is going to make it magnified markedly.

We've got to stop the spending. We've got to stop the taxing. We've got to stop the borrowing, and we've got to put America back on track.

And what I want to say before I yield back is that the American people need to understand that the Republicans are the ''party of know,'' k-n-o-w, because we know how to solve all these problems if we'll just be allowed to do so.

Mr. KING of Iowa. Reclaiming my time and presuming that we have a couple of minutes left.

The SPEAKER pro tempore. Two minutes.

Mr. KING of Iowa. I thank the Speaker for that acknowledgment.

We have watched this free enterprise system be subverted, and it's been subverted almost systematically and in a Machiavellian fashion and a fashion so much faster than I ever would have imagined it could have done. I've watched class envy be implemented as

a political tool that pit Americans against Americans and say to them, You don't have to worry about your car payment, your utility bill, or your rent or house payment because sooner or later, the Federal Government is going to cover that.

□ 2130

We're going to take from those who produce more, and we are going to give it to people who produce less. It's a matter of a political tool that says you are not really entitled to what you earn but you are entitled to what you claim you need.

And so this statement was made this morning by Star Parker, who is a wonderful, wonderful American citizen. She said the policy, as exists now in America, is that if somebody has something that you want, you go hire politicians to take it from them and give it to you. That's what's going on in America today, this America that was a meritocracy, an America that when my grandmother came here from Germany a little over 100 years ago, people stood on their own two feet, provided for themselves, and reached out and helped others. Where my father and his family were raised off of the coins in the cookie jar, today it's the coins of those who are working being passed over to those who don't, Mr. Speaker.

We cannot be the most successful Nation in the history of the world if we do not refurbish the pillars of American exceptionalism. If we don't reestablish the merits of our free enterprise capitalistic system, if we don't refurbish the property rights that are there, if we fail to refurbish the rights that come from God, that are conferred through our Declaration and reiterated by our Founding Fathers, that these rights come from God and that they're natural rights and it falls under natural law, if we fail to refurbish the pillars of American exceptionalism, we have seen the apex of our civilization.

The charge is on all of us. The charge is on Democrats to wake up to this fact, and the charge is on Republicans to wake America up to this fact. And I am committed to this cause, as are my colleagues here in the House of Representatives, including the judge from Texas and the doctor from Georgia.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BRALEY of Iowa (at the request of Mr. HOYER) for today on account of son's high school graduation.

Mrs. BACHMANN (at the request of Mr. BOEHNER) for today and the balance of the week on account of the passing of her father-in-law.

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 Ms. KAPTUR) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. QUIGLEY, for 5 minutes, today.

(The following Members (at the request of Mr. MORAN of Kansas) to revise and extend their remarks and include extraneous material:)

Mr. LINCOLN DIAZ-BALART of Florida, for 5 minutes, today and May 21.

Ms. FOXX, for 5 minutes, today and May 21.

Mr. WOLF, for 5 minutes, today.

Mr. MCCOTTER, for 5 minutes, today and May 21.

ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 131. An act to establish the Ronald Reagan Centennial Commission.

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.

SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 896.—An act to prevent mortgage foreclosures and enhance mortgage credit availability.

ADJOURNMENT

Mr. BROUN of Georgia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 32 minutes p.m.), the House adjourned until tomorrow, Thursday, May 21, 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:

1910. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Carbofuran; Final Tolerance Revocations [EPA-HQ-OPP-2005-0162; FRL-8413-3] received May 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1911. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — New Drug Applications and Abbreviated New Drug Applications; Technical Amendment [Docket No.: FDA-2009-N-0099] received May 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1912. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Astringent Drug Products That Produce Aluminum Acetate; Skin Protectant Drug Products for Over-the-Counter Human Use; Technical Amendment [[Docket No.: FDA-1978N-0007] (Formerly Docket No.: 78N-021A)] (RIN: 0910-AF42) received May 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1913. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Food Additives Permitted for Direct Addition to Food for Human Consumption; Vitamin D2 [[Docket No.: FDA-2007-F-0274] (formerly Docket No. 2007F-0355)] received May 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1914. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Food Additives Permitted for Direct Addition to Food for Human Consumption; Silver Nitrate and Hydrogen Peroxide [[Docket No.: FDA-2005-F-0505] (formerly Docket No.: 2005F-0138)] received May 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1915. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; New Jersey Reasonable Further Progress Plans, Reasonably Available Control Technology, Reasonably Available Control Measures and Conformity Budgets [EPA-R02-OAR-2008-0497, FRL-8905-7] received May 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1916. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Delegation of New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants for the States of Arizona, California, Hawaii, and Nevada [EPA-R09-OAR-2008-0860; FRL-8905-8] received May 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1917. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations. (Bryan, Texas) [MB Docket No.: 09-34 RM-11522] received May 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1918. A letter from the General Counsel, Fed. Energy Regulatory Comm., Federal Energy Regulatory Commission, transmitting the Commission's final rule — Modification of Interchange and Transmission Loading Relief Reliability Standards; and Electric Reliability Organization Interpretation of Specific Requirements of Four Reliability Standards [Docket Nos.: RM08-7-000 and RM08-7-001; Order No.: 713-A] received May 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1919. A letter from the Executive Vice President and Chief Financial Officer, Federal Home Loan Bank of Chicago, transmitting the 2008 management reports and statements on the system of internal controls of the Federal Home Loan Bank of Chicago, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

1920. A letter from the Director, Department of Justice, National Drug Intelligence Center, transmitting the Department's report entitled, ''National Gang Threat Assessment 2009 (NGTA 2009)''; to the Committee on the Judiciary.

1921. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Smith Creek at Wilmington, NC [USCG-2008-0302] (RIN: 1625-AA09) received May 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1922. A letter from the Attorney, Coast Guard Office of Regulations and Administrative Law (CG-0943), Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Severn River, College Creek, Weems Creek and Carr Creek, Annapolis, MD [Docket No.: USCG-2008-0154] (RIN: 1625-AA08) received May 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1923. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Corrections; Hatteras Boat Parade and Firework Display, Trent River, New Bern, NC [Docket No.: USCG-2008-0309 (formerly USCG-2008-0046)], pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1924. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; BWRC '300' Enduro; Lake Moolvalya, Parker, AZ [Docket No.: USCG-2008-0245] (RIN: 1625-AA00) received May 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1925. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; BWRC Annual Thanksgiving Regatta; Lake Moolvalya, Parker, AZ [Docket No.: USCG-2008-0246] (RIN: 1625-AA00) received May 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1926. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's Memorandum of Understanding Between the Government of the United States of America and the Government of the People's Republic of China Concerning the Impostition of Import Restrictions on Categories of Archaeological Material from the Paleolithic Period through the Tang Dynasty and Monumental Sculpture and Wall Art at Least 250 Years Old, signed in Washington on January 14, 2009, pursuant to 19 U.S.C. 2602(g); to the Committee on Ways and Means.

1927. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting a report on action being taken to extend the Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of Honduras Concerning the Imposition of Import Restrictions on Archaeological Material from the Pre-Columbian Cultures of Honduras signed at Tegucigalpa on March 12, 2004, pursuant to 19 U.S.C. 2602(g); to the Committee on 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. SKELTON: Committee of Conference. Conference report on S. 454. An act to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes (Rept. 111–124). Ordered to be printed.

Ms. PINGREE of Maine: Committee on Rules. House Resolution 463. Resolution providing for consideration of the conference report to accompany the bill (S. 454) to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes (Rept. 111–125). Referred to the House Calendar.

Mr. ARCURI: Committee on Rules. House Resolution 464. Resolution providing for consideration of the bill (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, to provide stable funding for the national aviation system, and for other purposes (Rept. 111–126). Referred to the House Calendar.

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 Mrs. KIRKPATRICK of Arizona (for herself and Mr. FLAKE):

H.R. 2509. A bill to secure Federal ownership and management of significant natural, scenic, and recreational resources, to provide for the protection of cultural resources, to facilitate the efficient extraction of mineral resources by authorizing and directing an exchange of Federal and non-Federal land, and for other purposes; to the Committee on Natural Resources.

By Mrs. DAVIS of California (for herself and Mr. MCCARTHY of California):

H.R. 2510. A bill to amend the Help America Vote Act of 2002 to reimburse States for the costs incurred in establishing a program to track and confirm the receipt of voted absentee ballots in elections for Federal office and make information on the receipt of such ballots available by means of online access, and for other purposes; to the Committee on House Administration.

By Mr. EHLERS (for himself, Mr. HOLT, and Mr. HONDA):

H.R. 2511. A bill to amend the Elementary and Secondary Education Act of 1965 to require the use of science assessments in the calculation of adequate yearly progress, and for other purposes; to the Committee on Education and Labor.

By Mr. FLAKE (for himself, Mr. KIND, Mr. CAMPBELL, Mr. WALZ, Mr. HENSARLING, Mr. COOPER, Mr. KIRK, and Mr. SMITH of Washington):

H.R. 2512. A bill to amend the Congressional Budget Act of 1974 to prohibit the consideration in the House of Representatives or the Senate of measures that appropriate funds for earmarks to private, for-profit entities; to the Committee on Rules, and in addition to the Committee on the Budget, 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. SCHAUER (for himself, Mr. UPTON, Mr. STUPAK, Ms. DEGETTE, Mr. BRALEY of Iowa, Ms. WASSERMAN SCHULTZ, Mr. MASSA, Mr. CLYBURN, Mr. CROWLEY, Mrs. LOWEY, and Mr. GORDON of Tennessee):

H.R. 2513. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish a Food Protection Training Institute, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MARKEY of Massachusetts:

H.R. 2514. A bill to restore the jurisdiction of the Consumer Product Safety Commission over amusement park rides which are at a fixed site, and for other purposes; to the Committee on Energy and Commerce.

By Ms. WOOLSEY (for herself, Ms. ROYBAL-ALLARD, and Mrs. MALONEY):

H.R. 2515. A bill to amend the Family and Medical Leave Act of 1993 to allow leave to address domestic violence, sexual assault, or stalking and their effects, and to include domestic partners under the Act, and for other purposes; to the Committee on Education and Labor, and in addition to the Committees on Oversight and Government Reform, and House Administration, 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. KIRK (for himself, Mr. DENT, Mrs. BIGGERT, Mr. BOUSTANY, Mr. PLATTS, Mr. PAULSEN, Ms. GINNY BROWN-WAITE of Florida, Mr. SCHOCK, Mr. TIBERI, Mr. WILSON of South Carolina, Mr. LANCE, Ms. FOXX, and Mr. REICHERT):

H.R. 2516. A bill to guarantee the rights of patients and doctors against Federal restrictions or delay in the provision of privately-funded health 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 Ms. BALDWIN (for herself, Ms. ROS-LEHTINEN, Mr. BERMAN, Mr. CAPUANO, Mr. ELLISON, Mr. ENGEL, Ms. HARMAN, Mr. HOLT, Mr. KENNEDY, Mr. LANGEVIN, Mrs. MALONEY, Ms. MATSUI, Ms. MCCOLLUM, Mr. MCDERMOTT, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mr. NADLER of New York, Ms. NORTON, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. SHERMAN, Ms. SUTTON, Mr. TIERNEY, Ms. WASSERMAN SCHULTZ, Mr. WU, Mr. CUMMINGS, Mr. KUCINICH, Ms. VELÁZQUEZ, Mr. WAXMAN, Ms. BERKLEY, Mrs. CAPPS, Mr. MOORE of Kansas, Mr. WEINER, Mr. CONNOLLY of Virginia, Mr. HASTINGS of Florida, Mr. PASTOR of Arizona, Mr. WELCH, Ms. WOOLSEY, Mr. MCGOVERN, Ms. ZOE LOFGREN of California, Mrs. DAVIS of California, Mr. GRIJALVA, Ms. KILPATRICK of Michigan, Mr. STARK, Mr. DINGELL, Mr. GEORGE MILLER of California, Mr. SARBANES, Mr. ROTHMAN of New Jersey, Mr. CROWLEY, Mr. WEXLER, Mr. FARR, Ms. LINDA T. SÁNCHEZ of California, Mr. CARSON of Indiana, Ms. DEGETTE, Mr. DELAHUNT, Mr. JACKSON of Illinois, Mr. MICHAUD, Mrs. LOWEY, Ms. ESHOO, Mr. GUTIERREZ, Mr. POLIS of Colorado, Mr. ACKERMAN, Mr. FILNER, Mr. CLYBURN, and Mr. QUIGLEY):

H.R. 2517. A bill to provide certain benefits to domestic partners of Federal employees; to the Committee on Oversight and Government Reform, and in addition to the Committees on House Administration, and the Judiciary, 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. BOREN (for himself, Mr. JORDAN of Ohio, Mr. LATHAM, Mr. DUNCAN, Mr. SOUDER, and Mr. BURTON of Indiana):

H.R. 2518. A bill to prevent undue disruption of interstate commerce by limiting civil actions brought against persons whose only role with regard to a product in the stream of commerce is as a lawful seller of the product; to the Committee on the Judiciary, 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. DAVIS of Alabama (for himself and Mr. KING of New York):

H.R. 2519. A bill to amend the Internal Revenue Code of 1986 to allow the deduction of attorney-advanced expenses and court costs in contingency fee cases; to the Committee on Ways and Means.

By Mr. RYAN of Wisconsin (for himself and Mr. NUNES):

H.R. 2520. A bill to provide comprehensive solutions for the health care system of the United States, and for other purposes; 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 Ms. DELAURO (for herself, Mr. ELLISON, Mr. ISRAEL, Mr. WEINER, Ms. BORDALLO, Ms. HIRONO, Mr. DELAHUNT, Ms. SUTTON, Mr. RYAN of Ohio, Mr. WELCH, Ms. WOOLSEY, Mr. MCGOVERN, Ms. SCHAKOWSKY, Mr. DRIEHAUS, Mr. MCDERMOTT, Ms. BERKLEY, Mr. MASSA, Mr. COURTNEY, Mr. BLUMENAUER, Mr. FRANK of Massachusetts, Ms. MOORE of Wisconsin, Mr. VAN HOLLEN, Mr. ETHERIDGE, Mr. FATTAH, Mr. YARMUTH, Mr. LARSON of Connecticut, and Mr. FARR):

H.R. 2521. A bill to facilitate efficient investments and financing of infrastructure projects and new job creation through the establishment of a National Infrastructure Development Bank, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, and Financial 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. GALLEGLY:

H.R. 2522. A bill to raise the ceiling on the Federal share of the cost of the Calleguas Municipal Water District Recycling Project, and for other purposes; to the Committee on Natural Resources.

By Mr. HEINRICH:

H.R. 2523. A bill to amend the Act titled ''An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases'', approved August 9, 1955, to provide for Indian tribes to enter into certain leases without prior express approval from the Secretary of the Interior; to the Committee on Natural Resources.

By Mr. KING of New York (for himself, Mr. PAUL, and Mr. BURTON of Indiana):

H.R. 2524. A bill to amend the Internal Revenue Code of 1986 to allow penalty-free withdrawals from individual retirement plans for adoption expenses; to the Committee on Ways and Means.

By Mr. LARSON of Connecticut (for himself, Mr. PASCRELL, Mr. ADLER of New Jersey, Mr. MURPHY of Connecticut, Mr. COURTNEY, Mr. SIRES, Mr. ROTHMAN of New Jersey, Mr. LOBIONDO, Mr. HIMES, Mr. LANCE, Mr. GARRETT of New Jersey, and Mr. FRELINGHUYSEN):

H.R. 2525. A bill to require application of budget neutrality on a national basis in the calculation of the Medicare hospital wage index floor for each all-urban and rural State; to the Committee on Ways and Means.

By Mr. LARSON of Connecticut:

H.R. 2526. A bill to amend the Internal Revenue Code of 1986 to increase participation in medical flexible spending arrangements; to the Committee on Ways and Means.

By Ms. MARKEY of Colorado:

H.R. 2527. A bill to provide authority for certain debt refinancing with respect to financings approved under title V of the Small Business Investment Act of 1958, and for other purposes; to the Committee on Small Business.

By Mr. MEEK of Florida:

H.R. 2528. A bill to amend the Internal Revenue Code of 1986 to extend the credit period for certain open-loop biomass facilities; to the Committee on Ways and Means.

By Mr. GARY G. MILLER of California (for himself and Mr. DONNELLY of Indiana):

H.R. 2529. A bill to amend the Federal Deposit Insurance Act to authorize depository institutions and depository institution holding companies to lease foreclosed property held by such institutions and companies for up to 5 years, and for other purposes; to the Committee on Financial Services.

By Mr. NADLER of New York:

H.R. 2530. A bill to authorize the Secretary of Transportation to make capital grants for certain freight rail economic development projects; to the Committee on Transportation and Infrastructure.

By Mrs. NAPOLITANO (for herself, Ms. DEGETTE, Mr. TIM MURPHY of Pennsylvania, Mr. FRANK of Massachusetts, Ms. BORDALLO, Ms. ROYBAL-ALLARD, Mr. COSTELLO, Mrs. BONO MACK, Mr. BISHOP of Georgia, Mr. KENNEDY, Mr. SERRANO, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. BALDWIN, Mr. OLVER, Mr. BACA, Mr. MCGOVERN, Mrs. CHRISTENSEN, Mr. RODRIGUEZ, Mr. GENE GREEN of Texas, Mr. SESTAK, and Mrs. CAPPS):

H.R. 2531. A bill to amend the Public Health Service Act to revise and extend projects relating to children and violence to provide access to school-based comprehensive mental health programs; to the Committee on Energy and Commerce.

By Mr. PAUL:

H.R. 2532. A bill to amend the Housing and Community Development Act of 1974 to increase the limitation on the amount of community development block grant assistance that may be used to provide public services; to the Committee on Financial Services.

By Mr. PAUL (for himself and Mr. BARTLETT):

H.R. 2533. A bill to provide that human life shall be deemed to exist from conception, and for other purposes; to the Committee on the Judiciary.

By Mr. TANNER:

H.R. 2534. A bill to amend title XVIII of the Social Security Act to provide for the treatment of certain physician pathology services under the Medicare Program; 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. WELCH:

H.R. 2535. A bill to establish a Blueprint for Health in order to create a comprehensive system of care incorporating medical homes to improve the delivery and affordability of health care through disease prevention, health promotion, and education about and better management of chronic conditions; to the Committee on Energy and Commerce.

By Mr. WEXLER (for himself, Mr. SENSENBRENNER, Mrs. LOWEY, Mr. BILBRAY, and Mr. COHEN):

H.R. 2536. A bill to provide relief for the shortage of nurses in the United States, and for other purposes; to the Committee on the Judiciary, 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. BAIRD (for himself and Mr. ROHRABACHER):

H.J. Res. 52. A joint resolution proposing an amendment to the Constitution of the United States to temporarily fill mass vacancies in the House of Representatives and the Senate and to preserve the right of the people to elect their Representatives and Senators in Congress; to the Committee on the Judiciary.

By Mr. ROHRABACHER (for himself and Mr. BAIRD):

H.J. Res. 53. A joint resolution proposing an amendment to the Constitution of the United States relating to Congressional succession; to the Committee on the Judiciary.

By Mr. DICKS:

H. Con. Res. 129. Concurrent resolution congratulating the Sailors of the United States Submarine Force upon the completion of 1,000 Ohio-class ballistic missile submarine (SSBN) deterrent patrols; to the Committee on Armed Services.

By Mr. LANCE (for himself, Mr. CONNOLLY of Virginia, Mr. EHLERS, Mr. BURTON of Indiana, Mr. FLEMING, Ms. JENKINS, Mr. BOOZMAN, Mr. ROONEY, Mr. LAMBORN, Mrs. BIGGERT, Mr. SIMPSON, Mr. KING of New York, and Mrs. CAPITO):

H. Con. Res. 130. Concurrent resolution expressing support for the current standards of the Federal mortgage interest tax deduction; to the Committee on Ways and Means.

By Mr. DANIEL E. LUNGREN of California:

H. Con. Res. 131. Concurrent resolution directing the Architect of the Capitol to engrave the Pledge of Allegiance to the Flag and the National Motto of ''In God we trust'' in the Capitol Visitor Center; to the Committee on House Administration.

By Mr. TIAHRT (for himself, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Ms. ROS-LEHTINEN, Mr. SIRES, Mr. BURTON of Indiana, Mr. MACK, Mr. SHULER, and Ms. WASSERMAN SCHULTZ):

H. Con. Res. 132. Concurrent resolution expressing the sense of Congress that with respect to the totalitarian government of Cuba, the United States should pursue a policy that insists upon freedom, democracy, and human rights, including the release of all political prisoners, the legalization of political parties, free speech and a free press, and supervised elections, before increasing United States trade and tourism to Cuba; to the Committee on Foreign Affairs.

By Mr. BURTON of Indiana:

H. Res. 460. A resolution providing for consideration of the bill (H.R. 2194) to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran; to the Committee on Rules.

By Mr. MCNERNEY:

H. Res. 461. A resolution honoring Sentinels of Freedom and commending the dedication, commitment, and extraordinary work of the organization; to the Committee on Veterans' Affairs.

By Mr. LATOURETTE (for himself, Mr. MCCOTTER, Mr. GOHMERT, Mr. TIBERI, Mr. BURTON of Indiana, Mr. THOMPSON of Pennsylvania, Mrs. LUMMIS, Mrs. CAPITO, and Mr. ROSKAM):

H. Res. 462. A resolution requesting that the President transmit to the House of Representatives all information in his possession

relating to specific communications with Chrysler LLC (''Chrysler''); to the Committee on Energy and Commerce.

By Mr. BROWN of South Carolina:

H. Res. 465. A resolution recognizing the Atlantic Intracoastal Waterway Association on the occasion of its 10th anniversary, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HONDA (for himself, Mr. DENT, Mr. CAO, Mr. TOWNS, Mr. MCDERMOTT, Mr. MEEKS of New York, Ms. BORDALLO, Mr. FALEOMAVAEGA, Mr. WU, Ms. SPEIER, Mr. AL GREEN of Texas, Mr. BROUN of Georgia, Mr. SERRANO, Ms. ROYBAL-ALLARD, Mr. WEXLER, Mr. BACA, Mr. CASSIDY, Ms. LEE of California, Mr. CROWLEY, Mrs. NAPOLITANO, Mrs. CHRISTENSEN, Mr. GERLACH, Mrs. MALONEY, Mr. MORAN of Virginia, Mr. KENNEDY, Mr. RANGEL, Mr. BISHOP of New York, Mr. BECERRA, Mr. SABLAN, and Ms. RICHARDSON):

H. Res. 466. A resolution recognizing World Hepatitis Awareness Month and World Hepatitis Day May 19, 2009; to the Committee on Energy and Commerce, 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. LATTA:

H. Res. 467. A resolution honoring and Commending Alissa Czisny for winning the 2009 United States Figure Skating Championship; to the Committee on Oversight and Government Reform.

By Mr. SIRES:

H. Res. 468. A resolution supporting the designation of National Tourette Syndrome Day; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. PETRI, Mr. LUJÁN, Mr. CARTER, Mr. DEFAZIO, and Mr. LATTA.

H.R. 108: Mr. LATHAM.

H.R. 116: Mr. COHEN.

H.R. 179: Mr. KENNEDY.

H.R. 235: Mrs. CAPITO and Mr. SCHAUER.

H.R. 303: Mr. DAVIS of Tennessee and Ms. KOSMAS.

H.R. 333: Mr. CALVERT, Mr. ROGERS of Alabama, Mr. DELAHUNT, Mr. HEINRICH, and Ms. KOSMAS.

H.R. 389: Mr. AL GREEN of Texas.

H.R. 391: Mr. BARTON of Texas and Mr. FLEMING.

H.R. 394: Mr. BISHOP of Utah.

H.R. 463: Mr. LEWIS of Georgia and Mr. SMITH of Washington.

H.R. 504: Mr. CARNAHAN.

H.R. 510: Mr. GUTHRIE.

H.R. 560: Mr. KRATOVIL.

H.R. 574: Mr. DRIEHAUS.

H.R. 621: Mr. WALDEN, Mrs. CAPITO, Mr. NEAL of Massachusetts, Mr. ARCURI, Mr. SHULER, Mr. HINOJOSA, Mr. LIPINSKI, and Mr. KING of New York.

H.R. 655: Ms. BALDWIN.

H.R. 676: Ms. NORTON and Ms. ZOE LOFGREN of California.

H.R. 678: Mr. LIPINSKI.

H.R. 716: Mr. LATHAM and Mr. BRADY of Pennsylvania.

H.R. 745: Mr. GONZALEZ and Mr. ADLER of New Jersey.

H.R. 775: Mr. MARIO DIAZ-BALART of Florida, Mr. BILBRAY, Mr. CARSON of Indiana, Mr. PALLONE, Mr. SCHIFF, Mr. ROE of Tennessee, and Mr. TIERNEY.

H.R. 782: Mr. NEUGEBAUER.

H.R. 804: Mr. POSEY.

H.R. 824: Ms. EDWARDS of Maryland.

H.R. 840: Ms. WOOLSEY, Mr. SCHIFF, and Mr. COHEN.

H.R. 847: Mr. GARRETT of New Jersey.

H.R. 873: Mrs. DAVIS of California and Mr. CARNEY.

H.R. 874: Mr. CLYBURN, Mr. LOEBSACK, and Mr. LEVIN.

H.R. 879: Mr. PLATTS.

H.R. 904: Ms. ESHOO.

H.R. 916: Mr. HEINRICH.

H.R. 958: Mr. HASTINGS of Florida, Mr. WESTMORELAND, Mr. RUSH, Mrs. EMERSON, Mr. ELLSWORTH, Mr. KILDEE, Mr. SHULER, Mr. DAVIS of Tennessee, Mr. HIGGINS, Mr. SCOTT of Georgia, Mr. SIRES, Mr. KAGEN, and Mr. ANDREWS.

H.R. 959: Mr. CONNOLLY of Virginia and Ms. TITUS.

H.R. 980: Mr. THOMPSON of California, Mr. NEAL of Massachusetts, Ms. HARMAN, Ms. LINDA T. SÁNCHEZ of California, Mr. KENNEDY, Mr. COHEN, Mr. GARRETT of New Jersey, and Ms. ROYBAL-ALLARD.

H.R. 1016: Mr. GALLEGLY and Mr. DELAHUNT.

H.R. 1020: Mr. FRANK of Massachusetts, Mr. THOMPSON of Mississippi, Mr. KUCINICH, Mr. HODES, Ms. SCHWARTZ, and Mr. HARE.

H.R. 1032: Mr. PATRICK J. MURPHY of Pennsylvania, Ms. JENKINS, Mr. CAO, Mr. MORAN of Virginia, and Mr. BOSWELL.

H.R. 1064: Mr. JONES.

H.R. 1074: Mr. MILLER of Florida, Mr. ROONEY, and Mr. CALVERT.

H.R. 1079: Mr. WELCH and Mr. PRICE of North Carolina.

H.R. 1085: Mr. TERRY.

H.R. 1126: Mr. SCHIFF.

H.R. 1142: Mr. WITTMAN.

H.R. 1189: Mr. MORAN of Kansas.

H.R. 1190: Mr. MCINTYRE.

H.R. 1193: Mr. PLATTS.

H.R. 1201: Mr. WELCH and Mr. FOSTER.

H.R. 1207: Mr. PASTOR of Arizona, Ms. GINNY BROWN-WAITE of Florida, Mr. ALTMIRE, Mr. LATTA, Mr. REICHERT, Mr. ROGERS of Michigan, Mr. BERRY, Mr. SCHAUER, Mr. SCALISE, and Mr. FORBES.

H.R. 1213: Mr. GUTHRIE.

H.R. 1316: Mr. NUNES.

H.R. 1321: Ms. ZOE LOFGREN of California.

H.R. 1335: Mr. SPACE, Mr. MCNERNEY, Mr. HALL of New York, Mr. COSTELLO, Mr. AL GREEN of Texas, and Mr. CARNAHAN.

H.R. 1362: Mr. KENNEDY and Mr. KLEIN of Florida.

H.R. 1410: Mr. LANCE, Mr. LATHAM, Ms. CORRINE BROWN of Florida, Mr. PLATTS, and Mr. DRIEHAUS.

H.R. 1427: Mr. LINDER.

H.R. 1454: Mr. MARIO DIAZ-BALART of Florida, Mrs. LUMMIS, Mr. FORBES, Mr. KLINE of Minnesota, Mr. COLE, Mr. BARTLETT, Mr. BROUN of Georgia, and Mr. THOMPSON of Pennsylvania.

H.R. 1470: Mr. MARSHALL.

H.R. 1509: Mr. SIMPSON.

H.R. 1521: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. ORTIZ.

H.R. 1523: Mr. ELLISON, Mr. DAVIS of Illinois, and Ms. DELAURO.

H.R. 1526: Ms. GIFFORDS, Ms. LINDA T. SÁNCHEZ of California, and Mrs. CHRISTENSEN.

H.R. 1548: Mr. MURTHA, Mr. CAO, and Mr. KRATOVIL.

H.R. 1552: Mr. SIMPSON and Mr. KISSELL.

H.R. 1557: Mr. FOSTER.

H.R. 1615: Mr. LATHAM.

H.R. 1625: Mr. KIND and Mr. DEFAZIO.

H.R. 1646: Mr. KILDEE, Mr. ROTHMAN of New Jersey, Ms. NORTON, Mr. LEWIS of Georgia, and Mr. MARSHALL.

H.R. 1677: Mr. DICKS.

H.R. 1684: Mr. CALVERT, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MACK, and Mr. GINGREY of Georgia.

H.R. 1708: Mr. KLEIN of Florida.

H.R. 1735: Mr. MCINTYRE.

H.R. 1740: Mr. INSLEE, Mr. CALVERT, and Mr. QUIGLEY.

H.R. 1741: Mr. POE of Texas.

H.R. 1751: Mr. MAFFEI, Mr. MEEKS of New York, Mr. ROTHMAN of New Jersey, and Mrs. LOWEY.

H.R. 1763: Mr. MANZULLO.

H.R. 1799: Mr. SMITH of Texas.

H.R. 1802: Mr. WILSON of South Carolina, Mr. CONAWAY, Mr. SCALISE, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 1826: Mr. MCDERMOTT and Mr. DELAHUNT.

H.R. 1844: Mr. GORDON of Tennessee.

H.R. 1895: Mr. FILNER.

H.R. 1903: Mr. SIMPSON, Mrs. MYRICK, Mr. KLINE of Minnesota, Mr. BOOZMAN, Mrs. BACHMANN, Mr. SENSENBRENNER, Mr. CULBERSON, and Mr. TERRY.

H.R. 1904: Mr. ROYCE and Mr. KAGEN.

H.R. 1927: Mr. SMITH of New Jersey and Mr. PRICE of North Carolina.

H.R. 1932: Mr. MICHAUD.

H.R. 2002: Mr. KILDEE and Mr. LANGEVIN.

H.R. 2006: Mr. SARBANES and Ms. EDWARDS of Maryland.

H.R. 2009: Mr. MCKEON, Mr. FRANKS of Arizona, Mr. POSEY, Mr. BRADY of Texas, Mr. LUCAS, Mr. SHADEGG, and Mr. MARCHANT.

H.R. 2014: Mr. GENE GREEN of Texas, Mr. PASTOR of Arizona, Mr. AL GREEN of Texas, Mr. BAIRD, Mr. DELAHUNT, and Mr. RANGEL.

H.R. 2030: Mr. MCCOTTER and Ms. SCHAKOWSKY.

H.R. 2035: Mr. WAMP.

H.R. 2054: Mr. CARNAHAN, Mr. KRATOVIL, Mr. ROTHMAN of New Jersey, Ms. MCCOLLUM, Mr. FARR, Mrs. DAVIS of California, and Mr. HODES.

H.R. 2055: Ms. HIRONO and Mr. YOUNG of Alaska.

H.R. 2061: Mr. MILLER of Florida, Mr. BARTLETT, and Mr. SAM JOHNSON of Texas.

H.R. 2067: Mr. AL GREEN of Texas.

H.R. 2071: Mr. MEEKS of New York.

H.R. 2095: Mr. CLAY.

H.R. 2102: Mr. HARE.

H.R. 2103: Mr. PASTOR of Arizona.

H.R. 2106: Mr. BOOZMAN.

H.R. 2132: Mr. WEXLER.

H.R. 2152: Ms. BERKLEY.

H.R. 2161: Ms. DELAURO and Ms. SCHWARTZ.

H.R. 2189: Mr. ROHRABACHER, Mr. BOREN, Mr. BARTLETT, Mr. CRENSHAW, Ms. FOXX, Mr. HILL, Mrs. MYRICK, Mr. TAYLOR, Mr. BOOZMAN, Mr. BURTON of Indiana, Mr. HARPER, Mr. HOEKSTRA, and Mr. PAUL.

H.R. 2193: Mr. WITTMAN, Mr. HERGER, Mr. BARTLETT, Mr. AKIN, Mr. DANIEL E. LUNGREN of California, Mr. RYAN of Wisconsin, Mr. ISSA, Mr. LAMBORN, Mr. LUETKEMEYER, Mr. CANTOR, Mr. FORBES, Mr. OLSON, Mr. KLINE of Minnesota, Mr. GOHMERT, Mr. LEE of New York, and Mr. FLEMING.

H.R. 2194: Mr. ROE of Tennessee, Mr. MELANCON, Mr. MCHENRY, Mr. HEINRICH, Mr. OLSON, Mr. BOOZMAN, Mr. CANTOR, Mrs. KIRKPATRICK of Arizona, Mr. COHEN, Mr. VAN HOLLEN, Mr. SPACE, Mr. GUTHRIE, Mr. LUCAS, Mr. LIPINSKI, Mr. MICHAUD, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. ROGERS of Alabama, Mr. FLEMING, Mr. NEUGEBAUER, Mr. LEVIN, Mr. BOSWELL, and Mr. SAM JOHNSON of Texas.

H.R. 2248: Mr. CARNAHAN and Mr. GORDON of Tennessee.

H.R. 2251: Mr. PATRICK J. MURPHY of Pennsylvania, Mr. MARIO DIAZ-BALART of Florida, and Mrs. LOWEY.

H.R. 2254: Mr. MCHUGH, Mr. GORDON of Tennessee, Mr. BRIGHT, and Mr. BOSWELL.

H.R. 2272: Mr. LOEBSACK.

H.R. 2294: Mr. BARTON of Texas, Mr. FRELINGHUYSEN, Mr. LATOURETTE, Mr. GARRETT of New Jersey, Mr. CAMPBELL, Mr. STEARNS, Mr. SHIMKUS, Mr. CASSIDY, Mr.

REICHERT, Mr. PRICE of Georgia, Mrs. MYRICK, Mrs. BLACKBURN, and Mr. WALDEN.

H.R. 2304: Mr. MCGOVERN, Mr. GINGREY of Georgia, and Mrs. CAPITO.

H.R. 2313: Mr. HONDA and Mr. PAULSEN.

H.R. 2319: Ms. BALDWIN.

H.R. 2329: Mr. HASTINGS of Florida, Mr. BUTTERFIELD, and Ms. HIRONO.

H.R. 2350: Mr. SESTAK, Mr. SPRATT, Mr. PAYNE, and Mr. BOUCHER.

H.R. 2360: Mr. SCHAUER, Mr. LIPINSKI, Mr. PAULSEN, Ms. SHEA-PORTER, and Mr. DAVIS of Alabama.

H.R. 2366: Mr. ISRAEL.

H.R. 2368: Mrs. CAPPS.

H.R. 2378: Mr. HUNTER, Mr. LIPINSKI, Mr. MCCOTTER, Mr. MCHENRY, Mr. BERRY, Mr. INGLIS, Mr. KISSELL, Mr. HOEKSTRA, Mr. BISHOP of Utah, and Mr. CARNEY.

H.R. 2415: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2416: Mr. RODRIGUEZ and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2422: Mr. GONZALEZ, Mr. GENE GREEN of Texas, Mr. AL GREEN of Texas, Mr. POE of Texas, Mr. HALL of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. THORNBERRY, Mr. DOGGETT, and Mr. ORTIZ.

H.R. 2427: Ms. SLAUGHTER.

H.R. 2452: Ms. FUDGE and Mr. HERGER.

H.R. 2456: Mr. SCHIFF and Mr. GUTIERREZ.

H.R. 2458: Mr. CHAFFETZ and Mr. FORBES.

H.R. 2468: Mr. ROYCE.

H.R. 2474: Mrs. DAVIS of California, Mr. WAXMAN, Ms. WOOLSEY, Mr. GEORGE MILLER of California, Mr. HONDA, Mr. SCHIFF, Mrs. CAPPS, Mr. FARR, Mrs. TAUSCHER, Mr. CARDOZA, Ms. ESHOO, Mr. FILNER, Mr. BERMAN, and Mr. SHERMAN.

H.R. 2499: Mr. CUMMINGS, Mr. MCCOTTER, and Mr. CONAWAY.

H.J. Res. 47: Mr. MCINTYRE and Mr. LOBIONDO.

H. Con. Res. 59: Mr. WOLF and Mr. MCGOVERN.

H. Con. Res. 105: Mr. BOUSTANY.

H. Con. Res. 109: Mr. GENE GREEN of Texas, Mrs. MYRICK, Mr. GRAYSON, Ms. KOSMAS, Mr. KISSEL, Mr. PASCRELL, Mr. SPRATT, Mr. WOLF, Mr. VAN HOLLEN, Mr. MINNICK, Ms. BALDWIN, Mr. DRIEHAUS, and Mr. HILL.

H. Res. 16: Mr. MCCOTTER.

H. Res. 111: Mr. BARTLETT, Mr. RUSH, Ms. BALDWIN, Ms. SHEA-PORTER, Mrs. DAHLKEMPER, and Ms. EDWARDS of Maryland.

H. Res. 156: Mr. DUNCAN and Mrs. BLACKBURN.

H. Res. 209: Mr. HOLT, Mrs. MCCARTHY of New York, Mr. SCHIFF and Mr. VAN HOLLEN.

H. Res. 225: Mr. SAM JOHNSON of Texas, Mr. WILSON of South Carolina, Mr. HARPER, Mr. BOUSTANY, Mr. JONES, Mr. SENSENBRENNER, and Mr. ADERHOLT.

H. Res. 236: Mr. SCHIFF and Mr. VAN HOLLEN.

H. Res. 259: Mrs. DAHLKEMPER.

H. Res. 260: Mr. ALTMIRE, Mr. TEAGUE, Ms. BERKLEY, Ms. TITUS, Mr. JOHNSON of Georgia, Ms. MARKEY of Colorado, and Mr. COURTNEY.

H. Res. 291: Mr. PAYNE, Mr. SHERMAN, Mr. MEEKS of New York, Ms. WATSON, and Ms. JACKSON-LEE of Texas.

H. Res. 366: Mr. SMITH of Texas, Mr. GINGREY of Georgia, Ms. ROS-LEHTINEN, Mr. FILNER, Mr. BISHOP of Georgia, Ms. JACKSON-LEE of Texas, Mr. MELANCON, and Mr. OLVER.

H. Res. 373: Mr. GARRETT of New Jersey, and Mrs. MCMORRIS RODGERS.

H. Res. 389: Mr. SESTAK.

H. Res. 395: Mr. INSLEE.

H. Res. 397: Mr. LIPINSKI and Mr. BARTLETT.

H. Res. 408: Mr. ROONEY and Mr. SHUSTER.

H. Res. 412: Mr. GONZALEZ.

H. Res. 420: Mr. ROSKAM, Ms. FOXX, Ms. GRANGER, Mr. CONAWAY, Mr. BRADY of Texas, Mr. SAM JOHNSON of Texas, Mr. PRICE of Georgia, Mr. COFFMAN of Colorado, Mr. JORDAN of Ohio, Mr. TEAGUE, and Mr. YOUNG of Florida.

H. Res. 429: Mr. FLEMING, Mr. ROSS, Mr. ALEXANDER, Ms. BALDWIN, Mr. BRIGHT, and Mr. DUNCAN.

H. Res. 430: Mr. WEINER.

H. Res. 437: Mr. GUTHRIE.

H. Res. 440: Mr. QUIGLEY.

H. Res. 443: Mr. CARNAHAN.

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PROCEEDINGS AND DEBATES OF THE *111th* CONGRESS, FIRST SESSION

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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Father, thank You for today—fresh with sparkling dew and bright with the splendor of the morning Sun. We accept this day as a gift from Your bounty and will use it for the glory of Your Name. As our Senators strive to do what is best for this great land, lead them with Your might. Guide them by Your higher wisdom and make them know the constancy of Your presence. Lord, give them the greatness of being on Your side and the delight of knowing they are doing Your will. Keep their hearts and minds riveted on You, as they seek to be responsive to Your leading. Make them stewards of the blessings You have given them.

We pray in the Redeemer's Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL of New Mexico 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 20, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SIGNING AUTHORITY

Mr. REID. Mr. President, first, I ask unanimous consent that today, May 20, 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 the emergency supplemental appropriations bill. There will be up to 2 hours for debate in relation to the Inouye amendment. That is the Inouye-Inhofe amendment. The Republicans will control the first 30 minutes, the majority will control the next 30 minutes, and the final hour will be equally divided and controlled between the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each. Senator INOUYE will control the final 5 minutes prior to the vote. Upon the use or yielding back of time, the Senate will proceed to vote on the amendment. Senators should expect the first vote of the day to begin around 11:30 to a quarter of 12.

Yesterday, I filed cloture on this legislation. Under rule XXII, germane first-degree amendments must be filed by 1 p.m. today.

If we are able to reach an agreement, we will also consider the conference report to accompany S. 454, the procurement legislation, during the day.

WORKING TOGETHER

Mr. REID. Mr. President, I made a decision at the beginning of this Congress to go back to the way the Senate used to be, or at least the way I saw the Senate. I believed if we moved away from the past practices of the last 15 years of limiting the offering of amendments, for example, having more debate, not less, that a new spirit would develop in this historic body we call the Senate.

I believe that spirit has come—come slowly—but with the trust of the Republicans growing with the majority, amendments have come with the idea of improving or changing legislation, not the ''I gotcha'' politics, tactics of the past used by both Democrats and Republicans. The result has been legislation being passed of which we can all take credit:

The lands bill; Ledbetter, equal pay for men and women; the Children's Health Insurance Program, 14 million kids with health insurance; the economic recovery package, which is being felt now around the country; the omnibus spending bill, which was long overdue; national service legislation, allowing 750,000 men and women to become involved in public service, getting paid a little bit for that but help for their college education.

We did some things that needed to be done with the budget, reducing the deficit in 5 years by as much as two-thirds. We passed housing legislation, which will bolster the ability of regulators to do a good job of watching what goes on with housing, including

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strengthening the Federal Deposit Insurance Corporation; passing the financial fraud legislation to stop some of the tactics cheaters use to cause the problems that were caused leading to this economic crisis. Yesterday morning, we passed the credit card legislation.

We have a long ways to go. But I think we are beginning to trust each other that amendments are being offered to take provisions out of legislation or to add to legislation to improve it in the mind of the person offering the amendment.

As a result of this, we can all go back to our constituencies during this recess saying we are working together now, we are getting some things done. This does not help Democrats or Republicans; it helps us both, and it helps our country.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

WORKING TOGETHER

Mr. MCCONNELL. Mr. President, let me say to my good friend, the majority leader, I concur with his observations about how the Senate should appropriately work. I think we have had a process for handling legislation this year that both sides can be proud of, and I wish to say I concur entirely with his observations about the way the Senate is working.

Obviously, the minority does not agree with a lot of the things we are doing, but the opportunity to shape legislation and for each Senator to make a difference has been respected this year, and for that I commend the majority leader.

GUANTANAMO

Mr. MCCONNELL. Mr. President, there now appears to be a wide bipartisan agreement in the Senate that closing Guantanamo before the administration has a plan to deal with the detainees there was a bad idea. Senators will make it official today with their votes.

For months, we have been saying what Senate Democrats now acknowledge: that because the administration has no plan for what to do with the 240 detainees at Guantanamo, it would be irresponsible and dangerous for the Senate to appropriate the money to close it.

I commend Senate Democrats for fulfilling their oversight responsibilities by refusing to vote to provide any funding to close Guantanamo until the administration can prove to the American people that closing Guantanamo will not make us less safe than Guantanamo has. Those of us in Congress have a responsibility to American service men and women, risking their lives abroad, and to citizens here at home. Congress will demonstrate its seriousness about that responsibility when it votes against an open-ended plan to release or transfer detainees at Guantanamo.

The administration has shown a good deal of flexibility on matters of national security over the past few months: on Iraq, for example, in not insisting on an arbitrary deadline for withdrawal; on military commissions, by deciding to resume their use; on prisoner photos, by concluding that releasing them would jeopardize the safety of our service men and women; and on Afghanistan, by replicating the surge strategy that has worked so well in Iraq.

I hope the administration will show more of this flexibility by changing its position on an arbitrary deadline for closing Guantanamo. Americans do not want some of the most dangerous men alive coming here or released overseas, where they can return to the fight, as many other detainees who have been released from Guantanamo already have.

Some will argue that terrorists can be housed safely in the United States based on past experience. But we have already seen the disruption that just one terrorist caused in Alexandria, VA. The number of detainees the administration now wants to transfer stateside is an order of magnitude greater than anything we have considered before. It is one thing to transfer one or two terrorists—disruptive as that may be—it is quite another to transfer 50 to 100, or more, as Secretary Gates has said would be involved in any transfer from Guantanamo.

In my view, these men are exactly where they belong: locked up in a safe and secure prison and isolated many miles away from the American people. Guantanamo is a secure, state-of-the-art facility, it has courtrooms for military commissions. Everyone who visits is impressed with it. Even the administration acknowledges that Guantanamo is humane and well run. Americans want these men kept out of their backyards and off the battlefield. Guantanamo guarantees it.

The administration has said the safety of the American people is its top priority. I have no doubt this is true, and that is precisely why the administration should rethink—should rethink—its plan to close Guantanamo by a date certain. It should have focused on a plan for these terrorists first. Once the administration has a plan, we will consider closing Guantanamo but not a second sooner.

RONALD REAGAN CENTENNIAL COMMISSION

Mr. MCCONNELL. Mr. President, last night, the Senate passed a bill to create a commission to commemorate the 100th birthday of our 40th President, Ronald Wilson Reagan. This bill passed in the House with wide bipartisan support and here by unanimous consent.

On June 3, we will host a celebration in the Capitol, with the State of California sending their statue of Ronald Wilson Reagan to join the collection of State statues from around the country. In February 2011, we will commemorate his 100th birthday.

To his beloved Nancy, his family, and all of us who believe that the best days are ahead in this shining city on a hill, I stand in humble gratitude for his service and great pride that Congress has finally agreed to enact legislation to commemorate one of the most important Americans of the 20th century.

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. GRAHAM. 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.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

SUPPLEMENTAL APPROPRIATIONS ACT, 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2346, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2346) making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes.

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.

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.

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.

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.

AMENDMENT NO. 1133

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 2 hours of debate, equally divided and controlled between the leaders or their designees, with respect to amendment No. 1133, with 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 Senators permitted to speak for up to 10 minutes, with the final 5 minutes under the control of the Senator from Hawaii, Mr. INOUYE.

The Senator from South Carolina.

Mr. GRAHAM. Thank you, Mr. President.

No. 1, I would like to associate myself with the comments of the minority leader about Guantanamo Bay. It is a location that does protect our national interests in terms of a location. It is probably the best run military prison in the world. I have been there several times.

To the guard force and those who are serving at Guantanamo Bay, in many ways, you are the unsung heroes in this war because it is tough duty. You have to go through a lot to be a member of the Guantanamo Bay guard team.

They do a wonderful job. It is a very Geneva Conventions-compliant jail, and there are some pretty bad characters down there who make life miserable for our guard force. But those who serve at Guantanamo Bay do so with dignity and professionalism. Their motto, I believe, is ''honor bound.'' That certainly reflects upon them well.

The idea of the Congress saying we want to plan before we appropriate money to close Guantanamo Bay makes a lot of sense to me. We see a bipartisan movement here to make sure we know what we are going to do with the detainees who are housed at Guantanamo Bay. The American people should be rightly concerned about how we dispose of these prisoners. Quite frankly, they are not common criminals accused of robbing a liquor store; they are accused of being a member of al-Qaida or allied groups that have taken up arms against the United States. Their mission and their purpose is to destroy our way of life and to put our allies and friends in the Mideast into the dark ages. So if you do not want to go back to the dark ages in terms of humanity; if you want young girls to grow up without having acid thrown in their face; if you want a young woman to be able to have a say about the future of her children in the Mideast, then we need to come up with a rational policy regarding fighting al-Qaida and, once we catch them, how to dispose of their cases and make sure they are not only fairly treated but their mission and their goals are defeated and they do not return to the fight.

We have seen in Iraq that there are Muslim populations that do not want to be part of the al-Qaida agenda. Al-Qaida followed us to Iraq because they understood if we were successful there in creating a democracy in the heart of the Mideast, it would be a threat to their agenda. Iraq has a way to go, but I am very proud of the Iraqi people. They have come together. They are making political reconciliations. Their army and police forces are getting stronger. The story of the surge is that the Iraqi people joined with our forces and coalition forces and delivered a mighty blow against al-Qaida. Al-Qaida is, quite frankly, in the process of being defeated by the Iraqi people with our help. Now the fight goes to Pakistan and Afghanistan. I cannot think of a more noble cause than to take up arms and fight back against these terrorists who wish the world ill, who will do anything in the name of their religion to have their way, and who would make life miserable for parts of this world and eventually make life miserable for us.

Imagine a caliphate being established in Baghdad, which was their plan, to put the Mideast in constant turmoil. We would not be able to travel freely in this world. We could not interact or do business with the people in the Mideast. It is a very oil-rich region, so it is in our national security interests to stand with moderate people in the Mideast and other places where al-Qaida attempts to take over, and fight back. But when we fight back, we don't have to be like them. Quite frankly, if we are like them when we fight back, we will lose.

This is an ideological struggle. There is no capital to conquer. There is no navy to sink or air force to shoot down. We cannot kill enough of the terrorists to win the war. What we have to do is contain them, fight them, and empower those who live in the region who want to live in a different way, give them the capacity to defend themselves and bring about a stable life in their countries. That is what we are trying to do in Iraq. If we win in Iraq, we will have a democracy in the heart of the Arab world that will be an ally to this country in perpetuity. We will have replaced a dictator named Saddam Hussein, and we will have a place where we can show the world that there are Muslims who do not want to be governed by the al-Qaida agenda, and to me that is a major win in the war on terror. Now we are in Afghanistan. We have lost ground, but we are about to recapture that ground from the Taliban, which are al-Qaida sympathizers and, quite frankly, allowed them to operate in Afghanistan late in the last century and early in this century to plan the attacks of 9/11.

So that is why we are fighting. That is why we are in this discussion. That is why we are concerned about releasing these prisoners within the United States, and that is why we are concerned about Guantanamo Bay. We have every right and reason to be concerned as to how we move forward.

I want to move forward. We need a plan to move forward. We should not close Guantanamo Bay until we have a comprehensive, detailed, legal strategy as to what we will do with these prisoners. Where we put them is only possible if people know what we will do with them. So we have to explain to the American people and our allies the disposition plan. What are we going to do with these detainees? Then where you put them becomes possible. Without what to do, we are never going to find where to put them.

I do believe the President and our military commanders are right when they say it is time to start over. It is a shame we are having to start over, because Guantanamo Bay is a well-run jail. But as I mentioned before, this ideological struggle we are engaged in, the enemy has seized upon the abuses at Abu Ghraib, the mistakes at Guantanamo Bay, and they use that to our detriment. They inflame populations in the Mideast based on our past mistakes. Our commanders have told me to a person that if we could start over with detention policy and show the world that we have a new way of doing business—a better way of doing business—it would improve the ability of our troops to operate in the regions in question where the conflict exists; it would undercut the enemy; it would help our allies be more helpful to us. Our British friends are the best friends we could hope to have, and they have had a hard time with our detainee policy. So we have every reason in the world to want to start over, but the Congress is right not to allow us to start over until we have a plan. The Congress, in a bipartisan fashion, is absolutely right to keep Guantanamo Bay open until we have a complete plan. I do believe this President understands how to move forward with Guantanamo Bay.

The best way to move forward, in my opinion, is to collaborate with the Congress, to look at the military commission system, which I think is the proper venue to dispose of any war crimes trials. Remember, these people we are talking about have been accused of taking up arms against the United States. They are noncitizen, enemy combatants who represent a military threat. Military commissions have been used to try people such as this for hundreds of years. We did trials with German saboteurs who landed on the east coast of the United States for the purpose of sabotaging our industries. They were captured and tried in military commissions. So there is nothing new about the idea of a military commission being used against an enemy force.

I do think the President is right to reform the current commission. I, along with Senator MCCAIN, Senator WARNER, and others—Senator LEVIN particularly—had a bill that set up a military commission process that received complete Democratic support on the Armed Services Committee, and four Republicans. I think that document is worth going back to. The ideas the President has put on the table about reforming the commission, quite frankly, make a lot of sense to me.

So we do need to move forward. We do need to start over. If we could start over with a new detention policy that is comprehensive, it would help our war effort, it would help operations in the countries in question and in the

Mideast at large, and it would repair damage with our allies. Quite frankly, we have lost a lot of court decisions. It would give us a better chance to win in court.

What do I mean by starting over? Come up with a disposition plan that understands that the detainees at Guantanamo Bay represent a military threat and apply the law of armed conflict in their cases. That means we have to treat them humanely. The Geneva Conventions now apply to detainees under Common Article 3 held at Guantanamo Bay based on a 2006 Supreme Court decision. We are bound by that convention because we are the leader of the convention. We have signed up to the convention. As a military lawyer for 25 years, I hold the Geneva Conventions near and dear to my heart, as every military member does, because it will provide protections to our troops in future wars. Yes, I know al-Qaida will not abide by the conventions but, quite frankly, that is no excuse for us to abandon what we believe in. When you capture an enemy prisoner, it becomes about you, not them. They don't deserve much, but we have to be Americans to win this war. There are plenty people in this world who would cut your head off without a trial. I want to show the world a better way. How we dispose of these prisoners can help us in the overall ideological struggle.

What I am proposing is that we come up with a comprehensive plan that will reform the military commissions and that the President come back to the Congress and we have another shot at the commissions to make them more due process friendly but we realize that the people we are trying are accused of war crimes and we apply the law of armed conflict.

I have been a military lawyer, as I said, for 25 years. The judges and the jurors and the lawyers who administer justice in a military commission setting are the same people who administer justice to our own troops. It is a great legal forum. You have rights in the military legal system. You get free legal counsel. Usually cost is not an object. The men and women who wear the uniform who serve as judge advocates take a lot of pride in their job. They are great Americans. They are great officers. They believe in justice. We have seen verdicts, and the few verdicts we have had at Guantanamo Bay indicate that our juries are rational. Our military jurors do hold the prosecution to the standards of proof and they balance the interests of all parties. As I say, I have never been more impressed with the legal system than within our military justice system. Military commissions need to be as much like a court-martial as possible, but practicality dictates some differences.

The one thing this body needs to understand is that it is illegal under the Geneva Conventions to try an enemy prisoner in civilian court. Why is that? You are afraid that civilian justice, jurors and judges, will have revenge on their mind. They are not covered by the Geneva Conventions. Participants in a military commission are covered by the convention—every lawyer, every judge, every juror. They have an obligation to hold to the tenets of the convention and any misconduct on their part in a trial could actually result in prosecution to them or disciplinary action, and that would not be true in the legal world. So having these trials in a military commission setting is the proper venue because they are accused of war crimes. Having the trials in military commissions is consistent with the Geneva Conventions. It is a world-class justice system. Quite frankly, it is the best place to balance our national security interests.

But to the hard part. We can do that. We can reform the commissions. Some of these detainees can be repatriated back to third countries in a way I think is rational and will not hurt our national security interests. But there is going to be a group of detainees—maybe half or more—where the evidence is sound and certain that they are a member of al-Qaida, but it is not of the type that you would want to go to a criminal trial with. It may have third country intelligence service information where the third country would not participate in a criminal trial because it would compromise their operations. Some type of evidence would be such that you would not disclose it in a criminal trial because it would compromise national security. You have to remember, when you try someone criminally, you have to prove the case beyond a reasonable doubt. You have to share the evidence with the defendant. You have to go through the rigors of a criminal prosecution. Under a military commission people are presumed innocent, and that is the way it should be. But I want America to understand that we are not charging everyone as a war criminal; we are making the accusation that you are a member of al-Qaida. In military law what you have to do if you are accusing someone of being part of the enemy force is prove by a preponderance of the evidence that you are, in fact, a part of the enemy force.

So what I would propose is to set up a hybrid system. For every detainee once determined to be an enemy combatant by our military or CIA, there will be a process to do that, a combat status review tribunal, and we need to improve that process—but you run each detainee through that process and if the military labels them as an unlawful enemy combatant, a member of al-Qaida, then we will do something we have never done in any other war, and that is allow that detainee to go into Federal court.

Under article 5 of the Geneva Conventions, status decisions are made by the military, not by civilian judges. It is usually done by an independent member of the military in an administrative setting. These are administrative hearings. But this war is different. There will never be an end to this war. We will never have a signing on the Missouri as we did in World War II. I realize that. An enemy combatant determination could be a de facto life sentence. So I am willing to build in more due process to accommodate the nature of this war.

What I have proposed is that every detainee determined to be an enemy combatant by our military would go to a group of military judges with uniform standards where the Government would have to prove to an independent judiciary by a preponderance of the evidence that the person is, in fact, an enemy combatant, and if our civilian judges who are trained in reviewing evidence agree with the military, that person can be kept off the battlefield as long as there is a military threat. About 12 percent of the detainees released from Guantanamo Bay have gone back to the fight. The No. 2 al-Qaida operative in Somalia is a former Gitmo detainee. It is true we put people in Gitmo, in my opinion, where the net was cast too large and they were not properly identified. You are going to make mistakes. What I want to do is have a process that our Nation can be proud of: transparent, robust due process, an independent judiciary checking and balancing the military, but never losing sight that the goal is to make sure that the determination of enemy combatant is well founded and, if it is, not to release people back to the fight knowing they are going to go back and kill Americans. That doesn't make us a better nation, to have a process where you have to let people go when the evidence is sound and clear they are going to go back to the fight. That does not make us a better people. You do not have to do that under the law of armed conflict. Let's come up with a new system that will give every detainee a full and fair hearing in Federal court. If they are tried for war crimes, put them in a new military commission, and every verdict would be appealed to civilian judges. Let the trials be transparent. Balance national security against due process. But never lose sight of the fact that we are dealing with people who have taken up arms against the United States. Some of them are so radical and their hearts have been hardened so much, they are so hate-filled, it would be a disaster to this country and the world at large to let them go in the condition that exists today.

Where to put them. Mr. President, 400,000 German and Japanese prisoners were housed in the United States during World War II, and 15 to 20 percent, according to the historical record, were hardened Nazis. A hardened Nazi is at the top of the pecking order when it comes to mass murder. The idea that we cannot find a place to securely house 250-plus detainees within the United States is not rational. We have done this before. They are not 10 feet tall.

It is my belief that you need a plan before you close Gitmo, and when you look at a new facility, it needs to be run by the military because under the Geneva Conventions you cannot house enemy prisoners in civilian jails.

I look forward to working with the President of the United States to start over, but we need a plan to start over—a plan to try these people, consistent with the law of armed conflict, in a military commission that is reformed, that will administer justice fairly and balanced and will realize that these people present a military threat. We need a system to allow for keeping the detainees off of the battlefield—who are committed jihadists—that will allow them to have their day in court with an independent judiciary but also will allow a process that will keep them off the battlefield as long as they are dangerous. If the judges agree with the military on the enemy combatant, you should have an annual review process to determine whether they present a military threat. No one should be held without a pathway forward, but no one should be released because you think this is a crime we are dealing with.

If you criminalize this war and do not use the law of armed conflict, you are going to make a huge mistake. There are countries that have terror suspects in jail right now that are about to have to release them because under criminal law you cannot hold them indefinitely. Under military law, you can hold the enemy force off the battlefield if they are properly identified as part of that force, as part of the military threat. That has been the law for hundreds of years, and it ought to be the law we apply. Where we put them is important, but what we do with them is more important, how we try them and detain them.

We have a chance to show the world that there is a better way, a chance to showcase our values. Yes, give them lawyers and put the evidence against them under scrutiny. Put burdens on ourselves, make us prove the case—not just say it is so, prove it in a court that is appropriate for the venue we are talking about, appropriate for the decisions we are about to make. Put that burden on us, and treat them humanely because that is the way we are. That may not be the way they are, but that is the way we are. That makes us better than they. The fact that we will do all these things and they won't is a strength of this Nation, not a weakness. Some people in the past have lost sight of that. The fact that we give them lawyers and a trial based on the evidence, not prejudice and passion, makes us stronger.

We will find a better way to do what we have been doing in the past. We will find a way to close Gitmo, and we will come up with a new plan because we are Americans and we are committed to our value system and committed to beating this enemy.

I look forward to working with the Members of this body to come up with a comprehensive disposition plan that will find a new way to try these people, a new process to hold them off the battlefield, and always operating within our values, which will allow our commanders the chance to start over in the region. Every military commander I have talked to said it would be beneficial to this country to start over with detainee policy. They also understand that we are at war and we need to have a national security system.

As to where we put them, there were six prison camps in South Carolina during World War II. There is a brig near the city of Charleston, a naval brig. It is not the location, because it is near a population center. The place I have in mind is an isolated part of the United States—if necessary—that will be run by the military, with a secure perimeter, that will be operating within the Geneva Conventions requirement, that will have a justice system attached to it, that will be transparent and open where we can administer justice and reattach our Nation to the values we hold so dear.

Part of war is capturing prisoners. That is part of war. We know what the other side does when they capture a prisoner. Let the world know that America has a better way, a way that will not only make us safe but help us win this war.

In conclusion, the goal of this effort to start over is to undermine the enemy's propaganda that has been used against us because of our past mistakes, allow our allies to come join us in a new way forward, and protect us against a vicious enemy that needs to be held off the battlefield, maybe forever. Some of these people are literally going to die in jail, and that is OK with me because I think the evidence suggests that if we ever let them out, they would go back to killing Americans, our friends, and our allies. I will not shed a tear. The way to avoid getting killed or going to jail forever is, not to join al-Qaida. If you have made that decision to do so, let it be said that this Nation is going to stand up to you and fight back, within our value system. Some of these people will never see the light of day, and that is the right decision. Some of them can be released.

Let's have a process that understands what we are trying to do as a nation. Make sure it is national security oriented, make sure it is within our value system but also that everything we do is as a result of a nation that has been attacked by these people. They have not robbed a liquor store; they have tried to destroy our way of life. The legal system I am proposing recognizes that distinction.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, I rise to express my strong support for the Inouye-Inhofe amendment and suggest to my colleagues that this should not be a controversial amendment. In fact, I commend my colleagues on the Democratic side for recognizing the futility of trying to put funding in the bill that we are debating here without having a plan with which to close Guantanamo Bay.

It seems to me, at least, that a lot have gotten up and argued that having Guantanamo Bay open as a detention facility makes our country less safe. I argue the contrary. That didn't exist prior to 9/11, and we were attacked anyway. The people who want to attack us don't need an excuse; they are going to attack us anyway. They are going to attack us because they hate us and they hate our way of life and the things we stand for and because that is what they do. They have hate in their hearts. I believe we need to have a place where we can detain people like that. It seems to me at least that the Guantanamo Bay facility fits perfectly within the definition of what makes sense. It is a state-of-the-art facility, a $200 million facility. Nobody has ever escaped from it. It is a very secure facility. It is hundreds of miles away from American communities.

One thing I point out to my colleagues is that we have already expressed our view here in the Senate about whether these detainees ought to be transferred somewhere here into American society and into facilities in American communities and neighborhoods. In July of 2007, we took a vote in the Senate, and by a vote of 94 to 3, the Senators voted in favor of a resolution that would prevent these detainees from coming here—being released into American society or transferred into facilities in American communities and neighborhoods. Those in favor of that resolution at the time included both the current Vice President of the United States and the current Secretary of State.

My hope would be that this amendment offered by the Senator from Oklahoma and the Senator from Hawaii will receive that same measure of support that was accorded to the amendment adopted in the Senate in July of 2007 by a vote of 94 to 3. This amendment should receive that same measure of support.

As I noted last week in a speech on the floor, President Obama told us, when he issued his January 22 Executive order to close Guantanamo, that he would work with Congress on any legislation that might be appropriate. Instead of consulting Congress, the President asked for $80 million to close Guantanamo, with no justification or indication of any plan.

I believe any plan to close Guantanamo that includes bringing these terrorists into the United States is a mistake. We don't want the killers who are held there to be brought here into our communities.

It is deeply troubling that not only does the Obama administration wish to hold open the possibility that some detainees might be transferred to facilities in American communities, it is

even considering freeing some of them into American society. These are the 17 Chinese Uighers whose Combat Status Review Tribunal records were deemed insufficient to support the conclusion that they are enemy combatants but who cannot be returned to China because of fear that the Chinese Government will torture or kill them.

At a press conference on March 26, ADM Dennis Blair, the Director of National Intelligence, said this:

If we are to release them [the Uighers] in the United States, we need some sort of assistance for them to start a new life.

It is hard to believe that this administration is seriously considering freeing these men inside the United States and, most outrageous of all, paying them to live freely within American communities and neighborhoods. The American people don't want these men walking the streets of America's neighborhoods.

The American people don't want these detainees held in a military base or a Federal prison in their backyard either. These are not common criminals; these are hardened killers bent on the destruction of the United States. They are resourceful, these people are innovative, and they understand the strategic vulnerabilities of the United States and how to exploit those very vulnerabilities. Who would have predicted that this group of people would basically be able to steal a fleet of planes and cause death and destruction on the scale and magnitude of Pearl Harbor? It is hard to imagine a more dangerous set of circumstances to put upon an American community.

Since President Obama seems set on a course to bring terrorists into the United States, I strongly support the efforts of Senators INHOFE and INOUYE to introduce this amendment. The amendment would prevent any funding in the bill from being used to transfer detainees held at Guantanamo Bay to any facility in the United States or to construct, improve, modify, or otherwise enhance any facility in the United States for the purpose of housing any Guantanamo detainees.

If we must close Guantanamo Bay, it should not result in Americans being less safe. Bringing these detainees to the United States would make Americans less safe, and we should not do it.

Transferring these detainees would also stress the civilian governments in the communities where the detainees would be placed. They would be faced with overwhelming demands, from roadblocks to identification checks, along with having the increased security personnel necessary to deal with what is an obvious threat. The value of homes and businesses would decline.

I can tell you that South Dakotans definitely don't want these detainees in their State. I hope my support of the Inouye-Inhofe amendment will help to ensure that they will not be transferred to South Dakota or to anywhere else in the United States.

My view is that no Guantanamo detainee should be brought to this country to be incarcerated and certainly should not be brought into the United States and freed. The Senate has clearly spoken on that front, as I said, by a vote of 94 to 3 on a resolution, in July 2007, that detainees housed at Guantanamo Bay should not be released into American society and not transferred stateside into facilities in American communities and neighborhoods.

Guantanamo is secure. The facility is a $200 million state-of-the-art prison. No one has ever escaped, and the location makes it extremely difficult to attack. Best of all, it is located hundreds of miles from American communities. If the President wants to close Guantanamo, he must do so in a way that keeps America safe. In my view, America is less safe if Guantanamo detainees are brought into the United States.

I appreciate the hard work of Senator INHOFE and Senator INOUYE on this issue. I hope when we have the vote today, my colleagues will adopt this amendment with the same level of support that we adopted the resolution back in July of 2007 by a vote of 94 to 3, stating very clearly that it is the view of the Senate that these detainees should not be brought into American communities, into American neighborhoods. I would argue they ought to be held right where they are, in a place that is safe, that is secure, that is state of the art, where they receive the very best of treatment, where no one has ever escaped, hundreds of miles away from American communities and neighborhoods.

I hope my colleagues will support this amendment.

I yield the floor. I suggest the absence of a quorum, and I ask unanimous consent that the quorum call be charged equally to both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. 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. DURBIN. Mr. President, it is my understanding that we are on the supplemental appropriations bill at this point.

The ACTING PRESIDENT pro tempore. That is correct.

Mr. DURBIN. Mr. President, I want the record to show that I support President Obama's supplemental request for the remainder of fiscal year 2009. This supplemental provides critical funding for military and security efforts in Afghanistan, Pakistan, and Iraq. A small portion is for international programs, including assistance to Jordan, one of our important allies in the Middle East. Jordan is struggling with a huge influx of Iraqi refugees that strains its national services and particularly its water resources. Jordan has been a friend and ally, and it is right that in the supplemental bill we give them a helping hand because the war in Iraq has created a situation which we should address in Jordan.

It also provides additional support to the Global Fund which partners with other nations to tackle AIDS, tuberculosis, and malaria. I have worked with my colleagues for years to provide adequate funding for the Global Fund. I am glad this supplemental request from the Obama administration continues critical food assistance to help meet urgent needs of the world's poorest, which is also included. Funding is provided to help stem the flow of drugs and violence across our border in Mexico.

At home, the supplemental includes money to prepare and to respond to a global disease pandemic, including the recent H1N1 virus. This $1.5 billion went through my subcommittee and is money well spent so the President can have resources to respond quickly to any outbreak of disease or pandemic; that we would have adequate money for vaccinations, as well as providing medications, should people be stricken. We are looking ahead, planning ahead, thinking ahead, hoping the H1N1 will disappear from the world scene before the next flu season but being prepared if it does not or if something else threatens us.

This bill also provides funds critical to helping President Obama meet a key campaign promise—bringing an end to the war in Iraq. In late February, President Obama made an important announcement to thousands of marines at Camp Lejeune: bringing an end to the war in Iraq. After only 5 weeks into office, he delivered on his major campaign promise to end one of the longest wars in American history.

The President's plan is measured, thoughtful, and will bring an end to this costly and unnecessary war. The supplemental also wisely shifts resources to the real sources of the September 11 attacks on America—Afghanistan. For too long, this war in Afghanistan did not receive adequate civilian and military resources as they had been diverted to the war in Iraq. The supplemental corrects this mistake.

It also focuses resources on Pakistan, a nuclear-armed nation struggling with insurgents based in the border area with Afghanistan. It provides pay and allowances to our brave men and women in the U.S. military. These are some of the many important needs which deserve our support.

The President should be commended for recently presenting a budget for 2010 which moves away from repeated supplementals. This got to be a habit around here. We didn't go through an orderly debate on the budget about wars. Every time President Bush wanted money for a war, he said: I am declaring this an emergency. It will not be considered in the ordinary budget process. Here it is.

An emergency is defined as something unanticipated. After 5 or 6 years

of emergencies, you begin to realize you can anticipate next year we are going to have another unanticipated emergency.

This President, President Obama, wants to change that so that we go to an orderly budget process. This supplemental bill will be the last of the requests, and I think it is one we should honor as he tries to tackle some situations that were given to him when he took office just a few months ago. The President inherited many challenges at home and abroad, and I hope, on a bipartisan basis, we can help him address them.

This supplemental appropriations bill will provide critical funding for our troops in Afghanistan and Iraq, and I hope Congress passes it.

Unfortunately, my colleagues on the other side of the aisle have decided to use this legislation to open a debate about the future of Guantanamo. They have filed a number of amendments related to this issue. I am sure it is not their intention, but these amendments will have the effect of slowing down delivery of critical funding for our troops. Nevertheless, it is their right to offer these amendments, and though they are not germane to this legislation, they raise policy questions which we can debate.

Senator INOUYE, the chairman of the Appropriations Committee, has offered an amendment, which has broad support on both sides of the aisle, that will eliminate any funding in this bill for closing Guantanamo and make clear that none of the funds in this bill can be used to transfer Guantanamo detainees to the United States.

Here is the bottom line: There will not be any Guantanamo funding in this bill. So for the Republicans to bring up a series of Guantanamo amendments tells me they are more intent on raising an issue than on responding to the critical need this supplemental addresses.

These amendments are also premature. President Obama has not yet presented his plan for closing Guantanamo to the Congress and the American people. When he does, we will have plenty of opportunity to debate it. This bill, which will provide critical funding for our troops, is not the right place for this debate. This is not the right time. In fact, some of the amendments would have the effect of tying President Obama's hands, preventing him from moving forward with the closure of Guantanamo before he has even had the chance to present his plan.

There is a great irony here. For 8 long years, Republicans opposed congressional oversight of the Bush administration's counterterrorism efforts. When Democrats in the minority during the Bush years would ask for oversight by congressional committees so that we could get more information about a variety of issues relative to terrorism, we were told: No, the President has an important job to do and don't bother him, Congress; leave him alone.

For 8 years, Republicans criticized Democrats who asked questions about the misguided war in Iraq and controversial policies related to interrogation, detention, and warrantless surveillance.

For 8 years, they claimed congressional oversight was nothing more than micromanaging the important and critical work of the Commander in Chief.

Now, after 8 long years, the Republicans are unwilling to give President Obama a few short months to formulate and present a plan for closing Guantanamo.

Let's take one example. The distinguished minority leader, Senator MCCONNELL, has offered an amendment that would require the President to submit a detailed report to Congress on each detainee at Guantanamo Bay, including a summary of the evidence against each detainee.

For many years, the Bush administration refused to provide Congress with even a list of the names of the detainees at Guantanamo. They claimed that a disclosure of those names would threaten national security. I don't recall Senator MCCONNELL or anyone from his side of the aisle protesting this lack of disclosure by the previous administration.

Yesterday, Senator MCCONNELL said his amendment is designed to prevent released Guantanamo detainees from getting involved in terrorism. He said:

> Recidivism is of great concern for those of us who have oversight responsibilities here in Congress.

I do not recall Senator MCCONNELL, or any other Republican, protesting when the Bush administration, over the course of many years, released hundreds of Guantanamo detainees, some of whom have actually been involved in acts of terrorism since they were released.

So during the Bush years, while Guantanamo was churning hundreds of detainees, some being released and returned to their countries, there was not a whimper or a peep from the Republican side of the aisle. Now that President Obama has said the days of Guantanamo are numbered, they are coming in asking for detailed accounting of every single detainee. It is clearly a double standard.

There is also concern that the McConnell amendment could taint prosecutions of Guantanamo detainees by requiring the Obama administration to turn over critical evidence to Congress. Imagine for a moment that we gathered evidence that can be used successfully to either detain or prosecute one of the detainees, and Senator MCCONNELL insists that it be shared with Members of Congress. Is that in the interest of national security? I don't think so.

For 7 years after the 9/11 attacks, the Bush administration failed to convict any of the terrorists who planned these attacks. At President Obama's direction, career prosecutors are now reviewing the files of each Guantanamo detainee and gathering evidence to determine if each detainee can be prosecuted. Isn't that what we want, an orderly process looking at each detainee to determine whether they are guilty of wrongdoing, deciding whether they can be prosecuted, whether they should be detained and doing this with the understanding that a lot of the information is classified and most of it should be carefully guarded so as not to jeopardize the prosecution?

The McConnell amendment would say: Let Congress take a look at each detainee and all the evidence. That does not make sense, and I hope Members of the Senate will reject it.

The last thing Congress should do is interfere with the efforts of the Obama administration to gather evidence against terrorists that could ultimately bring them to justice.

There is another amendment. Senator JOHN CORNYN of Texas has an amendment that has 18 detailed findings about the Bush administration's use of abusive interrogation techniques, such as waterboarding.

Among other things, the Cornyn amendment claims these techniques ''accomplished the goal of providing intelligence necessary to defeat additional terrorist attacks against the United States.'' To say the least, we could debate that proposition for quite some time.

Former Vice President Cheney has been burning up the cable channel airwaves in recent weeks. He claims waterboarding produced valuable intelligence in the interrogation of al-Qaida leader Abu Zubaydah. But back in 2004, Vice President Cheney also told us the Bush administration had learned from interrogations at Guantanamo that the Iraqi Government had trained al-Qaida in the use of biological and chemical weapons. We now know there was no such link between al-Qaida and Iraq. This was part of the justification for the invasion of Iraq, and Vice President Cheney told us the interrogation at Guantanamo was producing the information to confirm a link that never existed.

What about Abu Zubaydah? Just last week in the Judiciary Committee we heard testimony from a former FBI agent who actually interrogated him. He testified under oath in our committee that he obtained valuable intelligence from Abu Zubaydah using traditional interrogation techniques and that abusive techniques, such as waterboarding, are ''harmful, slow, ineffective, and unreliable.''

Senator CORNYN does not serve on the Intelligence Committee. I don't know the basis for his claim that waterboarding produced intelligence that prevented terrorist attacks. I do know the Intelligence Committee, under Senator DIANNE FEINSTEIN's leadership, is now conducting a detailed, thoughtful, and thorough investigation into the Bush administration's detention and interrogation practices.

I have said publicly—others have said it as well, including the majority leader, Senator REID—that before we talk about creating an outside commission, the Senate Intelligence Committee should be allowed to do its work so Members of Congress can at least learn, through open and classified information, what did happen. But Senator CORNYN can't wait. Senator CORNYN wants to pass out ''get out of jail free'' cards to the previous administration before we even have a thorough examination of what happened.

One of the things the Intelligence Committee is reviewing is the effectiveness of these techniques in obtaining useful intelligence. The Senate is certainly not in a position today to go on record with conclusions such as those in Senator CORNYN's amendment before the Intelligence Committee even completes its investigation. It is not only premature, it certainly is questionable as to whether we should be engaged in this debate until their work is done.

I might remind Senator CORNYN, and those following this debate, that the Intelligence Committee is a bipartisan committee. It works in a bipartisan fashion. Senator BOND and Senator FEINSTEIN and others can continue to work together to come to good conclusions, to provide the Senate with good evidence, before we jump at the Cornyn amendment, which reaches conclusions not based on fact.

Senator CORNYN's amendment would also express the sense of the Senate that no one involved in authorizing the use of abusive interrogation techniques, such as waterboarding, should be prosecuted or sanctioned. It is inappropriate for Congress to interfere in ongoing investigations by the Justice Department.

During the Bush administration, political interference significantly undermined the credibility and effectiveness of the Justice Department. Attorney General Holder has pledged to restore the integrity and the independence of that department.

There are two ongoing investigations into the Bush administration's interrogation practices. One investigation is looking into the CIA's destruction of evidence of interrogation videotapes. The other is an investigation of Justice Department attorneys who authorized abusive techniques such as waterboarding.

Here is the reality: Both of these investigations didn't begin under President Obama. They began under the Bush administration. Both are being conducted by Department of Justice attorneys. So the suggestion that this is some partisan witch hunt is obviously false.

You wonder, with these two Department of Justice investigations underway and with the Senate Intelligence Committee doing a thorough investigation of this subject, why does Senator CORNYN want to come to the floor and have the Senate go on record saying that nothing possibly could have been done that was illegal or wrong? That would be the height of irresponsibility, should we pass that amendment.

Decisions about whether crimes were committed should be made by career prosecutors based on the facts and the laws, not political considerations or statements made by Senators on the floor without evidence to back them up. I urge my colleague from Texas to withdraw his amendment and allow the Justice Department to do its work.

There is an organization which I like and respect very much called Amnesty International. When you take a look at JOHN CORNYN's amendment, he would qualify for some amnesty award because he wants the Senate to go on record offering amnesty when it comes to the interrogation of detainees by not only—and let me go through the list—any person who relied in good faith on those opinions at any level of our Government, but also it includes Members of Congress who were briefed on the interrogation program.

To offer this kind of a statement ahead of time, without any gathering of evidence or fact, is, in my mind, an indication of how nervous some people are on the other side of the aisle. We should let this run its course in a professional manner. We shouldn't make a political decision, and we should defeat the Cornyn amendment.

Several of my Republican colleagues came to the floor yesterday to criticize President Obama's intention to close Guantanamo and argue it should remain open. I listened carefully to their arguments, and, frankly, there were enough red herrings to feed all the detainees at Guantanamo.

One of my colleagues said President Obama wants to close Guantanamo ''to be more popular with the Europeans.''

Well, I know President Obama. I served with him. He was my colleague in the Senate. His first interest is the United States and its safety. But the safety of the United States also involves being honest about what has happened. What happened at Abu Ghraib and what happened at Guantanamo has sullied the reputation of the United States and has endangered alliances which we have counted on for decades. President Obama is trying to change that. By closing Guantanamo and responsibly allocating those detainees to safe and secure positions, he is going to send a message to the world that it is a new day in terms of America's foreign policy.

The American people want to see that. They want a safer world and believe that if the United States can work closely with our allies around the world who are opposed to terrorism, we will be safer. That is what President Obama is setting out to do. Some of those allies may, in fact, be European. They may be African or Asian. They could be from all corners of the Earth. But if they share our values and want to work for common goals, President Obama wants to work with them.

GEN Colin Powell and many other military leaders have said for some time that closing Guantanamo will make America safer. Experts say Guantanamo is a recruitment tool for al-Qaida and hurts our national security. That is why President Obama, like President Bush, Senator JOHN MCCAIN, and many others, wants to close Guantanamo.

Some of my Republican colleagues argued that Guantanamo is the only appropriate place to hold the detainees because ''we don't have a facility that could handle this in the United States'' and American corrections officers would ''have no idea what they are getting into.'' Well, I would say to my colleagues who made those statements that they ought to take a look at some of our secured facilities in the United States and they ought to have a little more respect for the men and women who are corrections officers, who put their lives on the line every single day to keep us safe and who make sure those who are dangerous are detained and incarcerated.

The reality is, we are holding some of the most dangerous terrorists in the world right now in our Federal prisons, including the mastermind of the 1993 World Trade Center bombing, the ''shoe bomber,'' the ''Unabomber,'' and many others.

Senator MCCONNELL said yesterday, ''No one has ever escaped from Guantanamo.'' Well, that is true, to the best of my knowledge. But it is also true that no prisoner has ever escaped from a Federal supermaximum security facility in the United States.

In fact, the Bureau of Prisons is currently holding 347 convicted terrorists. Is Senator MCCONNELL going to come to the floor and say they should be moved from these Federal correctional facilities because they pose a threat to the United States being incarcerated in the continental United States? I haven't heard that. But in his efforts to keep Guantanamo open at any cost, he wouldn't even consider allowing a detainee to be brought to the United States for trial and being held, even temporarily, in any type of secure facility.

Republicans are criticizing the President, but the reality is, they do not have a plan themselves to deal with Guantanamo. I assume, from Senator MCCONNELL's statements, he would leave it open. He doesn't care about the impact this might have on the United States around the world. If he has a plan to close it, I would like to hear it. I think he ought to come forward and join with President Bush, join with President Obama, join General Powell, join Senator MCCAIN, Senator GRAHAM, and others who have said Guantanamo should be closed. Otherwise, unfortunately, he is being critical of the President's intentions without producing his own approach.

The Bush administration had many years to deal with Guantanamo, but they didn't follow through. President

Obama has taken on the challenge of solving one of the toughest problems his administration faces, beyond the state of our economy. The President is taking the time to carefully plan for the closing of Guantanamo, with the highest priority being the protection of America's national security.

I urge my Republican colleagues to withdraw these Guantanamo amendments. These amendments don't fit in the supplemental appropriations bill. They tie the President's hands and keep him from making the necessary decisions to keep us safe and to make sure terrorists do not, in any way, threaten the United States. They also slow down our efforts to provide critical funding for our troops in Afghanistan and Iraq.

I hope when this matter comes before the Senate in the hours ahead, my colleagues will read carefully and closely, particularly the amendments by Senator CORNYN and by Senator MCCONNELL. The amendment by Senator CORNYN, which grants a sense-of-the-Senate amnesty to those who were involved in interrogation techniques, is not consistent with a nation that is guided by the rule of law. For that Senator to make conclusions in his amendment that have not been supported by evidence and fact should be grounds enough for us to reject his amendment.

I don't know where these investigations in the Department of Justice or the Intelligence Committee will lead, but if we are truly sworn to uphold the Constitution and the laws of our land, we should allow them to run their course with the facts and law being honestly considered by those different panels.

Senator MCCONNELL's amendment, which asks for more detailed information about detainees at Guantanamo than any Republican ever dared ask under the Bush administration, could jeopardize the prosecution of terrorists. Is that a good idea? It is certainly not. I certainly hope my colleagues will join me in opposing the McConnell amendment as well.

I yield the floor.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from Virginia.

Mr. WEBB. Mr. President, I ask unanimous consent to speak with respect to an amendment I have filed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEBB. Mr. President, I have filed an amendment to this supplemental appropriations bill which is designed to put more transparency and more measurable control factors into the way we are spending these appropriations with respect to the situation in Pakistan.

I would begin by saying I have a great deal of concern, as do many Members of this body, with respect to the achievability of some of the strategic objectives that have been laid out by the new administration. We are still looking for clear and measurable end points to the strategy itself. At the same time, I believe the new administration deserves an opportunity to attempt to bring a greater sense of stability into that region. It is a big gamble.

As I mentioned to General Petraeus when he was testifying, and as I mentioned to other witnesses before the Armed Services and the Foreign Relations Committee, the biggest gamble we face with respect to the policies that have been announced in Afghanistan and Pakistan are that we are basically allowing ourselves to be measured by unknowns, over which we have no real control. In Afghanistan, this is very clear, when we put as one of our objectives the creation of an Afghani national army. I asked General Petraeus if he could tell me at what point in the Afghan history has there ever been a viable national army, and the answer is, except for a period of about 30 years when the Afghanis were sponsored by the Soviets, there was no viable national army. And even there it was not one you would measure in the same context of what we are saying we are going to attempt to achieve. So that puts our success in the hands of a rather speculative venture but one I hope we can achieve in some form.

I would also point out an article in the New York Times today, which points out there was a good bit of American weaponry ammunition found in the aftermath of battle between the Taliban and American forces, which shows there are munitions that were procured by the Pentagon that now seem to be in the hands of the troops who are fighting against Americans. I would point out that is not unusual for this region. When I was Secretary of the Navy more than 20 years ago, one thing we were seeing in the Persian Gulf, with the Iranian boghammers attempting to attack our vessels, was that some of the rocket-propelled grenades that were found in these boghammers actually could be traced back to weapons we had given the Afghani anti-Soviet fighters in Afghanistan. It is a common occurrence in this region.

The question is, How we can minimize those sorts of occurrences?

With respect to Pakistan, the situation is even more difficult.

We have very few control factors in Pakistan in terms of where our money goes when we send it in or what happens to our convoys that go through Pakistan on the way to Afghanistan. Eighty percent of the logistical supplies that go to Afghanistan go by ground through Pakistan. We cannot defend those convoys. We have had many occurrences since last summer where they have been interrupted, where they have been attacked, trucks have been destroyed, and other vehicles have been stolen, et cetera.

In Pakistan there are a number of reputable observers who point out that some elements in the Pakistani military, particularly in their intelligence services, actually have continued to assist the Taliban. Because of—No. 1, the vulnerability of our supply routes; No. 2, the instability of the Government itself, obviously which we are attempting to assist; and No. 3, the focus of Pakistan in terms of its principal national security objectives as being India rather than Afghanistan itself—that leads to a situation where we must have a measurable source of control and accountability over the money we are going to appropriate to assist the situation in Pakistan as it relates to international terrorism, the future stability of Pakistan, and attempting to defeat al-Qaida.

With all that in mind, I asked a series of questions last week in the Armed Services Committee to Admiral Mullen, the Chairman of the Joint Chiefs of Staff. This basically was the line of questioning. First, do we have evidence that Pakistan is increasing its nuclear program in terms of weapon systems, warheads, et cetera? Admiral Mullen gave me a one-word answer—yes. I declined to pursue that answer because I didn't believe that was the appropriate place to have a further discussion. But I did say, and I believe now, this should cause us enormous concern at a time when we are having so much discussion in this country about the potential that Iran would obtain nuclear weapons, where Pakistan, an unstable regime in a very volatile part of the region, not only possesses nuclear weapons but is increasing its nuclear weapons program.

I then asked Admiral Mullen: Can you tell me what percentage of the $12 billion that has gone to Pakistan since 9/11 has gone toward its defense measures related to India or to other areas that are not designed to address directly the terrorist threat or the activities of the Taliban? The answer was we do not know. No. We cannot measure those with any degree of validity because of the opaqueness in the Pakistani Government.

I then asked him: Do we have appropriate control factors, in terms of where future American money will go? Secretary Gates indicated there were improved control factors, but we do not have the control factors in Pakistan as now exist even in countries such as Afghanistan, with all the difficulties in that country.

With all of that in mind, I drafted a simple amendment. I hope this can go into the managers' package. I believe all of us who are going to step forward right now and attempt to assist the administration can agree that what we should have is a simple statement from the Congress, from the appropriators, that none of the funds we are appropriating could be used for either of these two purposes—No. 1, to support, expand, or in any way assist the development or deployment of the nuclear weapons program of the Government of Pakistan; or, No. 2, to support programs for which these funds in the appropriations act have not been identified.

It is a very simple amendment. It simply says no money will go directly or indirectly to assist Pakistan's nuclear weapons program; No. 2, no money will be spent in any way other than the way we have identified it in this program and that the President must certify this and must come back every 90 days and recertify whether any funds have been appropriated for those purposes.

I hope the managers of this bill can accept this amendment. If not, I will seek a vote on the floor.

I yield the floor.

AMENDMENT NO. 1144

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I rise to speak about amendment No. 1144, the Protecting America's Communities Act, which I am offering to H.R. 2346, the supplemental appropriation bill.

Before I begin my comments, I ask unanimous consent to add Senator COBURN as an original cosponsor of S. 1071, which is a collateral stand-alone bill, as well as a cosponsor to amendment No. 1144.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, this amendment amends immigration law to prohibit any detainee held at Guantanamo Bay Naval Facility from being transferred or released into the United States. It is a little bit different from the vote we are going to be taking at 11:30.

There are over 240 terrorists in U.S. custody at the military detention facility in Guantanamo Bay, Cuba. Let me just describe some of the individuals who reside at Guantanamo. Khalid Sheikh Mohammed—or KSM—is the self-proclaimed, and quite unapologetic, mastermind of the 9/11 attacks. KSM admitted he was the planner of 9/11 and other planned, but foiled attacks against the U.S. In his combatant status review board, he admitted he swore allegiance to Osama bin Ladin, was a member of al-Qaida, was the military operational commander for all foreign al-Qaida operations, and much more. KSM and four other detainees, who are charged with conspiring to commit the terrible 9/11 attacks, remain at Guantanamo.

In addition, Gitmo uses Abd al-Rahim al-Nashiri who was responsible for the October 2000 USS Cole bombing which murdered 17 U.S. sailors and injured 37 others. Also residing a Gitmo are Osama bin Ladin's personal bodyguards, al-Qaida terrorist camp trainers, al-Qaida bombmakers, and individuals picked up on the battlefield with weapons trying to kill American soldiers—our young men and women who patriotically serve their country. The detainees at Guantanamo are some of the most senior, hardened, and dangerous al-Qaida figures we have captured.

These are exactly the type of individuals we hope never get past our front lines and enter into the United States. However, as one of his very first acts in January, President Obama ordered the closure of Guantanamo, but 4 months later he still does not have a plan to accomplish this. Officials in his administration have stated publicly that some of these detainees could be brought to the U.S., and some could even be freed into the United States.

The disposition of the detainees at Gitmo is not a new issue. Over the past several years, the military has transferred the majority of detainees held at Gitmo to other countries. However, the success of these transfers is mixed at best. According to a Defense Intelligence Agency report from December 2008, 18 former detainees are confirmed and 43 are suspected of returning to the fight after being released from Guantanamo. This represents a recidivism rate of over 11 percent. Just two months later this rate rose to 12 percent. These individuals do not even represent the most serious and dangerous terrorists we have captured. The most dangerous detainees remain at Gitmo. This data has likely risen since December, but the Department of Defense refuses to release the information under instructions from the administration. If we start to release or transfer the most hardened terrorists left at Gitmo, these numbers will only increase further.

One thing that is clear: we know that these detainees have remained loyal to al-Qaida and Osama bin Ladin despite being captured and remain a danger to our national security. We have statements from detainees avowing it is their goal to kill Americans, claiming that they ''pray every day against the United States.'' Al-Qaida searches every day for operatives who can evade our enhanced security mechanisms in its quest to commit another attack against our homeland. It is important to remember that most detainees held at Guantanamo were captured on the battlefields in Afghanistan or Iraq and were determined to be a threat to our Nation's security. Whatever their ties to terrorists groups or activities, these individuals should never be given the privilege of crossing our borders, even if incarcerated. To do so would be nothing short of an invitation for al-Qaida to operate inside our homeland. KSM and other high value detainees at Gitmo are no different, and do not conceal their intent to harm Americans if given the chance.

My amendment would prevent those terrorists at Gitmo from having that chance. Article I, section 8 of the Constitution grants Congress the right to ''establish a uniform rule of naturalization.'' The Supreme Court has determined that the power of Congress ''to exclude aliens from the United States and to prescribe the terms and conditions on which they come in'' is absolute. My legislation capitalizes on the clear and absolute authority of Congress to determine who enters our borders by first adding to the list of those inadmissible to the United States those detained at Gitmo as of January 1 of this year.

However, because Congress delegates to the executive branch parole authority, this administration could still bring those terrorists detained at Gitmo into the United States. Parole authority is granted to the Attorney General to allow aliens, who are otherwise not qualified for admission to the U.S., permission to enter our country on a case-by-case basis—essentially a waiver for those otherwise inadmissible. Although aliens paroled into the U.S. are not considered ''admitted'' for purposes of our immigration laws, they are within the borders of our country and therefore become eligible to apply for asylum or seek other legal protections.

To deal with this, my legislation also eliminates parole authority for the executive branch as it pertains to those individuals detained at Gitmo as of January 1, 2009. As such, there is no basis for President Obama to allow these detainees to be transferred to U.S. soil.

The Protecting America's Communities Act also provides protections for American citizens in the event President Obama decides to try to exercise some other authority to bring these Gitmo detainees to the U.S., such as the authority granted to him via Article II of our Constitution. Again, we know that if the detainees were transferred to the U.S., they would seek legal protection under the generous legal rights our Constitution grants our citizens. However, our courts and our legal system were not established to try individuals detained on the battlefield. Because of the nature of the global war on terror and evidence gathered against them from the battlefield or through intelligence, the detainees are unlikely to be suitable for prosecution within the U.S. criminal courts. There is no ''CSI Kandahar'' in which evidence picked up off the battlefield is carefully marked and the chain of custody is observed.

There is too much at stake to grant the unprecedented benefit of our legal system's complex procedural safeguards to foreign nationals who were captured outside the United States during a time of war. Allowing these terrorists to escape conviction—or worse yet, to be freed into the U.S. by our courts—because of legal technicalities would tarnish the reputation of our legal system as one that is fair and just. Prohibiting the detainees from entering into the U.S., as the Protecting America's Communities Act does, is one small step in the right direction.

Further, if these individuals were to be brought to the U.S. by President Obama to be tried on our Article III courts and not convicted, the only mechanism available to our Government to continue to detain these individuals would be via immigration law. However, the current immigration laws

on our books are insufficient to ensure that these detainees would be mandatorily detained and continued to be detained until they can successfully be removed from our borders.

Although I am adamantly opposed to bringing any of these detainees to the U.S., and I do not believe the President has independent authority to do so, I believe we need legislation to safeguard our citizens and our communities in the event they are brought here. To that end, my legislation makes mandatory the detention of any Gitmo detainees brought to the U.S.

It also strengthens and clarifies the authority of the Secretary of the Department of Homeland Security to detain any of the Gitmo detainees until they can be removed. This statutory fix is needed because in 2001, the Supreme Court decided the case of Zadvydas v. Davis, holding that unless there is a reasonable likelihood that an alien being held by the Government will actually be repatriated to their government within a given period of time, that alien must be released and cannot be detained by the U.S. Government for more than 6 months.

We all know a major issue facing our country in dealing with those folks detained at Gitmo is finding a country to take them. For example, there are 17 Chinese Uighurs being held at Gitmo who have been cleared for transfer to another country. However, the United States will not send them back to China for fear they might be treated unfairly by the Chinese Government. No other country to date is willing to take them. Therefore, my legislation provides authority to the Secretary of Homeland Security to continue to detain these individuals and provides for a periodic review of their continued detention until they can safely be removed to a third country.

In addition, my legislation prohibits any of those individuals detained at Gitmo from applying for asylum in the event they are brought here. Now, there are a number of other proposals to prohibit funding from being used to transfer to or detain the Gitmo terrorists in the United States—I am going to support those provisions—but those are not permanent. Those will have to be renewed annually. Congress would have to maintain this prohibition in all future spending bills.

Although I do believe this is a good short-term solution, and I support those measures, I want to be confident that Congress does not drop the ball in the future. We need a more permanent solution to this problem, and the Protect America's Communities Act provides exactly that.

I urge the President to develop a policy that would allow closure for the families of the victims of 9/11 that will prevent terrorists from stepping foot on U.S. soil and will keep them off the battlefield where they will attempt to kill our men and women in future combats.

However, we cannot wait for the President to assure us that none of these detainees will be brought to America. The stakes are too high, and in order to maintain the highest degree of security and safety in our country, we need to adopt the Protect America's Communities Act to ensure that they never step foot inside of our Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I rise to give some views on Guantanamo. I have had the privilege of serving with the distinguished Senator who has just concluded his remarks on the Intelligence Committee of the Senate. But I strongly disagree with him. I would like to have the opportunity to make the case.

First of all, Guantanamo is not sovereign territory of the United States. Under a 1903 lease, however, the United States exercises complete jurisdiction and control over this naval base.

In December 2001, the administration decided to bring detainees captured overseas in connection with the war in Afghanistan and hold them there outside of our legal system. That was the point: To hold these detainees outside of the U.S. legal system.

This was revealed in a December 2001 Office of Legal Council memorandum by John Yoo of the Justice Department.

He wrote this:

> Finally, the Executive Branch has repeatedly taken the position under various statutes that [Guantanamo] is neither part of the United States nor a possession or territory of the United States. For example, this Office [Justice] has opined that [Guantanamo] is not part of the ''United States'' for purposes of the Immigration and Naturalization Act . . . Similarly, in 1929, the Attorney General opined that [Guantanamo] was not a ''possession'' of the United States within the meaning of certain tariff acts.

The memo concludes with this statement:

> For the foregoing reasons, we conclude that a district court cannot properly entertain an application for a writ of habeas corpus by an enemy alien detained at Guantanamo Bay Naval Base, Cuba. Because the issue has not yet definitively been resolved by the courts, however, we caution that there is some possibility that a district court would entertain such an application.

This set the predicate for Guantanamo: Keep these individuals outside of the reach of U.S. law, and set up a separate legal system to deal with them.

Now, was this right or wrong? It was definitively wrong, because since then the Supreme Court has rejected this position in four separate cases.

First, in Rasul v. Bush in 2004, the court ruled that American courts, in fact, do have jurisdiction to hear habeas and other claims from detainees held at Guantanamo.

Second, in Hamdi v. Rumsfeld, also in 2004, the Court upheld the President's authority to detain unlawful combatants, but stated that this authority was not ''a blank check.'' In particular, the Court ruled that detainees who were U.S. citizens, such as Yasser Hamdi, had the rights that all Americans are guaranteed under the Constitution.

Third, in Hamdan v. Rumsfeld in 2006, the Court declared invalid the Pentagon's process for adjudicating detainees and extended to Guantanamo detainees the protection from cruel, inhuman, and degrading treatment found in Common Article Three of the Geneva Conventions.

The administration responded by pushing through Congress the Military Commissions Act. This legislation expressly eliminated habeas corpus rights and limited other appeals to procedure and constitutionality, leaving questions of fact or violations of law unresolvable by all Federal courts. This happens nowhere else in American law. But this Military Commissions Act was enacted in the fall of 2006.

That law was then challenged through the courts and overturned in the final Supreme Court decision in this area, Boumediene v. Bush, decided in 2008.

In Boumediene, the Supreme Court stated that the writ of habeas corpus applied to detainees even when Congress had sought to take away jurisdiction. It stated that detainees must be allowed access to Federal courts so that a judicial ruling on the lawfulness of their detention could be made.

Writing for the majority in the Boumediene decision, Justice Kennedy wrote the following:

> The laws and the Constitution are designed to survive, and to remain in force, in extraordinary times. Liberty and security can be reconciled; and in our system they are reconciled within the framework of the law.

Several habeas petitions have been filed and reviewed in the DC Circuit since the Boumediene decision, and that process is ongoing today.

In sum, these four Supreme Court rulings make one thing exceedingly clear: The legal rights of these detainees are the same under the Constitution, whether they are kept on American soil or elsewhere.

Attempts to diminish or deny these legal rights have only served to delay the legal process at Guantanamo Bay.

In fact, only 3 of the roughly 750 detainees held at Guantanamo have been held to account for their actions.

One is David Hicks, an Australian. He pled guilty to charges and has since been released by the Australian Government.

Salim Hamdan, Bin Laden's driver, was found guilty of providing material support for terrorism by his military commission. He was sentenced to 5.5 years, but having already served 5 years in Guantanamo, he was released to Yemen in November of 2007.

Ali Hamza al Bahlul, a Yemeni who was al-Qaida's media chief, was found guilty of conspiracy and providing material support for terrorism in November of 2008. He refused to mount a defense on his own behalf and was given a life sentence.

Today, there are approximately 240 detainees incarcerated at Guantanamo.

In 2007, nearly 2 years ago, I introduced an amendment to the Defense authorization bill to close Guantanamo Bay within 1 year and transition all detainees out of that facility.

The amendment was cosponsored by 15 Senators. Unfortunately, it was not allowed to come up for debate.

Within 2 days of his inauguration, President Obama issued an Executive Order announcing the closure of Guantanamo within 1 year and ordering a review of each detainee.

Let me say this: I believe closing Guantanamo is in our Nation's national security interest. Guantanamo is used not only by al-Qaida but also by other nations, governments, and individuals, people good and bad, as a symbol of America's abuse of Muslims, and it is fanning the flames of anti-Americanism around the world.

As former Navy General Counsel Alberto Mora said in 2008:

> Serving U.S. flag-rank officers . . . maintain that the first and second identifiable cause of U.S. combat deaths in Iraq—as judged by their effectiveness in recruiting insurgent fighters into combat—are, respectively the symbols of Abu Ghraib and Guantanamo.

I deeply believe closing Guantanamo is a very important part of the larger effort against terror and extremism. It is a part of the effort to show that Americans are not hypocritical, that we do not pass laws and then say that there is a certain group of people who are exempt from these laws.

Detentions at Guantanamo have caused tension between the United States and our allies—the allies we try to get to contribute more forces and other support for the war in Afghanistan, and they are a rallying point for the recruitment of terrorists.

So, closing it is a critical step in restoring America's credibility abroad, as well as restoring the value of the American judicial system.

The executive branch task force responsible for ensuring that Guantanamo closes within the year is reviewing the evidence on each of the roughly 240 detainees to determine the following:

Who can be charged with a crime and be prosecuted; who can be transferred to the custody of another country, like the 500 or so detainees who have already left Guantanamo; who poses no threat to the United States but cannot be sent to another nation; and, finally, who cannot be released because they do pose a threat but cannot be prosecuted, perhaps because the evidence against them is the inadmissible product of coercive interrogations.

Let me be clear. No one is talking about releasing dangerous individuals into our communities or neighborhoods as some would have us believe.

The best option is to prosecute the terrorists who plotted, facilitated, and carried out attacks against the United States.

Let's look at the record for a moment.

The United States has prosecuted individuals in Federal court for the bombings of U.S. Embassies and the 1993 World Trade Center attack. It has prosecuted individuals plotting to bomb airplanes, for attending terrorist training camps, and for inciting violent acts against the United States.

According to a report, ''In Pursuit of Justice: Prosecuting Terrorism Cases in the Federal Courts,'' issued in May of last year, more than 100 terrorism cases since the beginning of 2001 have resulted in convictions.

The individuals held at Guantanamo pose no greater threat to our security than these individuals convicted of these crimes, who are currently held in prison in the United States and are no danger to our neighbors, to our communities. The Bush administration had estimated that out of the 240 detainees at Guantanamo, 60 to 80 could be prosecuted for crimes against the United States or its allies. Current efforts to try these cases are ongoing.

In the event that detainees cannot be tried in Federal court or in standard courts martial, the Obama administration has recently proposed revisions to military commissions. This is an issue we are going to have to look at very closely in the coming weeks.

Our system of justice is more than capable of prosecuting terrorists and housing detainees before, during, and after trial. We have the facilities to keep convicted terrorists behind bars indefinitely and keep them away from American citizens.

The Obama administration will determine which civilian and military facilities are best to accomplish these goals. One example is the supermax facility in Florence, CO.

It is not in a neighborhood or community. It is an isolated supermax facility. It has 490 beds. They are reserved for the worst of the worst. This facility houses not only drug kingpins, serial murderers, and gang leaders, but also terrorists who have already been convicted of crimes in the United States.

There have been no escapes, and it is far, as I said, from America's communities and neighborhoods, as are just about all the maximum and supermax facilities.

This facility has housed terrorists such as Ramzi Yousef, the mastermind of the 1993 World Trade Center bombing, and at least six of his accomplices; Omar Abdel-Rahman, known as the ''Blind Sheikh,'' who was behind a plot to blow up New York City landmarks, including the United Nations; Richard Reid, the al-Qaida ''shoe bomber,'' who tried to blow up an airliner in flight; four individuals involved in the 1998 bombings of Embassies of the United States in Kenya and Tanzania; Ahmed Ressam, the ''Millennium Bomber,'' who was detained at the Canadian border with explosives in his car as he was headed to the Los Angeles airport; Iyman Faris, the al-Qaida operative who plotted to blow up bridges in New York City; Jose Padilla, the U.S. citizen held for 3½ years as an enemy combatant based on allegations that he had wanted to detonate a dirty bomb inside the United States and was later convicted of material support to terrorism; 9/11 conspirator Zacarias Moussaoui; the ''Unabomber,'' Theodore Kaczynski; and Oklahoma City bombers, one of whom is now deceased, Timothy McVeigh and Terry Nichols.

These 20 are just an example of terrorists who have been or are being held inside the United States.

So there is ample evidence that the United States can and, in fact, does hold dangerous convicts securely and without incident.

As I said earlier, I believe that not all detainees can be prosecuted.

The Bush administration had identified a second group of 60 to 80 who could be transferred out of Guantanamo, if another nation could be found that would accept them.

Again, the Obama administration is finding some success in moving these detainees abroad.

Since January of this year, there have been stories indicating that certain European nations may accept some of the detainees. A few days ago, France accepted an Algerian detainee from Guantanamo. These countries recognize that closing Guantanamo is in the best interests of everyone, and are willing to be part of the solution. We sincerely thank them.

Finally, let me address the third category of detainees, which presents the thorniest problem.

The Executive Order Task Force will likely determine that there are some detainees who can neither be tried, nor transferred, nor released. Secretary Gates recently testified that there were 50 to 100 of these detainees.

The President has the authority to detain such people under the laws of armed conflict, and he very well may need to exercise that authority. I would support his doing so.

In my view, this authority should be constrained and in keeping with the Geneva Conventions. Detainees should only be held following a finding by the executive branch that this action is legal under international law.

These detainees should have the right to have a U.S. court review this determination, much as the Boumediene decision guaranteed that habeas petitions of detainees will, in fact, be heard. That judicial determination should be reviewed periodically to determine whether the detainee remains a threat to national security and should continue to be detained.

In this, there is a protocol that I believe will stand court scrutiny and enable the President to continue the detention of everyone who remains a national security threat to the United States.

Guantanamo, despite all the rhetoric on this floor, has been a symbol of abuse and disregard for the rule of law

for too long. Four Supreme Court decisions should convince even the most recalcitrant of those among us; it is in our own national security interests that Guantanamo be closed as quickly and as carefully as possible.

The fact is, no Member of Congress wants to see, or advocates, the reckless release of terrorists, or anyone who is a threat to our national security, into our communities. It does not have to, and it will not be done that way.

Of the 240 detainees at Guantanamo right now, some can be tried. Some have been declared not to be enemy combatants. Others may need to be detained in the future, but only in a way that is consistent with our laws and our national security interests.

I believe we should close Guantanamo. I support the President in this regard. This is a very important decision we are going to make. I very much regret that this amount was in the supplemental bill without a plan, and I think that is the key. The plan was not there. How would the money be used? Nobody knew. So it fell smack-dab into the trap that some want to spring throughout the United States: That this administration or this Senate would release detainees into the neighborhoods and communities of the United States.

As shown on this chart, this supermax facility is not in a neighborhood or a community. Yes, we have maximum security prisons in California eminently capable of holding these individuals as well, and from which people do not escape.

I believe this has been an exercise in fear-baiting. I hope it is not going to be successful because I believe American justice is what makes this country strong in the eyes of the world. American justice is what people believe separates the United States from other countries. American justice has to be applied to everyone because, if it is not, we then become hypocrites in the eyes of the world.

We should return to our values. One of the largest symbols of returning to these values is, in fact, the closure of the facility at Guantanamo Bay.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, how much time is remaining on our side?

The PRESIDING OFFICER. There is 15 minutes 56 seconds.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that I be notified after 10 minutes and that the approximately 6 minutes be reserved for Senator INHOFE.

Mr. INHOFE. Mr. President, reserving the right to object—and I do not think I will object—I did not hear the request the Senator made. Will the Senator repeat it, please.

Mrs. HUTCHISON. It is to reserve the 10 minutes I had scheduled and to reserve 6 minutes for you, I say to the Senator.

Mr. INHOFE. Mr. President, that 6 minutes would be immediately prior to Senator INOUYE's closing; is that right?

I do not object. I thank the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I rise in support of the amendment to prohibit funds from the supplemental being used for relocation of Guantanamo Bay prisoners.

President Obama has asked for $100 million in the regular 2010 Defense appropriations bill for his proposal to close Guantanamo Bay. As Congress considers that plan for 2010, it is reasonable for us to ask the President to come to Congress with his plan so we can consider the funding requirements as part of the normal oversight process. But right now, I think it is clear, from all the debate we have heard, the President does not have a plan. Instead, he is proceeding with a decision to close Guantanamo Bay, even though there is no viable alternative for the detainment of terrorist combatants.

On September 11, 2001, we know the United States peered into the face of evil, when 19 foreign terrorists brought the violence of extremism to our soil, claiming the lives of nearly 3,000 Americans.

That day changed the course of American history. In the 8 years since, America has boldly waged the global war on terror in an effort to prevent terrorism from ever reaching American shores again.

This conflict has presented our Nation with operational challenges which we had not seen before. It is where to and how to detain captured terrorists who are enemy combatants but do not represent legal combatants of a country. They are not an organized military. They do not have the honor code that any military of a country has. No. They are terrorists. They do not have an honor code. Therefore, how and where we detain them has been a unique situation for our country.

Included in the detainees at Guantanamo Bay is the self-confessed mastermind of 9/11, Khalid Shaikh Mohammed. Since just after 9/11, these enemy combatants have been at a prison facility that is a U.S. Naval Base at Guantanamo Bay in Cuba. I have been there. Conditions are good. Medical service and food is good. Customs of the combatants are recognized and respected.

My colleagues are discussing Guantanamo, saying it is divisive. They are talking about the whole issue of what is torture. I think it is very important that we separate what is torture from detaining enemy combatants who must be detained because they have information and because they are either suspects or known terrorists or are self-confessed terrorists who want to harm and kill Americans and our allies.

So as we are discussing the issue of where they are detained, I think we should put aside the issue of what is torture, which is a legitimate issue for discussion but not in where these prisoners are housed. This issue should be: Is this a secure facility? Are conditions clean? Does it meet the standards of any American prison? Does it protect Americans by holding the detainees in a secure place from which it would be very difficult for them to escape?

One other point, because it has been brought out that we have secure prisons in America. Well, there is a difference here because we are putting these enemy combatants who do not have an honor code on American soil, if that is the choice that is made, and we are also allowing people from the outside to then start plotting for their escape into America's neighborhoods.

I believe the President's initiative saying we would close Guantanamo Bay within a year is premature, and I am extremely concerned that this deadline, when there is no alternative and no plan for these dangerous terrorists, is taking precedence over the plan that must be put forward for the security of Americans.

There are five scenarios that have been outlined here on the floor about what we would do with these detainees: hand them over to their home countries for incarceration, transfer them to a neutral country, transfer them to prisons in America, send them to U.S. facilities abroad, or release them outright. Unfortunately, every one of these options heightens the threat to the lives of Americans.

Let's talk about putting them in America. That is the worst of these options. By taking this action, we allow people to plot the takeover of a prison or the escape of these detainees, put them in cell phone range where they could be talking to the outside. That would be the worst option.

In 2007, the Senate voted 94 to 3 expressing its firm opposition to any plans to release Guantanamo detainees into American society or to house them in American facilities. So what about other countries? What about putting them out into other countries? That, too, is very dangerous. In January, it was reported that former Guantanamo detainee Said Ali al-Shihri, who had been released into the custody of Saudi Arabia, has subsequently resurfaced as a terrorist operative. Today, he is one of the al-Qaida leaders in Yemen and is charged with planning and executing acts of violence against the United States and its allies. He is not the exception. According to the Pentagon, as many as 61 enemy combatants released from Guantanamo have since reconnected with terrorist networks and renewed their commitment to destroying America and our way of life. Even more frightening, these 61 former prisoners came from the group of 500 who were deemed ''less dangerous'' and thus were released. That means the approximately 270 detainees currently housed in Guantanamo represent the most nefarious of prisoners.

Clearly, a viable alternative to Guantanamo has not been identified. Expediting closure of this detention facility without absolutely assuring that American lives would be safe, not endangered by this act, would place misguided foreign policy goals above the protection of our homeland and our people. Moreover, it signals a dangerous return to the pre-9/11 mindset.

Before setting a deadline to close this facility at Guantanamo Bay—a U.S. naval base where they have been secured and from which there have been no escapes and no attempts to escape—before setting that deadline, the American people must be assured that the transfer or release of these detainees will not increase the risk to American citizens at home or abroad. As it stands, the administration cannot give that assurance today. We must require a plan before this order is executed. Not doing so is a pre-9/11 mentality that we cannot afford to adopt.

We must remember what happened on 9/11. We were complacent. We were a people who never thought we would be attacked on our homeland by people even within this society who were helping to plot this destruction. We cannot go back to the mentality of ''everything is going to be OK and we won't be attacked again.'' There are people in Guantanamo and all over the world today who are plotting to undo the freedom in America and the ability to live with diversity and in peace, and we must hold up that flag of America and what it represents for the world. That is what will make America good in the eyes of the world—not releasing terrorists to harm other people and our allies.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mrs. HUTCHISON. Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I wish to inquire how much time we have before the Senator from Hawaii wraps it up.

The PRESIDING OFFICER. The Senator from Oklahoma has 5 minutes.

Mr. INHOFE. Mr. President, first of all, let me just say that on February 2, I was in Guantanamo Bay. It was one of several trips I have made down there. I wish to suggest that one of the trips I made was right after 9/11. At that time, I did quite a bit of research to try to understand why people have this obsession about closing Guantanamo. I looked at the resources down there, and I couldn't figure it out. That was several years ago. Now, as recently as 2 months ago, I still have a hard time figuring that out.

I wish to suggest to my colleagues—and I have been listening to some of those who are objecting to the action we are about to take today—there cannot be a case at all that there are human rights abuses in Guantanamo Bay.

Eric Holder, the new Attorney General, went down there just a short while ago. He came back, and he witnessed the same thing I did—he was down there about the same time—that during the recent visit, the military detention facilities at Gitmo meet the highest international standards and are in conformity with article 3 of the Geneva Convention.

Then, on February 20, a short time after that, Vice Chief of Naval Operations Admiral Walsh went down and issued a detailed report following a 2-week review. I go down for 1 day at a time; he was down there for 2 whole weeks with a whole team. The team conducted multiple announced and unannounced inspections of all of the camps, in daylight and at nighttime, keeping in mind that there are six different levels of security down there, which is a resource we can't find in any of our other installations to which we have access. Anyway, they talked to all of the detainees in the yards and everyone else, and they found that their conditions were in conformity with article 3 of the Geneva Convention.

So this shouldn't even be controversial. This is something on which we all agree.

I would suggest that we don't have any cases where people are being neglected. Right now, they have better health care than they have ever had before. There is a medical practitioner, a doctor, a nurse, for every two detainees there. There is even a lawyer for each detainee who is there. From their own statements to me, these individuals are eating better, living better than they have at any other time of their lives.

The big problem is, if we did close it, we would have to do something with these people. I heard one of the Senators who is on the opposite side of this issue say a few minutes ago: Well, that is fine because right now they are disposing of them.

They have only, in the last 3 months, found one place. It has dropped down from 241 to 240. If that is a success story, I am not sure I understand what success is.

The bottom line is, there are things down there that we can't replicate anywhere else, and they are being well cared for.

One thing that hasn't been talked about enough is the existence of the expeditionary legal complex that is in Gitmo. This took 12 months to build. It cost $12 million. This is where they can have tribunals.

One of the things people say is: Well, they can be put into our justice system.

We can't do that because these are detainees, and tribunals have a different set of procedures they use and it has to be a special type of a court that is set up. We do have that provision down there. We do have that court that is set up. We are in the process of trying these people.

So if you don't do this, there are a couple of choices—only three choices—on getting rid of these people. One is, you either leave them there and try them and try to adjudicate them or you can send them out someplace. Well, we have already tried that. Countries won't receive these people, and I can't blame them. The third choice would be to somehow have them intermingled into our system here, set up in some 17, as they suggested, places for them. So none of the options are good, but this is one resource that has served America well. We have had it since 1903.

I would ask my good friend, the senior Senator from Hawaii, if he knows of any deal that America has that is better than this. It is $4,000 a year. That is all it costs. So it is a resource we need to keep, we have to keep.

The only argument I hear against it is: Oh, the Europeans don't want them. Where are the Europeans? I am getting a little bit tired of having them dictate what we do in the United States. What if they came forward and said: You have to close the Everglades tomorrow. Would we roll over and close the Everglades? No, we wouldn't. So I think there are a lot of options out there, and this is the best option.

Quite frankly, I go a lot further than this amendment. I think we need to keep this resource open. It has served us well in the past, and it should serve us well in the future. I urge my colleagues to support the Inouye-Inhofe amendment.

Mr. CARDIN. Mr. President, starting from his very first days in office, President Obama has taken bold action to demonstrate to the world that the United States will lead by example, particularly in the area of protecting and promoting human rights. I am especially proud that Congress is working with him to help restore faith in the United States as a friend, ally, and leader in the global community. I believe American leadership is still sorely needed in the world today. I am privileged to chair the Helsinki Commission, which is one of the key tools available to help this administration engage like-minded nations who have made a common commitment to promoting democracy, human rights, and the rule of law.

I want to make it clear that I fully support President Obama's decision to close the detention facility at Guantanamo Bay, Cuba. In recent years, no other issue has generated as much legitimate criticism of the United States as the status and treatment of detainees at Guantanamo Bay. Having said that, I think the amendment offered by the chairman of the Appropriations Committee and the senior Senator from Oklahoma to strip the Guantanamo funding from the underlying bill makes sense. We are not ready to move forward just yet. Reviewing the status of and transferring or releasing the detainees is an extremely complicated matter. It wouldn't be appropriate for any Congress to give any administration the funding to do this absent a detailed plan on how to proceed. President Obama is working on such a plan

and I am confident he will provide it to Congress in a timely fashion, at which point I am optimistic Congress will indeed provide this administration with the funding it needs to close the detention facility at Guantanamo Bay and begin to address the abuses and excesses of the previous administration and repair our badly damaged reputation abroad, which is critical to enlisting other nations in the continuing struggle against global terrorism.

The PRESIDING OFFICER (Mrs. GILLIBRAND). The Senator's time has expired.

The Senator from Hawaii is recognized.

Mr. INOUYE. Madam President, I rise today to discuss the Guantanamo amendment which I offered along with Senator INHOFE. As all of my colleagues know, the amendment would strip the funding from the supplemental that was requested to begin the process of closing Guantanamo.

Let me say at the outset that despite some of the rhetoric concerning this issue, this amendment is not a referendum on closing Guantanamo. Instead, it should serve as a reality check since, at this time, the administration has not yet forwarded a coherent plan for closing this prison.

In the committee markup, I included language which would have delayed the obligation of funding for Guantanamo until the administration forwarded such a plan. I also included provisions which would not have allowed prisoners to be relocated to the United States or released if they still pose a threat to our Nation. But after listening to the debate and reading media reports, it became clear that this message was not getting through. Rather than cooling the passions of those who are justifiably concerned with the ultimate disposition of the prisoners, the funding which remained in the bill became a lightning rod far overshadowing its impact and dwarfing the more important elements of this critically needed bill.

Instead of letting this bill get bogged down over this matter, as chairman of the committee, I determined that the best course was to eliminate the funds in question. The fact that the administration has not offered a workable plan at this point made that decision rather easy.

But let me be very clear: We need to close the Guantanamo prison. Yes, it is a fine facility, state of the art, and I too have visited the prison site. Yes, the detainees are being cared for, with good food, good service, and good medical care. Our service men and women are doing great work. But the fact is that Guantanamo is a symbol of the wrongdoings that have occurred, and we must eliminate that connection.

Guantanamo serves as a sign to many in the Arab and Muslim world of the insensitivities that some under our command demonstrated at the Abu Ghraib prison. It is a constant reminder that what we call ''enhanced interrogation techniques'' is referred to nearly universally elsewhere in the world as torture. Yes, we should not kid ourselves; the fact that Guantanamo remains open today serves as a powerful recruiting tool for al-Qaida.

We Americans have short memories, but that is not so in other cultures. For example, when the Japanese Prime Minister visited Yasukini shrine, which commemorates Japanese soldiers from World War II, the Chinese were outraged. This controversy was for events that are now more than 65 years old.

In Korea, the name of the dictator Toyotomi Hideyoshi is still remembered today for the thousands of ears and noses which were cut off Koreans and sent to him to prove to him how many Koreans his soldiers had killed. That atrocity is still remembered today by millions of Koreans, even though it occurred more than 400 years ago.

The dehumanizing photographs of detainees at Abu Ghraib are no longer fresh in our minds, but that is not true in the Middle East, where the populace remembers the degradation with disgust. When they think of Guantanamo, they remember those photos. Those images are still crystal clear to them. The wrongdoing has not been forgotten.

The closure of Guantanamo is a requirement for this country to help overcome some of the ill will still felt by Muslims around the world. To many, Guantanamo is considered an affront to the Muslim religion. Stories of improper respect for the Koran by prison officials, even though inaccurate, serve as a reminder to millions of Muslims that this prison must be closed.

Many of our colleagues are justifiably concerned about how the terrorists at Guantanamo will be handled. They deserve answers. But so too we must begin planning to close this prison. That work needs to begin soon for the good of our Nation and the men and women still serving in harm's way.

It is up to the administration to fashion a plan that can win the support of the American people and its congressional representatives. As we approach the fiscal year 2010 budget, this will be a key element of our continued review of this matter.

I support the amendment for the reasons I have stated and urge its adoption.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the amendment No. 1131.

Mr. INOUYE. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant 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.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 6, as follows:

[Rollcall Vote No. 196 Leg.]

YEAS—90

Akaka	Dorgan	McConnell
Alexander	Ensign	Menendez
Barrasso	Enzi	Merkley
Baucus	Feingold	Mikulski
Bayh	Feinstein	Murkowski
Begich	Gillibrand	Murray
Bennet	Graham	Nelson (NE)
Bennett	Grassley	Nelson (FL)
Bingaman	Gregg	Pryor
Bond	Hagan	Reid
Boxer	Hatch	Risch
Brown	Hutchison	Roberts
Brownback	Inhofe	Sanders
Bunning	Inouye	Schumer
Burr	Isakson	Sessions
Burris	Johanns	Shaheen
Cantwell	Johnson	Shelby
Cardin	Kaufman	Snowe
Carper	Kerry	Specter
Casey	Klobuchar	Stabenow
Chambliss	Kohl	Tester
Coburn	Kyl	Thune
Cochran	Landrieu	Udall (CO)
Collins	Lautenberg	Udall (NM)
Conrad	Lieberman	Vitter
Corker	Lincoln	Voinovich
Cornyn	Lugar	Warner
Crapo	Martinez	Webb
DeMint	McCain	Wicker
Dodd	McCaskill	Wyden

NAYS—6

Durbin	Leahy	Reed
Harkin	Levin	Whitehouse

NOT VOTING—3

Byrd	Kennedy	Rockefeller

The amendment (No. 1133) was agreed to.

Mr. INOUYE. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FEINGOLD. Madam President, I voted in favor of the amendment offered by Senator INOUYE, No. 1133, because I believe it makes sense for Congress to review the administration's plan to close Guantanamo before providing funding. I continue to believe that President Obama made the right decision to close Guantanamo, and I look forward to reviewing his plan to do so. While closing Guantanamo may not be easy, it is vital to our national security that we close this prison, which is a recruiting tool for our enemies.

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. KERRY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Georgia.

AMENDMENT NO. 1144

Mr. CHAMBLISS. Madam President, I ask unanimous consent to temporarily set aside the pending amendment and to call up my amendment, No. 1144, which is at the desk.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Georgia [Mr. CHAMBLISS], for himself, Mr. ISAKSON, Mr. BURR, and Mr. COBURN, proposes an amendment numbered 1144.

The amendment is as follows:

(Purpose: 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)

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.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Madam President, later today, or at some point in time, with respect to the supplemental, there will be an amendment that will seek to strike funds that have been put in this supplemental for the purpose of providing additional loan money to the IMF. I would like to talk about that for a moment because this is a proposal of the President which has the bipartisan support of members of the Foreign Relations Committee, and it has serious implications with respect to the health of the world's economy. It also has serious implications with respect to America's leadership.

Madam President, everybody understands that the United States of America is not alone in wrestling with an economic crisis that is global at this point. We all understand how it began. We understand the implications of our own irresponsibility with respect to the regulatory process and the greed and other excesses that drove what happened on Wall Street and what has affected the lives of millions of Americans, but it has also affected the lives of people around the globe. The fact is, what started in the United States has now spread to countries around the world, and it continues to reverberate beyond our financial systems into all of our economies. The global economic crisis is in fact seriously affecting emerging markets and developing countries, and they are now experiencing severe economic declines and massive withdrawals of capital.

We don't know yet where this crisis will end, but we know we do have an ability to be able to address this crisis in various ways. One of the most powerful instruments, one of the most powerful tools available to the leaders of the governmental financial marketplace, is the IMF itself. President Obama understood early on that our actions on the global stage in response to this financial and economic crisis would be a very important test of America's leadership. That is why in his first major meeting abroad at the G–20 leader summit in London, the President called for an expansion of the IMF's new arrangements to borrow. It is often referred to just as the NAB—the new arrangements to borrow. The President proposed expanding that up to about $500 billion in order to help the world's economies avoid collapse.

This crisis of the last months has offered us a vivid illustration of how the increasing interconnectedness of our global economic financial system actually comes with a greater susceptibility to systemic risk. The IMF contains risk, deals with risk, minimizes risk by serving as a bulwark against rolling financial failures, and it addresses volatility in the global financial system. The result of that is actually to help everybody. The NAB is a contingency fund to which many countries contribute, and today other countries are looking to the United States to deliver on our earlier commitment.

Japan has committed $100 million, the European Community members have already committed $100 billion, and may well commit up to $160 billion. In the last few weeks, countries such as Canada, Switzerland, China, South Korea, Norway, Australia, the Czech Republic, India, and others have all offered commitments in the billions of dollars in order to support the IMF. The President's promise helped to galvanize this global response, and it is critical that we, the United States, having galvanized this response, having helped to lead people to the watering hole, now fulfill our obligations ourselves. We need to do our part, and we need to approve the President's request for up to $100 billion of authority. In fact, in terms of the budget authority here, this is scored at about $5 billion. Why? Because this is a loan process, and it is a loan process over which the United States continues to have input and the ability, in fact, to help make decisions.

The reasons to support the President's request frankly go far beyond

the need of other countries at their moment of economic vulnerability. A fortified IMF is in our interest also. There are real national security concerns about the way this crisis could trigger a political crisis around the world. It is, in fact, a crisis which has already brought down the Governments of Iceland and several east European countries. It has helped to spark riots in Europe and Southeast Asia, and it will very likely be a driving political force for a long time to come.

For all the volatility that we have seen, Madam President, we value our investment in the IMF all the more for the things we have not seen. The fund has been able so far to act swiftly to stave off balance of payment crises in countries such as Pakistan. Obviously, whatever we can do to avoid economic crisis in Pakistan right now is critical to the survival of that democracy and to the ultimate success, we hope, against the insurgencies the Government of Pakistan and the people of Pakistan are fighting.

We are also seeing the steps taken by the IMF thus far are also lending strong support to key U.S. allies, including Mexico, Poland, and Colombia. These are vulnerable nations with very important American interests at play. Successes obviously don't make headlines the same way that failures do, but make no mistake; IMF financing has helped to stabilize several potentially volatile situations in this crisis already.

Madam President, I am not alone in warning of the security threat that is posed by this crisis. Back in March, the Director of National Intelligence, ADM Dennis Blair, testified before Congress about the risks in front of our Nation. This is what he said:

The primary near-term security concern of the United States is the global economic crisis and its geopolitical implications.

That is a remarkable statement coming from a person who is in the middle of struggling with potential dirty bombs and terrorism and counterterrorism and the threat of al-Qaida in various parts of the world. He nevertheless still emphasizes that the primary threat is a global economic crisis, and I believe we need to understand the full implications of it.

Madam President, I ask unanimous consent to have printed in the RECORD a letter signed by 14 former National Security Advisers and Secretaries of State, Defense, and Treasury, all urging us to move expeditiously to live up to the President's commitment.

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

THE BRETTON WOODS COMMITTEE,
Washington, DC, May 14, 2009.

DEAR MADAM SPEAKER AND MAJORITY LEADER REID: We are writing to express support for the Administration's request for prompt enactment of additional funding for the International Monetary Fund.

As you well know, the global economic crisis has had a severe impact on emerging markets and developing countries. As conditions deteriorate in these countries, they endanger America's own growth along with U.S. jobs and exports. The IMF is the best instrument to provide these countries with the short term loans that will enable them to weather the crisis.

At the April G–20 Leaders Summit, the President urged other nations to provide additional resources for the IMF. The legislation increases the size and membership in the New Arrangements to Borrow—a contingency facility that will permit continued international lending when the IMF's existing resources are drawn down. The new agreement also opens the way for greater participation by major emerging market countries who will contribute for the first time to this facility.

It is important to note that other governments are providing more than 80% of the new funding required, and Japan, China and countries in Europe have already approved their new IMF contributions. As the global economic leader, it is now incumbent on the United States to promptly to meet its obligations.

A stronger and more responsive IMF is essential to the restoration of confidence in the global economy and financial system and thus to our own economic recovery. We urge Congress to move expeditiously on the President's request.

Respectfully yours,

James A. Baker, III; Nicholas F. Brady; Frank C. Carlucci; Henry Paulson; Lee H. Hamilton; Colin L. Powell; Henry Kissinger.

Condoleezza Rice; W. Anthony Lake; Robert Rubin; Robert McFarlane; Brent Scowcroft; Paul H. O'Neil; Paul A. Volcker.

Mr. KERRY. Madam President, I emphasize that the signatures on this letter come from both sides of the aisle, from respected public servants and admired strategists, such as GEN Brent Scowcroft, Henry Kissinger, Colin Powell, James Baker, Robert Rubin, Lee Hamilton, and Paul Volcker. All of them urge us to complete the task of providing the support funding for the IMF.

If there is one lesson we should take away from the worst impacts of this global crisis, it is that we should never underestimate the severity of these economic challenges or the urgency of tackling them head on rather than deferring the tough decisions. The IMF needs a robust contingency fund. Let me emphasize this is a contingency fund. This is a fund that doesn't represent money that is transferred to the IMF, and then they take on some spending spree, nor does it represent money that goes to the IMF and is used for IMF expenses. This is a direct loan program—loan only—and in the past the United States has actually made money when we have made these loans.

The fact is that this financial crisis is still brewing. For example, in central and Eastern Europe, in this part of the world where we saw the Berlin Wall and a repressive Communist regime of Eastern Europe crash down 20 years ago, we see the risk that if we don't act, it is possible that the economies of Eastern Europe will come crashing down too. Then we will replace an era of promise and progress in Eastern Europe with one of soaring unemployment, instability, and a retrenchment of the influence and ideals that we have been investing in and helping those countries to put more permanently in place.

The IMF is the best channel for providing balance of payment assistance to emerging and developing markets that are currently suffering as a consequence of their economies and banking systems. In some cases, political systems are collapsing around them. The alternative to having a legitimate and robust IMF to deal with countries at risk is, frankly, not a pretty one. IMF loans come with strings attached, but they are mainly financial strings not strategic strings.

As we balance the domestic and global demands of this crisis, we need to be warned that in cutting corners for short-term savings, we risk creating far greater costs down the road. As it stands now, the large and urgent financing needs projected for emerging markets and developing countries cannot be met from existing IMF lending reserves. There is no cost-free, risk-free option, and lendings to the new arrangements for borrowing allows us to leverage our contribution toward a global capacity to manage economic risks. Managing those risks benefits all of us.

The reasons to act, in fact, go well beyond foreign policy interests. This is not a foreign policy issue. In fact, our domestic economic interests are also vulnerable if we fail to stem economic crises in other countries.

Why is that? Well, for a very simple reason. Expanding the IMF's NAB resources is actually essential to our overall strategy for restoring the health of the U.S. economy, for our exports, and it helps us to secure U.S. jobs.

Some in America might take the short-term view. We have heard that before. Some in America may try to appeal to the lowest common denominator and say to people: Well, why on Earth are we sending money to some fund that might, in fact, help a foreign country, when we ought to be just focused on the bailout at home? Well, the reality is that is a completely, totally false choice. The truth is, America's economic recovery depends not just on our own stimulus package and on spending here, and not just on fiscal and monetary policy and programs that sustain domestic demand, but we also need to sustain demand abroad. We sell to those countries. We have millions of Americans making products that go to those countries and, in fact, those emerging markets in developing countries have been, up until now, some of the best growth opportunities for American investment and for American jobs to be able to supply goods.

Economic growth abroad helps us to kick economic growth into gear at home. That is why we need the IMF to help protect the markets we export to and from which they import American products.

Let me just be specific about that. Between 2003 and 2008, U.S. exports grew by 8 percent per year in real terms. Since 2000, our exports show a 95-percent correlation to foreign country growth rates. In large part, our economy was benefiting from the rapid growth of other economies in other parts of the world. During that period, the role of exports in driving American economic growth actually increased. The share of all U.S. growth attributable to export growth rose from 25 percent in 2003 to almost 50 percent in 2007, and then almost 70 percent in 2008.

Now, unfortunately, our exports peaked in July of last year, and they have been falling ever since then. Most of our partners are in recession. In the first quarter of 2009, our real exports were 23 percent lower than in the first quarter of 2008.

Our export decline is now contributing to the recession in the United States. With an export share in GDP of 12 percent, a 23-percent decline of that share of GDP, if you sustain that 23 percent over the course of the year it actually makes a negative contribution to the GDP of the United States of 2.5 percent. In other words, if our domestic demand were stagnant, our GDP would fall by nearly 3 percent. With that, we lose a lot of jobs and a lot of the struggle to get our economy back into gear just becomes that much more complicated and that much more delayed.

Congress passed, and the President signed, a stimulus plan that is designed to boost domestic demand. But if we fail to act, all the money we have spent to stimulate our own economy could actually be offset completely by the decline in exports.

We need to help these foreign countries lift themselves out of recession. Our recovery now depends on many of these countries that are now at risk. Some foreign countries can take care of themselves with a stimulus of their own and in cleaning up their own banking sectors. But many other countries, especially emerging market economies, have been so hard hit that they need a helping hand.

Some countries have been cut off abruptly from capital markets and shut out of the credit markets by the banking problems originating in the United States and Europe. Let me give an example. We exported to a lot of countries our notions about how one ought to bank and how you, in fact, use banks to leverage and to go out and create jobs by investing in businesses. The fact is that many banks in Western Europe practiced that so effectively that they bought up banks in Eastern Europe, and so banks in parts of Eastern Europe, when they stopped lending, stopped lending because the banks in the western part of Europe are taking care of their immediate home-based problems and their capital problems, and the result is those eastern economies are particularly hard hit. This crisis actually started with us, and it is reverberating because of this and these systemic failures, and it will hurt more if it reverberates back to us because we failed to help some of those countries to hold up the export demand as well as to sustain their political systems which we have invested in very deeply since the end of the Cold War.

As countries recover, the United States is going to gain. We are going to be spared the risk of an even more precipitous decline in our exports, with greater job loss. In time, our export growth will resume and people in export industries across our country are going to be able to go back to work.

While we take part in a global effort to increase the NAB, we also have to shore up our influence inside the IMF and give greater voice to the emerging markets. The President is looking to increase by approximately $8 billion America's quota subscription to the IMF. These quotas actually determine how the IMF assigns voting rights, and it decides on access to IMF funding. This increase in the U.S. quota is part of a larger practice to address long overdue governance reform and create greater legitimacy for the IMF.

It is also part of a two-way street. If we want major exporting companies to step up and contribute for the first time to, amongst other things, this expanded NAB facility, then we need to show that they can have a larger voice in the IMF itself. It also makes certain the United States can keep its current voting weight in order to maintain our leadership in the IMF so we have the ability to shape the future of the institution.

Before I finish, I would like to directly speak to two misconceptions that I think are involved in the amendment that will seek to strike this particular portion. The first is a very important point, and I wish to emphasize it. I spoke about it a moment ago, but I really wish to emphasize it.

The United States, in providing lending money to the New Arrangements to Borrow, to the IMF, is not giving away money. We are not spending money. This is a deposit fund. It goes into an account, and we get an IMF interest-bearing asset in exchange for those funds. It actually can turn out to be a good investment because, while we participate in the IMF because of the enormous benefit it brings to the United States and to the world in terms of emerging countries and their markets, in fact, the United States has earned money historically on its participation in the IMF. According to the Treasury Department's most recent report to Congress, the fact is, we have been on the plus side. This is not a payout, therefore, of the IMF; it is an exchange of assets. We put assets in the fund, and we get an interest-bearing asset in exchange for those funds. This is a particular arrangement that has worked out very sufficiently for the U.S. Treasury in the past.

Second, let me be very clear on what is being asked here. The NAB, the New Arrangements to Borrow, is a contingency fund to be used only when other resources of the IMF are exhausted. The United States and other members of the NAB have control over these funds, and the IMF needs to get approval from the NAB providers in order to draw down on these funds. So we have to think of this as an insurance fund over which the United States continues to have control.

We have before us legislation to replenish the IMF's resources just in time for it to be able to stand up and help fight this crisis. With this money, the IMF will be able to help many countries revive their economies. With this money, the IMF will be ready in case the crisis deepens and creates more victims. With this money, America is able to lead at a moment of crisis and keep the promise of the President and help us to sustain the viability of emerging markets and countries, which is vital in the context of the struggle against extremism and religious fanaticism and terrorism, which we see has its prime targets in places that are failing. The ability to be able to prevent that failure is in the strategic as well as in the economic interests of our country. The world is looking to us to keep our word.

I urge support for the request of the President.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator form Georgia is recognized.

AMENDMENT NO. 1164

Mr. ISAKSON. Madam President, I ask unanimous consent that the pending amendment be set aside and amendment No. 1164, which is at the desk, be pending.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Georgia [Mr. ISAKSON], for himself, Mr. DODD, Mr. LIEBERMAN, and Mr. CHAMBLISS, proposes an amendment numbered 1164.

Mr. ISAKSON. 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 amend the Internal Revenue Code of 1986 to expand the application of the homebuyer credit, and for other purposes)

At the end of title V, insert the following:

SEC. 504. CREDIT FOR CERTAIN HOME PURCHASES.

(a) ELIMINATION OF FIRST-TIME HOMEBUYER REQUIREMENT.—

(1) IN GENERAL.—Subsection (a) of section 36 of the Internal Revenue Code of 1986 is amended by striking ''who is a first-time homebuyer of a principal residence'' and inserting ''who purchases a principal residence''.

(2) CONFORMING AMENDMENTS.—

(A) Subsection (c) of section 36 of such Code is amended by striking paragraph (1) and by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (1), (2), (3), and (4), respectively.

(B) Section 36 of such Code is amended by striking ''**FIRST-TIME HOMEBUYER**

CREDIT'' in the heading and inserting ''**HOME PURCHASE CREDIT**''.

(C) The table of sections for subpart C of part IV of subchapter A of chapter 1 of such Code is amended by striking the item relating to section 36 and inserting the following new item:

''Sec. 36. Home purchase credit.''.

(D) Subparagraph (W) of section 26(b)(2) of such Code is amended by striking ''homebuyer credit'' and inserting ''home purchase credit''.

(b) ELIMINATION OF RECAPTURE EXCEPT FOR HOMES SOLD WITHIN 3 YEARS.—Subsection (f) of section 36 of the Internal Revenue Code of 1986 is amended to read as follows:

''(f) RECAPTURE OF CREDIT IN THE CASE OF CERTAIN DISPOSITIONS.—

''(1) IN GENERAL.—In the event that a taxpayer—

''(A) disposes of the principal residence with respect to which a credit was allowed under subsection (a), or

''(B) fails to occupy such residence as the taxpayer's principal residence,

at any time within 36 months after the date on which the taxpayer purchased such residence, then the tax imposed by this chapter for the taxable year during which such disposition occurred or in which the taxpayer failed to occupy the residence as a principal residence shall be increased by the amount of such credit.

''(2) EXCEPTIONS.—

''(A) DEATH OF TAXPAYER.—Paragraph (1) shall not apply to any taxable year ending after the date of the taxpayer's death.

''(B) INVOLUNTARY CONVERSION.—Paragraph (1) shall not apply in the case of a residence which is compulsorily or involuntarily converted (within the meaning of section 1033(a)) if the taxpayer acquires a new principal residence within the 2-year period beginning on the date of the disposition or cessation referred to in such paragraph. Paragraph (1) shall apply to such new principal residence during the remainder of the 36-month period described in such paragraph as if such new principal residence were the converted residence.

''(C) TRANSFERS BETWEEN SPOUSES OR INCIDENT TO DIVORCE.—In the case of a transfer of a residence to which section 1041(a) applies—

''(i) paragraph (1) shall not apply to such transfer, and

''(ii) in the case of taxable years ending after such transfer, paragraph (1) shall apply to the transferee in the same manner as if such transferee were the transferor (and shall not apply to the transferor).

''(D) RELOCATION OF MEMBERS OF THE ARMED FORCES.—Paragraph (1) shall not apply in the case of a member of the Armed Forces of the United States on active duty who moves pursuant to a military order and incident to a permanent change of station.

''(3) JOINT RETURNS.—In the case of a credit allowed under subsection (a) with respect to a joint return, half of such credit shall be treated as having been allowed to each individual filing such return for purposes of this subsection.

''(4) RETURN REQUIREMENT.—If the tax imposed by this chapter for the taxable year is increased under this subsection, the taxpayer shall, notwithstanding section 6012, be required to file a return with respect to the taxes imposed under this subtitle.''.

(c) EXPANSION OF APPLICATION PERIOD.—Subsection (h) of section 36 of the Internal Revenue Code of 1986 is amended by striking ''December 1, 2009'' and inserting ''June 1, 2010''.

(d) ELECTION TO TREAT PURCHASE IN PRIOR YEAR.—Subsection (g) of section 36 of the Internal Revenue Code of 1986 is amended by striking ''December 1, 2009'' and inserting ''June 1, 2010''.

(e) ELIMINATION OF INCOME LIMITATION.—Subsection (b) of section 36 of the Internal Revenue Code of 1986 is amended to read as follows:

''(b) DOLLAR LIMITATION.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, the credit allowed under subsection (a) shall not exceed $8,000.

''(2) MARRIED INDIVIDUALS FILING SEPARATELY.—In the case of a married individual filing a separate return, paragraph (1) shall be applied by substituting '$4,000' for '$8,000'.

''(3) OTHER INDIVIDUALS.—If two or more individuals who are not married purchase a principal residence, the amount of the credit allowed under subsection (a) shall be allocated among such individuals in such manner as the Secretary may prescribe, except that the total amount of the credits allowed to all such individuals shall not exceed $8,000.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to residences purchased on or after the date of the enactment of this Act.

Mr. ISAKSON. I know the Senator from Iowa wishes to speak, but first I ask unanimous consent that Senator DODD, Senator LIEBERMAN, and Senator CHAMBLISS be added to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ISAKSON. Madam President, this amendment is very simple. You heard me many times come to the floor to talk about the housing tax credit. The tax credit we finally amended to repeal the payback provision of $8,000 for first-time home buyers has brought an improvement in home sales of 40 percent at the entry level.

This amendment merely removes the means test of a maximum income of $150,000 for a couple and $75,000 for an individual, and it removes the means test that they have to be a first-time home buyer, which means any home buyer buying a home for their principal residence would receive an $8,000 tax credit and there would be no limitation to their income to disqualify them.

I have always fought on this floor for a maximum tax credit of $15,000, and I know how difficult that has been. But in the evidence of what has happened with the current $8,000 with the means test, by removing it I am confident we will have a significant improvement in the housing market in America, which in turn will cause a significant improvement in the economy of the United States of America, as happened in 1968, 1974, 1981, 1982 and 1990 to 1991. Housing took America into a recession, and it was only when it recovered that America began to come out.

This improvement in that amendment, with this amendment, will be better for the people of the United States of America and better for our economy. I encourage my colleagues at an appropriate time to cast a favorable vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

AMENDMENT NO. 1140, AS MODIFIED

Mr. COCHRAN. Madam President, I have a unanimous consent request that has been cleared. I ask unanimous consent that the pending Brownback amendment be modified with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

At the end of title III, add the following:

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.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Madam President, I wish to speak about the effort that seems to be underway here now—and I guess we will be having some more amendments this afternoon from the other side of the aisle—to prevent the President from addressing a serious national security problem: the continued operation of the detention center at Guantanamo Bay, Cuba.

It is long past time we close this facility. On May 23, 2007, almost exactly 2 years ago, I introduced legislation to close that detention center. Since that time, unfortunately, it has only become more imperative that we act. It remains the case that there is simply no compelling reason to keep the facility open and not to bring the detainees to maximum-security facilities here in the United States.

This Nation has long been a beacon of democracy, a champion of human rights throughout the world. Over the past 8 years, however, we have repeatedly betrayed our highest principles. Torture was authorized in direct violation of the law, and we intentionally put detainees beyond the most basic rules of law, including secret tribunals where detainees lacked opportunities to challenge their confinement and lacked sufficient due process.

These errors are manifest in the detention center at Guantanamo Bay, where the very purpose was to avoid providing legal safeguards that are enshrined in our Constitution and the Geneva Conventions to detainees and to prevent independent courts from reviewing the legality of the administration's actions. That was the purpose of Guantanamo as a detention center. Now that the Supreme Court has definitively ruled that constitutional protections apply at Guantanamo, it truly serves no purpose.

Closing the facility, however, does not just follow from a commitment to our most cherished values and constitutional principles; rather, closure is essential for our national security. As long as the detention center at Guantanamo Bay is open, it remains a recruiting tool for those who wish to do us harm and provides ammunition for our enemies.

This is not just my view but is the view of military and foreign policy officials. The Director of National Intelligence, Dennis Blair, has said:

The detention center has become a damaging symbol for the world . . . it is a rallying cry for terrorist recruitment and harmful to our national security, so closing it is important for our national security.

That is from Dennis Blair, our Director of National Intelligence.

Former Navy general counsel Alberto Mora has said:

There are serving U.S. flag-rank officers who maintain that the first and second identifiable causes of U.S. combat deaths in Iraq—as judged by their effectiveness in recruiting insurgent fighters into combat—are, respectively, the symbols of Abu Ghraib and Guantanamo.

Retired Air Force MAJ Matthew Alexander, who led the interrogation team that tracked down Abu Mus'ab al-Zarqawi, the leader of al-Qaida in Iraq, said:

I listened time and time again to foreign fighters, and Sunni Iraqis, state that the number one reason they had decided to pick arms and join al-Qaida was the abuses at Abu Ghraib and the authorized torture and abuse at Guantanamo Bay.

Let me repeat that. Matthew Alexander, a retired Air Force major who led the interrogation team who tracked down the leader of al-Qaida in Iraq said this.

I listened time and time again to foreign fighters, and Sunni Iraqis, state that the number one reason that they had picked up arms and joined al-Qaida was the abuse at Abu Ghraib and the authorized torture and abuse at Guantanamo Bay.

It cannot get much clearer than that. Colin Powell, Henry Kissinger, Madeline Albright, James Baker, Warren Christopher have all called for Guantanamo to be closed, as has Secretary of Defense Gates and Chairman of the Joint Chiefs Admiral Mullen.

As former Secretary of State Colin Powell said:

Guantanamo has become a major, major problem . . . if it were up to me, I would close Guantanamo not tomorrow but this afternoon.

That was Colin Powell.

Indeed, even President Bush repeated time and time again his desire to shut down Guantanamo, I am sure because of all the information that was given to him by his Joint Chiefs of Staff and by his intelligence services. So President Obama should be applauded for taking a step that military and foreign policy officials insist will directly and immediately improve our national security.

The President has set up a special task force to review the status of the detainees remaining at Guantanamo and to make recommendations on what to do with these individuals. The administration faces some difficult decisions it inherited from the previous administration.

Guantanamo was conceived—Guantanamo as a detention center, I should say, was conceived outside the law. And bringing detainees back into our legal system, as the Supreme Court has rightly found necessary, involves some very difficult policy issues.

I, myself, greatly look forward to the President's plan, and I will judge it carefully. Closing Guantanamo and simply replicating the same deficient legal process in the United States would be purely symbolic and meaningless.

As the administration undertakes its review of the detainees at Guantanamo and considers the most appropriate way to close the facility, the last thing Congress should do is handcuff the President.

What I am hearing are some arguments on the other side of the aisle basically saying, through these amendments they are offering, Guantanamo Bay should remain open. That is the thrust of the amendments: Guantanamo should remain open.

Make no mistake, if these amendments become law, the President's ability to take the step that military and foreign policy officials—Republicans and Democrats and Independents alike—have all said is needed will be very difficult. It will be difficult for the President to take the steps necessary to close Guantanamo Bay. Al-Qaida and those who wish to cause us harm will continue to have a major recruiting tool at their disposal.

I would not say this is the intention of the people offering those amendments, but listen to what our intelligence officers have said and what our military officers have said, that the biggest recruiting tool for those in Afghanistan and the Taliban and al-Qaida is a continued detention center at Guantanamo Bay.

So while it may not be the intention of those people offering the amendments to have this as a recruiting tool for al-Qaida and the Taliban, those who have been in our intelligence service tell us that is, in fact, what is happening. It is the biggest recruiting tool for those who wish to do us harm. While it may not be the intention of those offering the amendments, that is what is going to be the practical effect, if those amendments are adopted.

One other thing. President Obama's decision to close Guantanamo Bay is already starting to pay some dividends. Countries such as Portugal and Ireland have made offers to join Albania in accepting detainees who cannot be returned to their home countries.

Just last week, France accepted Lakhdar Boumediene, an Algerian suspected in a bomb plot against the Embassy of the United States in Sarajevo. The assistance of our allies is critical. Yet to obtain that assistance will only be more difficult if we, ourselves, are unwilling to do what we ask our allies to do; that is, to accept detainees on our own soil in secure detention facilities.

We say: Oh, no, we cannot take them here but, France, you can take them and, Ireland, you can take them, and Portugal. They will say what kind of fairness is there in that?

Indeed, I feel the statements and the arguments of many on the other side of the aisle are simply to scare the American people, unduly scare the American people, and spread this kind of fear and misinformation by suggesting that closing the facility at Guantanamo Bay will somehow mean the terrorists will be walking Main Street or, as the junior Senator from Arizona claimed: Khalid Shaikh Mohammed and his partners will be our neighbors—will be our neighbors if they are in secure detention facilities.

This is the kind of language that rightfully gets Americans fearful that they are going to be our neighbors. Well, the fact is, those individuals who can be tried in Federal court can and will be vigorously prosecuted. Federal courts have successfully prosecuted terrorists in the past. In fact, between September 12, 2001, and the end of 2007, 145 terrorists were convicted in American courts. How many American people know that, that 145 were convicted in American courts.

Likewise, U.S. prisons are already holding some of the world's most dangerous terrorists in the United States. Ramzi Yousef, the mastermind of the 1993 World Trade Center bombing, is in jail in the United States.

Zacarias Moussaoui, the 9/11 coconspirator, is in jail in the United States; Richard Reid, the ''shoe bomber,'' in jail in the United States. Several al-Qaida terrorists responsible for bombing Embassies in Kenya and Tanzania are in jail in the United States.

The men, women, and military officials who run these facilities have a proven track record. I ask those who are saying that Khalid Shaikh Mohammed and his partners will be our neighbors, I ask them: Can you point to any prisoner who has escaped from a Federal maximum security facility? Point to one. Just point to one.

Well, we have no greater duty than to protect the American people. That is the oath we all take. National security is our first job. In this regard, the President is undertaking a process that will result in the closing of a national stain on our character and a recruiting tool for those who wish to do us harm.

He is taking a step our military and foreign policy officials make clear will make us safer. The President should not be handcuffed and should not be prevented from improving our national security, as the other side in those amendments wish to do.

Finally, we must never forget that people around the world know we are right and the terrorists are wrong. Of the 5 or 6 billion people who live in the world, only a handful think the terrorists are right. All the rest are on our side. They know we are right and the terrorists are wrong.

If we wish to defeat the terrorists, therefore, we should remain faithful to our ideals and our values. We will not win this war with secret prisons, with torture chambers, with degrading treatment, with individuals denied basic human rights.

Rather, we will win this by upholding our values and insisting on legal safeguards that are the very basis of our system of Government and democracy. It is time to close Guantanamo Bay. There is no reason to keep it open and every reason, for our national security, to shut its doors.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

AMENDMENT NO. 1173

Mr. CORKER. Madam President, I ask unanimous consent that the pending amendment be set aside and that we call up amendment No. 1173.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Tennessee [Mr. CORKER], for himself, Mr. GRAHAM, and Mr. LIEBERMAN, proposes an amendment numbered 1173.

Mr. CORKER. 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 provide for the development of objectives for the United States with respect to Afghanistan and Pakistan)

On page 97, between lines 11 and 12, insert the following:

AFGHANISTAN AND PAKISTAN POLICY

SEC. 1121. (a) OBJECTIVES FOR AFGHANISTAN AND PAKISTAN.—Not later than 30 days after the date of the enactment of this Act, the President, based on information gathered and coordinated by the National Security Council, shall develop and submit to the appropriate committees of Congress the following:

(1) A clear statement of the objectives of United States policy with respect to Afghanistan and Pakistan.

(2) Metrics to be utilized to assess progress toward achieving the objectives developed under paragraph (1).

(b) REPORTS.—

(1) IN GENERAL.—Not later than March 30, 2010 and every 90 days thereafter, the President, on the basis of information gathered and coordinated by the National Security Council and in consultation with Coalition partners as appropriate, shall submit to the appropriate committees of Congress a report setting forth the following:

(A) A description and assessment of the progress of United States Government efforts, including those of the Department of Defense, the Department of State, the United States Agency for International Development, and the Department of Justice, in achieving the objectives for Afghanistan and Pakistan developed under subsection (a)(1).

(B) Any modification of the metrics developed under subsection (a)(2) in light of circumstances in Afghanistan or Pakistan, together with a justification for such modification.

(C) Recommendations for the additional resources or authorities, if any, required to achieve such objectives for Afghanistan and Pakistan.

(2) FORM.—Each report under this subsection may be submitted in classified or unclassified form. Any report submitted in classified form shall include an unclassified annex or summary of the matters contained in the report.

(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committees on Armed Services, Appropriations, Foreign Relations, Homeland Security and Governmental Affairs, and the Judiciary and the Select Committee on Intelligence of the Senate; and

(B) the Committees on Armed Services, Appropriations, Foreign Affairs, Homeland Security, and the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives.

Mr. CORKER. Madam President, I ask unanimous consent that Senators LUGAR, ISAKSON, COLLINS, and BENNETT be added as cosponsors to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORKER. Madam President, I am pleased to offer this amendment with my colleagues, Senator GRAHAM of South Carolina and Senator LIEBERMAN. This amendment would basically do two things.

Today, we have before us a supplemental appropriations bill. A large amount of the money in this bill is for our military operations and other operations in Afghanistan and Pakistan. This amendment is being offered without criticism. But, in fact, what we have today is a major shift in our policies in Afghanistan and Pakistan. I doubt that there is a person in this body who can clearly articulate what our mission is in these two countries, to the standpoint of actually laying out objectives.

I think many Senators were part of a luncheon we had 2 weeks ago where, when the President of Afghanistan was asked what our mission was in Afghanistan, he could not articulate in any way that was comprehendible what our mission was in that country.

I do not offer those comments again in criticism. I realize there are a lot of changes underway. I realize there is going to be a new general on the ground; possibly it will take until August for that confirmation to take place.

I realize this administration is working with many agencies in trying to develop a plan that will be effective in this country. If one were to listen to the state of the mission, one would think our mission is very similar in Afghanistan to that of Iraq, minus actually having a democratically functioning government.

I know all of us have had some concerns about some of the issues within Government in both countries and where Government funding actually ends up. So this is an amendment, a bipartisan amendment, that is being put forth asking the administration to do two things: Asking that we, in essence, all understand this policy so that, in fact, we have a policy that is equal to the tremendous sacrifice our men and women in uniform are putting forth on our behalf and do so daily.

First of all, the amendment would require the President to submit to Congress a clear statement of objectives for Afghanistan and Pakistan and the benchmarks that will be used to quantify progress toward achieving those objectives.

Again, this is not tying their hands. There are no timetables that say certain things have to happen by a certain time. This is, in essence, asking the administration to lay out to us so we all know and can articulate those and, hopefully, even our men and women in the field can articulate these, to lay those out in a way by which we can understand the benchmarks.

Then, secondly, it asks that they come before us and actually give us quarterly updates, after a period of time, toward those objectives and how they are actually progressing. I would hope that actually, at some point, the managers of the bill might be able to even accept this by unanimous consent because I cannot imagine why anybody in this body would want to vote the billions and billions of dollars toward these efforts that we rightfully are supporting today—do not get me wrong, but I cannot imagine not wanting the administration to come back to us with these benchmarks and these objectives so we all can measure our progress there.

We have been there 8 years. Our men and women in uniform have given and given and given; many have lost their lives, many have lost limbs. It would seem to me that everyone in this body, regardless of which side of the aisle they are on, would want to clearly understand what our mission is there and our way of evaluating that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. 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. LIEBERMAN. 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. LIEBERMAN. Madam President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1156

Mr. LIEBERMAN. Madam President, I call up amendment No. 1156.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN], for himself, Mr. GRAHAM, Mr. BEGICH, Mr. THUNE, and Mr. BURRIS, proposes an amendment numbered 1156.

Mr. LIEBERMAN. Madam President, 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 increase the authorized end strength for active duty personnel of the Army)

At the end of title III, add the following:

SEC. 315. (a) INCREASE IN FISCAL YEAR 2009 AUTHORIZED END STRENGTH FOR ARMY ACTIVE DUTY PERSONNEL.—Paragraph (1) of section 401 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4428) is amended to read as follows:

''(1) The Army, 547,400.''.

(b) INCREASE IN PERMANENT ACTIVE DUTY END STRENGTH MINIMUM LEVEL FOR ARMY PERSONNEL.—Paragraph (1) of section 691 of title 10, United States Code, is amended to read as follows:

''(1) For the Army, 547,400.''.

(c) FUNDING.—

(1) MILITARY PERSONNEL, ARMY.—The amount appropriated by this title under the heading ''MILITARY PERSONNEL, ARMY'' is hereby increased by $200,000,000, with the amount of such increase to be available for purposes of costs of personnel in connection with personnel of the Army on active duty in excess of 547,400 personnel of the Army.

(2) OPERATION AND MAINTENANCE, ARMY.—The amount appropriated by this title under the heading ''OPERATION AND MAINTENANCE, ARMY'' is hereby increased by $200,000,000, with the amount of such increase to be available for purposes of costs of operation and maintenance in connection with personnel of the Army on active duty in excess of 547,400 personnel of the Army.

(3) LIMITATION ON AVAILABILITY.—Amounts appropriated by paragraphs (1) and (2) shall be available only for the purposes specified in such paragraph.

(4) EMERGENCY REQUIREMENT.—For purposes of Senate enforcement, the amounts appropriated by paragraphs (1) and (2) are designated as an emergency requirement and necessary to meet emergency needs pursuant to section 403 of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

Mr. LIEBERMAN. Madam President, I am very pleased to rise now to offer this amendment on behalf of a bipartisan group: Senators THUNE, BEGICH, GRAHAM, and BURRIS, all of us members of the Armed Services Committee.

I take the floor today to speak on their behalf and mine for a constituency that every Member of the Senate represents; and that is, the men and women who serve in the U.S. Army.

On September 11, 2001, the Army's active-duty strength was just 480,000, after a decade in which we in Congress cut it nearly in half after the Cold War ended.

In the wake of the terrorist attacks of September 11, many Members of Congress urged a major expansion of the military and the Army for the years of war that were clearly ahead. But, unfortunately, that did not happen. We watched with growing concern as our soldiers—members of a force too small for the missions we had assigned to them—served through repeated deployments, heroically, but under increasing stress.

Finally, 3 years ago, the administration and Congress increased the size of the active-duty component of the U.S. Army from 480,000—the level on 9/11—to 547,400. That was to be realized over a period of years.

In February of this year, the Army reached that goal well ahead of the schedule that had been originally anticipated, fortunately, because every man and woman who joined the Army is necessary and has been critically necessary. So now we actually have 549,000 active-duty soldiers.

Recall that I said the statutory end strength of the Army is 547,400. So the Army now is literally at a strength greater than its current authorization. This achievement expresses the patriotic commitment of the American men and women who have answered the call of duty. In other words, recruitments and reenlistments have been so high that there are more people in the Army than the statutory end strength.

But there is still not enough. I will explain why.

Growing the force was clearly necessary to support our troops in the Army, our soldiers who are bearing the major responsibility for the wars we have been fighting in Iraq and Afghanistan. But these increased numbers simply have not proved sufficient to relieve the continued strain on our soldiers. That is what this amendment intends to do during the remainder of this fiscal year, covered by this supplemental appropriations bill.

I want to talk about dwell time. It is a term the military uses. What is ''dwell time''? It is down time but not R&R time. It is time that is spent back here at home in the bases, with the families, not just recovering from the last deployment, but also, obviously, preparing and training and upgrading for the next. And perhaps most significantly to the men and women of the Army, it is precious time for our soldiers to spend with their families.

Today, dwell time of members of the U.S. Army is about slightly more than 1 to 1. That means for every year of deployment, they are back home at the base, training, preparing, spending time with their family, for a year—1 to 1.

General Casey said—and everybody in our military says—that is simply inadequate; too much duty, too quickly, too much stress on our men and women in the U.S. Army, in the military.

General Casey said he has the goal to get the ratio to 1 to 2—2 years at home for every 1 year out at war—and to do so by 2011. In fact, he would like to take it higher than the 1 to 2—beyond that—hoping that our conflicts we are in in Iraq and Afghanistan do not require that many American military by that time.

Incidentally, the dwell-time ratio is particularly dire for a category in our Army called ''enablers.'' They are involved as Army aviators, engineers, people involved in intelligence, surveillance, and reconnaissance work. They really are under dwell-time pressure.

As the Presiding Officer knows, the Obama administration is implementing what I consider to be a very responsible strategy, and a correct strategy, for drawing down our force in Iraq. But if you combine the Iraq and Afghanistan wars, and the planned increase in Army presence in Afghanistan, as we slowly decrease in Iraq, Army deployments will actually increase for the rest of this year.

This is what General Casey, the Army Chief of Staff, said to the Armed Services Committee the other day: It is a simple question of supply and demand. If the supply of the Army stays only constant or even goes down, and yet the demand—which is the increasing deployments for at least the remainder of this year, and probably well into next year—goes up, the dwell time—the time these soldiers of ours, heroes of ours, have to spend away from the war zone back at base—will not rise from the unacceptable level it is at now.

Our military leadership has made clear in public statements that things are going to get worse before they get better.

Army Chief of Staff Casey recently warned that the number of deployed soldiers will actually, as I said, rise through the rest of the year. Admiral Mullen, Chairman of the Joint Chiefs of Staff, told the Senate Armed Services Committee last week that the Army faces a ''very rough time'' over at least the next 2 years before it reaches what Admiral Mullen called the ''light at the end of the tunnel.''

Keep in mind, these predictions do not reflect or absorb the possibility of a new crisis or new crises elsewhere in the world outside of Iraq and Afghanistan—what such a crisis would place in the way of additional demands on our soldiers—a possibility that recent experience warns us to at least keep in mind as a possibility.

So we are in a situation now where we have a constant level of soldiers on Active Duty, demand in the short term going up, and, therefore, dwell time—time away from the battlefield—not rising. This equation leads to strain and stress on our soldiers. Unfortunately, there are facts that show this strain and stress. The Army is on track this year to overtake the grim record of suicides of our Active-Duty Army personnel that we saw last year, in 2008. The murder a week or two ago of five soldiers by a fellow soldier in Baghdad was a devastating example, I fear, of the stress on our deployed force. We hear increasingly stories of the stress on the families back home. Any of us who have visited military bases, spoken to the families, hear this constantly as a growing appeal to do something to increase the dwell time. The fact is, we are not, and that really does hurt.

I think we can say—as was said the other day at an Armed Services Committee hearing by witnesses before us from the Defense Department who were talking about all we are doing to improve the quality of life of our men and women in uniform, including housing for their families, health care, childcare, et cetera, et cetera—benefits—all true. So we are improving the benefits to our men and women in the

U.S. Army, but so long as there are not enough of them, which there are not today, the major factor of stress, which is how often, how many times are they going to be sent back to Iraq and Afghanistan, or how frequently, will not change. That is what this amendment aims to do something about.

I wish to make clear what is obvious to everyone: that our Army is not broken. This is the greatest—this is the next greatest generation of the American military, performing with unbelievable skill, heroism, resilience, agility, and personal compassion in Iraq and Afghanistan. Our Army is not broken, but it is, as General Casey said the other day, out of balance. Secretary of the Army Geren said—summarizing this part of his testimony before the Armed Services Committee—the U.S. Army is ''busy, stretched, and stressed.'' And he is right. We have to give those heroes in uniform some help, and the best help we can give them is more people in uniform fighting alongside them.

Here is a strange twist. In the face of the current crisis in manpower, the administration has been forced to effectively direct the Army to not only stop growing but to actually shrink by the end of the year as deployments overseas increase, dropping back from over 549,000 soldiers to the statutory limit of 547,400. In other words, this supplemental appropriations bill closes a gap that existed in the Army's ability to pay for the 547,400 they are entitled to, but they are still over by 1,600 soldiers. Therefore, there is a guidance out that directs the Army to take drastic measures to cut back; in fact, reducing their recruiting goals this year by 13,000 soldiers, which the Army knows it can meet, and cutting its retention goal by 10,000 troops, which the Army also knows it can meet. So here we have this ironic—really worse than that—moment where we need more troops and more soldiers and the Army is going to be forced to cut back.

I must tell my colleagues that I think it is going to be hard to shrink the Army in this way by the end of this year because so many of our troops are reenlisting, which is quite remarkable—so committed to the cause, proud of their service, want to keep fighting for the United States alongside the others in their unit. Obviously, some are affected by the economy and the instability and difficulty in finding job opportunities in the economy.

So I think it would be a terrible mistake to order the Army to cut its ranks at this time, which would mean less dwell time for our soldiers. That is why Senators GRAHAM, BEGICH, THUNE, BURRIS, and I introduced this bipartisan amendment which would enable the Army to maintain its current strength and continue to grow for the remainder of this fiscal year as the Secretary of Defense determines. No compulsion here.

Current law forces the Army to get smaller before the end of the year. This amendment would say it can grow beyond the 547,400 within the limit of the waiver that the Army has, and it provides the money to do that, which is an additional $400 million for the remainder of this fiscal year—frankly, a small price. It is a significant amount of money, but when we think about the impact it will have on the lives of just about every man and woman wearing the proud uniform of the U.S. Army, it is more than worth it.

I wish to explain, while I have a moment and while I see no one else on the Senate floor, that the amendment literally will increase the minimum end strength for the Active-Duty Army from the statutory level it is at now up to 547,400. When that point is reached, it gives the Secretary of the Army a 2-percent waiver, and that means that working with the Secretary of Defense, the Secretary of the Army could actually raise the Army as high as 558,000 by the end of the fiscal year. I don't expect that to be possible in the next few months, but it gives that latitude and the money to back it up.

The second part of the amendment provides additional funds to help the Army cover the immediate personnel shortfall it faces because of the toll the ongoing conflicts are taking on the force.

If I may add just this final argument of reality. The Vice Chief of Staff, Peter Chiarelli, told the Senate Armed Services Subcommittee on Readiness last month that the Army has about 30,000 soldiers among that current 549,000 who are, for one reason or another—three reasons, actually—not available to meet the requirements of the Army, not able to be directly involved.

For example, nearly 10,000 soldiers now either serve as Wounded Warriors or support their recovery, while thousands more are not deployable because of injuries they have suffered, often not in conflict, but that are, nonetheless, though less severe, disabling enough that they can't be deployed. So the truth is, there already is a 30,000-gap beneath the 549,000 that is on the books as actively deployed.

The best way to honor the sacrifice and service of these soldiers will be to ensure that their brothers and sisters in arms go to battle with reinforcements who can take their place; to guarantee that the Army can build those enabler units I talked about that the service needs most now on the front lines in Afghanistan and Iraq—and both battlefields are now beginning to compete for those uniquely trained enablers; and to provide the Army leadership with the flexibility it needs to have the manpower for the theater while giving our troops more time at home.

I wish to go to two final questions. Would growing the force today relieve the strain on the force when it matters most? And is this a proposal we can afford? In terms of the first, we know the greatest demand in the theater falls upon our most junior soldiers, such as the Army's privates and specialists who face the most difficult dwell time ratios in the force and keep going back and forth.

If we commit to growing the force now, these are the types of troops we can recruit, train, and deploy in this time of greatest need, and we can retain them. In short, if provided the additional personnel, the U.S. Army can definitely use them and use them well.

In terms of the second question, of course, I am concerned about the long-term costs of increasing the size of the force. The price of military personnel has risen over the past decade because we better recognize the service of our soldiers, and we are taking better care of them. Nonetheless, I don't see how we can explain to our soldiers and their families that we in Congress decided that we could not afford reinforcements at a time when the force is so stressed under the strain of war and still performing so brilliantly.

The Army is not broken, I wish to stress. It is out of balance, and it needs our support to come into balance. This amendment would provide the funds to give the Secretary of the Army and the Secretary of Defense the option—not mandatory—to raise the number of Active-Duty military personnel, from now until the end of this fiscal year, to a level above—slightly above—the 547,400 now statutorily authorized.

I hope our colleagues on both sides of the aisle will join us in giving this amendment unanimous support. I honestly think it is just about the best thing we can do for the heroes of the U.S. Army who serve us every day to protect our security and our freedom.

I thank the Chair. 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. GRAHAM. 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. GRAHAM. Madam President, I call up the Lieberman-Graham amendment No. 1157.

The PRESIDING OFFICER. Is there objection?

Mr. LIEBERMAN. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. GRAHAM. Madam President, I will talk about the amendment, if I may.

The PRESIDING OFFICER. The Senator is recognized for that purpose.

Mr. GRAHAM. Madam President, I wished to thank Senator LIEBERMAN for his leadership on this issue. We have been working together on what I think is a very big deal for the American people in the overall war effort. As many of you know, particularly our colleagues and the public at large, we have had a discussion in this Nation about whether we should release more

photos showing detainee abuse in the past.

The President of the United States has decided to stand for the proposition that releasing these photos would jeopardize the safety of our men and women serving overseas and Americans abroad, as well as civilians serving in the war zones. He has indicated the photos don't add anything to the past debate about detainee abuse. They are more of the same. No new person is implicated. These photos, again, were taken by our own folks, detailing abuse, and a lot of that has been dealt with already and prosecuted.

The President, I think rightfully, has determined, after consulting with his combat commanders, that if we release these photos, it would not help us understand any more about detainee problems in the past than we already know. But it would be a tremendous benefit to the enemy. The enemy used these photos in the past to generate resentment against our troops. It has been a propaganda tool. The President is rightfully concerned that to release more photos would add nothing to the overall knowledge base we have regarding detainee abuse, and it is simply going to put American lives in jeopardy. I applaud the President, who stood for our troops and men and women and the civil servants overseas.

There are a lot of mysteries in this world, but there is no mystery on what would happen if we release those photos. I can tell you, beyond a shadow of a doubt, that if these photos get into the public domain, they will inflame populations where our troops are serving overseas and increase violence against our troops.

What we have done—Senator LIEBERMAN and myself—is we came up with an amendment that addresses the lawsuit before our judicial system about the photos. This amendment says any detainee photos that are certified by the Secretary of Defense, in consultation with others, that would result in harm to our men and women serving overseas, jeopardize the war effort, and put our troops in harm's way, with Presidential approval, those photos cannot be released for a 5-year period of time. To me, that is a reasonable compromise. It doesn't change FOIA, in its basic construct, but it provides congressional support to the President's decision that we should not release these photos.

Senator LIEBERMAN and myself have been to the theater of operations many times. We have met with al-Qaida operatives who have switched sides, basically, and they have told us firsthand how at prison camps in Iraq, the Abu Ghraib photos were used in the past to recruit new members to al-Qaida and generate resentment against our troops.

I applaud the President. This legislation will help the administration in court. I thank Senator LIEBERMAN, who, above all else, puts his country and the security of our men and women ahead of any political calculation. For that, I very much appreciate his leadership and his friendship. I wish to recognize what he did.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Madam President, I thank my friend from South Carolina for his kind words, first, but also for working together on this in a bipartisan way. Senator GRAHAM serves in the Senate, but he also serves in the U.S. Air Force. When we travel with him, he usually remains behind to do some time and be of service in the battle zones. That is the kind of person he is. He is an extremely skilled lawyer.

We approached this trying to do what was right from a legal point of view but also understanding what the President, to his great credit, understood and expressed in the decision he has made on these photos. These are old photos. They portray, I fear, behavior that is unacceptable and, in fact, has been made illegal by the Detainee Treatment Act and the Military Commissions Act, which Senator GRAHAM played the leading part in drafting. This behavior portrayed in the pictures already has also been made illegal by Executive order of President Obama. So what purpose is served by putting these pictures out now? What good purpose? None. It is a kind of voyeurism, frankly, to see the pictures just for the sake of seeing the pictures. Maybe in a normal time that would be OK; it probably would be. Disclosure and transparency are values our country, our Government, holds high. But there is something different now, and this is what President Obama recognizes. We are at war. When you are at war, you have to ask the question the President asked General Petraeus, General Odierno, and others: Will the public release of these pictures endanger America, American military personnel, and American Government personnel serving overseas?

The answer came back loud and clear: Yes, it will. So the President, with strength and decisiveness, stepped onto what I am sure he knew was politically controversial ground. He did what he thought was right for the country as Commander in Chief. As Senator GRAHAM said, we applaud him greatly for that. We are at war, and you don't do the things when you are at war that you might do at other times.

This proposal basically codifies into law the process President Obama suggested in reaching the decision he made to fight the release of these pictures.

Last week, the President made exactly the right decision as Commander in Chief that will protect our troops in Iraq, Afghanistan and elsewhere and make it easier for them to carry out the missions that we have asked them to do.

After consulting with General Petraeus, General Odierno and others, the President decided to fight the release of photographs that depict the treatment of detainees in U.S. custody. Those photographs are the subject of a Freedom of Information Act lawsuit filed by the American Civil Liberties Union.

Last fall, the Second Circuit court of appeals ordered the release of those photographs. Instead of appealing that decision to the Supreme Court, government lawyers agreed to release the images as well as others that were part of internal Department of Defense investigations.

I strongly believe that the President's decision to fight the release of the photographs was the right one. Today, Senator GRAHAM and I introduced this amendment to H.R. 2346, the supplemental appropriations bill for Iraq and Afghanistan, that will codify the President's decision and establish a procedure to prevent the detainee photos from being released.

Before the President decided to fight the Second Circuit decision, Senator GRAHAM and I sent a letter to the President making the case that the release of the photographs serves no public good.

The behavior depicted in those photographs has been prohibited by Congress in the Detainee Treatment Act and the Military Commissions Act as well as by Executive orders issued by President Obama. Meanwhile, the Department of Defense has investigated the allegations of detainee abuse for the purpose of holding those responsible accountable.

We also know that the release of the photographs will make our service men and women deployed overseas less safe. There is compelling evidence that the images depicting detainee abuse at Abu Ghraib was a great spur to the insurgency in Iraq and made it harder for our troops to succeed in their mission there.

Now we learned valuable lessons from those pictures. And as I said, Congress and this President have taken steps to prevent that abuse from ever happening again.

But the same is not true about these pictures. These pictures depict past abuses that have already been addressed and we know that the release will only empower the propaganda operations of al-Qaida and other Islamist terrorist organizations.

Even before 9/11, terrorist groups like al-Qaida recognized the immense value of using propaganda to recruit and radicalize followers around the world. Since 9/11, the al-Qaida propaganda operation has only gotten more sophisticated. Should pictures like these be released, we know that they will be circulated immediately on al-Qaida connected Web sites and many other Web sites that readily post images just like this.

And to be clear, it is not al-Qaida leadership we are worried about—they are committed to destroying America regardless of what happens with these photos. Rather it is the thousands of

young men—and some women—around the world who may not otherwise be inclined to sympathize with or support al-Qaida but may change their minds after seeing these photos. Those recruits are the ones that keep al-Qaida and other Islamist terrorist groups vibrant and capable of planning and executing attacks against us.

By introducing this legislation today, we do not condone the behavior depicted in the photographs. We expect that those responsible for the mistreatment of detainees will be held accountable. And that is exactly what the Department of Defense has done with the internal investigations it has conducted.

This bill—the Detainee Photographic Records Protection Act—would establish a procedure just like the one that led to the President's decision not to release the photos.

This legislation would authorize the Secretary of Defense, after consultation with the Chairman of the Joint Chiefs, to certify to the President that the disclosure of photographs like the ones at issue in the ACLU lawsuit would endanger the lives of our citizens or members of the Armed Forces or civilian employees of the U.S. Government deployed abroad.

The certification would last 5 years and could be renewed by the Secretary of Defense if the threat to American personnel continues. Also, the language in the bill is clear that it would apply to the current ACLU lawsuit that gave rise to the President's decision last week.

Let me state clearly that we cannot become complacent about the stark reality that we are still at war with enemies who continue to seek to attack America and kill Americans. In the heated partisan environment in Washington, we are unfortunately sometimes more engaged in finger pointing and recriminations than being focused on defeating the vicious determined enemy we face.

I applaud President Obama for the actions he has taken in the past week on the photos and the military commissions and I believe that this legislation will provide him with an important tool to assist him in leading the war on terror.

Bottom line: I hope, again, this can be a bipartisan amendment, which it is, but I hope it will be supported by Members across the aisles. When we do that, we are all going to be saying we know we are at war and that we have no higher responsibility than to protect the security of our country and our military personnel, which would be endangered if these pictures go out.

For a quick moment, I speak as chairman of the Homeland Security Committee, which I am privileged to lead. These pictures will be a recruiting device for al-Qaida and the rest of the terrorist ilk. These pictures will go up instantaneously on jihadist terrorist recruiting Web sites. Not just people elsewhere in the world but people in the United States will be drawn to those Web sites and perhaps recruited through these pictures into a life of terrorism, where the essential target will be America and Americans. There is no reason to let that happen, and this amendment will make sure, in an orderly and fair way, that it doesn't happen while we are at war.

Again, I thank my friend from South Carolina. I gather we are waiting for word on whether we can introduce the amendment soon.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. GRAHAM. Madam President, here is a closing thought. The President understands very well, and I know Senator LIEBERMAN does, and I think we all understand we have some damage to repair. We have made mistakes in this war. Detainee operations are essential in every war. Part of war is to capture prisoners and how you dispose of them can help or hurt the war effort. There have been times in the past where detainee operations have hurt the war effort. We need to start over. That is why we need to look at a new system to replace the one we have regarding military commissions—but keep it in the military setting—and a way to start over with basic detainee operations in a comprehensive manner. But in repairing the damage of the past, you have to make sure you are not creating future damage. If you release these photos, you will not repair damage from the past, and you will not bring somebody to justice that is in these photos whom we already don't know about. There will not be a new person named. It is more of the same. So it doesn't contribute to repairing the damage of the past, but it sure does create damage for the future.

The one fact I am very aware of is that the young men and women serving overseas today—soldiers, military members, and civilians—have done nothing wrong. They should not pay a price for the people who did something wrong in the past whom we already know about.

If you release these photos, Americans are going to get killed for no good reason. That is why we need to pass this amendment—to help the President defeat this lawsuit that would lead to violence against Americans who are doing their job and have done nothing wrong. They should not be punished for something somebody has done in the past, which has already been addressed.

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. GRAHAM. 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. 1157

Mr. GRAHAM. Madam President, it is my understanding that there is an agreement we can bring up the amendment at this time. Therefore, I ask unanimous consent to set aside the pending amendment and call up amendment No. 1157 on behalf of Senator LIEBERMAN, myself, and Senator MCCAIN.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. GRAHAM], for himself, Mr. LIEBERMAN, and Mr. MCCAIN, proposes an amendment numbered 1157.

Mr. GRAHAM. Madam President, 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 provide that certain photographic records relating to the treatment of any individual engaged, captured, or detained after September 11, 2001, by the Armed Forces of the United States in operations outside the United States shall not be subject to disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act))

At the appropriate place, insert the following:

SEC. _____. DETAINEE PHOTOGRAPHIC RECORDS PROTECTION.

(a) SHORT TITLE.—This section may be cited as the ''Detainee Photographic Records Protection Act of 2009''.

(b) DEFINITIONS.—In this section:

(1) COVERED RECORD.—The term ''covered record'' means any record—

(A) that is a photograph relating to the treatment of individuals engaged, captured, or detained after September 11, 2001, by the Armed Forces of the United States in operations outside of the United States; and

(B) for which a certification by the Secretary of Defense under subsection (c) is in effect.

(2) PHOTOGRAPH.—The term ''photograph'' encompasses all photographic images, whether originals or copies, including still photographs, negatives, digital images, films, video tapes, and motion pictures.

(c) CERTIFICATION.—

(1) IN GENERAL.—For any photograph described under subsection (b)(1)(A), the Secretary of Defense shall submit a certification, in classified form to the extent appropriate, to the President, if the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, determines that the disclosure of that photograph would endanger—

(A) citizens of the United States; or

(B) members of the Armed Forces or employees of the United States Government deployed outside the United States.

(2) CERTIFICATION EXPIRATION.—A certification submitted under paragraph (1) and a renewal of a certification submitted under paragraph (2) shall expire 5 years after the date on which the certification or renewal, as the case may be, is submitted to the President.

(3) CERTIFICATION RENEWAL.—The Secretary of Defense may submit to the President—

(A) a renewal of a certification in accordance with paragraph (1) at any time; and

(B) more than 1 renewal of a certification.

(d) NONDISCLOSURE OF DETAINEE RECORDS.—A covered record shall not be subject to—

(1) disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act); or

(2) disclosure under any proceeding under that section.

(e) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act and apply to any photograph created before, on, or after that date that is a covered record.

Mr. GRAHAM. Madam President, Senator LIEBERMAN and I have already explained the need for this amendment. It will help the President win a lawsuit that is moving through our legal system regarding the release of photos of past detainee abuse. As I said, that will not help us to learn more, and it will only put American lives at risk, as the commanders have told the President. The Senate can avoid that by passing this targeted amendment.

I hope we can get a large vote for this amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENNET). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. Mr. 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. 1147

Mr. KYL. Mr. President, I ask unanimous consent that the pending business be laid aside so that I may offer amendment No. 1147.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. KYL], for himself and Mr. LIEBERMAN, proposes an amendment numbered 1147.

Mr. KYL. Mr. 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 prohibit funds made available for the Strategic Petroleum Reserve to be made available to any person that has engaged in certain activities with respect to the Islamic Republic of Iran)

At the end of title IV, add the following:

PROHIBITION ON USE OF FUNDS FOR THE STRATEGIC PETROLEUM RESERVE FOR PERSONS THAT HAVE ENGAGED IN CERTAIN ACTIVITIES WITH RESPECT TO THE ISLAMIC REPUBLIC OF IRAN

SEC. 410. None of the funds made available by this title or any other appropriations Act for the Strategic Petroleum Reserve may be made available to any person that has, during the 3-year period ending on the date of the enactment of this Act—

(1) sold refined petroleum products valued at $1,000,000 or more to the Islamic Republic of Iran;

(2) engaged in an activity valued at $1,000,000 or more that could contribute to enhancing the ability of Iran to import refined petroleum products, including—

(A) providing ships or shipping services to deliver refined petroleum products to the Islamic Republic of Iran;

(B) underwriting or otherwise providing insurance or reinsurance for such an activity; or

(C) financing or brokering such an activity; or

(3) sold, leased, or otherwise provided to the Islamic Republic of Iran any goods, services, or technology valued at $1,000,000 or more that could contribute to the maintenance or expansion of the capacity of the Islamic Republic of Iran to produce refined petroleum products.

Mr. KYL. Mr. President, let me briefly describe what this amendment does. The administration, as well as Members of Congress, have all been recently saying some important things about our ability to influence the actions of the country of Iran relative to their acquisition of a nuclear capability. Let me quote a couple of these statements that I think make a lot of sense.

Secretary Gates said:

The regional and nuclear ambitions of Iran continue to pose enormous challenges to the U.S. Yet I believe there are nonmilitary ways to blunt Iran's power to threaten its neighbors and sow instability throughout the Middle East.

The Secretary said that at an Armed Services Committee hearing in January of this year.

In March of this year, after an important NATO meeting, Secretary Clinton said the following:

I know that there's an ongoing debate about what the status of Iran's nuclear weapons production capacity is, but I don't think there is a credible debate about their intention. Our task is to dissuade them, deter them, prevent them from acquiring a nuclear weapon.

I think we would all agree with these two sentiments. One way to ''dissuade'' Iran from pursuing this nuclear capability, as Secretary Clinton put it, is to focus on the vulnerabilities of Iran and its leaders to cause them to change their plans by putting significant pressure on Iran and its leadership.

Where might those pressure points be? One of them that President Obama talked about in his campaign was the fact that Iran imports about 40 percent of the refined gasoline and diesel that its citizens use. It does not have an indigenous capability. That represents a vulnerability since there are only a few companies, maybe five, that supply that refined petroleum product to Iran. So one of the things we can do is to ensure that those companies have to decide whether they want to do business with Iran's $250 billion economy or our $13 trillion economy. There is legislation pending that Senator BAYH, Senator LIEBERMAN, and I have introduced that would deal with that subject.

But there is another way that we can deal with it, and it is focused on this legislation in front of us. That is how we spend U.S. money and whether, in fact, we pay money to these companies.

It turns out that the answer is yes. For example, in January, the Department of Energy announced its award of a contract to purchase 10.7 million barrels of crude oil for the Strategic Petroleum Reserve to two companies, Vitol and Shell Trading. The total cost of these contracts is $552 million. These two firms play a critical role in importing gasoline to the Islamic Republic of Iran.

Despite protests from the Congress, the Department of Energy actually completed those sales and the transfers of money in April of 2009. So that is not a contract we can affect. That is half a billion dollars of U.S. taxpayer money going to these two companies that do business directly with Iran. We should stop doing that. What this amendment says is that we are going to stop doing that with money that would be ordinarily spent on companies such as Vitol and Shell Trading.

The Department of Energy has outstanding contracts to add 6.2 million barrels of crude oil to the Strategic Petroleum Reserve with Shell Trading and a company called Glencore, which also sells gasoline to Iran. Last month, the Senate unanimously approved an amendment—it was amendment No. 980 to S. Con. Res. 13—to the budget to prevent Federal expenditures to companies doing business in the energy sector of the Islamic Republic of Iran on the matter I spoke to before. So this would be a complementary way for us to assure that Iran is not supported by these companies. This amendment would make clear our opposition to the use of taxpayer funds to pay to these companies that sell refined petroleum products to Iran. We wouldn't be able to use American taxpayer dollars, for example, to pay them to fill our Strategic Petroleum Reserve. There are plenty of other companies that can do that.

So if we are serious about confronting the Islamic Republic of Iran, we have to use all the economic and diplomatic tools at our disposal to focus pressure on that country and its leadership to cause them to stop pursuing their plans to become a nuclear power. I think most of us would agree that companies doing business with Iran should have to make a choice: Do they do business, as I said, with our $13 trillion economy or do they do business with Iran's $250 billion economy? This amendment doesn't get to that larger issue, but it does at least say that we are not going to spend taxpayer money with these five or so companies—some of which we are currently doing business with—by buying their oil for our Strategic Petroleum Reserve.

Mr. President, I am happy to answer any questions or have debate about this amendment. If my colleagues are willing to accept it without a vote, that is fine with me too. I think the important point is to get this proposition established. I can't imagine there is a great deal of controversy about this here in the body, but if anyone would like to debate me about it, I would be happy to do that at this time or when they are here.

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. BROWN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 1161

Mr. BROWN. I ask unanimous consent to set aside the pending amendments and call up amendment No. 1161.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. BROWN] proposes an amendment numbered 1161.

Mr. BROWN. I ask unanimous consent the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the United States Executive Director of the International Monetary Fund to oppose loans and other programs of the Fund that do not exempt certain spending by the governments of heavily indebted poor countries from certain budget caps and restraints)

On page 106, between lines 14 and 15, insert the following:

SEC. 1303. (a) EXEMPTION OF CERTAIN GOVERNMENT SPENDING FROM INTERNATIONAL MONETARY FUND RESTRICTIONS.—The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to oppose any loan, project, agreement, memorandum, instrument, plan, or other program of the Fund that does not exempt spending on health care, education, food aid, and other critical safety net programs by the governments of heavily indebted poor countries from national budget caps or restraints, hiring or wage bill ceilings, or other limits on government spending sought by the Fund.

(b) CONFORMING REPEAL.—Section 7030 of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 874) is amended by striking subsection (c) and redesignating subsection (d) as subsection (c).

Mr. BROWN. Mr. President, I begin by thanking the senior Senator from Mississippi for his good work and for his cooperation on bringing this amendment forward. I rise to offer amendment No. 1161, which is intended to ensure that the International Monetary Fund fulfills its mission in a manner consistent with American values and American objectives. This amendment would help ensure that the human cost of this economic crisis is not exacerbated, is not made worse, by cuts to nutrition and to health and to education programs.

Without a doubt, we are facing the greatest economic crisis in decades, a crisis that has worldwide implications. Unemployment is up, not just in my home State of Ohio or in the State of the Presiding Officer, of New Mexico, but across this Nation and around the world. In low-income countries, workers are toiling away for increasingly lower wages and children are all too often going without health care, without enough food, and with little education.

The World Bank estimates the global economic crisis will push an additional 46 million people into poverty this year. If the crisis persists, an additional 2.8 million children under 5 may die from preventable and treatable diseases between now and 2015.

As governments across the globe find themselves in dire straits, the IMF has stepped in to provide badly needed loans to countries in trouble but often at the expense of social spending programs. In the past, the IMF has loaned money to nations, often with the requirement that these countries balance their budgets, cut spending and raise interest rates. Of course, there is nothing wrong with balanced budgets, but in an economic crisis such as the one we currently face, how can the IMF ask countries to cut spending on education, on health care, on nutrition, in order to undertake policies that might actually cause more harm than good? The upshot of these policies is the world's weakest and most vulnerable are the ones who suffer. The first items cut from budgets are social spending programs. In fact, the IMF has actually required that countries cap spending on health care and education and nutrition.

If these conditions continue to be placed on countries receiving IMF funds, our attempts to provide assistance to those in need will be undercut, all in the name of fiscal responsibility. Let me be clear: The purpose of this amendment is not to inhibit IMF lending. I recognize the importance of the IMF and I recognize the role it will play in stabilizing the global economy, but it is especially for this reason we must be able to hold it accountable.

The administration's inclusion of IMF money in the supplemental appropriation is an opportunity for us to make a statement to the International Monetary Fund, to make sure that the money we loan to the IMF is used for programs that do not adversely affect the most vulnerable in the world. We must ensure the IMF doesn't force countries to cut spending for health care or education or nutrition at the expense of balanced budgets or shoring up central banks.

We must ensure that social spending—education, health care, nutrition—is protected not only for humanitarian and moral reasons but also for the long-term security and stability of those countries.

We must be able to hold the IMF accountable for its policies. We must use our voice and our vote to reflect our commitment to education, to the fight against global poverty, and to the welfare of workers everywhere. That is what this amendment will accomplish.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

AMENDMENT NO. 1188

Mr. MCCAIN. Mr. President, amendment No. 1188 is at the desk. I ask unanimous consent for its immediate consideration.

The ACTING PRESIDENT pro tempore. Is there objection to setting aside the pending amendment?

Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself, Mr. LIEBERMAN, Mr. LUGAR, and Mr. BROWNBACK, proposes an amendment numbered 1188.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the reading of the amendment be waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make available from funds appropriated by title XI an additional $42,500,000 for asssistance for Georgia)

At the end of title XI, add the following:

SEC. 1121. (a) ADDITIONAL AMOUNT FOR ASSISTANCE FOR GEORGIA.—The amount appropriated by this title under the heading ''Europe, Eurasia and Central Asia'' is hereby increased by $42,500,000, with the amount of the increase to be available for assistance for Georgia.

(b) SOURCE OF FUNDS.—

(1) IN GENERAL.—The amount of the increase in subsection (a) shall be derived from amounts appropriated or otherwise made available by this title, other than amounts under the heading ''Europe, Eurasia and Central Asia'' and available for assistance for Georgia.

(2) 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—

(A) administer the reduction required pursuant to paragraph (1); and

(B) submit to the Committee on Appropriations of the Senate and the Committee of the House of Representatives a report specifying the account and the amount of each reduction made pursuant to the reduction required pursuant to paragraph (1).

Mr. MCCAIN. Mr. President, I rise to offer an amendment that will restore assistance to the Republic of Georgia, thereby fulfilling the commitment the United States has made to that country.

Last year, following the Russian invasion of Georgia, and the widespread destruction that took place throughout the country, the United States pledged $1 billion in aid to Georgia. The move had wide bipartisan support.

Thus far approximately three-quarters of the assistance has been delivered to Tblisi. Now the administration has requested that final step in fulfilling the U.S. pledge be incorporated into the supplemental bill and requested the remaining $242.5 million in assistance for Georgia.

The House measure includes this full funding. The Senate version, on the other hand, provides only $200 million, which makes it available not just for Georgia but other central Asian countries as well.

The amendment I am offering would move $42.5 million in existing funds under the international affairs title of the bill to fulfill the full amount of the American pledge. I would emphasize—I wanted to heavily emphasize—that in

doing so, this amendment does not increase the top line of the State Department budget by one penny, nor does it mean one penny more in taxpayer expenditure. It is consistent with the administration's budget request and with the promise that our Nation made to the Republic of Georgia following last year's strife.

The Georgian Government has stated that it plans to devote the assistance to projects that will address urgent requirements identified by the World Bank's recent Joint Needs Assessment. These include resettling internally displaced persons, rebuilding vital infrastructure following last year's Russian invasion, strengthening democratic institutions and law enforcement capabilities, and enhancing border security.

In fulfilling our pledge, we have the opportunity not only to enhance the stability of the democratic progress of Georgia but also to send a clear message to the region that the United States will stand by its friends. Such a signal is one of the utmost importance.

It has been just 8 months since the world's attention was riveted by Russia's invasion. Following the violence, there was talk of sanctions against Moscow. The Bush administration withdrew its submission to Congress of a nuclear cooperation agreement with Russia, and NATO suspended meetings of the NATO-Russia Council. That outrage quickly subsided, however, and it seems that the events of last August have been all but forgotten in some quarters.

A casual observer might guess that things returned to normal in this part of the world and that war in Georgia was a brief and tragic circumstance that has since been reversed. But, in fact, this is not the case.

While the stories have faded from the headlines, Russia remains in violation of the terms of the ceasefire to which it agreed last year. Russian troops continue to be stationed on sovereign Georgian territory. Thousands of Russian troops remain in South Ossetia and Abkhazia, greatly in excess of the preconflict levels.

Rather than abide by the ceasefire's requirement to engage in international talks on the future of the two provinces, Russia has recognized their independence, signed friendship agreements with them that effectively render them Russian dependencies, and have taken over their border controls.

All of this suggests tangible results to Russia's desire to maintain a sphere of influence in neighboring countries, dominate their politics, and circumscribe their freedom of action in international affairs.

Russian President Medvedev recently denounced NATO exercises in Georgia, describing them as ''provocative.'' Yet these ''provocative'' exercises did not involve heavy equipment or arms and focused on disaster response, search and rescue, and the like. Russia was even invited to participate in the exercises, an invitation Moscow declined.

We must not revert to an era in which the countries on Russia's periphery were not permitted to make their own decisions, control their own political futures, and decide their own alliances. Whether in Kyrgyzstan, where Moscow seems to have exerted pressure for the eviction of U.S. forces from the Manas base, to Estonia, which suffered a serious cyber-attack some time ago, to Georgia and elsewhere Russia continues its attempts to reestablish a sphere of influence.

Yet such moves are in direct contravention to the free and open rules-based international system that the United States and its partners have spent so many decades to uphold.

So let's not forget what has happened in Georgia and the pledges we have made to support a friend. I urge my colleagues to support this amendment and stand by the Republic of Georgia in its continuing time of need.

I want to emphasize again, the amendment does not increase the top line of the State Department budget by one penny, nor does it mean one penny more in taxpayer expenditures, consistent with the administration's budget request, and with the promise that our Nation made to the Republic of Georgia following last year's strife.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mrs. LINCOLN. 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.

AMENDMENT NO. 1181

Mrs. LINCOLN. Mr. President, I ask unanimous consent that the pending amendment be set aside and I call up my amendment No. 1181.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mrs. LINCOLN] proposes an amendment numbered 1181.

The amendment is as follows:

(Purpose: To amend the Federal Deposit Insurance Act with respect to the extension of certain limitations)

At the appropriate place, insert the following:

SEC. ___. EXTENSION OF LIMITATIONS.

(a) IN GENERAL.—Section 44(f)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1831u(f)(1)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving the margins 2 ems to the right;

(2) by striking ''evidence of debt by any insured'' and inserting the following: ''evidence of debt by—

''(A) any insured''; and

(3) by striking the period at the end and inserting the following: ''; and

''(B) any nondepository institution operating in such State, shall be equal to not more than the greater of the State's maximum lawful annual percentage rate or 17 percent—

''(i) to facilitate the uniform implementation of federally mandated or federally established programs and financings related thereto, including—

''(I) uniform accessibility of student loans, including the issuance of qualified student loan bonds as set forth in section 144(b) of the Internal Revenue Code of 1986;

''(II) the uniform accessibility of mortgage loans, including the issuance of qualified mortgage bonds and qualified veterans' mortgage bonds as set forth in section 143 of such Code;

''(III) the uniform accessibility of safe and affordable housing programs administered or subject to review by the Department of Housing and Urban Development, including—

''(aa) the issuance of exempt facility bonds for qualified residential rental property as set forth in section 142(d) of such Code;

''(bb) the issuance of low income housing tax credits as set forth in section 42 of such Code, to facilitate the uniform accessibility of provisions of the American Recovery and Reinvestment Act of 2009; and

''(cc) the issuance of bonds and obligations issued under that Act, to facilitate economic development, higher education, and improvements to infrastructure, and the issuance of bonds and obligations issued under any provision of law to further the same; and

''(ii) to facilitate interstate commerce generally, including consumer loans, in the case of any person or governmental entity (other than a depository institution subject to subparagraph (A) and paragraph (2)).''.

(b) EFFECTIVE PERIOD.—The amendments made by subsection (a) shall apply with respect to contracts consummated during the period beginning on the date of enactment of this Act and ending on December 31, 2010.

Mrs. LINCOLN. Mr. President, I will be very brief.

I, first of all, want to say a special thanks to Chairman INOUYE and the ranking member, my neighbor from Mississippi, Senator COCHRAN, for their good work on this effort and really being thoughtful and timely on that we need in this bill we have before us.

The amendment I am offering today deals with an emergency challenge that is faced in our State of Arkansas. It is a specific problem just to us, and we need the Senate's help to immediately address that issue.

Unfortunately, as a result of the economic challenges our Nation now faces, these challenges are magnified for us in our State, and immediate and emergency intervention is essential; otherwise, our State's recovery will lag behind due to a lack of capital in our State because of the circumstances we are experiencing, as I said, with an unusual cap that is tied to the Federal rate. So we are working hard to solve this problem in our State. We are asking our Senate colleagues to work with us.

Mr. President, I ask unanimous consent that Senator PRYOR be added as a cosponsor to the amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. LINCOLN. I thank the Acting President pro tempore.

Again, we look forward to being able to work with our colleagues to meet this challenge our State, and our State

alone, faces. Again, I thank the chairman and the ranking member for being able to work with us on this issue.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. RISCH. 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.

AMENDMENT NO. 1143

Mr. RISCH. Mr. President, I ask unanimous consent that the pending amendment be set aside to call up my amendment No. 1143.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. RISCH], for himself, Mr. CORNYN, and Mr. BOND, proposes an amendment numbered 1143.

Mr. RISCH. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To appropriate, with an offset, an additional $2,000,000,000 for National Guard and Reserve Equipment)

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).

Mr. RISCH. Mr. President and fellow Senators, I come to the floor to offer this important amendment. What this amendment does is simply appropriates $2 billion to the National Guard and Reserve equipment account. Mechanically, it does this by permitting the OMB to rescind $2 billion that has been previously appropriated in the stimulus package. It exempts from the rescission funds related to the Department of Defense, the Department of Homeland Security, and part of title X of that bill relating to military construction and veterans and related agencies. Otherwise, the OMB is directed to rescind $2 billion, which is the amount authorized for the National Guard and Reserve equipment account.

The reason for the amendment is that as our Guard units and Reserve units have been asked to serve in Iraq and Afghanistan over recent years, their equipment has been badly depleted. I have personal experience with this, as our Guard unit from Idaho had been dispatched to Iraq and spent time there. When they came back, a lot of their equipment was necessarily left behind for the use of the Iraqis and for the use of other American troops who were going to stay in Iraq. We have in Idaho over a period of time gone through a process by which some of this equipment has been replaced but not all. Obviously, this amendment does not apply just to Idaho; it applies to all States, all National Guard units, all Reserve units.

This is something that is badly needed. The National Guard certainly performs a valuable service to the Governors of each of the States, to the people of each of the States. This bill will help them get the equipment that badly needs replacing back in the queue where it belongs and back where it can be used by these Guard units and Reserve units.

Thank you, Mr. President.

The PRESIDING OFFICER (Mr. BURRIS). The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I wish to compliment the distinguished Senator from Idaho. He puts his finger on a problem that affects not only Idaho but some other States as well, including my State of Mississippi, where we have had a large number of National Guard and Reserve officers, too—but his amendment goes directly to the National Guard—deployed to the theater, engaged in serious and dangerous operations in the theater, and we appreciate the fact that they are in need of having equipment and weapons that are suitable for the tasks and the challenges they face. It is a dangerous environment. This amendment will help deal with that serious problem. I thank the Senator for bringing it to the attention of the Senate.

Mr. RISCH. Mr. President, I thank the Senator. As has been pointed out, this is a situation that a number of States face. It will not cost any additional taxpayer dollars. It is a wise expenditure of taxpayer dollars.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KAUFMAN. Mr. 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. 1179

Mr. KAUFMAN. Mr. President, I ask unanimous consent to set aside the pending amendment for purposes of calling up an amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KAUFMAN. Mr. President, I call up amendment No. 1179.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. KAUFMAN], for himself, Mr. LUGAR, and Mr. REED, proposes an amendment numbered 1179.

Mr. KAUFMAN. Mr. 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 ensure that civilian personnel assigned to serve in Afghanistan receive civilian-military coordination training that focuses on counterinsurgency and stability operations)

On page 71, between lines 13 and 14, insert the following:

(g) TRAINING IN CIVILIAN-MILITARY COORDINATION.—The Secretary of State, in consultation with the Secretary of Defense, shall seek to ensure that civilian personnel assigned to serve in Afghanistan receive civilian-military coordination training that focuses on counterinsurgency and stability operations, and shall submit a report to the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives not later than 90 days after the date of the enactment of this Act detailing how such training addresses current and future civilian-military coordination requirements.

Mr. KAUFMAN. Mr. President, I ask unanimous consent to modify the amendment, and I send the modification to the desk.

Mr. COCHRAN. 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. KAUFMAN. 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. KAUFMAN. Mr. President, I am grateful to the chairman and ranking member for their work on this critical bill.

I am happy to be joined by Senators LUGAR and REED in introducing an amendment to ensure that civilians deployed to Afghanistan receive training that cultivates greater civilian-military unity of mission and emphasizes the importance of counterinsurgency and stability operations.

Last month, I had the distinct privilege of traveling with Senator REED to Afghanistan, Pakistan, and Iraq to visit our troops and assess regional developments and challenges.

During the trip, it was abundantly clear that we must build greater unity of mission between civilians and military in order to meet our growing needs in the region.

In Iraq and Afghanistan, we are engaged in a four-stage process of fighting insurgency by shaping the environment, clearing insurgents with military power, holding the area with effective security forces and police, and building through a combination of governance and economic development.

As we increase our military commitment and civilian capacity in Afghanistan, we must ensure that all U.S. personnel have the tools they need to succeed in this increasingly difficult mission.

In addition to sending 21,000 additional troops and trainers to Afghanistan, President Obama recently announced that we will send hundreds of civilians from the State Department, USAID, and other agencies to partner with the Afghan people and government in promoting economic development and governance.

These civilians will continue to work in tandem with the military in stabilizing Afghanistan and should therefore train in tandem to prepare for their deployment.

When surveyed, civilians serving in Afghanistan have confirmed that joint training with the military was the single most effective preparation. This sentiment underscores the urgency of this amendment, and highlights the critical need for increased joint training so we can meet current and future needs in Afghanistan.

Integrated training, specifically for military and nonmilitary personnel participating in provincial reconstruction teams, PRTs, is ongoing, and the next course will be held later this month at Camp Atterbury in Indiana.

Still, this training will include only about 25 nonmilitary personnel from State and USAID, and it is not scheduled to recommence for 9 months, after many of our brave men and women have already left for the region.

Especially given the increased need, this 9-month training cycle is woefully inadequate. We do not have 9 months to wait and we should not risk sending civilians to Afghanistan without the training they need to be safe, secure, and effective.

We must therefore increase the frequency of training programs, such as the one at Camp Atterbury and we also must ensure this training includes a greater focus on counterinsurgency and stability operations.

The military challenges we are facing today are unlike conventional wars of the past. I strongly agree with the assessment of leading defense experts that we must better prepare to win the wars we are in, as opposed to those we may wish to be in.

According to Secretary Gates, this will require ''. . . a holistic assessment of capabilities, requirements, risks, and needs'' which will entail, among other things, a rebalancing of our defense budget.

This also includes changing the way we prepare U.S. personnel for their mission, as reflected by the creation of the Counterinsurgency Academy in Kabul, where more civilians should train in greater numbers with the military once they are in Afghanistan.

An increased focus on counterinsurgency reflects the fact that we must undergo a military rebalancing to be better prepared to face an asymmetric threat.

Thanks to the leadership, vision, and integrity of Secretary Gates, General Petraeus, and others, we have moved in that direction, and we must continue along this path.

That is why I strongly support this supplemental, which contains increased funding for mine resistant ambush protected vehicles, or MRAPS, and other equipment to counter unconventional threats like improvised explosive devices. Such equipment is critical to advancing our security goals in Afghanistan and Iraq.

But most importantly, it provides needed defenses for our troops, so that we can keep our brave men and women out of harm's way in Iraq and Afghanistan.

It is in this same vein that we must also take every opportunity to prepare our civilians better. Increased civilian-military training focused on counterinsurgency and stability operations is essential to meeting this goal, and that is why I urge my colleagues to join Senators LUGAR, REED, and me in supporting this amendment.

Mr. President I appreciate the chairman and ranking member's assistance on this amendment, as well as the guidance I have received from Senator LEAHY.

I yield the floor and 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. MARTINEZ. 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. MARTINEZ. Mr. President, I ask unanimous consent that I be allowed to speak for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CUBAN INDEPENDENCE DAY

Mr. MARTINEZ. Mr. President, for Americans, Independence Day is the day we celebrate our freedom and the ideals on which our Nation was founded.

Today is a special day for Cubans who won their formal independence, with help from the United States, 107 years ago today. Today is independence day in Cuba, which serves as a reminder that there are those still struggling to exercise their fundamental rights, having spent the past 50 years under the repressive rule of a one-family regime.

Last month, 17 peaceful Cuban activists wrote to President Obama, noting that:

> A great majority of Cubans . . . desire profound democratic change in Cuba. The shining example of the civil rights movement in the United States is a beacon of hope so that full dignity for each Cuban can be restored. We want to determine our future through a democratic process.

His administration has taken actions with the well-being of Cubans in mind.

While I appreciate the President's willingness to address some of the challenges facing the Cuban people, I also ask that he consider implementing policies that will empower the Cuban people, not empower the regime.

Wholesale change in Cuba won't come from Washington. It can only come from Havana. The Cuban people will not truly be free until all prisoners of conscience are freed from prison.

Additionally, the regime must end the practice of harassing and detaining those who exercise their fundamental human rights.

The Cuban people are also entitled to freedom of the press, freedom to assemble, and freedom to worship. Finally, the Cuban people must be given the right to freely choose who governs them and how they will be governed.

On the day we recognize Cuba's independence from Spain 107 years ago, we should also recognize the Cuban people's right to independence from the repressive regime that currently denies them these fundamental freedoms.

Mr. President, 107 years ago, as the United States and those freedom fighters in Cuba who struggled mightily for more than a quarter of a century, by that time, to free themselves from the yoke of colonialism, the United States and Cuba, after freeing Cuba from Spain, sat together to form the new Cuban Republic. And 107 years ago on a day like today, the United States ceded to the Cuban people their right to be an independent nation.

It is amazing how nurtured and closely bound the history of our Nation is with the history of the nation that saw

my birth. It is with that in mind that this unique role and the fact that only a very small body of water, called the Florida Straits, separates us, has created this entangled web of history between these two nations that have so much been a part of my life.

As we look to the future, it is right that we continue to be the greatest single beacon of hope, as these dissidents expressed to President Obama, for those in Cuba who look for freedom, who look for the opportunity to have a democratic government they can elect.

Today the Cuban people continue to be ruled by the tyrannical hand of two brothers who seized power in 1959 on January 1. That is a long time ago. Since that day until today, there has not been a legitimate election, there has never been the opportunity for the Cuban people to freely express themselves without the fear of repression or political prison.

Today there are dozens of Cuban people who are in prison merely for expressing the ideas that this country has so nurtured over the time of its existence—freedom, democracy, and rule of law. It is with that hope that today I have come to the Senate floor to commemorate this very important date on the calendar in history that intertwines Cuba and the United States.

Mr. President, I yield the floor.

Mr. COCHRAN. 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. NELSON of Florida. Mr. 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. 1155

Mr. NELSON of Florida. Mr. President, Senator LANDRIEU and I have filed an amendment that we hope the Appropriations Committee will accept for $2 million to be appropriated, set aside for the Consumer Product Safety Commission.

You would wonder why a sum of money of that size compared to the scope of the appropriations bills out here would need to have direction to the Consumer Product Safety Commission. Of course, I wonder the same thing because they have a budget that is certainly much more robust than it has been in the past as a result of the Consumer Product Safety Commission authorization bill we passed last year. Nevertheless, we have an emergency that has arisen with regard to a consumer product for which the Safety Commission Acting Chairman has said they do not have enough money. So Senator LANDRIEU and I are offering this amendment.

Let me tell you what this consumer threat is. On or about the years 2004–2005, because of the high demand for construction in the aftermath of two very active hurricane seasons—2004 and 2005—as a matter of fact, we had four hurricanes just in my State of Florida within a 6-week period. Those four hurricanes covered up the entire State. Then, of course, you remember the active hurricane season of 2005, which ended in the debacle in New Orleans, with Hurricane Katrina and hitting the Mississippi coast. Then along came Hurricane Rita, which also hit the Texas coast as well as Louisiana.

In the aftermath of that, of course, there was a lot of construction. One of the essential items in construction, even in the State of the esteemed ranking member of the Appropriations Committee, is something known as drywall because you put up the studs in a unit—let's say a home—and you put drywall on it, and that makes the walls.

Drywall is usually made with gypsum, which is mined and produced in America. It is actually a byproduct of the mining of phosphate. On the outside of the gypsum they put something like a cardboard-thick paper, and that becomes a drywall sheet that actually is the facing of a wall. But because there was such a demand for this drywall in the aftermath of those hurricane years, they started importing from China something known as Chinese drywall.

Well, we think Chinese drywall is in as many as 100,000 homes in this country. Just in my State, the State of Florida, it may be in 36,000 to 50,000 homes.

Here is what is happening. People who live in homes with Chinese drywall are getting sick. First of all, if you enter the home—as I have, in several homes in Florida—there is a pungent kind of smell that is something like rotten eggs. For this Senator, whose respiratory system is very sensitive to any of these things, once I was in there for 5 or 10 minutes, suddenly I found my respiratory system choking up.

When you talk to these people whose homes have this Chinese drywall, sure enough, that is what is happening. But that is not what is only happening. Normally, copper tubing—whether it is part of the plumbing or whether it is part of an air conditioner—as it gets old, it gets green. The bright shiny copper turns green. Not so in a home with Chinese drywall. It starts turning black and crusty, and it starts deteriorating the coils on an air conditioner.

Mr. President, this is no kidding. Some of those houses I visited have had to replace the coils in the air conditioner three times.

Or what about the house outside of Bradenton, FL, that I went to, where just a month before the elderly couple had gone on a trip to Cozumel, Mexico, where they had bought for the wife a silver bracelet. They brought it back. It had been in the house a month, and it had turned completely black. So, obviously, you can see that something has happened.

What about going into the bathroom? You have a mirror in the bathroom and, suddenly, you start seeing the reflective part of the mirror start chunking off.

What about the kids who have respiratory problems and their pediatrician is telling the parents: Get that child out of the house. Well, where do they go?

I visited one single mother. She took her child and moved in with her mother. But she is still paying the mortgage payments. What about that other family down the street who did not have family close by? They had to move out and rent a place. But they are still, because their mortgage company will not work with them, having to pay the mortgage in order not to lose their house.

What about the poor homebuilder? The poor homebuilder is having trouble enough as it is in the economy we are in with the sale of houses going down. The poor homeowner asks: Who is responsible for this? And maybe the homebuilder is not even around because they might have gone bust because of the economy. So who does the poor homeowner turn to?

Well, I can tell you, a lot of those homeowners are turning to their elected officials.

The sad thing is we have people in dire need, and all of the pleas to the Consumer Product Safety Commission—which, by the way, drug their feet 2 and 3 years ago on defective toys coming in from China—they say even though they have the legal authority—and they do—to impound this stuff, to freeze the assets of the distributing company of this stuff—they have the authority under existing law to stop the importation of this Chinese drywall—they have refused thus far to do anything about it.

Now, they did do this: They got with the EPA and the EPA did a test. The EPA is releasing that test result, I believe, today. That test result is showing that when they compared Chinese drywall to American drywall—in the first chemical composition test—the difference from American drywall is that the Chinese drywall contains sulfur; thus, the smell of rotten eggs; strontium, which is some derivative, possibly, of some kind of nuclear process; and elements found in acrylic paint. Those are the results thus far.

Thus, we come to the amendment of Senator LANDRIEU and myself for $2 million to the Consumer Product Safety Commission to go to the next test—which will take most of that $2 million—and that is, to subject the Chinese drywall to conditions one finds in a house—and now we are finding it in about 20 States, not just in the South—subjecting it to the conditions of humidity and the heat of the summer to see what gases are emitted so that doctors can analyze this stuff as to how it is affecting the health of our people.

If you are a homeowner with this Chinese drywall, this is no little emergency. The least we can do, even though the CPSC has drug its feet, is to give them the resources to go to

that next step and make this additional test so we know what we are dealing with to protect the health of our people.

Mr. President, I yield the floor.

Mr. COCHRAN. Mr. 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.

Mrs. HUTCHISON. Mr. 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. 1189

Mrs. HUTCHISON. Mr. President, I rise to talk about an amendment I have filed, amendment No. 1189. I am told the Democrats will object to my asking that it be pending, but I am going to talk about it. I hope very much I will have the opportunity to offer this amendment in regular order. As a right of a Senator, I hope that will be given. I don't know why it is being objected to, but I would very much like to speak on it. I hope I am not going to be prohibited from the opportunity to offer it, since I am on the floor in a timely manner trying to offer an amendment, as we have been asked to do.

The amendment I hope to call up is amendment No. 1189. It is an amendment to try to help those automobile dealers that have been notified, particularly by Chrysler, with a deadline of June 9, and told they are going to have to shut their doors of those dealerships by June 9. They were given 3 weeks' notice.

The President's task force on the auto industry has taken unprecedented steps to negotiate with each of the affected stakeholders to bring General Motors and Chrysler closer to sustainable viability. I know Members of this body sincerely appreciate the enormity of their task; however, there are many growing concerns with their actions. The group that has arguably taken the biggest hit by their negotiations is the auto dealers.

Auto dealers are some of the biggest and best employers in our Nation, in small towns across my State and every State. Many of them are the largest employers in their entire counties. Auto dealers run a tough business. They assume a lot of risk. They purchase the vehicles from the manufacturer. Each dealer is forced to move their product in order to make payroll, to cover overhead, to pay property taxes, or close their doors, all of which is no cost to the manufacturer. These are all dealer expenses.

While I understand that if an auto dealer is forced to close their doors because the dealer is unable to make the business profitable, of course, we can understand that would be the choice of the dealer and they would be closed. But I don't understand why General Motors or Chrysler would arbitrarily shut down thousands of operating and profitable dealers across our country.

The Treasury Department has backpedaled from any involvement in the decision to shut down auto dealers across the Nation. A recent Treasury press release states:

> As was the case with Chrysler's dealer consolidation plan, the task force was not involved in deciding which dealers or how many dealers were part of GM's announcement.

An earlier press release from the Treasury said:

> The sacrifices by the dealer community alongside those of auto workers, suppliers, creditors, and other Chrysler stakeholders are necessary for this company and the industry to succeed.

I don't think that is any kind of help for our dealers that are taking the risk and the responsibility for all the costs of their dealership.

Before the closing announcements were made, another Treasury press release regarding Chrysler Fiat, on April 30, says:

> It is expected that the terminated dealers will wind down their operations over time and in an orderly manner.

However, Chrysler, in their notification to close 789 dealers on May 14—last Thursday—has given dealers until June 9 to wind down. That is just over 3 weeks—3 weeks. Chrysler determined that an orderly wind-down—an orderly manner—to sell all their inventory, sell all their parts, get rid of all their special equipment—3 weeks.

My amendment simply states that no funds shall be expended from the Treasury to an auto manufacturer which has notified a dealership that it will be terminated without providing at least 60 days for that dealership to wind down its operations and sell its inventory. Sixty days, that is what we are asking for.

We are not asking that any decisions be changed. It is not our place to do that. However, we are saying that with all the taxpayer dollars that are going into the automobile manufacturers, the road kill here is the auto dealer and they have done nothing that would be unbusinesslike. They have taken the risks. They employ people in the community. They pay the taxes in the community. Sometimes they are the largest employer in the community. Yet they are given 3 weeks to close down their operations. If we are going to help anyone in this country without one taxpayer dollar going into it, it should be these auto dealers, by giving them 60 days to have an orderly process to close down their operations.

I wish we could go further. I disagree with the decision to arbitrarily close down profitable auto dealers. I wish to give my colleagues an example. There is a town in my State called Mineral Wells. In that town of less than 20,000 people is Russell Whatley, a Chrysler dealer, whose family has owned his dealership for 90 years. It is the oldest dealership in Texas. Russell doesn't sell 1,000 cars a year, but he has been profitable. He actively supports his community. He has actively supported many employees. What is it going to save Chrysler to close Mr. Whatley's profitable dealership in Mineral Wells? I can't even imagine, but it isn't my decision to make. However, I am going to say that I do think Mr. Whatley deserves 60 days to have the orderly process that Treasury itself said they would expect from the auto manufacturers.

I am worried about Mineral Wells when Mr. Whatley's dealership is closed, just as I am worried about communities all over this country with dealerships that are going to be arbitrarily closed. If they have 3 weeks to sell their inventory, what is that going to do to them and to the people who have to go out and find jobs? I don't think it is right. I think we should pass my amendment.

The reason I am offering it on this bill is because this is a bill that is going to go through quickly, and this is a deadline that is coming very fast. If we can let those dealers know they are going to have 60 days, at least, for the orderly processing of their closures, I am told by dealers this will help them immensely in that process, and it will not cost the taxpayers one dime—not one dime.

I hope we will pass this amendment. I hope the majority will allow this to be brought up in the regular order. I was told when I came to the floor that I would have the opportunity to offer this amendment and get into the line for a record vote. I hope that will be done, because we don't have much time to help these dealers. With all the money we are putting into the automobile manufacturers, and all of the help we are giving to others affected by that industry, the ones who have been left out are the auto dealers.

I hope that giving them 60 days—2 months—to shut down a business that may have been in place for 25, 30, or 90 years is the least we can do in these troubling times. We are taking some very different positions that we have never taken as a Senate because these are tough times, and sometimes that is necessary. But this is the least we can do in fairness to a business that has done nothing to produce cars that won't sell. It has done nothing that has caused any of the financial problems of General Motors, and I think they deserve a break that will not cost the taxpayers a penny.

I am going to be here, and I will ask the majority to allow amendment No. 1189 to become pending right after the votes that will occur very shortly.

Mr. President, I have another amendment, and it is an amendment that I hope will help all of the hospitals in this country that are giving medical care on an emergency basis to illegal immigrants in our country get some reimbursement from the Federal Government for those costs.

We have had in place funding—called section 1011 funding—for 5 years. I am only trying to extend this program so that all of the States that deal with

the growing problem of taxpayer dollars—that the hospitals that have to absorb these costs will be able to recoup some of those costs from the Federal Government. The program provided $200 million over 5 years to help hospitals and doctors recoup these costs. It was not 100 percent reimbursement, I assure you.

In my State of Texas, we had about $600 million in uncompensated care in 1 year, and we were able to obtain $50 million in reimbursement. That was a little bit of help that helped many of the hospitals make it. These are eligible for any hospital in America. I hope we will be able to pass an amendment on this bill to alleviate that situation.

I am told that the Finance Committee is objecting to this amendment because it is in their jurisdiction. You know, I think it is incumbent upon the Finance Committee to work with me on this very important issue for all the States in our country, because this is a Federal problem, and it should not be put on the local communities to foot the bill for emergency care that they are required by Federal law to give, but not get reimbursement from the Federal Government.

I hope the Finance Committee will agree to work with me on that. I urge the majority to allow amendment No. 1189, which is filed and has no objections, that I know of, to be in the next set of votes.

I yield the floor.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. 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. MCCONNELL. 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. MCCONNELL. Mr. President, would the regular order bring back amendment No. 1136?

The PRESIDING OFFICER. It would.

AMENDMENT NO. 1136, AS MODIFIED

Mr. MCCONNELL. Mr. President, that is an amendment of mine, and I send a modification to the desk.

The PRESIDING OFFICER. The regular order has been called for.

The Senator has a right to modify the amendment at this time.

The amendment, as modified, is as follows:

At the end of title III, add 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 Naval Station 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 submitted under subsection (a) shall include the following:

(1) The name and country of origin of each detainee at the detention facility at Naval Station 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 Naval Station 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 Naval Station Guantanamo Bay who are confirmed or suspected of returning to terrorist activities after release or transfer from Naval Station Guantanamo Bay.

(5) An assessment of any efforts by al Qaeda to recruit detainees released from detention at Naval Station 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 Naval Station 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 Naval Station Guantanamo Bay.

(d) ADDITIONAL MATTERS TO BE INCLUDED IN INITIAL REPORT.—The first report submitted under subsection (a) shall also include the following:

(1) A description of the process that was previously used for screening the detainees described by subsection (c)(4) prior to their release or transfer from detention at Naval Station Guantanamo Bay, Cuba.

(2) An assessment of the adequacy of that screening process for reducing the risk that detainees previously released or transferred from Naval Station Guantanamo Bay would return to terrorist activities after release or transfer from Naval Station Guantanamo Bay.

(3) An assessment of lessons learned from previous releases and transfers of individuals who returned to terrorist activities for reducing the risk that detainees released or transferred from Naval Station Guantanamo Bay will return to terrorist activities after their release or transfer.

(e) FORM.—Each report submitted under subsection (a), or parts thereof, may be submitted in classified form.

(f) LIMITATION ON RELEASE OR TRANSFER.—No detainee detained at the detention facility at Naval Station 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.

Mr. DURBIN. Mr. 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. DURBIN. Mr. 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. 1136

Mr. DURBIN. Mr. President, one of the amendments which is being discussed and has been filed by the minority leader, Senator MCCONNELL of Kentucky, relates to detainees at Guantanamo. I am hoping we will have an opportunity to debate this amendment because I think it is an important amendment, and I hope colleagues will pay close attention to it. It is not an amendment which is casual or inconsequential. It is an amendment which could have a very negative impact on our treatment of detainees who are guilty of crimes or involved in terrorist activities.

It is interesting that Senator MCCONNELL has brought this amendment before the body to be considered. It appears that when President Bush—the previous President—announced that he was closing Guantanamo, we didn't have this rush to the microphones on the Republican side of the aisle and objecting. In fact, I don't recall any objection from their side of the aisle when President Bush made that recommendation.

It is also interesting that during the years the Guantanamo Detention Facility has been open the requests that are being made now of this President were not made of the previous President. All the suggestions that perhaps there would be release of detainees from Guantanamo who may cause harm in some part of the world, those suggestions weren't made under the previous President.

Literally hundreds of detainees at Guantanamo have been released by President Bush in the previous administration. It was found that many of them were either brought in with no charges that could be proved or once investigation of the evidence was commenced, they learned there was nothing that could be established. They were released and returned to countries of origin and other places around the world—hundreds of them in that case. I don't recall a single Republican Senator, or any Senator for that matter, coming to the floor and objecting to the release of those hundreds of detainees from Guantanamo by President Bush. It happened. They did not object.

But now there is a new President and a new approach by the Republican side of the Senate. Senator MCCONNELL has come forward with a proposal that calls on the President—not the Attorney General but the President—to provide detailed information about every detainee at Guantanamo—information which has never been requested by previous Senators and the previous administration.

I will make an exception to what I just said. At one point, when the Bush administration was asked for the names of the detainees and their countries of origin, the Bush administration objected and said it could compromise national security to release their

names. That was the only request made. It was denied.

Now come the Republicans, with the new Obama administration, with a brandnew outlook, and they want to know everything about the detainees. It is a long amendment. It goes on for five pages and a lot of detail here about the detainees at Guantanamo. Basic information—name and country of origin, and it goes on for quite a while. Most of it, I think, may be salutary and wouldn't have a negative impact, but there is one paragraph in particular which I think is dangerous. It is a request for information in the McConnell amendment of the President of the United States, and let me read what the request is. It is a request for ''a current summary of the evidence, intelligence, and information used to justify the detention of each detainee listed under paragraph (1) at Naval Station Guantanamo Bay.''

Paragraph (1) refers to all the detainees in custody at Guantanamo. So what Senator MCCONNELL is asking for is a summary of the evidence, intelligence, and information justifying detention. This could compromise a prosecution of a detainee. It could put us in a position where someone who truly is dangerous cannot be prosecuted because of this request for information by Senator MCCONNELL.

Senator MCCONNELL wants, I guess, 535 Members of Congress to have a chance to read through the evidence, intelligence, and information about each detainee. Well, some of that may be classified; some may not. Even the information that is classified may leak, with 535 Members of Congress and other staff people. Do we want to run the risk of jeopardizing the prosecution of someone who is a danger to the United States to satisfy the curiosity of a Senator? I don't think so.

Secondly, once this has been presented, if Senator MCCONNELL has his way, then there is a very real possibility that should someone—a known terrorist—be brought to the United States, or any other place for trial under the laws of the United States, they could, in fact, ask—as they do in ordinary criminal cases—for the presentation of all the evidence the State has against them, which would include this document, which would include not only the evidence, intelligence, and information, but quite possibly the work product of the prosecutors who are holding this detainee.

We could not only compromise his prosecution, we could end up with a ''not guilty'' of someone who is dangerous to the United States simply to satisfy the curiosity of a Senator who files this amendment. I think that goes too far. I can't believe that it is in the best interests of the safety of this country for us to allow this McConnell amendment to pass and to require the President to provide to Senator MCCONNELL a current summary of the evidence, intelligence, and information used to justify the detention of each detainee.

Why? Why in the world would we want to compromise any attempt at prosecution? We don't want to do that. Men and women—career prosecutors—are currently reviewing each of these cases to determine whether we can go forward with prosecution. The record of the previous administration is not very good when it comes to prosecuting these detainees. President Obama has said he wants to put that behind us and to deal with these people on an honest basis.

I have listened to the statements that have been made on the floor by the Republican Senators who have come forward with amendments. Many of them clearly want to keep Guantanamo open forever. They talk about a $200 million state-of-the-art facility in glowing terms. Well, I have been there, and I have seen it. I have seen the men and women in uniform who toil there each day under tough climate conditions. It gets pretty hot down there. I know they are working hard for their country. But I think they know, and we know, that continuing Guantanamo is going to continue to deteriorate the reputation of the United States around the world—not because of what our soldiers and sailors and military have done there, but simply because it has become a symbol that is being used by terrorists around the world to recruit enemies against the United States.

That is why President Bush called for the closure of Guantanamo, and that is why President Obama has done the same thing. Yet the Republican platform now seems to be ''Guantanamo forever.'' They have built this platform on fear—fear that somehow this administration would be so negligent that it would release terrorists into the United States, into the communities and neighborhoods of this country. Nothing could be further from the truth. Not this President, or any President I can recall of either political party, would ever find themselves in a position to jeopardize the safety of this country by releasing detainees who would be dangerous to the United States.

But this fear mongering is what has been the basis for their position on the other side of the aisle when it comes to the security of the United States.

Those who are arguing that we cannot safely hold a terrorist in the prisons of America—that is the argument; don't let a detainee from Guantanamo ever be considered for a jail or prison of the United States—have overlooked the obvious. Currently, we have 208 inmates in the Bureau of Prison facilities of the United States who are sentenced to international terrorism—208 already there; 66 U.S. citizens, 142 non-U.S. citizens. In addition to that, 139 inmates in our U.S. Bureau of Prisons have been sentenced for domestic terrorism; 137 U.S. citizens and 2 non-U.S. citizens. Do the math. That is 347 people who have been convicted of terrorism, international and domestic, currently being held in the prisons of the United States.

Do I feel less safe in Illinois—in Springfield or Chicago—because of that? No, because I know they are being held by professionals in facilities that have a record of safely holding these individuals.

The other side suggests if we put one of these Guantanamo detainees in a U.S. prison, they will be on the street in a heartbeat. I can't imagine that. That is not going to happen. The President wouldn't let it happen. Our Bureau of Prisons wouldn't let that happen either.

Then there is this other aspect. If we decided at some point to prosecute a Guantanamo detainee in the courts of the United States for a crime, some of the language that has been brought to us by the Republicans would make that impossible. You know why. Well, one amendment by the Senator from Georgia, Mr. CHAMBLISS, would not allow the Attorney General to bring that person from Guantanamo Naval Station into the continental United States. The amendment prohibits that. We couldn't even bring them in to try them for a crime, couldn't even bring them in to hold them accountable in a court of law for terrorism.

Another amendment says we can't hold these prisoners in any U.S. prison facility. How do we try a person in the United States and not at least, when they are not in trial, hold them in some prison facility? That is just common sense. The person is dangerous. They are, of course, detained in a secure facility during the course of the trial. Some of the Republican amendments would make that impossible.

I don't understand what they are headed to. I think they want to keep this Guantanamo facility, as we have known it, open forever, without resolution of the people who are there. That is fundamentally unfair. I have said on the floor of the Senate before, and it is worth repeating, that there are people being held at Guantanamo for whom there are no charges. I know one person in particular who is being represented by a pro bono lawyer in Chicago. This man has been held for 7 years at Guantanamo. Originally, he was from Gaza in the Middle East. There was a report that he was dangerous. With that report, he was arrested, taken to Guantanamo, and held. After 6 years, he was notified there were no charges against him; he would be free to go if he could figure out where to go. And that has been the problem. He has been waiting for a year for permission to return to Gaza. He is now 26 years old. From the age of 19 to 26 he has been sitting in Guantanamo. Guantanamo forever? For him, it must feel like forever.

It is about time that we mete out justice. For those being held unfairly, they should be released. For those where there are no charges, we should acknowledge that and return them as quickly and safely as possible. For those who are a danger to the United States, we should continue to detain

them so they never pose a hazard to our country. For those who can be tried, let's try them before our courts of law.

President Obama is going through that arduous, specific process now on each one of these detainees. While his administration is working to clean up this mess that he inherited from the previous administration, the Republicans in the Senate are doing everything they can to block his way and make it impossible for him to resolve the situation at Guantanamo.

I would say the McConnell amendment, page 3, paragraph (2), is a dangerous amendment. It is an amendment that could compromise the ability of the United States of America to prosecute those who could be a danger to our country. Why would we possibly do that?

I urge my colleagues, if I am not given the authority under the rules of the Senate to strike that paragraph, to oppose this amendment.

Mr. President, I yield the floor, and 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. DURBIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

Mr. DURBIN. Mr. President, what is the business pending before the Senate?

The PRESIDING OFFICER. The McConnell amendment No. 1136.

AMENDMENT NO. 1199 TO AMENDMENT NO. 1136

Mr. DURBIN. I have sent an amendment to the desk. I ask the clerk to report the amendment.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 1199 to amendment No. 1136.

On page 3, strike lines 1–4 and insert the following:

(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.

Mr. DURBIN. 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. DURBIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1199 WITHDRAWN

Mr. DURBIN. Mr. President, I would like to withdraw the pending amendment I just filed.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. DURBIN. 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. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WEAPON SYSTEMS ACQUISITION REFORM ACT OF 2009—CONFERENCE REPORT

Mr. MCCAIN. Mr. President, the majority leader requested that I begin the discussion on the conference report for the Weapon Systems Acquisition Reform Act of 2009. We await the presence of the chairman of the Armed Services Committee. I begin by thanking him for his leadership, his really nonpartisan addressing of this compelling issue.

The last time I was on the floor, I talked a lot about the terrible cost overruns that were associated recently with literally every new weapon system we have acquired. When I tell some of my constituents and friends, they are staggered by the numbers—a small littoral combat ship that is supposed to cost $90 million ends up costing $400 million and has to be scrapped; airplanes costing, depending on how you look at it, half a billion dollars each.

Working together on both sides of the aisle, and under the leadership of Chairman LEVIN, we have come up with legislation that has gone through the Congress rather rapidly.

I would also like to say that the President of the United States called us, Members of the House, leaders of the Armed Services Committees, to the White House, where we pledged our support and our rapid addressing of this challenge.

The only thing more important than the substance of this conference report is the demonstration of bipartisanship that went into how the underlying bills were created and guided through the legislative process.

As I said, I know the chairman of the committee is going to be here shortly, and he will discuss many of the specific aspects of this bill. But it does emphasize starting major weapons systems off right by having those systems obtain reliable and independent cost estimates and subjecting them to rigorous developmental testing and systems engineering early in their acquisition cycle. It does a lot of things. As I say, Senator LEVIN will enumerate many of them.

What we are trying to do is address a process where there is a need for a weapon system which takes years to develop. Technical changes are incorporated time after time in a desire—and a laudable one—to reach 100 percent perfection. But then the cost overruns grow and grow.

The Future Combat Systems, an Army innovation to address conflicts of the future, was supposed to cost $90 billion. It is up to $120 billion. Even more, we still do not have operational vehicles. So, very appropriately, the Secretary of Defense announced that he would be eliminating much of this program to try to get the costs under control.

I would like to say a word about the Secretary of Defense, who has agreed to continue to serve this country under one of the most difficult and trying positions one can have in Government. The Secretary of Defense has announced, I think very appropriately, that we would be reducing and eliminating some programs that have maybe had a good reason for a beginning but certainly have had such incredible cost overruns that they no longer are a worthwhile expenditure of the taxpayers' dollars.

Early in the first couple of weeks of the new administration, a group of us attended a gathering. The President of the United States and I had an exchange about the Presidential helicopter. Some years ago, we decided the Presidential helicopter, which is 30 years old, needed replacement. We finally reached a point where we had not built one completely yet, and it was more than the cost of Air Force One—you cannot make that up; it is hard to believe—as one technological change after another was piled on, to the point where neither the President nor the Secretary of Defense felt it was worth the cost. The President does need a new helicopter. We need to embark on that effort. But what we just went through should be an object lesson, and we should learn from the lessons and cost overruns.

I note the presence of the distinguished chairman of the Armed Services Committee in the Chamber. I again thank him for his leadership.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I am pleased to join with Senator MCCAIN in bringing to the floor the Weapon Systems Acquisition Reform Act. We introduced this bill. We did it on February 23, I believe, and we did it to address some of the problems in the performance of the Department of Defense major defense acquisition programs at a time when growth and cost overruns on these programs have simply reached levels which are unaffordable, unsustainable, and unconscionable, in some cases. Since that time, the bill has made rapid legislative progress.

I thank Senator MCCAIN for all he has done. This was a bipartisan effort. Our colleagues on the Armed Services Committee worked out the differences that existed, and we unanimously recommended it to the Senate. But the magnitude of this problem is such that we must move quickly on it. The President has asked us to get the bill to his desk by Memorial Day, and it is our hope we will be able to do that.

On May 7, the bill passed the Senate unanimously. A week later, a companion bill passed the House. We

worked out the differences between the Senate and the House in record speed. The ability to do this was based on the working relationship which has been built up here. We work on a bipartisan basis in the Armed Services Committee. We work on a bicameral basis with the House and the Senate. When it comes to issues of national security, particularly, we are able to act so quickly.

I publicly thank not only Senator MCCAIN, as I have, and colleagues of ours on the Armed Services Committee, but also Chairman IKE SKELTON and JOHN MCHUGH of the House Armed Services Committee.

This is a tremendously important bill. It has major reforms. It is going to address some of the most persistent underlying problems we have had that led to the failure of defense acquisition programs. What are those problems? The Department relies too often on unreasonable cost and schedule estimates. Second, too often the Department insists on unrealistic performance expectations. Third, the Department too often uses immature technologies. Fourth, too often the Department adopts these very costly changes to program requirements, to production quantities, and to funding levels right in the middle of the ongoing program.

The conference report I hope we will be able to consider in the next few minutes is going to address these problems in the following ways:

First, we provide for a strong new Senate-confirmed Director of Cost Assessment and Program Evaluation. That person is going to report directly to the Secretary of Defense to ensure that defense acquisition programs are based on sound cost estimates. The independence of that office is new, and it is essential. That person goes directly to the Office of the Secretary of Defense, not as the situation is now where there is a level of bureaucracy between the cost estimator and assessor and the Secretary of Defense.

Second, we require the Department to rebuild systems engineering and developmental testing organizations and capabilities which have been almost dismantled or reduced significantly. We want to ensure that design problems are understood and addressed early in the process.

Third, we establish mechanisms to ensure early tradeoffs are made between cost, schedule, and performance objectives so that we do not overcommit to what the Secretary of Defense has called ''exquisite'' program requirements.

Fourth, we require the increased use of competitive prototyping so that we select the best systems and prove they can work before we start building them.

Fifth, we establish new requirements for continuing competition.

Sixth, we address the problem of organizational conflicts of interest to ensure we get the best possible results out of the defense industry.

Seventh, we require regular program reviews and root cause analyses to address developing programs in acquisition programs.

Finally, we establish tough new Nunn-McCurdy requirements, so-called. We put teeth in the Nunn-McCurdy approach. We establish a presumption of program termination and the requirement that continuing programs be justified from the ground up to ensure we do not throw good money after bad on failing programs. If a program is failing, now it is too easy to get by the Nunn-McCurdy test of continuing a program. It is going to be a lot harder to jump that hurdle should programs be failing in the middle or costing a lot more or taking a lot longer.

So we have a strong bill. It is going to help change the acquisition culture of the Department of Defense, and it is going to point our acquisition system in the direction it needs to go. We hope Members of the Senate will join us in supporting this effort and send the bill to the President for his signature.

Our staff has done extraordinary work, particularly Peter Levine and Creighton Greene on my staff, and Chris Paul and Pablo Corrillo on Senator MCCAIN's staff. And, again, I thank all Members and the leadership for bringing this bill, pushing it along, and giving us the encouragement and support that is so essential to get a bill of this magnitude to the floor of the Senate in record time.

Mr. President, I yield the floor, and 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. DURBIN. 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. DURBIN. Mr. President, I ask unanimous consent that the Senate now proceed to the conference report to accompany S. 454 and vote immediately on adoption of the conference report; that upon adoption of the conference report, the Senate then resume consideration of H.R. 2346 and the McConnell amendment No. 1136, as modified by the Levin language to the McConnell amendment, with the time equally divided and controlled between Senators MCCONNELL and DURBIN or their designees; that upon disposition of the McConnell amendment, the Senate then proceed to vote in relation to the Brownback amendment No. 1140, as modified; that prior to the first and third vote, there be 2 minutes of debate equally divided and controlled in the usual form; that after the first vote in this sequence, the succeeding votes be 10 minutes in duration, with no amendments in order to the amendments in this agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senate will proceed to the consideration of the conference report to accompany S. 454. The report will be stated.

The bill clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 454) to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of today, May 20, 2009.)

Ms. COLLINS. Mr. President, the Weapon Systems Acquisition Reform Act of 2009 would strengthen and reform the Department of Defense acquisition processes by bringing increased accountability and transparency to major defense acquisition programs. Simply put, the bill would build discipline into the planning and requirements process, keep projects focused, help prevent cost overruns and schedule delays, and ultimately save taxpayer dollars.

I would like to thank Senators CARL LEVIN and JOHN MCCAIN, and Representatives IKE SKELTON and JOHN MCHUGH for their work on this important issue and their continued efforts to improve procurement at the Department of Defense. I was proud to join Senators LEVIN and MCCAIN in co-sponsoring this bill in the Senate.

This legislation would improve DOD's planning and program oversight in many ways. First, the bill would create a new Senate-confirmed Director of Independent Cost Assessment and Program Evaluation to be the ''principal cost estimation official'' at the Department.

The bill also mandates that the Department carefully balance cost, schedule, and performance as part of the requirements development process, building discipline into the procurement process long before a request for proposals is issued or a contract is awarded.

I applaud the ''bright lines'' this legislation would establish regarding organizational conflicts of interest by DOD contractors. These reforms would strengthen the wall between government employees and contractors, helping to ensure that ethical boundaries are respected. While contractors are important partners with military and civilian employees at DOD, their roles and responsibilities must be well defined and free of conflicts of interest as they undertake their critical work supporting our Nation's military.

I appreciate the conferees including an amendment that I offered on the floor with Senator CLAIRE MCCASKILL regarding earned value management, EVM. EVM provides important visibility into the scope, schedule, and cost of a program in a single integrated system, and when properly applied, EVM

can provide an early warning of performance problems.

GAO has observed that contractor reporting on EVM often lacks consistency, leading to inaccurate data and faulty application of the EVM metric. In other words, garbage in, garbage out.

The conference report would require that the Department of Defense issue an implementation plan for applying EVM consistently and reliably to all projects that use this project management tool.

The implementation plan would also provide enforcement mechanisms to ensure that contractors establish and use approved EVM systems and require DOD to consider the quality of the contractor's EVM systems and reporting in the past performance evaluation for a contract. With improved EVM data quality, both the government and the contractor will be able to improve program oversight, leading to better acquisition outcomes.

The conference report would strengthen the Department's acquisition planning, increase and improve program oversight, and help prevent contracting waste, fraud, and mismanagement. Ultimately, it will help ensure that our military personnel have the equipment they need, when they need it, and that tax dollars are not wasted on programs that were doomed to fail.

Mr. DURBIN. Mr. President, the Weapons Systems Acquisition Reform Act of 2009 takes steps in the right direction to reform the way the Department of Defense buys major weapons systems.

When it comes to these multi-billion-dollar systems, the challenges of managing acquisitions are tremendous.

Officials at the Department of Defense manage 96 major defense acquisition programs—the Department's most expensive programs.

Each program costs hundreds of millions of dollars to research and develop and billions of dollars more to purchase. Together, these programs account for $1.6 trillion in defense spending.

These major defense acquisition programs have seen a shocking growth in cost. Over the last 20 years, the costs of these programs have ballooned by $296 billion.

Costs especially exploded during the previous administration. Since 2003, the cost of major defense acquisition programs rose by $113 billion.

The Weapons Systems Acquisition Reform Act of 2009 takes important steps to bring this spending under control, without compromising on the quality of the systems purchased.

This is not the first time Congress has tried to reform the defense acquisition process. Nor will it likely be the last. But it is an important step at a critical time.

The legislation would create an independent director of cost assessment who would verify the estimated cost of a program before allowing it to go forward.

It builds in additional checkpoints to help make sure that programs are ready on time.

It enhances the R&D capabilities at the Department of Defense. Numerous studies have found that the R&D capabilities of the Army, Navy, and Air Force are in desperate need of strengthening.

It requires defense contractors to build a strong wall between their R&D and construction offices when both offices work on the same defense project.

Finally, it gives combatant commanders more authority to procure products that meet the immediate needs of troops in theater.

Secretary Gates has been rightly frustrated with the inability of the regular procurement process to field equipment, like MRAPs, that are needed immediately by troops on the ground. This legislation will help change that.

I commend Senators LEVIN and MCCAIN for their leadership in developing this thoughtful and needed legislation. I look forward to its being signed into law by President Obama.

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided prior to a vote on the adoption of the conference report.

Mr. LEVIN. Mr. President, both Senator MCCAIN and I spoke on this matter. I ask unanimous consent to yield back all remaining time. I think I can do this with the consent of Senator MCCAIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the conference report.

Mr. LEVIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill 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 Utah (Mr. HATCH).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 197 Leg.]

YEAS—95

Akaka	Begich	Boxer
Alexander	Bennet	Brown
Barrasso	Bennett	Brownback
Baucus	Bingaman	Bunning
Bayh	Bond	Burr
Burris	Hutchison	Nelson (NE)
Cantwell	Inhofe	Nelson (FL)
Cardin	Inouye	Pryor
Carper	Isakson	Reed
Casey	Johanns	Reid
Chambliss	Johnson	Risch
Coburn	Kaufman	Roberts
Cochran	Kerry	Sanders
Collins	Klobuchar	Schumer
Conrad	Kohl	Sessions
Corker	Kyl	Shaheen
Cornyn	Landrieu	Shelby
Crapo	Lautenberg	Snowe
DeMint	Leahy	Specter
Dodd	Levin	Stabenow
Dorgan	Lieberman	Tester
Durbin	Lincoln	Thune
Ensign	Lugar	Udall (CO)
Enzi	Martinez	Udall (NM)
Feingold	McCain	Vitter
Feinstein	McCaskill	Voinovich
Gillibrand	McConnell	Warner
Graham	Menendez	Webb
Grassley	Merkley	Whitehouse
Gregg	Mikulski	Wicker
Hagan	Murkowski	Wyden
Harkin	Murray	

NOT VOTING—4

Byrd	Kennedy
Hatch	Rockefeller

The conference report was agreed to.

Mr. DURBIN. I move to reconsider the vote by which the conference report was adopted.

Mr. MENENDEZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SUPPLEMENTAL APPROPRIATIONS ACT, 2009—Continued

AMENDMENT NO. 1136

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2346, and there will be 10 minutes of debate prior to a vote in relation to amendment No. 1136 offered by the Senator from Kentucky, Mr. MCCONNELL.

The Senator from Illinois.

Mr. DURBIN. Mr. President, I urge my colleagues to take a close look at Senator MITCH MCCONNELL's amendment, which is next up to be considered. Particularly, I ask you to turn to page 3 of this amendment. You will find in the first paragraph on page 3 a troubling requirement which Senator MCCONNELL will make of this administration.

What Senator MCCONNELL is asking is that 60 days from the passage of this bill and every 90 days thereafter, the President of the United States provide to Members of the Senate and the House:

> a current summary of the evidence, intelligence, and information used to justify the detention of each detainee listed under paragraph (1) at Naval Station Guantanamo Bay.

It is not enough for Senator MCCONNELL to ask for the identity of these people, the countries they are from, the likelihood they will be transferred to some other place, the likelihood they might be engaged in terrorism, he is asking for the President to disclose the work product of the prosecutors who are holding these detainees and determining whether a criminal case can be brought against them. For what

earthly purpose? Why would we possibly want to jeopardize the prosecution of someone who may be guilty of terrorism or a crime threatening the United States? To satisfy our curiosity? I think it is a mistake.

I will tell my colleagues, if it is sent to us even in classified form, it might be leaked. In addition, if a trial should follow, one of the first discovery motions from any defendant is this information: Judge, if the President can share this information with 535 Members of Congress, the defendant should be able to see the information as well. Why would we possibly want to jeopardize a prosecution to satisfy the curiosity of the Senator from Kentucky, or any Senator for that matter?

This paragraph should have been stricken. The rest of it you may find good or bad, but this is a dangerous paragraph.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, it is my understanding that earlier in the day my good friend from Illinois was suggesting that I had been a Johnny-come-lately on the issue of Guantanamo. So I would like to remind my colleagues that I offered an amendment 2 years ago right here on the floor of the Senate that passed 94 to 3 opposing bringing people at Guantanamo to the United States, and I believe my good friend from Illinois was not among the 3.

I would also remind him that I differed with the opinion of the previous President that Guantanamo ought to be closed. I don't think it ought to be closed; I think it ought to be left open. I also have differed with other Republicans on our side who have believed that Guantanamo ought to be closed, but none of them have said: Until you have a game plan for what to do with them.

We had the vote earlier today, with only six Senators dissenting on this Guantanamo issue and about whether there would be money not only in this bill but in any other bill spent for the purpose of bringing these detainees to the United States.

Now let's talk about what this amendment does—the one the Senator from Illinois was just describing incorrectly, in my view. My amendment calls on the administration to share its findings with Congress in a classified report—a classified report—that would indicate the likelihood of detainees returning to terrorism—we know many of them have been doing that—the likelihood of their returning to terrorism. It would also report on any effort al-Qaida might be making to recruit detainees once they are released from U.S. custody. The last requirement is particularly important, given that many of the remaining 240 detainees at Guantanamo are from Yemen, which has no rehabilitation program to speak of, and from Saudi Arabia which has a rehab program but which hasn't been entirely successful at keeping detainees from rejoining the fight after rehabilitation.

This is a simple amendment that reflects the concerns that Americans have about the danger of releasing terrorists, either here or in their home countries, where they could then, of course, return to the fight. Until now, the administration has offered vague assurances—quite vague assurances—that it will not do anything to make Americans less safe. This amendment says Americans expect more than a vague assurance, and it would require it.

Some have argued such a reporting requirement would reveal classified information. We just heard the Senator from Illinois say that. Nothing could be further from the truth. It would simply require the administration to share this information with a very limited, specific group in Congress with relevant oversight responsibilities which already has access to the most classified information imaginable—the very same people who already have access to this information.

Some have said a reporting requirement isn't necessary. This is also false. First, because we know the recidivism rate of detainees who weren't even considered a serious threat—this is the people they let go because they didn't think they were a serious threat—12 percent of them have gone back to the fight. It is perfectly clear we need to know whether any of the current detainees who may be released in the future pose a similar or even greater threat of returning to the battle. Moreover, a reporting requirement has proven to be necessary by the simple fact that the administration has been so reluctant to share any details whatsoever about its plans for the inmates at Guantanamo.

Senator SESSIONS, the ranking member of the Judiciary Committee, has made at least two formal requests for information from the Attorney General: First, in a letter of April 2 and, second, in a letter of April 4. To this day, Senator SESSIONS has not received a reply to either one. If the administration isn't willing to share information on these terrorists voluntarily, except, of course, with those folks in Europe, then Congress will have to require it through the kind of legislation my amendment represents.

Some have argued this reporting requirement would also hinder prosecutions by making evidence public. We just heard that from my good friend from Illinois. This is also false for reasons I have already enumerated. It would only require a summary of the administration's findings, and the summary would only have to be shared with a small group—a very small group—of Members in a classified setting. This has never disrupted prosecutions in the past. It will not disrupt prosecutions in the future.

Some have further suggested that a reporting requirement would be onerous. This is false. The administration says it already has begun its review of detainees. My amendment simply asks that it share with us the details of that review. Subsequent reports would be made on a quarterly basis, which is hardly onerous, particularly given the gravity of the issue.

Americans would like to have assurance that the President's arbitrary deadline to close Guantanamo by next January will pose no threat to themselves or their families. In fact, just today—this very day—FBI Director Mueller testified before a House Judiciary Committee about his concerns that detainees who are currently held at Guantanamo could present a serious risk not only upon transfer to their home countries but even upon transfer to maximum security prisons in the United States. He cited concerns for their ability to radicalize others and to conduct terrorist operations.

As to the latter, he cited gang leaders who have been able to run their gangs from prison as proof that terrorists could—I will continue on leader time, Mr. President.

The FBI Director just today cited the following: The possibility that gang leaders who have been able to run their gangs from prison as proof that terrorists could do the same. Imagine that. Terrorists in a prison in your home State organizing other prisoners.

The Director of the FBI has access to classified information. We recognize him as one of our Nation's top law enforcement officials. He is someone who should be taken seriously. That is what he said today.

Americans don't want terrorists plotting attacks against us anywhere. They certainly don't want them doing so in our backyards or down the road in the local prison. And Americans don't want terrorists whom we release attacking our service men and women overseas. That is why the administration should be required to let us know whether any terrorists released or transferred from Guantanamo pose a risk to our military servicemembers overseas. That is what my amendment would do.

With all due respect to my friend from Illinois, any other characterization of it, I must suggest, would be inaccurate.

I urge the approval of the amendment.

Mr. DURBIN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 2½ minutes.

Mr. DURBIN. Mr. President, I won't dwell on the double standard. I won't dwell on the fact that when President Bush suggested Guantanamo be closed, I don't recall a single Republican Senator—certainly not Senator MCCONNELL or those who have spoken recently—objecting. I won't dwell on the fact that when there were releases of hundreds of detainees from Guantanamo, there was no requirement of an accounting by the Republican side of

the aisle about these people and where they were headed. I certainly won't argue the double standard that this President has stepped forward and said he will come forward with a plan in detail of how to do this in a responsible way.

Does anyone in this Chamber seriously believe President Obama would release a terrorist into their community, into their neighborhood? Can you really say that with a straight face? I don't think you can. The American people know better. This President is responsible. Like every President, he wants to protect us, and to suggest otherwise is not responsible.

The Senator from Kentucky has discussed many things today. He has failed to note that we currently have in U.S. prisons 347 inmates being held for terrorism. Currently, in your Federal prison in your State in your backyard, in your neighborhood, according to the Senator from Kentucky, 347 convicted terrorists are in our prisons today—not at Guantanamo, in our prisons.

I will get back to the bottom line. Why in the world would we jeopardize the prosecution of any detainee at Guantanamo with the requirement of the McConnell amendment that the President disclose evidence, intelligence, and information to justify the detention of the detainee? It is far better for us not to request that information and successfully prosecute that person than to satisfy the curiosity of the Senator from Kentucky.

I yield the floor.

Mr. MCCONNELL. Mr. President, I wish to retain some of my leader time for rebuttal.

Let me just use a moment of my leader time to reiterate the fundamental point. The Director of the FBI thinks this is a problem; he just said so today. I know the Senator from Illinois is a great lawyer and understands all of these matters fully. We think it is important for the relevant Members of Congress to be assured that these terrorists do not have the kind of profile that would warrant their release.

This is not an attack on the current administration. The previous administration mistakenly released a number of detainees who went back to the battlefield. Why should we not learn from the experience of the past and apply it to the future? I hope my amendment will be adopted.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the amendment.

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 Senator is necessarily absent: the Senator from Utah (Mr. HATCH).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 3, as follows:

[Rollcall Vote No. 198 Leg.]

YEAS—92

Akaka	Enzi	Merkley
Alexander	Feingold	Mikulski
Barrasso	Feinstein	Murkowski
Baucus	Gillibrand	Murray
Bayh	Graham	Nelson (NE)
Begich	Grassley	Nelson (FL)
Bennet	Gregg	Pryor
Bennett	Hagan	Reed
Bingaman	Harkin	Reid
Bond	Hutchison	Risch
Boxer	Inhofe	Roberts
Brown	Inouye	Sanders
Brownback	Isakson	Schumer
Bunning	Johanns	Sessions
Burr	Johnson	Shaheen
Cantwell	Kaufman	Shelby
Cardin	Kerry	Snowe
Carper	Klobuchar	Specter
Casey	Kohl	Stabenow
Chambliss	Kyl	Tester
Coburn	Landrieu	Thune
Cochran	Lautenberg	Udall (CO)
Collins	Levin	Udall (NM)
Conrad	Lieberman	Vitter
Corker	Lincoln	Voinovich
Cornyn	Lugar	Warner
Crapo	Martinez	Webb
DeMint	McCain	Whitehouse
Dodd	McCaskill	Wicker
Dorgan	McConnell	Wyden
Ensign	Menendez	

NAYS—3

Burris	Durbin	Leahy

NOT VOTING—4

Byrd	Kennedy
Hatch	Rockefeller

The amendment (No. 1136), as modified, was agreed to.

AMENDMENT NO. 1140, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate prior to the vote in relation to amendment No. 1140, as modified, offered by the Senator from Kansas, Mr. BROWNBACK.

The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, this is a very simple amendment. I hope we can get everybody's support. I wish to read it because it is so short, simple, and straightforward:

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.

We should all be for that. We put this as ''should'' instead of a requirement. In Leavenworth, KS, they are very concerned about this. They need to be consulted. In Alexandria, VA, the 20th hijacker, Moussaoui, was tried, and here is what the mayor of Alexandria said:

We would be absolutely opposed to relocating Guantanamo prisoners to Alexandria. We would do everything in our power to lobby the President, the Governor, Congress, and everybody else to stop it. We have had this experience and it was unpleasant. Let someone else have it.

I think we need to consult with the local communities and let them speak. That is why I urge a unanimous vote in favor of this sense-of-the-Senate amendment.

The PRESIDING OFFICER. Who yields time?

The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, I am for it.

I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

Mr. BROWNBACK. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant 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 Utah (Mr. HATCH) and the Senator from Oklahoma (Mr. COBURN).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 199 Leg.]

YEAS—94

Akaka	Enzi	Merkley
Alexander	Feingold	Mikulski
Barrasso	Feinstein	Murkowski
Baucus	Gillibrand	Murray
Bayh	Graham	Nelson (NE)
Begich	Grassley	Nelson (FL)
Bennet	Gregg	Pryor
Bennett	Hagan	Reed
Bingaman	Harkin	Reid
Bond	Hutchison	Risch
Boxer	Inhofe	Roberts
Brown	Inouye	Sanders
Brownback	Isakson	Schumer
Bunning	Johanns	Sessions
Burr	Johnson	Shaheen
Burris	Kaufman	Shelby
Cantwell	Kerry	Snowe
Cardin	Klobuchar	Specter
Carper	Kohl	Stabenow
Casey	Kyl	Tester
Chambliss	Landrieu	Thune
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	
Ensign	Menendez	

NOT VOTING—5

Byrd	Hatch	Rockefeller
Coburn	Kennedy	

The amendment (No. 1140), as modified, was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I have conferred with the bill managers, and I am told this will be the last rollcall vote tonight. There is still opportunity for people to talk to the managers about amendments they wish to offer or try to work things out so they can accept them. Senator INOUYE is willing to accept a number of amendments, but we need unanimous consent to do that.

We are going to have a cloture vote probably about 10 or 10:30 in the morning. We will decide what time we are going to come in tomorrow morning—9 or 9:30—and have a cloture vote 1 hour after that. The Parliamentarians will be working tonight to find out what amendments are germane postcloture.

AMENDMENT NO. 1191

Mr. LEAHY. Will the distinguished majority leader yield?

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I want to call up an amendment and have it pending to H.R. 2346, an amendment numbered 1191.

The PRESIDING OFFICER. Is there objection?

Mrs. HUTCHISON. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LEAHY. Mr. President, I understand objection has been heard. Among the people on this amendment are Senator GREGG, Senator SHELBY, myself, and Senators KERRY and DODD, as well as Senator LUGAR.

Mrs. HUTCHISON. Mr. President, I withdraw my objection.

Mr. LEAHY. I thank the Senator for withdrawing her objection. Again, I ask unanimous consent to call up amendment No. 1191 to the bill.

The PRESIDING OFFICER. Is there any objection to setting aside the pending amendments?

Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself and Mr. KERRY, proposes an amendment numbered 1191.

Mr. LEAHY. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for consultation and reports to Congress regarding the International Monetary Fund)

On page 102, line 9, strike ''In'' and everything thereafter through the end of line 14 on page 106, and insert in lieu thereof the following:

In order to carry out the purposes of a one-time decision of the Executive Directors of the International Monetary Fund (the Fund) to expand the resources of the New Arrangements to Borrow, established pursuant to the decision of January 27, 1997 referred to in paragraph (1) above, and to make other amendments to the New Arrangements to Borrow to achieve an expanded and more flexible New Arrangements to Borrow as contemplated by paragraph 17 of the G–20 Leaders' Statement of April 2, 2009 in London, 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 on 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: Provided, That prior to instructing the United States Executive Director to provide consent to such amendments, the Secretary of the Treasury shall consult with 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 on the amendments to be made to the New Arrangements to Borrow, including guidelines and criteria governing the use of its resources; the countries that have made commitments to contribute to the New Arrangements to Borrow and the amount of such commitments; and the steps taken by the United States to expand the number of countries so the United States share of the expanded New Arrangements to Borrow is representative of its share as of the date of enactment of this act: Provided further, That 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 on 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 Fund. Any payments made to the United States by the 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 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.

''(a) 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 to the Fund's Articles of Agreement, 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: Provided, That at least 30 days prior to any such vote, the Secretary shall consult with 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 regarding the use of proceeds from the sale of such gold: Provided further, That the Secretary of the Treasury shall seek to ensure that:

(1) the Fund will provide support to low-income countries that are eligible for the Poverty Reduction and Growth Facility or other low- income lending from the Fund by making available Fund resources of not less than $4 billion;

(2) such Fund resources referenced above will be used to leverage additional support by a significant multiple to provide loans with substantial concessionality and debt service payment relief and/or grants, as appropriate to a country's circumstances;

(3) support provided through forgiveness of interest on concessional loans will be provided for not less than two years; and

(4) the support provided to low-income countries occurs within six years, a substantial amount of which shall occur within the initial two years.

(b) 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 United States Governor is authorized, consistent with subsection (a), 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.''

''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: Provided, That not more than one year after the acceptance of such amendments to the Fund's Articles of Agreement, the Secretary of the Treasury shall submit a report to 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 analyzing Special Drawing Rights, to include a discussion of how those countries that significantly use or acquire Special Drawing Rights in accordance with Article XIX, Section 2(c), use or acquire them; the extent to which countries experiencing balance of payment difficulties exchange or use their Special Drawing Rights

to acquire reserve currencies; and the manner in which those reserve currencies are acquired when utilizing Special Drawing Rights.''

Mr. LEAHY. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 1189

Mrs. HUTCHISON. Mr. President, I would like to call up amendment No. 1189, also for the purposes of having it pending, and then I would like to speak about what I am trying to do with the majority.

The PRESIDING OFFICER. Is there objection?

Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 1189.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: to protect auto dealers)

At the appropriate place, insert the following new section:

No funds shall be expended from the Treasury to an auto manufacturer which has notified a dealership that it will be terminated without providing at least 60 days for that dealership to wind down its operations and sell its inventory.

Mrs. HUTCHISON. Mr. President, this amendment I have put on the table, and which is now pending, I think is so important because we must try to help the Chrysler dealers that have only gotten 3 weeks' notice to shut down. I am working with the Senators from Michigan who have concerns about whether this amendment would in any way delay the bankruptcy proceedings so that Chrysler can come out of that, and I do not want to disrupt that whole effort that is being made to help Chrysler. So we are working with the White House and with the Senators from Michigan and the people who are representing Chrysler to try to come up with language that will assure that nothing that we do would affect the timeliness of Chrysler being able to come out of bankruptcy and the courts.

What we are trying to do, however, should not cost Chrysler anything. We want to try to move forward, if we can, to get this agreement and the correct language so as not to affect the bankruptcy in any way but to give these dealers more than 3 weeks' notice for shutting down a dealership that has been in their family or one that they own and in which they have made their investments. They are looking at bankruptcy too.

Many times these dealerships are the largest employer in a whole community, in a whole county, and we know hundreds of them—over 700 across this country, 789 on May 14—3 weeks' notice to shut down.

I know we can do better in this country, Mr. President, and I want to work with everyone who is affected. I have talked to the chairman of the Banking Committee who has agreed to clear this if it meets all the tests so it will not hurt the bankruptcy. But these dealers are forced into bankruptcy too, and I hope we can give them just 60 days instead of 3 weeks. It is only adding 3 weeks. They will then have much more capability to have an orderly process to shut down their businesses. We are not trying to affect the decision. We are not trying to reach into Chrysler's decisions that they have made that will shut down these dealerships. We are just asking for 3 more weeks to let them shut down in, hopefully, a little bit better situation. Let them get some help to know what they have to do and to sell all the parts, all the equipment, and try to get their financial arrangements in order.

This will also be good for the surviving dealerships because, hopefully, they are going to buy some of this equipment, and they will need financing to do that as well. Our taxpayers are funding a lot of auto manufacturers' operations. I think the least we can do for many of those people who are paying these taxes—and that is the dealers—is to give them a chance.

I have a list of the number of dealers in these States that are getting shut down, and I am just asking for some kind of equity for them. It is not equity when they are going to be shut down anyway, but 3 weeks is just not rational.

So I don't want to hurt the Chrysler situation. I don't want to delay their bankruptcy. I don't want to in any way obstruct what they are trying to do because I want Chrysler to succeed. I do. So I am going to work with the Senators from Michigan, and I am going to work with the White House to try to come up with language that would say this doesn't delay the bankruptcy, and try to go forward and give these dealers that 3 extra weeks—the 3 weeks that will help them have an orderly shutdown and, hopefully, keep their employees a little longer because this is a big hit to many people in this country—789 dealerships, 3 weeks' notice, Mr. President. I don't think that is the way our country should be operating in this crisis.

Ms. MIKULSKI. Mr. President, will the Senator yield for a question?

Mrs. HUTCHISON. I will be happy to yield.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. I will only take a moment because I know the Senator from Oregon is on a tight schedule and wants to call up his amendment. But is the Senator proposing legislation?

Mrs. HUTCHISON. I am proposing an amendment that would give just 3 more weeks to the Chrysler dealers that are going to be shut down—3 more weeks for that process.

Ms. MIKULSKI. I thank the Senator for answering the question. I, too, am deeply troubled by the plight of these dealers, and I ask unanimous consent to be listed as a cosponsor of the amendment.

Mrs. HUTCHISON. I thank the Senator, and I would be glad to list the Senator as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I also ask unanimous consent that Senators COCHRAN, BROWN, MCCASKILL, and BOND be listed as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oregon.

AMENDMENT NO. 1185

Mr. MERKLEY. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 1185, which is at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. MERKLEY] proposes an amendment numbered 1185.

Mr. MERKLEY. Mr. President, I ask unanimous consent that further 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 the use by the Department of Defense of funds in the Act for operations in Iraq in a manner consistent with the United States–Iraq Status of Forces Agreement)

At the appropriate place in title III, insert the following:

SENSE OF SENATE ON USE OF FUNDS FOR OPERATIONS IN IRAQ

SEC. 315. It is the sense of the Senate that funds appropriated or otherwise made available to the Department of Defense by this title for operations in Iraq should be utilized for those operations in a manner consistent with the United States–Iraq Status of Forces Agreement, including specifically that—

(1) the United States combat mission in Iraq will end by August 31, 2010;

(2) any transitional force of the United States remaining in Iraq after August 31, 2010, will have a mission consisting of—

(A) training, equipping, and advising Iraqi Security Forces as long as they remain nonsectarian;

(B) conducting targeted counter-terrorism missions; and

(C) protecting the ongoing civilian and military efforts of the United States within Iraq; and

(3) through continuing redeployments of the transitional force of the United States remaining in Iraq after August 31, 2010, all United States troops present in Iraq under the United States–Iraq Status of Forces Agreement will be redeployed from Iraq by December 31, 2011.

Mr. MERKLEY. Mr. President, I ask unanimous consent that Senator WHITEHOUSE be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MERKLEY. Mr. President, the amendment I offer this evening is very straightforward. Put simply, I offer

this amendment to support and affirm President Obama's plan to end the war in Iraq. This amendment expresses the sense of the Senate that the funding provided in this bill will be used in accordance with the United States-Iraq Status of Forces Agreement signed this past fall. This agreement—SOFA as it is often referred to—makes it clear that our combat mission in Iraq will end next summer.

President Obama has been unwavering in his commitment to get our troops out of Iraq. He has repeatedly stated—and in very straightforward terms—that by August 31, 2010, our combat mission in Iraq will end. President Obama has gone further and declared that any troops remaining in Iraq after that date will be either training Iraqi forces, conducting targeted counterterrorism missions, or protecting U.S. personnel still in Iraq.

After 6 years of intense military operations in Iraq, the time has come to empower the Iraqis to provide their own national security. We must continue to provide training to protect U.S. personnel in the country and to conduct narrowly focused counterinsurgency missions when necessary. The United States should also provide funding for projects that rebuild Iraq's infrastructure, strengthen its economy, and improve the living conditions of its citizens.

Colleagues, next month, the 41st Brigade Combat Team of the Oregon National Guard will send 3,000 soldiers to Iraq. This is the largest deployment of the Oregon National Guard since World War II. I honor these men and women for their valiant and critical service, but I hope in the near future we will know that this is the last such deployment of our men and women we will send to Iraq.

I urge adoption of this amendment.

AMENDMENT NO. 1138

Mr. President, on behalf of Senator DEMINT, I would like to call up amendment No. 1138 and ask that it be reported by number.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. MERKLEY], for Mr. DEMINT, proposes an amendment numbered 1138.

Mr. MERKLEY. Mr. 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 strike the provisions relating to increased funding for the International Monetary Fund)

Beginning on page 100, strike line 12 and all that follows through page 107, line 21.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, if I could interrupt the Senator from Oregon just to add two more cosponsors to amendment No. 1189. I ask unanimous consent to add Senator LAUTENBERG and Senator MENENDEZ.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oregon.

AMENDMENT NO. 1179, AS MODIFIED

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Kaufman amendment, No. 1179, be modified with the changes at the desk.

The PRESIDING OFFICER. Is there objection? Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 71, between lines 13 and 14, insert the following:

(g) TRAINING IN CIVILIAN-MILITARY COORDINATION.—The Secretary of State, in consultation with the Secretary of Defense and the Administrator of the United States Agency for International Development, shall seek to ensure that civilian personnel assigned to serve in Afghanistan receive civilian-military coordination training that focuses on counterinsurgency and stability operations, and shall submit a report to the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives not later than 90 days after the date of the enactment of this Act detailing how such training addresses current and future civilian-military coordination requirements.

Mr. MERKLEY. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. BURRIS. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDING THE AMERICAN RECOVERY AND REINVESTMENT ACT

Mr. BURRIS. Mr. President, as I address the Chamber this evening, our great country is in the grips of an unprecedented economic crisis. In our lifetime, it has never been harder for American men and women to find a job, to get a loan, or to make ends meet. This Congress has boldly taken action in the form of a landmark stimulus package, but millions of Americans are still waiting and wondering. It is a question I hear each and every time I travel home to Illinois: Where is our stimulus relief? They are waiting for help, waiting for results, waiting to fulfill the promise of the American dream, which suddenly seems just out of reach. It is our duty to provide relief in a timely manner, Mr. President. But in the rush to allocate stimulus funds, we must not be too hasty. As we work to get this economy back on track, we need to make sure that every dollar—every dollar—is spent wisely.

I have vast experience in this area. During my three terms as Comptroller of the State of Illinois, I worked hard to maintain accountability as money was distributed, so I know how difficult it is.

I will also understand the importance of transparency and robust oversight. That is why I, along with my colleagues, Chairman LIEBERMAN, Ranking Member COLLINS, and Senator MCCASKILL, have introduced S. 104, the Enhanced Oversight of State and Local Economic Recovery Act to amend the American Recovery and Reinvestment Act. This measure would set aside up to one-half of 1 percent of all the stimulus funds and allow State and local governments to use this administrative expense reserve to distribute and track the stimulus money as it is received and spent.

These costs are currently unfunded, leaving taxpayers with no concrete assurance that their money is being efficiently delivered to where it is most needed. Our legislation would change that, mandating careful oversight and strict regulation as every dollar is spent. This measure represents common sense and simple good governance. I urge my colleagues to join me as we work to ensure transparency and accountability.

This bill would be an excellent start, but I think we should even go further. The American people demand not just basic reform but a sweeping expansion of oversight and accountability for their stimulus dollars. When this Congress passed the American Recovery and Reinvestment Act, and President Obama signed it into law, we took a bold step toward starting to rebuild our economy. But we must ensure that our efforts are not penny wise and pound foolish. Without transparency, without accountability, without oversight, we will not be effective. We cannot allow billions of dollars to disappear blindly into State treasuries. Perhaps these dollars would be spent wisely, perhaps not. Perhaps is not good enough for the American people and it is also not good enough for me. As a former comptroller, I know better than to simply trust that these funds will be put to good use. That is why I have introduced this bill, to make available the funds to track and regulate every dollar of taxpayers' money, to keep government officials honest and accountable to the people they serve.

We owe it to the hard-working men and women of this country to send targeted relief on swift wings, and this legislation is an essential part of that.

I thank Chairman LIEBERMAN, Ranking Member COLLINS, and my friend from the great State of Missouri, Senator MCCASKILL, for joining me in this effort. I ask all my colleagues to support this essential legislation. We must act without delay.

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. BENNET. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1167

Mr. BENNET. Mr. President, I ask unanimous consent to set aside the pending amendments so that I may call up my amendment No. 1167.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. BENNET], for himself, and Mr. CASEY, proposes an amendment numbered 1167.

The amendment is as follows:

(Purpose: To require the exclusion of combat pay from income for purposes of determining eligibility for child nutrition programs and the special supplemental nutrition program for women, infants, and children)

On page 4, between lines 2 and 3, insert the following:

SEC. 103. MILITARY FAMILY NUTRITION PROTECTION.

(a) CHILD NUTRITION PROGRAMS.—Section 9(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)) is amended by adding at the end the following:

''(14) COMBAT PAY.—

''(A) DEFINITION OF COMBAT PAY.—In this paragraph, the term 'combat pay' means any additional payment under chapter 5 of title 37, United States Code, or otherwise designated by the Secretary to be appropriate for exclusion under this paragraph, that is received by or from a member of the United States Armed Forces deployed to a designated combat zone, if the additional pay—

''(i) is the result of deployment to or service in a combat zone; and

''(ii) was not received immediately prior to serving in a combat zone.

''(B) EXCLUSION.—Combat pay shall not be considered to be income for the purpose of determining the eligibility for free or reduced price meals of a child who is a member of the household of a member of the United States Armed Forces.''.

(b) SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN.—Section 17(d)(2) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(2)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following:

''(C) COMBAT PAY.—For the purpose of determining income eligibility under this section, a State agency shall exclude from income any additional payment under chapter 5 of title 37, United States Code, or otherwise designated by the Secretary to be appropriate for exclusion under this subparagraph, that is received by or from a member of the United States Armed Forces deployed to a designated combat zone, if the additional pay—

''(i) is the result of deployment to or service in a combat zone; and

''(ii) was not received immediately prior to serving in a combat zone.''.

Mr. BENNET. Mr. President, my amendment ensures that active-duty soldiers do not lose family benefits, nutrition benefits that they have come to count on. It is wrong that a combat family would actually loose WIC benefits and child nutrition benefits just because the military loved one gets called up.

I thank my colleagues Senators JOHANNS and CASEY for their support of this amendment. I appreciate the great work of the chairman on this important piece of legislation.

I urge, at the appropriate time, adoption of the amendment.

I yield the floor and 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. Without objection, it is so ordered.

AMENDMENT NO. 1201 TO AMENDMENT NO. 1167

Mr. REID. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1201 to amendment No. 1167.

Mr. REID. Mr. 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:

At the end of the amendment, add the following:

This section shall become effective 3 days after enactment.

Mr. INOUYE. Mr. President, I certify that the information required by Senate rule XLIV, related to congressionally directed spending has been available on a publicly accessible congressional Web site in a searchable format at least 48 hours before a vote on the pending bill.

MORNING BUSINESS

Mr. REID. Mr. President, I now ask unanimous consent to proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHOOL SAFETY PATROL LIFESAVING AWARD RECIPIENTS

Mr. REID. Mr. President, I rise today to recognize the actions of the five young Americans who are this year's School Safety Patrol Lifesaving Award recipients as chosen by the American Automobile Association.

The American Automobile Association, AAA, began the School Safety Patrol Program in 1920 as a way to promote traffic safety amongst school children. Since 1949, the AAA School Safety Patrol Program has awarded its highest honor, the Lifesaving Award, to those patrollers who have acted to save the life of another. This year five heroic School Safety Patrollers are receiving this award, and it is my great honor to recognize their courageous actions.

In nearby Alexandria, VA, Norman Wallace was at his bus patrol post helping to safely direct fellow Hybla Valley Elementary School students exit the bus when he spotted a vehicle coming towards a 5-year-old girl who was crossing in front of the bus. Acting quickly, Norman pulled the young girl from harm's way. His courageous actions ensured that the girl went unharmed.

Lulu Beltran showed great foresight while performing her duty as an AAA school safety patroller at Dixie Downs Elementary School in St. George, UT. While a fellow student was crossing the street, Lulu noticed that an approaching vehicle was not slowing down. After assessing the situation, Lulu moved swiftly and pulled her fellow student out of harm's way.

Working with her patrol advisor at Minnehaha Elementary School in Vancouver, WA, Sierra Clark acted bravely to prevent a fifth-grade girl from being hit when a vehicle suddenly sped around a corner. As the vehicle approached the crossing, Sierra snapped into action and pushed the girl out of danger.

Hunter Turner was patrolling a busy intersection near his Strassburg School in Sauk Village, IL, when a student began to cross the street without checking for cars first. As a car turned the corner, Hunter pulled the student back onto the sidewalk. If not for Hunter's valiant action, the student would have been struck.

After only 2 weeks at his school safety patrol post at Waterville Primary School in Waterville, OH, Matthew Krause prevented a kindergartener from stepping off a sidewalk just as a truck passed. Matthew's awareness of his surroundings and attentiveness to his duties ensured that this 5-year-old remained unscathed.

The five patrollers whom I have spoken of exemplify values such as courage, alertness, and a commitment to safety, all of which the AAA School Safety Patrol Program has promoted over the years. Patrollers throughout our Nation serve an important role in ensuring that our young people safely navigate traffic hazards to and from school, and I thank them for their work.

CUBAN INDEPENDENCE DAY

Mr. NELSON of Florida. Mr. President, today I rise on behalf of the people of Florida and all Americans, to recognize Cuban Independence Day. We stand in solidarity with the people of Cuba as they fight for democratic change and independence in their homeland, and struggle for a day when basic dignity and freedom of expression is possible without fear of persecution. Tyranny, dictatorships, and political repression have no place in this hemisphere. Now more than ever, the United States must continue to press the Cuban regime, beginning with freeing all political prisoners. We must never waiver in our support for the Cuban people, as they continue their

fight for freedom and self-determination.

VOTE EXPLANATION

Mr. ENSIGN. Mr. President, I was unavoidably absent on the afternoon of May 19, 2009. Had I been present, I would have voted yes on rollcall vote 194, in favor of final passage of H.R. 627, the Credit Cardholders' Bill of Rights Act of 2009.

CONFIRMATION OF LARRY ECHO HAWK

Mr. UDALL of New Mexico. I rise today to support the nomination of a man I am proud to call my friend—Larry Echo Hawk. He is President Obama's nominee to be Assistance Secretary of Indian Affairs. He was approved unanimously by this body last night. And he is a wonderful choice.

Before I talk about why Larry is so qualified for this position, I want to say a few quick words about how committed he is to this job.

Larry was a law professor. And as many of you know, that is a pretty nice job.

More importantly, as a former BYU quarterback, Larry was named to be the faculty member who oversees the BYU Athletics Department.

What I am saying is, rather than spending his days being worshipped by law students, publishing groundbreaking articles, and watching college football games from the 50-yard line, Larry has chosen to serve his country in the Interior Department. If that is not commitment, I don't know what is.

We are very lucky that Larry is so committed to this position because I can think of nobody who is better suited for it.

Larry's resume speaks for itself. He has the kind of depth and breadth of experience that would make him equal to any job. Over the course of his career, he has been an advocate and an academic—an elected official, a private attorney and a marine. He has worked to put criminals behind bars and to keep children in school. He has fought drug use, domestic violence, and bigotry. And throughout this broad and varied career, he has retained a passionate commitment to his people—the first Americans. As he moved from job to job and even State to State, he never stopped working to improve the lives of our country's Native Americans.

Larry's work has won him awards and acclaim from around the country and across the political spectrum. Just recently, a respected law professor suggested that Larry replace Justice Souter on the Supreme Court. This is a man who really could do anything.

And Larry is more than a very accomplished lawyer and public servant. He is a deep and innovative thinker.

Larry grew up in Farmington, NM, but I first got to know him when we were both elected state attorneys general in 1990. At the time, Larry was the first Native American to be elected to a statewide constitutional office anywhere in the United States.

And Larry's path breaking did not stop there. Shortly after his election, he began to spread what, at the time, was a very new idea—conflicts with tribes should not be settled in court.

Back then, state AGs were in court with the tribes all the time. Nobody won those cases because the bad blood on both sides turned any outcome into a defeat.

Larry was the first to say, ''We can do better.'' And he was right.

I followed Larry's advice, and as a result New Mexico's relationship with our tribes was more productive for everybody involved.

The author Dov Seidman has written that, ''Laws tell you what you can do. Values inspire in you what you should do.''

Larry knows the law well enough to understand what is possible. But, more importantly, he has the values to know when it is time to expand the realm of the possible—to break old habits and try new ideas. He is a leader who can bring change to a Bureau that desperately needs it.

At BIA, we need somebody who can work with tribal governments and tribal members with an attitude of respect. We need somebody who combines a deep knowledge of Indian issues with the compassion that comes from common experience and common culture. We need a great mind connected to a great heart.

In short, we need Larry Echo Hawk. I thank you all for supporting his nomination.

ADDITIONAL STATEMENTS

CELEBRATING THE 100 YEAR BIRTHDAY OF POWELL, WYOMING

• Mr. BARRASSO. Mr. President, on May 25, 2009, we will celebrate the centennial of Powell, WY. Located in the valley of the Shoshone River, Powell is surrounded by the Absaroka and Big Horn mountain ranges, and is east of Yellowstone National Park.

One hundred years ago, the U.S. Reclamation Service offered for sale lots in a tract of land designated as the Powell Townsite. The sale began the last week in May 1909 and by June 30 of that year all lots in the square mile tract were purchased. The sale totaled $16,750. While a thriving community was officially born May 25, 2009, the area had been occasionally populated for tens of thousands of years. Stone circles provide the archaeological and ethnohistorical evidence to show that the Shoshone and Crow had active family organizations, camp activities, and domestic life in the area.

Perhaps the first White man to view what would become Powell was Lewis and Clark's colleague, John Colter. During the winter of 1807, Colter made the solitary trek from Fort Manuel Lisa to inform the Native Americans living near the Clark Fork River that a new trading post had been established. On his way back, he viewed the sagebrush flats along the Stinking Water River. Just a century later, the town of Powell would be born—and the river renamed Shoshone.

In 1906, the U.S. Reclamation Service established an engineering camp on the sagebrush flats and called it Camp Colter. Yet when the townsite was offered for sale, a new name was necessary since another location in the Big Horn Basin was also named for the Lewis and Clark explorer. The town's forefathers chose to honor Major John Wesley Powell, an early explorer, conservationist and reclamationist—and the former head of the U.S. Reclamation Service Geodetic Survey.

Powell is a terrific community. On the town's centennial blog, Cathy Howard Miller writes, ''Powell—a small town where everyone knows you and you know them, a place to raise children, where you can feel safe.'' Cathy's words sum up the reason why Powell was elected as one of 10 All-America Cities in 1994. With a population of 5,381, its economy is based upon oil, irrigated farming, ranching, tourism, and agricultural support services. Home of the Powell High School Panthers and the Northwest College Trappers, Powell is a great place to live, work, and raise a family.

Mr. President, I encourage my colleagues to join me in wishing Powell, WY, a happy birthday.•

TRIBUTE TO DR. MYLES BRAND

• Mr. BAYH. Mr. President, today I recognize a constituent and a dear friend, Dr. Myles David Brand, a man of uncommon integrity and vision whose leadership has restored an ethos of scholastic achievement to collegiate athletics in America.

Dr. Brand took over as the fourth chief executive officer of the National Collegiate Athletics Association, NCAA, in January 2003, and the intervening years have been marked by an unyielding focus on reorienting the NCAA's priorities in ways aimed to nurture and support the student athlete.

Dr. Brand delivered a watershed speech in 2001 at the National Press Club, in which he enunciated the mission statement that would come to define his tenure leading the NCAA: ''Academics must come first.''

Dr. Brand warned against the ''bleeding of the entertainment industry with intercollegiate athletics'' and cautioned that falling academic performance ''risks undermine the integrity of a system of higher education that is without question right now leading the world.''

''Athletic success,'' he said, ''cannot substitute for academic success. Universities must be seen, and understood, and judged by their achievements as

academic institutions, not sports franchises.''

As NCAA president, Dr. Brand spearheaded the most comprehensive package of academic reforms governing college athletics in our lifetime. Under his leadership, the NCAA raised eligibility standards for freshmen and toughened requirements that its 400,000 scholarship athletes make annual progress toward a degree to maintain their eligibility. Dr. Brand's reforms subjected teams with poor overall academic performance to unprecedented penalties, including bans on bowl games and postseason play.

The result: Today, NCAA graduation rates exceed those of the general student population in every demographic category. Last year, the NCAA's overall graduation rate for its student athletes stood at 79 percent. The graduation rate of female student athletes outpaced nonathletes by 8 percent, while the graduation rate for African-American male student athletes was 10 percent higher than their nonathletic peers.

For redefining what is scholastically possible in such a short time span, Dr. Brand will forever be known as the NCAA's ''Education President.''

It should be noted that despite Dr. Brand's unrelenting focus on helping students make the grade, he has never lost sight of the joy of making the shot. ''Anyone who thinks that college is only about the library, the lecture hall, and the laboratory really doesn't understand what happens in college,'' he once told a journalist.

I can personally attest that Myles Brand harbors an unsurpassed love for the game played on the field and a belief in the power of the NCAA to be a dreammaker for young people.

Yet he has remained true to his pledge that ''academics must come first.'' In 2003, Dr. Brand became the first university president ever chosen to lead the NCAA. A philosopher by training and inclination, Dr. Brand has earned admiration as a level-headed leader interested in critical examination and reform. USA Today called him ''the strongest, most vocal and influential leader college sports has had in . . . decades.''

Prior to taking over the NCAA, the people of the great State of Indiana enjoyed a front-row seat to his many accomplishments in academia. From 1994 to 2002, he served as the 16th president of my alma mater, Indiana University. Dr. Brand led IU through a period of remarkable growth, attracting record enrollments, doubling research funding, and establishing the university as a national leader in the life sciences and information technology. He increased the school's endowment by a factor of four and tripled the number of endowed chairs. Under Dr. Brand's leadership, IU created a nationally renowned School of Informatics and developed the Central Indiana Life Sciences Initiatives. His trailblazing leadership was recognized in 2001 when Time Magazine named Indiana University its ''College of the Year.''

When Dr. Brand left IU to assume the NCAA presidency, he did not have to go far—traveling 40 miles up State Road 37 from Bloomington to Indianapolis, where the NCAA is headquartered.

The NCAA has been a model corporate constituent under Dr. Brand's management, employing more than 410 Hoosiers with well-paying jobs while maintaining a strong community presence. It has helped hundreds of charities, schools and local organizations throughout Indiana, such as United Way and the Susan G. Komen Breast Cancer Foundation. After Hurricane Katrina ravaged the Gulf Coast, the NCAA dispatched teams of student athletes and considerable financial resources to the region to rebuild family homes.

Dr. Myles David Brand is a loving and devoted husband to his wife, Peg; a wonderful father and grandfather; and a special leader who I am proud to recognize today for his contributions to college sports, the State of Indiana, and the country as a whole.●

REMEMBERING PEGGY BURGIN

● Mr. BEGICH. Mr. President, I wish to commemorate the life of a very special resident of my home State of Alaska, Peggy Burgin.

Mrs. Burgin was the embodiment of a true Alaskan. While living in Alaska, she witnessed such historical events as the 1964 earthquake and the construction of the Trans-Alaska pipeline. Mrs. Burgin devoted much of her life to volunteering for many community groups. She leaves behind many friends who are grateful to have known this remarkable woman.

On behalf of her family and her many friends, I ask today we honor Peggy Burgin's memory. I ask that her obituary, published May 12, 2009, in the Anchorage Daily News, be printed in the RECORD.

The information follows:

[From the Anchorage Daily News, May 12, 2009]

Peggy Arlene Burgin, 89, died peacefully May 5, 2009, at Alaska Regional Hospital, where she received exceptional loving care from the entire staff. A celebration of life is being planned for June. Born Aug. 16, 1919, in Bellingham, Wash., to Michael and Minnie Burns, she worked from an early age to help her widowed mother and younger brother. She went to business college, was president of the Alpha Chapter of Beta Sigma Phi sorority and was a lifelong Democrat. She moved to Anchorage in July 1947 to marry Lee Morrow, a veteran Air Force pilot with postwar Alaska dreams. Ten months later the small plane he was co-piloting disappeared in the Susitna Valley and was never recovered. Shaken, she returned briefly to Washington, but her love for Alaska drew her right back. Working for an air cargo firm and later First National Bank of Anchorage, she made an impact as a single determined woman in a rough young town. She met and married another Alaska enthusiast, Fred Burgin, and together with their children, Salli, Jim and Judi, they experienced many adventures including the 1964 earthquake, pipeline construction and homesteading in Point MacKenzie. There she homeschooled the kids, shot a bear that tried to join them in the cabin and ran the homestead while Fred was away at construction jobs.

As a Teamster, Peggy was hired to start the Teamster Credit Union (now Denali Alaskan Federal Credit Union), where she achieved her goal of helping members start businesses and buy homes. Politically involved, both Peggy and Fred received their territorial voter registrations from Senator E.L. ''Bob'' Bartlett and often canceled each other's vote. Peggy was one of the founding members of the Bartlett Democratic Club, rarely missing the weekly meetings. She chaired and worked on many campaigns and was a delegate for Alaska at Clinton's presidential caucus.

Although busy with career and family, she was the ultimate volunteer and contributor with this partial list of organizations that benefited from her enthusiasm: Inlet View PTA, Alaska Regional Hospital Auxilliary, Alaska Native Hospital gift shop, Anchorage Senior Activity Center, Anchorage Unitarian Fellowship, Teamster 959 Retirees, Alaskan Commission on Aging, Pioneers of Alaska, STAR, Victims for Justice, Blood Bank of Alaska, women's equality groups and several credit unions. Peggy was a devoted friend to people of all ages and walks of life, always willing to give kids a hand up or a haven. She valued education, writing and courtesy and was described by one friend as one of the last true pioneer ladies—elegant, gracious, generous and as tough as nails. She loved traveling to Hawaii, Washington and New York and even toured China. She enjoyed staying connected to her myriad friends, watching Alaska politics on cable and getting her hair ''fluffed'' (her word) at Trendsetters.

Peggy was predeceased by her daughter Judi, and her husbands, Lee and Fred. She is survived by her son and daughter-in-law, Jim Burgin and Janice Ray, daughter, Salli Burgin; grandchildren, Erin Malone (Jason Dallman), Devin Malone, Dante Modaffari, and Bryant Burgin; great-granddaughters, Ava and Lena Malone-Dallman, all of Alaska and Washington; and by her brother, Robert Burns and family of Idaho. The family wishes to thank Peggy's doctors, Kathleen Case and Vernon Cates, for her many years of energetic health.●

REMEMBERING NORVAL POHL

● Mr. CORNYN. Mr. President, I wish to pay tribute to Dr. Norval Pohl, former president of the University of North Texas, who passed away last week after a courageous battle against pancreatic cancer.

Dr. Pohl joined the UNT com unity in 1999 as the executive vice president and provost and became the university's 13th president in October 2000.

Under Dr. Pohl's leadership at UNT, enrollment grew from 27,000 to over 32,000 students. During the same period, the university's Latino enrollment increased by 48 percent and African-American enrollment increased by 43 percent. Financial aid awards increased from $57.8 million to $172.2 million, and annual giving to UNT increased from $4.7 million to $13.4 million. Dr. Pohl is also recognized for addressing title IX issues with the acquisition of the Liberty Christian School

property, which increased both academic and athletic space for the university.

Among his other accomplishments, he worked to advance UNT as a public research institution. He fulfilled a long held desire at UNT for an engineering school by establishing the College of Engineering and creating a permanent home for engineering at the UNT Research Park.

After leaving UNT, he joined the faculty at Embry-Riddle Aeronautical University's Prescott campus and was named chief academic officer in January of this year.

Dr. Pohl spent the better part of his career in higher education serving as both an administrator and a professor at several universities across the southwest. Dr. Norval Pohl was a great asset to the academic communities he served and he will be missed at the universities he leaves behind. I would like to express my condolences to Dr. Pohl's family and friends and my admiration for his devotion to higher education.●

TRIBUTE TO ADMIRAL JOHN HENRY TOWERS

● Mr. ISAKSON. Mr. President, I wish to honor and commemorate in the RECORD of the Senate ADM John Henry Towers, pioneer naval aviator, on the 90th anniversary of the first crossing of the Atlantic Ocean in an airplane on May 8, 2009.

Admiral Towers was born and raised in Rome, GA, and graduated from the U.S. Naval Academy with the class of 1906. As one of the earliest of all naval aviators, he participated in the development of new aviation technology and the application of air power as a part of the surface fleet. By the time World War II was over, Admiral Towers was the senior surviving aviator of the Navy.

In every chapter of the early development of naval aviation, John Towers made his mark. He organized the Navy's entry into aviation in 1911. Admiral Towers worked very closely with Glenn Curtiss in designing the first naval aircraft and due to his efforts became known to his peers as the ''Crown Prince of Aviation.''

Towers held aviation records for endurance, altitude, and speed. He survived a fall out of an airplane in 1913 by hanging onto the aircraft strut as it crashed into the Severn River from 1,300 feet. Unfortunately, his pilot-in-training, ENS, William Billingsly, was killed and became the first naval aviation fatality. As a result, Towers mandated seat belts and harnesses in all naval aircraft after the crash. He also took the Assistant Secretary of the Navy Franklin Delano Roosevelt, future President of the United States, for his first airplane ride, which secured a special friendship that lasted their whole careers.

Admiral Towers was the first to use naval aircraft in combat in the Mexican War in 1914. Then, in 1919, he conceived, organized, and commanded the first flight of three Navy NC-flying boats to fly across the Atlantic Ocean, fulfilling his early vision to be the first flight across the Atlantic Ocean. The flights began at Rockaway Beach, NY, on May 8, 1919, and one of the planes made it to Plymouth, England, on May 31, 1919. It was Towers' vision that inspired others and changed the world forever. The flight actually lasted 52 hours 31 minutes, for a distance of 3,936 nautical miles.

Towers and his group became international celebrities. During their Atlantic crossing, the Nation was on pins and needles reading about the happenings each day, particularly when they received the news that Towers' float boat NC–3 went down and was lost at sea for 5 days. After he sailed the seaplane 200 miles to the Azores, his became a household name around the world.

The significance of this epic flight affected the psyche of the American public because until that time, we were largely protected from invasion by having two oceans on either side of us. When the airplane made that first Atlantic crossing, Americans became aware that we were not immune from future wars on our soil. In addition, Britain, France, and Germany were more advanced in aviation than the United States. When the United States beat them across the Atlantic, we were immediately thrust into a ''super power'' status. The U.S. Navy beat the world in crossing the Atlantic.

Admiral Towers' career was a stubborn, determined battle to gain acceptance for aviation from a Navy that was dominated by battleship admirals. He was the first to integrate women into the U.S. Navy and U.S. Marines by creating the W.A.V.E.S. in 1942. The W.A.V.E.S. eventually grew to 12,000 women officers and 75,000 enlisted women. He was also the first to obtain four stars in any branch of service in the State of Georgia and was awarded the Distinguished Service Medal.

Apollo 17 honored the admiral and his contribution to aviation by naming a crater on the Moon in his name. In addition, he was honored by Time magazine and placed on the front cover for his efforts during World War II. Towers began in naval aviation at its inception in 1911 and remained dedicated to the field through his retirement in 1947. He is a member of five Aviation Halls of Fame.

It is a privilege to pay tribute to the remarkable life of ADM John Henry Towers.●

REMEMBERING CECIL E. HARRIS

● Mr. JOHNSON. Mr. President, today I recognize and congratulate the outstanding career of Cecil Harris, decorated Navy pilot. For his heroic actions in World War II, Cecil received the Navy Cross, Silver Star, Distinguished Flying Cross, and the Air Medal. His bravery is again being honored in with the dedication of the Cecil E. Harris Highway in northeast South Dakota.

This Cresbard native was enrolled in the Northern State Teachers College when he enlisted in the Navy in March 1941 and was sent to northern Africa. After the Japanese attack on Pearl Harbor nine months later, Cecil's remarkable flying abilities were noted and he was moved to the Pacific to combat the Kamikaze attacks. Cecil shot down 24 enemy warplanes in 81 days while never taking a single bullet on his own plane, making him the second-ranking World War II Naval Ace.

After the war, Cecil returned home to become a teacher and coach. In 1951, he was called to Tennessee to train pilots for the Korean war. He was then promoted to captain and sent to the Pentagon. He retired in June 1967 after serving 27 years in the Navy. He passed away in 1981 and is buried in Arlington Cemetery.

This stretch of Highway 20 will bear the name of a dedicated and decorated war hero. Cecil Harris exemplified South Dakota values in his unwavering commitment to his country, and I commend the South Dakota Department of Transportation for honoring this outstanding individual.●

RECOGNIZING ROSEPINE CONCERT BAND

● Ms. LANDRIEU. Mr. President, today I wish to recognize 72 young musicians from Rosepine High School. On April 29, 2009, these students travelled from the heart of Vernon Parish in Louisiana to compete against 28 bands at the Music in the Parks Festival in Williamsburg, VA. Although Rosepine was the smallest school to compete in their class, hailing from a town of approximately 1,300 people, they received a superior rating and were ranked ''Top of All Bands.''

As a reward for this outstanding accomplishment, the entire band received an educational tour of both historic Williamsburg and Washington, DC. I trust that they were inspired and motivated by their trip to our Nation's Capital.

These bright young stars are proof that with hard work, determination, and the right amount of support and encouragement, anything is possible. I believe that constant support and supervision from families and instructors can guide students to a path of success and achievement. In addition, I would like to congratulate Rosepine's band director, Tra Lantham, and thank him for his dedication and commitment to the students as well as the school's music department.

I ask that these names be printed in the Record. I thank these young people and their parents for coming to our Nation's Capitol to learn about the workings of the U.S. Senate:

Mandi Alford, Samantha Allardyce, Jason Allardyce, Kelvin Ayala, Lindsey Aycock, Mark Bailes, Matt Blount, Brandon Boggs, Chloe Brausch, Haley Brown, Hannah Cardy, Zachary Cardy, Jeffery Cox, Ann Cox, Brittany Darrah, Jacob Dearmon, Taylor

Deladurantaye, Nick Deladurantaye, Jamison Deladurantaye, Josh Ducote.

Victoria Evans, Chris Funderburk, Daygan Gardner, Chase Gill, Austin Granger, Ryan Hess, Chris Hughes, Jessica Islas, Elizabeth Kellner, Daniel Linn, Kaitlyn Lockhart, Wyatt Maricle, Blake Maricle, Kaymen Megl, Austin Merilos, Sydney Merilos, Joseph Myers, Katlyn Peavy, Bradley Richard, Josie Slaydon.

Courtney Smith, Eden Solinsky, Devin Stephens, Cory Stephens, Emilee Stewart, Teagan Suire, Dustin Thompson, Tito Torres, Jossie Willis.●

HONORING HOWE AND HOWE TECHNOLOGIES

● Ms. SNOWE. Mr. President, this week is National Small Business Week, a time when our country focuses on the immense efforts our 27 million small businesses make to the health and vitality of our Nation's economy. As we are presently engaged in two wars, innovative companies that produce cutting-edge defense products are critical to our Nation's military success. In that vein, I rise to recognize the colossal efforts of one such small business from my home State of Maine, Howe and Howe Technologies.

Located in the southern Maine town of Eliot, Howe and Howe Technologies focuses on the design and production of extreme vehicles, specifically tanks. And for brothers Mike and Geoffrey Howe, the company's owners, building tanks has been a passion for over a decade. After high school, they began work on the original Ripsaw 1, their first unmanned vehicle, in the garage of their childhood home. By 2004, they were entering their vehicle in an endurance test for unmanned vehicles that was sponsored by the military. While they did not win that trial, the brothers received a boost of confidence that their products could compete in the long run, leading to the establishment of Howe and Howe Technologies in 2006.

Each of the company's tanks is designed with a particular use in mind. For instance, the Subterranean Rover 1, or SR1, was commissioned by the Shoal Creek Mine in Alabama to specifically withstand the harsh conditions of coal mines. The PAV1, or Badger, was built for the California Protection Services for use by SWAT teams and other law enforcement agencies. And the Ripsaw MS1, which is currently being tested by the U.S. Army, is an unmanned ground vehicle, or UGV, designed especially for military use. Howe and Howe's vehicles are critical to our military's mission, as they are unmanned vehicles that can be placed in dangerous situations without harm to personnel. Additionally, the vehicles can operate for almost 300 miles until refueling, can be controlled remotely, and provide the military with a faster alternative to the unmanned vehicles they presently have.

The Howe brothers take pride in their work, and industry experts are certainly taking notice. The Ripsaw MS1, which is Howe and Howe's latest vehicle, was just selected by Popular Science magazine as ''The Fastest Tank'' in the listing of its 2009 Invention Awards. The magazine publishes these awards annually to highlight a diverse array of creative and innovative products America's businesses are manufacturing, from power shock absorbers to IV catheters. Additionally, Howe and Howe has recently learned that its PAV1 Badger will be acknowledged as the ''World's Smallest Tank'' in the ''2010 Guinness Book of World Records.''

Last Saturday was Armed Forces Day, a day to reflect on the significant sacrifices our men and women in uniform have made on behalf of our Nation's security. Let us also pay homage to those civilians who assist them by creating state-of-the-art products that make their missions safer and stronger, and that ultimately save lives. I congratulate Mike and Geoffrey Howe and everyone at Howe and Howe Technologies for their exceptional work ethic and inventive products, and wish them continued success.●

REMEMBERING SERGEANT AUBIE L. ATKINS, JR.

● Mr. VITTER. Mr. President, I wish to honor and recognize SGT Aubie L. Atkins, Jr., for making the ultimate sacrifice in service to our country. Nearly 67 years after his death in WWII, he will be home for good and laid to rest next to his parents in their Claiborne Parish town of Athens. I would like to take a few moments to speak of his courage and heroism.

Atkins grew up in Athens, LA, and attended Louisiana Tech University for 1 year before enlisting in the Army in 1941. He was trained in communications and assigned to the crew of a B–25 Mitchell bomber in the 405th Bombardment Squadron in the southwestern Pacific. Atkins, along with seven other crew members, took off aboard a bomber nicknamed ''The Happy Legend'' from Port Moresby on a mission to bomb Buna on December 5, 1942. Unfortunately, their plane went down and disappeared near the Kokoda Pass, Papua New Guinea. Military authorities believed the plane was shot down by the Japanese during a bombing run. The crew was declared dead, and all were memorialized on the tablets of the missing at Manila American Cemetery, Philippines, by the American Battle Monuments Commission.

Members of the 1st Australian Corps found the crash in February 1943 along with the pilot's remains and Atkins' identification tags, but because enemy troops remained in the vicinity, the allied soldiers had to abandon the site. Several attempts were launched to retrieve wreckage and the airmen's remains, but the wreckage was in a water-filled crater making it too difficult and dangerous. But, in 2005 Atkins' remains were identified using DNA that was donated in 2007 by his last surviving sibling, just months before her own death.

There is no doubt that December 5, 1942, was a tragic day, not only for the families of the fallen crew members but also for the B–25 family, the community, and the Nation. On Saturday, May 16, Sergeant Atkins was properly buried with full military honors, including a jet flyover and a 21-gun salute. Although all of Atkins' seven siblings are deceased, three subsequent generations were present to honor and pay their respects.

Thus, today, I honor the memory of fellow Louisianan Aubrey Atkins, Jr., and thank him for his devotion and service to our country.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the presiding officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 13303 OF MAY 22, 2003, WITH RESPECT TO THE STABILIZATION OF IRAQ—PM 20

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication. This notice states that the national emergency with respect to the stabilization of Iraq declared in Executive Order 13303 of May 22, 2003, as modified in scope and relied upon for additional steps taken in Executive Order 13315 of August 28, 2003, Executive Order 13350 of July 29, 2004, Executive Order 13364 of November 29, 2004, and Executive Order 13438 of July 17, 2007, is to continue in effect beyond May 22, 2009.

Obstacles to the orderly reconstruction of Iraq, the restoration and maintenance of peace and security in the country, and the development of political, administrative, and economic institutions in Iraq continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. Accordingly, I have determined that it is necessary to continue the national emergency with respect to this threat and maintain in force the measures taken to deal with that national emergency.

BARACK OBAMA.

THE WHITE HOUSE, *May 19, 2009.*

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 10:49 a.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. 896. An Act to prevent mortgage foreclosures and enhance mortgage credit availability.

The enrolled bill was subsequently signed by the Acting president pro tempore (Mr. REID).

At 11:53 a.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 bills, in which it requests the concurrence of the Senate:

H.R. 1088. An Act 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.

H.R. 1089. An Act 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.

H.R. 1170. An Act to amend chapter 21 of title 38, United States Code, to establish a grant program to encourage the development of new assistive technologies for special adapted housing.

H.R. 2182. An Act 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 message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 120. Concurrent resolution supporting the goals and ideals of National Women's Health Week, and for other purposes.

The message further announced that pursuant to 22 U.S.C. 3003, and the order of the House of January 6, 2009, the Speaker appoints the following Members of the House of Representatives to the Commission on Security and Cooperation in Europe: Mr. HASTINGS of Florida, Co-Chairman, Mr. MARKEY of Massachusetts, Ms. SLAUGHTER of New York, Mr. MCINTYRE of North Carolina, Mr. BUTTERFIELD of North Carolina, Mr. SMITH of New Jersey, Mr. ADERHOLT of Alabama, Mr. PITTS of Pennsylvania, and Mr. ISSA of California.

At 2:50 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agrees to the amendment of the Senate 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.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1088. An act 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; to the Committee on Veterans' Affairs.

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 reemployment rights of veterans and members of the Armed Forces employed by Federal executive agencies, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 1170. An act 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; to the Committee on Veterans' Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 120. Concurrent resolution supporting the goals and ideals of National Women's Health Week, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that today, May 20, 2009, she had presented to the President of the United States the following enrolled bill:

S. 896. An Act to prevent mortgage foreclosures and enhance mortgage credit availability.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1669. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Carbofuran; Final Tolerance Revocations'' (FRL–8413–3) received in the Office of the President of the Senate on May 13, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1670. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Iodosulfuron-methyl-sodium; Pesticide Tolerances'' (FRL–8412–6) received in the Office of the President of the Senate on May 15, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1671. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), Department of Defense, transmitting, pursuant to law, the Department's annual report on Joint Officer Management; to the Committee on Armed Services.

EC–1672. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Clyde A. Vaughn, Army National Guard of the United States, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–1673. A communication from the General Counsel, Department of Defense, transmitting, the report of legislative proposals relative to the National Defense Authorization Bill for Fiscal Year 2010; to the Committee on Armed Services.

EC–1674. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC–1675. A communication from the Principal Deputy, Defense Research and Engineering, Department of Defense, transmitting, pursuant to law, a report entitled ''Defense Production Act Annual Fund Report for Fiscal Year 2008''; to the Committee on Banking, Housing, and Urban Affairs.

EC–1676. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Fair Credit Reporting Affiliate Marketing Regulations; Identity Theft Red Flags and Address Discrepancies Under the Fair and Accurate Credit Transactions Act of 2003'' (RIN1557–AD14) received in the Office of the President of the Senate on May 14, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–1677. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; New Jersey Reasonable Further Progress Plans, Reasonably Available Control Technology, Reasonably Available Control Measures and Conformity Budgets'' (FRL–8905–7) received in the Office of the President of the Senate on May 13, 2009; to the Committee on Environment and Public Works.

EC–1678. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Delegation of New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants for the States of Arizona, California, Hawaii, and Nevada'' (FRL–8905–8) received in the Office of the President of the Senate on May 13, 2009; to the Committee on Environment and Public Works.

EC–1679. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Aggregation'' (FRL–8904–5) received in the Office of the President of the Senate on May 13, 2009; to the Committee on Environment and Public Works.

EC–1680. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Michigan; Consumer Product Rule'' (FRL–8908–1) received in the Office of the President of the Senate on May 15, 2009; to the Committee on Environment and Public Works.

EC–1681. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Minnesota'' (FRL–8907–3) received in the Office of the President of the Senate on May 15, 2009; to the Committee on Environment and Public Works.

EC–1682. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Louisiana: Final Authorization of State Hazardous Waste Management Program Revision'' (FRL–8905–4) received in the Office of the President of the Senate on May 15, 2009; to the Committee on Environment and Public Works.

EC–1683. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''The Treatment of Data Influenced by Exceptional Events (Exceptional Event Rule): Revised Exceptional Event Data Flagging Submittal and Documentation Schedule for Monitoring Data Used in Designations for the 2008 Ozone NAAQS'' (FRL–8907–1) received in the Office of the President of the Senate on May 15, 2009; to the Committee on Environment and Public Works.

EC–1684. A communication from the Chief of the Border Security Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Extension of Port Limits of St. Louis, Missouri'' (CBP Dec. 09–16) received in the Office of the President of the Senate on May 14, 2009; to the Committee on Finance.

EC–1685. A communication from the Broadcasting Board of Governors, transmitting, pursuant to law, the Board's Annual Report for 2008; to the Committee on Foreign Relations.

EC–1686. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Revision of the Requirements for Publication of License Revocation'' (Docket No. FDA–2009–N–0100) received in the Office of the President of the Senate on May 14, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC–1687. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Substances Prohibited From Use in Animal Food or Feed; Confirmation of Effective Date of Final Rule; Correction'' (RIN0910–AF46) received in the Office of the President of the Senate on May 14, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC–1688. A communication from the Senior Procurement Executive, Office of the Chief Acquisition Officer, General Services Administration, Department of Defense, and National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005–32, Technical Amendments'' (FAC 2005–32) received in the Office of the President of the Senate on May 15, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–1689. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, an annual report on applications made by the Government for authority to conduct electronic surveillance and physical searches during calendar year 2008; to the Committee on the Judiciary.

EC–1690. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulations; Smith Creek at Wilmington, NC'' ((RIN1625–AA09)(Docket No. USCG–2008–0302)) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1691. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Crewmember Identification Documents'' ((RIN1625–AB19)(Docket No. USCG–2007–28648)) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1692. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Blue Water Resort and Casino APBA National Tour Rounds 1 & 2; Colorado River, Parker AZ'' ((RIN1625–AA00)(Docket No. USCG–2008–1220)) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1693. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Mill Creek, Fort Monroe, VA, USNORTHCOM Civic Leader Tour and Aviation Demonstration'' ((RIN1625–AA00)(Docket No. USCG–2009–0263)) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1694. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Allegheny River, Pittsburgh, PA'' ((RIN1625–AA00)(Docket No. USCG–2009–0175)) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1695. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Barge BDL235, Pago Pago Harbor, American Samoa'' ((RIN1625–AA00)(Docket No. USCG–2009–0159)) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1696. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; St. Thomas Harbor, Charlotte Amalie, U.S.V.I.'' ((RIN1625–AA00)(Docket No. USCG–2009–0179)) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1697. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Allegheny River, Pittsburgh, PA'' ((RIN1625–AA00)(Docket No. USCG–2009–0149)) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1698. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Red Bull Air Races; San Diego Bay, San Diego, CA'' ((RIN1625–AA00)(Docket No. USCG–2009–0119)) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1699. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Alternate Compliance Program: Vessel Inspection'' ((RIN1625–AA92)(Docket No. USCG–2004–19823)) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1700. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Corrections; Hatteras Boat Parade and Firework Display, Trent River, New Bern, NC'' ((RIN1625–AA00)(Docket No. USCG–2008–0309 formerly USCG–2008–0046)) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1701. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; IJSBA World Finals, Colorado River, Lake Havasu City, AZ'' ((RIN1625–AA00)(Docket No. USCG–2008–0320)) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1702. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zones (including 2 regulations): [USCG–2008–0245], [USCG–2008–0246]'' (RIN1625–AA00) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1703. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations for Marine Events; Severn River, College Creek, Weems Creek and Carr Creek, Annapolis, MD'' ((RIN1625–AA08)(Docket No. USCG–2008–0154)) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1704. A communication from the Acting Chairman, Surface Transportation Board, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''STB Ex Parte No. 542 (Sub–No. 16) Regulations Governing Fees for Services Performed in Connection With Licensing and Related Services—2009 Update'' (Board Decision No. 39783) received in the Office of the President of the Senate on May 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1705. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations; Derby, Kansas'' (MB Docket No. 09–33) received in the Office of the President of the

Senate on May 14, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1706. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Promoting Diversification of Ownership in the Broadcasting Services'' (MB Docket No. 07–294) received in the Office of the President of the Senate on May 14, 2009; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–20. A joint memorial adopted by the Legislature of the State of Washington relative to the United States Fish and Wildlife Service working cooperatively with the state's regulatory agencies and energy producers; to the Committee on Energy and Natural Resources.

SENATE JOINT MEMORIAL 8001

Whereas, in 2006 the voters passed Initiative No. 937, targets for energy conservation and the use of eligible resources, including wind, by the state's large utilities; and

Whereas, in 2007 the Legislature adopted the goals of reducing greenhouse gas emissions to 1990 levels by 2020, reducing emissions to 25 percent below 1990 levels by 2035, and reducing emissions to 50 percent below 1990 levels by 2050; and

Whereas, during this time of economic uncertainty, the construction and operation of wind and other alternative energy sites presents an opportunity to bring new jobs and valuable economic opportunities to Washington communities; and

Whereas, the increased use of wind and other alternative energy resources produced in Washington will help move the state towards energy independence, and help to decrease the billions of dollars Washingtonians currently pay each year for imported fuel; and

Whereas, the federal endangered species act (16 U.S.C. Sec. 1531 et seq.) can pose significant challenges, including regulatory uncertainty, for those seeking to develop wind and other alternative energy projects in locations that could potentially impact any wildlife listed as threatened or endangered; and

Whereas, the United States Fish and Wildlife Service, housed within the United States Department of the Interior, is the agency with primary responsibility for implementing and enforcing the federal endangered species act;

Now, Therefore, Your Memorialists respectfully pray that the United States Fish and Wildlife Service work cooperatively with the state's regulatory agencies and energy producers to resolve these federal endangered species act issues in a manner that allows the continued development of Washington's wind and other alternative energy resources while at the same time protecting threatened and endangered wildlife.

Be it resolved, That copies of this Memorial be immediately transmitted to the Honorable Barack Obama, President of the United States, the Secretary of the Department of the Interior, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM–21. A joint memorial adopted by the Legislature of the State of Washington relative to urging the enactment of legislation to eliminate the 24 month Medicare waiting period for participants in Social Security Disability Insurance; to the Committee on Finance.

SENATE JOINT MEMORIAL 8013

Whereas, created in 1965, the federal Medicare program provides health insurance coverage for more than 40 million Americans; although most of those enrolled are senior citizens, approximately 6 million enrollees under the age of 65 have qualified because of permanent and severe disabilities, such as spinal cord injuries, multiple sclerosis, cardiovascular disease, cancer, or other illness or disorder; and

Whereas, despite the physical and financial hardships wrought by these conditions and the fact that Social Security Disability Insurance (SSDI) is designed for individuals with a work history who paid into the social security system before the onset of their disability, federal law mandates a 24 month waiting period from the time a disabled individual first receives SSDI benefits to the time Medicare coverage begins; a prerequisite to Medicare, the SSDI program itself delays benefits for 5 months while the person's disability is determined, effectively creating a 29 month waiting period for Medicare; and

Whereas, this restriction affects a significant number of Americans in need; as of January 2002, there were approximately 1.2 million disabled persons who qualified for SSDI and were awaiting Medicare coverage, many of whom were unemployed because of their disability; consequently, under these conditions, by the time Medicare began, an estimated 77 percent of those individuals would be poor or nearly poor, 45 percent would have incomes below the federal poverty line, and close to 40 percent would be enrolled in state Medicaid programs; and

Whereas, furthermore, it has been estimated that as many as one-third of the individuals currently awaiting coverage may be uninsured and likely to incur significant medical expenses during the 2 year waiting period, often with devastating consequences; studies indicate that the uninsured are likely to delay or forgo needed care, leading to worsening health and even premature death, and the American Medical Association has determined that death rates among SSDI recipients are the highest in the first 24 months of enrollment; and

Whereas, eliminating the 24 month waiting period not only would prevent worsening illness and disability for SSDI beneficiaries, thereby reducing more costly future medical needs and potential longterm reliance on public health care programs, but could also save the Medicaid program as much as 4.3 billion dollars at 2002 program levels, including nearly 1.8 billion dollars in savings to states and 2.5 billion dollars in federal savings that would help offset a substantial portion of the accompanying increase in Medicare expenditures; and

Whereas, recognizing the consequences of the waiting period to those suffering from amyotrophic lateral sclerosis (ALS), or Lou Gehrig's disease, the 106th Congress passed H.R. 5661 in 2000 and eliminated the requirement for enrollees diagnosed with the disease; in passing H.R. 5661, the congress acknowledged the enormous difficulties faced by those diagnosed with severe disabilities and established precedent for the exception to be extended to all the disabled on the Medicare waiting list;

Now, therefore, your Memorialists respectfully urge the United States Congress to enact legislation to eliminate the 24 month Medicare waiting period for participants in Social Security Disability Insurance.

Be it resolved, that copies of this Memorial be immediately transmitted to the Honorable Barack Obama, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM–22. A joint memorial adopted by the Legislature of the State of Washington relative to the United Nations Convention on the Elimination of All Forms of Discrimination Against Women; to the Committee on Foreign Relations.

SENATE JOINT MEMORIAL 8012

Whereas, the Convention on the Elimination of All Forms of Discrimination Against Women was adopted by the United Nations General Assembly on December 18, 1979, became an international treaty on September 3, 1981, and by August 2006, one hundred eighty-five nations including all of the industrialized world, except the United States, have agreed to pursue the Convention's goals; and

Whereas, the United States supports and has a position of leadership in the United Nations, was an active participant in the drafting of the Convention and signed the Convention in 1980, but to date has not ratified it; and

Whereas, the spirit of the Convention is to affirm faith in fundamental human rights, in the dignity and worth of each person, and in the goal of equal rights, opportunities, and protections for women and girls; and

Whereas, the Convention provides a comprehensive framework for advancing the rights, opportunities, and protections for women and girls, half the world's population, which framework is implemented by individual countries in ways appropriate to their own countries; and

Whereas, much research has found that discrimination based on sex results in less education for girls and women, fewer job opportunities and lower pay for women, slower national economic productivity and growth, and retards the ability of developing countries to grow their economies and contribute to global economic recovery; and

Whereas, women in every country play fundamentally important economic roles in their economies and frequently constitute the major economic support for their families; and

Whereas, although women in many parts of the world have made major gains in struggles for equality in social, business, political, legal, education, and other fields, much more needs to be accomplished; and

Whereas, through its active support and moral leadership, the United States can help create a world where women and girls have equal legal protections, human rights, education and economic opportunities, personal safety, health care, and more;

Now, therefore, your Memorialists respectfully pray that President Obama and Secretary Clinton place the United Nations Convention on the Elimination of All Forms of Discrimination Against Women in the highest category of priority in order to accelerate the treaty's passage through the Senate Foreign Relations Committee and the full United States Senate with the goal of ratification by the United States; and that the Washington State Legislature urge the Senate Foreign Relations Committee to pass this treaty favorably out of Committee and recommend it be approved by the full United States Senate: Be it

Resolved, That copies of this Memorial be immediately transmitted to the Honorable Barack Obama, President of the United States, Hillary Clinton, Secretary of State, Hilda Solis, Secretary of Labor, the President of the United States Senate, the Speaker of the House of Representatives, and each

member of Congress from the State of Washington.

POM–23. A joint memorial adopted by the Legislature of the State of Washington relative to electronic medical and health records; to the Committee on Health, Education, Labor, and Pensions.

SENATE JOINT MEMORIAL 8003

Whereas, expanded health information technology has the potential to revolutionize the delivery of health care in the United States by enabling continuity of care, improving cost efficiency, lowering rates of medical malpractice, decreasing duplicative care, providing better care management for patients, and producing better health outcomes; and

Whereas, major investments in the hardware and software infrastructure required to facilitate the expansion of health information technology are being made now by health care providers; and

Whereas, the health information systems currently being constructed are often incapable of communicating with each other; and

Whereas, the costs to providers of maintaining incompatible systems in the name of proprietary licensing will grow exponentially with every delay in reaching a universal standard of interoperability; and

Whereas, the benefit from health information technology is only derived from the ability of systems to communicate with each other on a fully compatible platform; and

Whereas, a national public-private partnership has recently commenced with leadership from the United States department of health and human services to define standards of interoperability with the goal of implementing electronic health records for all Americans by the year 2014;

Now, therefore, your Memorialists respectfully pray that Congress institute a date certain, no later than January 1, 2013, at which time all vendors, suppliers, and manufacturers of health information technology must comply with a uniform national standard of interoperability, such that all electronic medical and health records can be readily shared and accessed across all health care providers and institutions while at the same time preserving the proprietary nature of health information technology producers that will encourage future innovation and competition: Be it

Resolved, That copies of this Memorial be immediately transmitted to the Honorable Barack Obama, President of the United States, the Secretary of the United States Department of Health and Human Services, the Governor of the State of Washington, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM–24. A joint memorial adopted by the Legislature of the State of Washington relative to the issuance of a commemorative stamp by the United States Postal Service; to the Committee on Veterans' Affairs.

HOUSE JOINT MEMORIAL 4005

Whereas, the Nisei veterans of the Second World War provided the avenue for Japanese-Americans to prove their loyalty to the United States by serving as the ultimate patriots in the Armed Forces; and

Whereas, these veterans served in the 442nd Regimental Combat Team, the 100th Infantry Battalion, and the Military Intelligence Service (MIS); and

Whereas, the 100th Infantry Battalion and 442nd Regimental Combat Team of the United States Army were comprised of Japanese-Americans who fought in Europe during the Second World War; and

Whereas, the 100th Infantry Battalion and 442nd Regimental Combat Team were members of the most highly decorated military unit of its size in the history of the United States Armed Forces, with twenty-one Medal of Honor recipients, numerous Purple Hearts, and many other awards; and

Whereas, tens of thousands of lives were saved because the MIS used their knowledge of Japanese language and culture to help the Allies end the Second World War quickly in the Pacific; and

Whereas, the Nisei veterans' proud American legacy continues, however many Nisei veterans have passed away and those still alive are now in their eighties and nineties; and

Whereas, these Nisei veterans should be publicly commemorated;

Now, therefore, your Memorialists respectfully pray that the United States Postal Service issue a postage stamp in commemoration of the Nisei veterans' service in the United States Armed Forces during the Second World War: Be it

Resolved, That copies of this Memorial be immediately transmitted to the Honorable Barack Obama, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each Member of Congress from the State of Washington.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 663. A bill 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. 918. A bill 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. 1284. A bill 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''.

H.R. 1595. A bill 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''.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. ROCKEFELLER for the Committee on Commerce, Science, and Transportation.

*Lawrence E. Strickling, of Illinois, to be Assistant Secretary of Commerce for Communications and Information.

*Rebecca M. Blank, of Maryland, to be Under Secretary of Commerce for Economic Affairs.

*John D. Porcari, of Maryland, to be Deputy Secretary of Transportation.

*J. Randolph Babbitt, of Virginia, to be Administrator of the Federal Aviation Administration for the term of five years.

*Aneesh Chopra, of Virginia, to be an Associate Director of the Office of Science and Technology Policy.

Mr. ROCKEFELLER. Mr. President, for the Committee on Commerce, Science, and Transportation 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.

*National Oceanic and Atmospheric Administration nominations beginning with Mark H. Pickett and ending with Ryan A. Wartick, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2009.

*National Oceanic and Atmospheric Administration nominations beginning with Heather L. Moe and ending with Marina O. Kosenko, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2009.

By Mr. KERRY for the Committee on Foreign Relations.

*Judith A. McHale, of Maryland, to be Under Secretary of State for Public Diplomacy.

*Robert Orris Blake, Jr., of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Assistant Secretary of State for South Asian Affairs.

By Mr. DODD for Mr. KENNEDY for the Committee on Health, Education, Labor, and Pensions.

*Seth David Harris, of New Jersey, to be Deputy Secretary of Labor.

*Linda A. Puchala, of Maryland, to be a Member of the National Mediation Board for a term expiring July 1, 2009.

*Linda A. Puchala, of Maryland, to be a Member of the National Mediation Board for a term expiring July 1, 2012.

*John Q. Easton, of Illinois, to be Director of the Institute of Education Science, Department of Education for a term of six years.

By Mr. LIEBERMAN for the Committee on Homeland Security and Governmental Affairs.

*Marisa J. Demeo, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

*Florence Y. Pan, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

*Cass R. Sunstein, of Massachusetts, to be Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget.

*David Heyman, of the District of Columbia, to be an Assistant Secretary of Homeland Security.

*Robert M. Groves, of Michigan, to be Director of the Census.

*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.

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. GRAHAM (for himself and Mr. LIEBERMAN):

S. 1081. A bill to prohibit the release of enemy combatants into the United States; to the Committee on the Judiciary.

By Mr. CRAPO (for himself and Mr. JOHNSON):

S. 1082. A bill to amend the Internal Revenue Code of 1986 to allow individuals to

defer recognition of reinvested capital gains distributions from regulated investment companies; to the Committee on Finance.

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

S. 1083. A bill to require that, in the questionnaires used in the taking of any decennial census of population, a checkbox or other similar option be included so that respondents may indicate Caribbean extraction or descent; to the Committee on Homeland Security and Governmental Affairs .

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

S. 1084. A bill to require that, in the questionnaires used in the taking of any decennial census of population, a checkbox or other similar option be included so that respondents may indicate Dominican extraction or descent; to the Committee on Homeland Security and Governmental Affairs .

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

S. 1085. A bill to amend the Immigration and Nationality Act to promote family unity, and for other purposes; to the Committee on the Judiciary.

By Mr. ENZI (for himself, Mr. DORGAN, Mr. JOHNSON, and Mr. GRASSLEY):

S. 1086. A bill to amend the Packers and Stockyards Act, 1921, to prohibit the use of certain anti-competitive forward contracts; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KERRY:

S. 1087. A bill to amend the Internal Revenue Code of 1986 to repeal certain tax incentives related to oil and gas; to the Committee on Finance .

By Ms. LANDRIEU:

S. 1088. A bill to authorize certain construction in coastal high hazard areas using assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BAUCUS (for himself, Mr. CRAPO, Ms. CANTWELL, Mr. ROBERTS, Ms. LANDRIEU, Mr. BINGAMAN, Mrs. LINCOLN, Mr. HARKIN, Mrs. MURRAY, Mr. PRYOR, Mr. BOND, Mr. JOHNSON, Mr. DORGAN, Mr. WYDEN, Mr. LUGAR, Mrs. MCCASKILL, and Mr. ENZI):

S. 1089. A bill to facilitate the export of United States agricultural commodities and products to Cuba as authorized by the Trade Sanctions Reform and Export Enhancement Act of 2000, to establish an agricultural export promotion program with respect to Cuba, to remove impediments to the export to Cuba of medical devices and medicines, to allow travel to Cuba by United States citizens and legal residents, to establish an agricultural export promotion program with respect to Cuba, and for other purposes; to the Committee on Finance.

By Mr. WYDEN (for himself and Ms. CANTWELL):

S. 1090. A bill to amend the Internal Revenue Code of 1986 to provide tax credit parity for electricity produced from renewable resources; to the Committee on Finance.

By Mr. WYDEN:

S. 1091. A bill to amend the Internal Revenue Code of 1986 to provide for an energy investment credit for energy storage property connected to the grid, and for other purposes; to the Committee on Finance.

By Mr. WYDEN:

S. 1092. A bill to establish a program to provide loans for use in carrying out residential, commercial, industrial, and transportation energy efficiency and renewable generation projects; to the Committee on Energy and Natural Resources.

By Mr. WYDEN:

S. 1093. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for increasing motor vehicle fuel efficiency, and for other purposes; to the Committee on Finance.

By Mr. WYDEN:

S. 1094. A bill to amend the Internal Revenue Code of 1986 to provide for an energy carrier production tax credit, and for other purposes; to the Committee on Finance.

By Mr. WYDEN:

S. 1095. A bill to amend the Clean Air Act to convert the renewable fuel standard into a low-carbon fuel standard, and for other purposes; to the Committee on Environment and Public Works.

By Mr. WYDEN:

S. 1096. A bill to require the Secretary of Energy to establish an EnergyGrant Competitive Education Program to competitively award grants to consortia of institutions of higher education in regions to conduct research, extension, and education programs relating to the energy needs of the region; to the Committee on Energy and Natural Resources.

By Mr. WYDEN:

S. 1097. A bill to require the Secretary of Energy, in coordination with the Secretary of Labor, to establish a program to provide for workforce training and education, at community colleges, in sustainable energy; to the Committee on Energy and Natural Resources.

By Mr. WYDEN:

S. 1098. A bill to establish EnergySmart transport corridors to promote the planning and development of measures that will increase the energy efficiency of the Interstate System and reduce the emission of greenhouse gases and other environmental pollutants, and for other purposes; to the Committee on Environment and Public Works.

By Mr. COBURN (for himself, Mr. BURR, Mr. BUNNING, Mr. CHAMBLISS, Mr. ALEXANDER, and Mr. INHOFE):

S. 1099. A bill to provide comprehensive solutions for the health care system of the United States, and for other purposes; to the Committee on Finance.

By Mr. LIEBERMAN (for himself, Mr. GRAHAM, and Mr. MCCAIN):

S. 1100. A bill to provide that certain photographic records relating to the treatment of any individual engaged, captured, or detained after September 11, 2001, by the Armed Forces of the United States in operations outside the United States shall not be subject to disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act); to the Committee on the Judiciary.

By Ms. STABENOW (for herself and Mr. LEVIN):

S. 1101. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish a Food Protection Training Institute, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LIEBERMAN (for himself and Ms. COLLINS):

S. 1102. A bill to provide benefits to domestic partners of Federal employees; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VITTER (for himself, Mr. MCCONNELL, Mr. ENSIGN, Mr. MCCAIN, Mr. COBURN, Mr. INHOFE, Mr. HATCH, Mr. DEMINT, Mr. SESSIONS, Mr. CHAMBLISS, Mr. RISCH, Mr. ENZI, Mr. BOND, and Mr. BUNNING):

S. 1103. A bill to amend the Help America Vote Act of 2002 to establish standards for the distribution of voter registration application forms and to require organizations to register with the State prior to the distribution of such forms; to the Committee on Rules and Administration.

By Mr. INOUYE (for himself, Mr. ALEXANDER, Mr. AKAKA, and Mr. KAUFMAN):

S. 1104. A bill to amend the Public Health Service Act to establish the Nurse-Managed Health Clinic Investment program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico):

S. 1105. A bill to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to develop water infrastructure in the Rio Grande Basin, and to approve the settlement of the water rights claims of the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque; to the Committee on Indian Affairs.

By Mrs. LINCOLN (for herself, Ms. LANDRIEU, and Mr. BURRIS):

S. 1106. A bill to amend title 10, United States Code, to require the provision of medical and dental readiness services to certain members of the Selected Reserve and Individual Ready Reserve based on medical need, and for other purposes; to the Committee on Armed Services.

By Mr. DURBIN (for himself, Mr. GRAHAM, and Mr. HATCH):

S. 1107. A bill to amend title 28, United States Code, to provide for a limited 6-month period for Federal judges to opt into the Judicial Survivors' Annuities System and begin contributing toward an annuity for their spouse and dependent children upon their death, and for other purposes; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mr. DODD, and Mr. LIEBERMAN):

S. 1108. A bill to require application of budget neutrality on a national basis in the calculation of the Medicare hospital wage index floor for each all-urban and rural State; to the Committee on Finance.

By Mrs. GILLIBRAND:

S. 1109. A bill to provide veterans with individualized notice about available benefits, to streamline application processes or the benefits, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. REID (for Mr. ROCKEFELLER):

S. 1110. A bill to amend title XVIII of the Social Security Act to create a sensible infrastructure for delivery system reform by renaming the Medicare Payment Advisory Commission, making the Commission an executive branch agency, and providing the Commission new resources and authority to implement Medicare payment policy; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER):

S. 1111. A bill to require the Secretary of Health and Human Services to enter into agreements with States to resolve outstanding claims for reimbursement under the Medicare program relating to the Special Disability Workload project; to the Committee on Finance.

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

S. 1112. A bill to make effective the proposed rule of the Food and Drug Administration relating to sunscreen drug products, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. PRYOR (for himself, Ms. SNOWE, Mr. NELSON of Nebraska, and Mr. WICKER):

S. 1113. A bill to amend title 49, United States Code, to direct the Secretary of Transportation to establish and maintain a national clearinghouse for records related to alcohol and controlled substances testing of commercial motor vehicle operators, and for other purposes; to the Committee on Commerce, Science, and Transportation.

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

S. 1114. A bill to establish a demonstration project to provide for patient-centered medical homes to improve the effectiveness and

efficiency in providing medical assistance under the Medicaid program and child health assistance under the State Children's Health Insurance Program; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 46

At the request of Mr. ENSIGN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 46, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 292

At the request of Mr. SPECTER, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 292, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 423

At the request of Mr. AKAKA, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Colorado (Mr. BENNET) were added as cosponsors of S. 423, a bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority, and for other purposes.

S. 451

At the request of Ms. COLLINS, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 451, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

S. 566

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 566, a bill to create a Financial Product Safety Commission, to provide consumers with stronger protections and better information in connection with consumer financial products, and to give providers of consumer financial products more regulatory certainty.

S. 581

At the request of Mr. BENNET, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 581, a bill to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to require the exclusion of combat pay from income for purposes of determining eligibility for child nutrition programs and the special supplemental nutrition program for women, infants, and children.

S. 597

At the request of Mrs. MURRAY, the name of the Senator from Pennsylvania (Mr. CASEY) 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. 607

At the request of Mr. UDALL of Colorado, the names of the Senator from Wyoming (Mr. BARRASSO) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 607, 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.

S. 634

At the request of Mr. HARKIN, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 634, a bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

S. 688

At the request of Ms. SNOWE, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Connecticut (Mr. DODD) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 688, a bill to require that health plans provide coverage for a minimum hospital stay for mastectomies, lumpectomies, and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations.

S. 693

At the request of Mr. HARKIN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 693, a bill to amend the Public Health Service Act to provide grants for the training of graduate medical residents in preventive medicine.

S. 717

At the request of Mr. CARDIN, his name was added as a cosponsor of S. 717, a bill to modernize cancer research, increase access to preventative cancer services, provide cancer treatment and survivorship initiatives, and for other purposes.

At the request of Mrs. LINCOLN, her name was added as a cosponsor of S. 717, supra.

S. 730

At the request of Mr. ENSIGN, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 730, a bill to amend the Harmonized Tariff Schedule of the United States to modify the tariffs on certain footwear, and for other purposes.

S. 749

At the request of Mr. COCHRAN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 749, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 796

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 796, a bill to modify the requirements applicable to locatable minerals on public domain land, and for other purposes.

S. 801

At the request of Mr. AKAKA, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 801, a bill to amend title 38, United States Code, to waive charges for humanitarian care provided by the Department of Veterans Affairs to family members accompanying veterans severely injured after September 11, 2001, as they receive medical care from the Department and to provide assistance to family caregivers, and for other purposes.

S. 819

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 819, a bill to provide for enhanced treatment, support, services, and research for individuals with autism spectrum disorders and their families.

S. 823

At the request of Ms. SNOWE, the names of the Senator from Kentucky (Mr. BUNNING), the Senator from Georgia (Mr. ISAKSON) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 823, a bill to amend the Internal Revenue Code of 1986 to allow a 5-year carryback of operating losses, and for other purposes.

S. 844

At the request of Mr. LAUTENBERG, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 844, a bill to amend the Public Health Service Act to prevent and treat diabetes, to promote and improve the care of individuals with diabetes, and to reduce health disparities relating to diabetes within racial and ethnic minority groups, including African-American, Hispanic American, Asian American, Native Hawaiian and Other Pacific Islander, and American Indian and Alaskan Native communities.

S. 891

At the request of Mr. BROWNBACK, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 891, a bill to require annual disclosure to the Securities and Exchange Commission of activities involving columbite-tantalite, cassiterite, and wolframite from the Democratic Republic of Congo, and for other purposes.

S. 908

At the request of Mr. BAYH, the name of the Senator from Texas (Mrs. HUTCHISON) 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. 979

At the request of Mr. DURBIN, the names of the Senator from Missouri (Mr. BOND) and the Senator from Illinois (Mr. BURRIS) were added as cosponsors of S. 979, a bill to amend the Public Health Service Act to establish a nationwide health insurance purchasing pool for small businesses and the self-employed that would offer a choice of private health plans and make health coverage more affordable, predictable, and accessible.

S. 982

At the request of Mrs. MCCASKILL, her name was added as a cosponsor of S. 982, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 1012

At the request of Mr. ISAKSON, his name was added as a cosponsor of S. 1012, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother's Day.

At the request of Mr. ROCKEFELLER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1012, supra.

S. 1023

At the request of Mr. DORGAN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor 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. 1026

At the request of Mr. CORNYN, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 1026, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of marked absentee ballots of absent overseas uniformed service voters, and for other purposes.

S. 1066

At the request of Mr. SCHUMER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1066, a bill to amend title XVIII of the Social Security Act to preserve access to ambulance services under the Medicare program.

S. 1071

At the request of Mr. CHAMBLISS, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of 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.

S. RES. 151

At the request of Mr. BUNNING, the names of the Senator from Washington (Ms. CANTWELL), the Senator from New Mexico (Mr. UDALL), the Senator from Florida (Mr. NELSON) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. Res. 151, a resolution expressing support for a national day of remembrance on October 30, 2009, for nuclear weapons program workers.

At the request of Mr. SCHUMER, his name was added as a cosponsor of S. Res. 151, supra.

AMENDMENT NO. 1133

At the request of Mr. JOHANNS, his name was added as a cosponsor of amendment No. 1133 proposed to H.R. 2346, a bill making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 1138

At the request of Mr. VITTER, his name was added as a cosponsor of amendment No. 1138 proposed to H.R. 2346, a bill making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 1139

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1139 proposed to H.R. 2346, a bill making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 1140

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1140 proposed to H.R. 2346, a bill making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 1143

At the request of Mr. RISCH, the name of the Senator from Missouri (Mr. BOND) was withdrawn as a cosponsor of amendment No. 1143 proposed to H.R. 2346, a bill making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes.

At the request of Mr. RISCH, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of amendment No. 1143 proposed to H.R. 2346, supra.

AMENDMENT NO. 1144

At the request of Mr. CHAMBLISS, the names of the Senator from Oklahoma (Mr. COBURN), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of amendment No. 1144 proposed to H.R. 2346, a bill making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ENZI (for himself, Mr. DORGAN, Mr. JOHNSON, and Mr. GRASSLEY):

S. 1086. A bill to amend the Packers and Stockyards Act, 1921, to prohibit the use of certain anti-competitive forward contracts; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. ENZI. President, I rise to speak on the introduction of the Livestock Marketing Fairness Act. I want to also acknowledge that I am joined in introducing this legislation by Senators DORGAN, GRASSLEY, and JOHNSON. The Packers and Stockyards Act of 1921 was enacted at a time when there was significant concentration in the livestock and poultry industry. That law has since provided livestock producers, the family farmers and ranchers of our country, with a remedy to protect themselves against manipulative and anti-competitive practices in the marketplace. However, since the early 1920s our domestic livestock industry has changed significantly and so too have the ways in which producers market their livestock. Gone are the days when a simple handshake between buyer and seller was all you needed. Changes in marketing have introduced new ways for bad actors to manipulate prices and this legislation is designed to strengthen the laws originally enacted in the Packers and Stockyards Act.

It is no secret that the packing industry in the U.S. has again become increasingly consolidated. In 1985, the four largest packers accounted for 39 percent of all cattle slaughtered in the U.S. Twenty years later, the top four firms controlled over 69 percent of the domestic cattle slaughter and this statistic does not even include the acquisitions that have taken place in the industry since 2007. Being big in agriculture is not bad, but it does present opportunities for a select few to manipulate the market for their own gain. The Livestock Marketing Fairness Act strikes at the heart of one particular anti-competitive practice. Over the years, livestock producers, feeders, and packers have been given a number of new marketing tools for price discovery and hedging risk. One of those tools is the forward contract where a buyer and seller agree to a transaction at a specified point of time in the future. However, certain types of forward contracting agreements have become ripe for price manipulation. This is because a growing number of packing operations own their own livestock or control them through marketing agreements. These firms then can buy from themselves when prices are high and buy from others when prices are low. Captive supplies are animals that packers own and control prior to slaughter. The Livestock Marketing Fairness Act prohibits certain arrangements that provide packers with the opportunity use their captive supplies to manipulate local market prices. First, the legislation requires that forward contracts contain a ''firm base price'' which is derived from an external source. Though not outlined in the legislation, commonly used external sources of price include the live cattle futures market or wholesale beef market. This ensures that both buyers and sellers have a basis for how pricing in a contract will be derived at the time

the contract is agreed upon. Second, the bill requires that forward contracts be traded in open, public markets. This guarantees that multiple buyers and sellers can witness bids as well as offer their own. The Livestock Marketing Fairness Act also ensures that trading of contracts be done in a manner that provides both small and large buyers and sellers access to the market. Contracts are to be traded in sizes approximate to the common number of cattle or pigs transported in a trailer, but the law does not prohibit trading from occurring in multiples of those contracts for larger livestock orders.

I travel to Wyoming nearly every weekend and have heard the same concerns from many of our ranchers. They want to be competitive in the market and sell the best animals possible so that they can continue the work that so many in their family have done for so many years. However, this problem is not isolated to Wyoming. Livestock producers from coast to coast are finding that with consolidation there are fewer and fewer buyers for their animals and their options for marketing too are being lost. This legislation not only increases openness in forward contracting but preserves the right for ranchers to choose the best methods for selling their animals without worry that their agreements will be subject to manipulation. The bill does not apply to producer cooperatives who often own their processing facility. The legislation also carefully targets the problem—large packers owning captive supplies—by also exempting packers that only own one facility and those that do not report for mandatory price reporting. The Livestock Marketing Fairness Act does not apply to agreements based on quality grading nor does it affect a producer's ability to negotiate contracts one-on-one with buyers. Therefore, sellers can still choose from a variety of methods including the spot market, futures market, or other alternative marketing arrangements.

This bill is common sense and ensures that our ranchers have access to a competitive market in these difficult economic times. Ranchers aren't asking for a handout. What I am asking for is a level-playing field and an equal opportunity for our ranchers to succeed. I am pleased to say that I am joined by my colleagues on both sides of the aisle in working to address this problem. I encourage my other colleagues to support the Livestock Marketing Fairness Act and to join me in giving ranchers an honest chance to make a living.

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. 1086

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 ''Livestock Marketing Fairness Act''.

SEC. 2. PURPOSE.

The purpose of the amendments made by this Act is to prohibit the use of certain anti-competitive forward contracts—

(1) to require a firm base price in forward contracts and marketing agreements; and

(2) to require that forward contracts be traded in open, public markets.

SEC. 3. LIMITATION ON USE OF ANTI-COMPETITIVE FORWARD CONTRACTS.

(a) IN GENERAL.—Section 202 of the Packers and Stockyards Act, 1921 (7 U.S.C. 192), is amended—

(1) by striking ''Sec. 202. It shall be'' and inserting the following:

''SEC. 202. UNLAWFUL PRACTICES.

''(a) IN GENERAL.—It shall be'';

(2) by striking ''to:'' and inserting ''to—'';

(3) by redesignating subsections (a), (b), (c), (d), (e), (f), and (g) as paragraphs (1), (2), (3), (4), (5), (7), and (8), respectively, and indenting appropriately;

(4) in paragraph (7) (as redesignated by paragraph (3)), by designating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively, and indenting appropriately;

(5) in paragraph (8) (as redesignated by paragraph (3)), by striking ''subdivision (a), (b), (c), (d), or (e)'' and inserting ''paragraph (1), (2), (3), (4), (5), or (6)'';

(6) in each of paragraphs (1), (2), (3), (4), (5), (7), and (8) (as redesignated by paragraph (3)), by striking the first capital letter of the first word in the paragraph and inserting the same letter in the lower case;

(7) in each of paragraphs (1) through (5) (as redesignated by paragraph (3)), by striking ''or'' at the end;

(8) by inserting after paragraph (5) (as redesignated by paragraph (3)) the following:

''(6) except as provided in subsection (c), use, in effectuating any sale of livestock, a forward contract that—

''(A) does not contain a firm base price that may be equated to a fixed dollar amount on the day on which the forward contract is entered into;

''(B) is not offered for bid in an open, public manner under which—

''(i) buyers and sellers have the opportunity to participate in the bid; and

''(ii) buyers and sellers may witness bids that are made and accepted;

''(C) is based on a formula price; or

''(D) subject to subsection (b), provides for the sale of livestock in a quantity in excess of—

''(i) in the case of cattle, 40 cattle;

''(ii) in the case of swine, 30 swine; and

''(iii) in the case of other types of livestock, a comparable quantity of the type of livestock determined by the Secretary.''; and

(9) by adding at the end the following:

''(b) ADJUSTMENTS.—The Secretary may adjust the maximum quantity of livestock described in subsection (a)(6)(D) to reflect advances in marketing and transportation capabilities if the adjusted quantity provides reasonable market access for all buyers and sellers.

''(c) EXEMPTION FOR COOPERATIVES.—Subsection (a)(6) shall not apply to—

''(1) a cooperative or entity owned by a cooperative, if a majority of the ownership interest in the cooperative is held by active cooperative members that—

''(A) own, feed, or control livestock; and

''(B) provide the livestock to the cooperative for slaughter;

''(2) a packer that is not required to report to the Secretary on each reporting day (as defined in section 212 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1635a)) information on the price and quantity of livestock purchased by the packer; or

''(3) a packer that owns 1 livestock processing plant.''.

(b) DEFINITIONS.—Section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182(a)) is amended by adding at the end the following:

''(15) FIRM BASE PRICE.—The term 'firm base price' means a transaction using a reference price from an external source.

''(16) FORMULA PRICE.—

''(A) IN GENERAL.—The term 'formula price' means any price term that establishes a base from which a purchase price is calculated on the basis of a price that will not be determined or reported until a date after the day the forward price is established.

''(B) EXCLUSION.—The term 'formula price' does not include—

''(i) any price term that establishes a base from which a purchase price is calculated on the basis of a futures market price; or

''(ii) any adjustment to the base for quality, grade, or other factors relating to the value of livestock or livestock products that are readily verifiable market factors and are outside the control of the packer.

''(17) FORWARD CONTRACT.—The term 'forward contract' means an oral or written contract for the purchase of livestock that provides for the delivery of the livestock to a packer at a date that is more than 7 days after the date on which the contract is entered into, without regard to whether the contract is for—

''(A) a specified lot of livestock; or

''(B) a specified number of livestock over a certain period of time.''.

By Mr. KERRY:

S. 1087. A bill to amend the Internal Revenue Code of 1986 to repeal certain tax incentives related to oil and gas; to the Committee on Finance.

Mr. KERRY. Mr. President, today I am introducing the Energy Fairness for America Act which repeals tax incentives for the oil and gas industry. This is the third consecutive Congress in which I have introduced this legislation. Some of the provisions of prior versions of my legislations were enacted last year, but more can be done. At a time when we are trying to incentivize clean energy, we should not continue to provide unnecessary tax incentives to the oil and gas industry.

The Energy Fairness for America Act would repeal the section 199 manufacturing deduction for income attributable to domestic production of oil and gas. The domestic manufacturing deduction was designed to replace export-related tax benefits that were successfully challenged by the European Union. Producers of oil and gas did not benefit from this tax break. Initial legislation proposed to address the repeal of the export-related tax benefits and to replace them with a new domestic manufacturing deduction. That legislation only provided the deduction to industries that benefited from the export-related tax benefits. However, the final product extended the deduction to include the oil and gas industry as well.

The tax code provides numerous other preferences to the oil and gas industry. This legislation would repeal provisions that do not promote low-carbon energy sources and further our addiction to oil. The Energy Fairness

for America Act would repeal the credit for the crude oil and natural gas produced from marginal wells, expensing of intangible drilling costs and 60-month amortization and capitalized intangible drilling costs, exception from the passive loss rules for working interests in oil and gas properties, and percentage depletion for oil and gas wells. In addition, it would increase the amortization period from two years to seven years for geological and geophysical expenditures incurred by independent producers in connection with oil and gas exploration in the U.S.

This legislation will help align our tax code with our broader energy goals. Our focus should be on lowering carbon emissions and encouraging renewable energy sources, not rewarding the oil and gas industry. I urge my colleagues to join me in eliminating these unnecessary tax breaks.

By Mr. BAUCUS (for himself, Mr. CRAPO, Ms. CANTWELL, Mr. ROBERTS, Ms. LANDRIEU, Mr. BINGAMAN, Mrs. LINCOLN, Mr. HARKIN, Mrs. MURRAY, Mr. PRYOR, Mr. BOND, Mr. JOHNSON, Mr. DORGAN, Mr. WYDEN, Mr. LUGAR, Mrs. MCCASKILL, and Mr. ENZI):

S. 1089. A bill to facilitate the export of United States agricultural commodities and products to Cuba as authorized by the Trade Sanctions Reform and Export Enhancement Act of 2000, to establish an agricultural export promotion program with respect to Cuba, to remove impediments to the export to Cuba of medical devices and medicines, to allow travel to Cuba by United States citizens and legal residents, to establish an agricultural export promotion program with respect to Cuba, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, this Nation and this body have debated divisive trade issues for more than a century. In the 1820s, the cotton, indigo, and rice exporting southern States quarreled with northern States intent on protecting nascent manufacturing In the 1930s, President Hoover's appeals to save American jobs brought the Smoot-Hawley tariff.

Since the Second World War, America has moved to open the world's markets and our own. We are better for it. But divisive trade debates do and will continue. Few debates have been as long and contentious as those regarding our economic sanctions on Cuba.

I am introducing legislation today to bring this divisive debate to an end. I do so not as an ideologue or a partisan. I am neither the Cuban government's friend nor its staunchest enemy. I instead am a Montanan. Like most Montanans, I take no pleasure in disagreement. Like most Montanans, I try to make a deal when I can. Like most Montanans, I stick to the facts.

Here is how I see the facts. Opening Cuba to our exports means money in the pockets of farmers and ranchers across America. Lifting financing and other restrictions on U.S. agriculture could increase U.S. beef exports from states like Montana and Colorado from $1 million to as much as $13 million. Lifting these restrictions could allow agricultural exporters in States like North Dakota and Arkansas to obtain nearly 70 percent of Cuba's wheat market, nearly 40 percent of its rice market, and more than 90 percent of its poultry market. Lifting these restrictions could allow America's farmers and ranchers to export as much as $1.2 billion in total agricultural goods to Cuba.

The facts also show that European and other exporters already reap these benefits. Europe has scrapped its Cuba sanctions. Just last week, EU officials were in Havana calling for full normalization of ties. Those officials made no secret of wanting to solidify ties with Cuba now to get the jump on the U.S.

Those are the facts as I see them. But that is not all I see. I am not blind to the Cuban people's suffering or the crimes of their government. I am not deaf to the calls for political and religious freedom just 90 miles off our shores. But I also see that increased trade ties historically have led to improved political ties, whether between Argentina and Brazil in this hemisphere or between former rival nations in Europe.

Am I certain that increased trade will improve our political ties with Cuba? I am not. But I am certain that we have had these sanctions in place for over 5 decades. I am certain that five decades of sanctions have made no Cuban freer, no nation more prosperous, and no government more democratic. I am certain that one side has gotten its chance and its way. I am certain that the status quo must now change.

Here is how I propose to change our status quo with Cuba. My bill, which 15 other Democratic and Republic Senators have joined, would help U.S. farmers and ranchers sell their products to Cuba by facilitating cash payment for agricultural goods, authorizing direct transfers between U.S. and Cuban banks, and creating a U.S. agricultural export promotion fund. This bill also eases restrictions on exports of medicines and medical devices. It allows all Americans to travel to Cuba—not just one particular group.

John Stuart Mill wrote that ''Commerce first taught nations to see with goodwill the wealth and prosperity of one another. Before, the patriot . . . wished all countries weak, poor, and ill-governed but his own . . .'' For too long, America has stood atop our barricade of sanctions and looked down upon a weak, poor, and ill-governed Cuba. Let us now open our commerce with Cuba. Let us wish them wealth, prosperity, and an abundance of all that we value and hold dear in America.

By Mr. WYDEN (for himself and Ms. CANTWELL):

S. 1090. A bill to amend the Internal Revenue Code of 1986 to provide tax credit parity for electricity produced from renewable resources; to the Committee on Finance.

Mr. WYDEN. Mr. President, I rise to discuss the subject of U.S. energy policy and to introduce a series of bills to address this issue, S. 1090–S. 1098.

Americans consume too much oil, and they pay too high a price for it. National security pays a price. The environment pays a price and the economy clearly pays a price. It's clear that Americans can no longer afford the energy policy of the status quo.

Last summer, when crude oil prices approached $150 dollars a barrel, Americans were sending roughly $1.7 billion dollars a day to foreign countries to pay to cover their addiction to oil. That's $1.7 billion a day that was not invested here at home. Rather it went into the pockets of oil producers in foreign countries—and often to countries that oppose America's interests and undermine American security. A third of the oil Americans use comes from the OPEC oil cartel—a cartel that includes governments who are either openly hostile to the United States or who provide a haven and support to those who are. American dependence on their oil is a recipe for disaster.

Oil prices have retreated, but America's addiction to oil has not let up. The Nation's transportation system is almost entirely fueled by it. When the price of oil goes up, transportation costs go up, which means shipping costs and the cost of everything that has to be shipped goes up right along with it.

On top of all the other faults oil brings with it, burning fossil fuels is bad for our health and the health of our planet. Burning fossil fuels produces 86 percent of the man-made greenhouse gases released into the environment every year in the U.S. Motor fuels have become cleaner over the years, but they still heat up the environment with greenhouse gases, just like burning coal at electric generation plants. Continuing to rely on energy sources that do harm to the air, land and water is a failed policy and bad for America's future.

Spelling out the problem, however, is the easy part. There is no silver bullet when it comes to remaking the way the entire nation consumes energy and encouraging the development of viable alternatives. No one person, organization or piece of legislation can do it alone.

If America is going to get on the path to real energy independence, Americans not only have to build that path, every American is going to have to commit to changing course in the way they use energy. While I believe that Government cannot simply legislate such transformative change, it is my view that government can provide the incentives and framework needed to empower Americans to rise to the challenge.

While I cannot tell you where the next advancement in green energy will

come from, I know that given the right tools and incentives there is no limit to what American ingenuity can achieve. This is why today I am offering a series of proposals to speed up our progress toward a cleaner energy future. My proposals address the spectrum of solutions needed to get there. They start with harnessing the intellectual power of our colleges and universities to invent new energy technologies. They create new incentives for businesses to turn those technologies into new energy products. They give consumers incentives to buy and install those new energy technologies in their homes and businesses.

If America is going to cut back in its use of oil, then it needs to take a hard look at the single largest user of oil, the transportation sector. Today, I am proposing a three-pronged program to dramatically reduce the amount of oil Americans use every day to get to work, do their errands, and transport American products to market.

First, I propose to dramatically revise the Renewable Fuel Standard that now requires gasoline and diesel fuel providers to blend larger and larger amounts of ethanol and other biofuels into motor fuel. I strongly support the continued development of biofuels, especially those that do not require the use of food grains like corn and oils used to make them. But as we have seen in recent years, you cannot divert large amounts of food grains and oils without impacting the supply and price of those commodities. Last year, nearly a third of the U.S. corn crop was used for ethanol production, leading to more expensive food for families at a time when they can least afford it. That does not make sense to me.

The current standard also does not do enough to genuinely reduce the amount of oil being consumed. In part this is because fuels like ethanol simply do not contain as much energy per gallon as the gasoline it is intended to replace. The existing standard is aimed at replacing less than 15 percent of U.S. gasoline and diesel fuel with renewable fuels. I think we can do better, which is why my proposal aims to replace a third of those fuels with new low-carbon fuels. Right now a third of the United States gasoline is imported from OPEC countries. Let us aim to get this country off OPEC oil once and for all.

I want to make it clear that I am not proposing these changes because I am opposed to using renewable fuels. I have already introduced legislation—S. 536—to allow biomass from Federal lands to be used in the production of biofuels. Under the existing Renewable Fuel Standard, biomass from Federal lands is prohibited from being used as a renewable fuel. This makes no sense from either an energy perspective or an environmental perspective. Allowing for the use of fuel derived from biomass from Federal lands will reduce the threat of catastrophic wild fires, help make those forests healthier, and open up a variety of economic opportunities for hard hit rural communities. It is also a step towards a sound national energy policy.

However, if the U.S. is going to have a Renewable Fuel Standard for motor fuels, then it really ought to be a standard open to all renewable fuels, not just a chosen few. This is why my legislation would allow a range of energy sources to qualify as motor ''fuels'' including electricity for plug-in cars, methane to fuel compressed natural gas vehicles, and hydrogen for fuel cells. Initially, these low-carbon fuels could come from conventional sources, such as electricity from the electric grid, but eventually they would need to come from renewable energy sources.

Singling out ethanol as the only additive approved for motor fuel only creates a market for ethanol, which in turn discourages research and investment in other promising fuels. Creating a technology neutral ''low-carbon'' standard to replace traditional fossil fuels with alternative lower-carbon domestic fuels opens the door for a whole host of advancements and innovations yet unknown.

In addition to supplying new, cleaner, renewable transportation fuels, I will also be introducing legislation to authorize the U.S. Department of Transportation to designate ''Energy Smart Transportation Corridors'' so that these fuels will be readily available for consumers. By working with trucking companies, fuel providers, and State and local officials, the Transportation Department would establish which alternative fuels would be available and where they could be purchased. They would standardize other features such as weight limit standards geared towards reducing fossil fuel use and the release of greenhouse gases. The corridors would also include designation of other methods of freight and passenger transportation, such as rail or mass transit—to help reduce transportation fuel use.

Beyond empowering Americans to make more energy efficient choices, my legislation would make sure that energy efficient choices are within the reach of more Americans. Because I believe that energy efficient vehicles should not just be a luxury item for affluent Americans, I will be reintroducing legislation to provide tax credits to Americans who purchase fuel efficient vehicles. Vehicles getting at least 10 percent more than national average fuel efficiency would get a $900 tax credit. The credit would increase up to $2,500 as vehicle fuel efficiency increased. The bill also provides a tax credit for heavy truck owners to install fuel saving equipment. And it would increase both the gas guzzler tax and the civil penalty for vehicle manufacturers who miss their legally-required Corporate Average Fuel Economy, CAFE, requirements. The technology-neutral tax credit is designed to get more fuel-efficient vehicles on the road by making fuel-efficient vehicles an affordable choice for more Americans.

But reducing oil use by the transportation sector alone is not enough. Some forty percent of energy use in the U.S. is consumed in buildings. So I am introducing legislation to empower American families—as well as small and mid-sized businesses—to save energy and install clean energy equipment. The ''Re-Energize America Loan Program'' will create a $10 billion revolving loan program to allow home and property owners and small and mid-sized businesses, schools, hospitals and others to make clean energy investments. This zero-interest loan program would be administered at the State level, not by bureaucrats in Washington, DC, so it will be tailored to regional needs. It would be financed through the transfer of Federal energy royalties paid on the production of coal, gas and oil, and renewable energy from Federal land. It would empower Americans and businesses to help themselves and help their country start laying the groundwork for an entirely different energy future.

States like Oregon have enormous potential for development of renewable energy—solar, wind, geothermal, biomass, wave and tidal. The challenge is to find new ways to harness these energies. Renewable energy is also not just about fuel that goes into cars or electricity for homes or buildings. Renewable energy can also be used to heat homes and buildings, and power factories and businesses. So I am introducing legislation to provide tax credits for the production of energy from renewable sources, such as steam from geothermal wells, or biogas from feedlots or dairy farms that is sold directly to commercial and industrial customers. A separate credit would be available if this renewable energy is used right on site to heat a building or provide energy for the dairy.

The goal of this bill is to foster the development of new renewable energy technologies while expanding the market for renewable energy beyond the wind farms and electric generation plants already in place. The amount of the tax credit will no longer be tied to the way energy is produced but rather the amount of energy produced. This will help new energy technologies get in the game, and reward solutions that create the most energy. I am also introducing legislation to end the current tax penalty on biomass, hydroelectric, wave and tidal energies and other forms of renewable energy that are only eligible for half of the available Federal production tax credit. America needs all of these resources if it is going to move into a new energy future. My goal is to create a level playing field and give all of these technologies the full tax benefit in order to stimulate investment and get more renewable energy projects built.

One big advantage of renewable energy is that some form of it can be found on every corner, and in every

corner of the country. Whether it's a solar panel on a home or store—or geothermal power plant—there is renewable energy potential virtually everywhere. One set of technologies that can make renewable energy even more available are energy storage technologies. These are solutions that can store solar energy during the day for use at night, or store wind energy when the wind blows, to be used when it does not.

Simply put, not enough attention has been paid to the use of energy storage technologies, which can also address daily and seasonal peaks in energy demand such as all of those air conditioners that Americans will soon be putting to good use during the summer's hottest days. Federal funding for energy storage technologies has been virtually nonexistent. So I am introducing legislation to create an investment tax credit that will help pay for the installation of energy storage equipment both by energy companies who connect it to the electric transmission and distribution system and for on-site use in buildings, homes, and factories. Any number of different types of storage technology can qualify—batteries, flywheels, pumped water storage, to name a few. The credit would be based on the energy stored, not on the technology used.

The goal throughout the bills I am introducing today is not to pick winners and losers. The goal is to encourage innovation and installation.

Last but not least, America not only needs new solutions to our energy problems. It needs a skilled workforce to make them a reality. So, I am also proposing an ''Energy Grant'' Higher Education program to provide $300 million a year to America's colleges and universities to work on regional energy problems. This program is modeled on the highly successful SeaGrant research and education program that has been run by the U.S. Department of Commerce for more than 30 years and the SunGrant program established to research biofuels. The EnergyGrant program would fund groups of colleges and universities to do research and develop education programs aimed at unique opportunities and challenges in each region of the country. Why rely solely on the Federal Government research programs to come up with solutions for regional energy issues when labs and research departments at colleges and universities around the country can contribute to the effort?

The Senate Energy Committee has already adopted legislation I have proposed to create a $100 million a year, community college-based training program for skilled technicians to build, install and maintain the new American energy infrastructure of wind turbines, geothermal energy plants, fuel cells, and other 21st Century technologies. Without these skilled workers, this future will not happen and without effective training programs there won't be skilled workers to fill the jobs. I am also introducing this proposal as a stand-alone bill to help ensure that job training gets the attention that it needs. What good will ''green jobs'' do for Americans if Americans don't have the skills that these jobs will demand?

My goal in formulating this agenda has been to mobilize Americans and American resources to achieve authentic energy independence and a new energy future. To really accomplish this goal, I believe we must employ every tool at our disposal. But in the end the success or failure of any effort to transform the way Americans use energy will ultimately rest with the American people. There is no question that this will not be easy, but I have faith that the energy challenges facing the nation today are no match for the collective ingenuity, talent and energy of the American people. Let us put those resources to work.

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

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

S. 1090

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 ''Renewable Energy Parity and Investment Remedy Act'' or ''REPAIR Act''.

SEC. 2. TAX CREDIT PARITY FOR ELECTRICITY PRODUCED FROM RENEWABLE RESOURCES.

Subparagraph (A) of section 45(b)(4) of the Internal Revenue Code of 1986 is amended by inserting ''and before 2010'' after ''any calendar year after 2003''.

S. 1091

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 ''Storage Technology of Renewable and Green Energy Act of 2009'' or the ''STORAGE Act of 2009''.

SEC. 2. ENERGY INVESTMENT CREDIT FOR ENERGY STORAGE PROPERTY CONNECTED TO THE GRID.

(a) 20 PERCENT CREDIT ALLOWED.—Subparagraph (A) of section 48(a)(2) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''and'' at the end of subclause (IV) of clause (i),

(2) by striking ''clause (i)'' in clause (ii) and inserting ''clause (i) or (ii)'',

(3) by redesignating clause (ii) as clause (iii), and

(4) by inserting after clause (i) the following new clause:

''(ii) 20 percent in the case of qualified energy storage property, and''.

(b) QUALIFIED ENERGY STORAGE PROPERTY.—Subsection (c) of section 48 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(5) QUALIFIED ENERGY STORAGE PROPERTY.—

''(A) IN GENERAL.—The term 'qualified energy storage property' means property—

''(i) which is directly connected to the electrical grid, and

''(ii) which is designed to receive electrical energy, to store such energy, and to convert such energy to electricity and deliver such electricity for sale.

Such term may include hydroelectric pumped storage and compressed air energy storage, regenerative fuel cells, batteries, superconducting magnetic energy storage, flywheels, thermal, and hydrogen storage, or combination thereof.

''(B) MINIMUM CAPACITY.—The term 'qualified energy storage property' shall not include any property unless such property in aggregate—

''(i) has the ability to store at least 2 megawatt hours of energy, and

''(ii) has the ability to have an output of 500 kilowatts of electricity for a period of 4 hours.

''(C) ELECTRICAL GRID.—The term 'electrical grid' means the system of generators, transmission lines, and distribution facilities which—

''(i) are under the jurisdiction of the Federal Energy Regulatory Commission or State public utility commissions, or

''(ii) are owned by—

''(I) a State or any political subdivision of a State,

''(II) an electric cooperative that receives financing under the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.) or that sells less than 4,000,000 megawatt hours of electricity per year, or

''(III) any agency, authority, or instrumentality of any one or more of the entities described in subclause (I) or (II), or any corporation which is wholly owned, directly or indirectly, by any one or more of such entities.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 3. ENERGY STORAGE PROPERTY CONNECTED TO THE GRID ELIGIBLE FOR NEW CLEAN RENEWABLE ENERGY BONDS.

(a) IN GENERAL.—Paragraph (1) of section 54C(d) of the Internal Revenue Code of 1986 is amended to read as follows:

''(1) QUALIFIED RENEWABLE ENERGY FACILITY.—The term 'qualified renewable energy facility' means a facility which is—

''(A)(i) a qualified facility (as determined under section 45(d) without regard to paragraphs (8) and (10) thereof and to any placed in service date), or

''(ii) a qualified energy storage property (as defined in section 48(c)(5)), and

''(B) owned by a public power provider, a governmental body, or a cooperative electric company.''.

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

SEC. 4. ENERGY INVESTMENT CREDIT FOR ONSITE ENERGY STORAGE.

(a) CREDIT ALLOWED.—Clause (i) of section 48(a)(2)(A) of the Internal Revenue Code of 1986, as amended by this Act, is amended—

(1) by striking ''and'' at the end of subclause (III),

(2) by inserting ''and'' at the end of subclause (IV), and

(3) by adding at the end the following new subclause:

''(V) qualified onsite energy storage property,''.

(b) QUALIFIED ONSITE ENERGY STORAGE PROPERTY.—Subsection (c) of section 48 of the Internal Revenue Code of 1986, as amended by this Act, is amended by adding at the end the following new paragraph:

''(6) QUALIFIED ONSITE ENERGY STORAGE PROPERTY.—

''(A) IN GENERAL.—The term 'qualified onsite energy storage property' means property which—

''(i) provides supplemental energy to reduce peak energy requirements primarily on the same site where the storage is located, or

''(ii) is designed and used primarily to receive and store intermittent renewable energy generated onsite and to deliver such energy primarily for onsite consumption.

Such term may include property used to charge plug-in and hybrid electric vehicles if such vehicles are equipped with smart grid services which control time-of-day charging and discharging of such vehicles. Such term shall not include any property for which any other credit is allowed under this chapter.

''(B) MINIMUM CAPACITY.—The term 'qualified onsite energy storage property' shall not include any property unless such property in aggregate—

''(i) has the ability to store the energy equivalent of at least 20 kilowatt hours of energy, and

''(ii) has the ability to have an output of the energy equivalent of 5 kilowatts of electricity for a period of 4 hours.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 5. CREDIT FOR RESIDENTIAL ENERGY STORAGE EQUIPMENT.

(a) CREDIT ALLOWED.—Subsection (a) of section 25C of the Internal Revenue Code of 1986 is amended—

(1) by striking ''and'' at the end of paragraph (1),

(2) by redesignating paragraph (2) as paragraph (3), and

(3) by inserting after paragraph (1) the following new paragraph:

''(2) 30 percent of the amount paid or incurred by the taxpayer for qualified residential energy storage equipment installed during such taxable year, and''.

(b) QUALIFIED RESIDENTIAL ENERGY STORAGE EQUIPMENT.—

(1) IN GENERAL.—Section 25C of the Internal Revenue Code of 1986 is amended—

(A) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively, and

(B) by inserting after subsection (d) the following new subsection:

''(d) QUALIFIED RESIDENTIAL ENERGY STORAGE EQUIPMENT.—For purposes of this section, the term 'qualified residential energy storage equipment' means property—

''(1) which is installed in or on a dwelling unit located in the United States and owned and used by the taxpayer as the taxpayer's principal residence (within the meaning of section 121), or on property owned by the taxpayer on which such a dwelling unit is located, and

''(2) which—

''(A) provides supplemental energy to reduce peak energy requirements primarily on the same site where the storage is located, or

''(B) is designed and used primarily to receive and store intermittent renewable energy generated onsite and to deliver such energy primarily for onsite consumption.

Such term may include property used to charge plug-in and hybrid electric vehicles if such vehicles are equipped with smart grid services which control time-of-day charging and discharging of such vehicles. Such term shall not include any property for which any other credit is allowed under this chapter.''.

(2) CONFORMING AMENDMENT.—Section 1016(a)(33) of such Code is amended by striking ''section 25C(f)'' and inserting ''section 25C(g)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

S. 1092

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 ''Reenergize America Loan Program Act of 2009''.

SEC. 2. REENERGIZE AMERICA LOAN PROGRAM.

(a) DEFINITIONS.—In this section:

(1) FUND.—The term ''Fund'' means the Reenergize America Loan Program Fund established by subsection (g).

(2) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(3) PROGRAM.—The term ''Program'' means the Green America Loan Program established by subsection (b).

(4) QUALIFIED PERSON.—The term ''qualified person'' means an individual or entity that is determined to be capable of meeting all terms and conditions of a loan provided under this section based on the criteria and procedures approved by the Secretary in a plan submitted under subsection (d).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(6) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) any other territory or possession of the United States; and

(E) an Indian tribe.

(b) ESTABLISHMENT.—There is established within the Department of Energy a revolving loan program to be known as the ''Reenergize America Loan Program''.

(c) ALLOCATIONS TO STATES.—

(1) IN GENERAL.—In carrying out the Program, the Secretary shall allocate funds to States for use in providing zero-interest loans to qualified persons to carry out residential, commercial, industrial, and transportation energy efficiency and renewable generation projects contained in State energy conservation plans submitted and approved under sections 362 and 363 of the Energy Policy and Conservation Act (42 U.S.C. 6322, 6323), respectively.

(2) ADMINISTRATIVE EXPENSES.—A State that receives an allocation of funds under this subsection may impose on each qualified person that receives a loan from the allocated funds of the State administrative fees to cover the costs incurred by the State in administering the loan.

(3) REPAYMENT AND RETURN OF PRINCIPAL.—Return of principal from loans provided by a State may be retained by the State for the purpose of making additional loans pursuant to—

(A) a plan approved by the Secretary under subsection (d); and

(B) such terms and conditions as the Secretary considers appropriate to ensure the financial integrity of the Program.

(d) APPLICATION.—A State that seeks to receive an allocation under this section shall—

(1) submit to the Secretary for review and approval a 5-year plan for the administration and distribution by the State of funds from the allocation, including a description of criteria that the State will use to determine the qualifications of potential borrowers for loans made from the allocated funds;

(2) agree to submit to annual audits with respect to any allocated funds received and distributed by the State; and

(3) reapply for a subsequent allocation at the end of the 5-year period covered by the plan.

(e) ALLOCATION.—In approving plans submitted by the States under subsection (d) and allocating funds among States under this section, the Secretary shall consider—

(1) the likely energy savings and renewable energy potential of the plans,;

(2) regional energy needs; and

(3) the equitable distribution of funds among regions of the United States.

(f) MAXIMUM AMOUNT; TERM.—A loan provided by a State using funds allocated under this section shall be—

(1) in an amount not to exceed $5,000,000; and

(2) for a term of not to exceed 4 years.

(g) REENERGIZE AMERICA LOAN PROGRAM FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a revolving fund, to be known as the ''Reenergize America Loan Program Fund'', consisting of such amounts as are transferred to the Fund under paragraph (2).

(2) TRANSFERS TO FUND.—From any Federal royalties, rents, and bonuses derived from Federal onshore and offshore oil, gas, coal, or alternative energy leases issued under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) or the Mineral Leasing Act (30 U.S.C. 181 et seq.) that are deposited in the Treasury, and after distribution of any funds described in paragraph (3), there shall be transferred to the Fund $1,000,000,000 for each of fiscal years 2010 through 2020.

(3) PRIOR DISTRIBUTIONS.—The distributions referred to in paragraph (2) are those required by law—

(A) to States and to the Reclamation Fund under the Mineral Leasing Act (30 U.S.C. 191(a)); and

(B) to other funds receiving amounts from Federal oil and gas leasing programs, including—

(i) any recipients pursuant to section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g));

(ii) the Land and Water Conservation Fund, pursuant to section 2(c) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–5(c));

(iii) the Historic Preservation Fund, pursuant to section 108 of the National Historic Preservation Act (16 U.S.C. 470h); and

(iv) the coastal impact assistance program established under section 31 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a).

(4) EXPENDITURES FROM FUND.—

(A) IN GENERAL.—Subject to subparagraph (B), on request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary such amounts as the Secretary determines to be necessary to provide allocations to States under subsection (c).

(B) ADMINISTRATIVE EXPENSES.—An amount not exceeding 5 percent of the amounts in the Fund shall be available for each fiscal year to pay the administrative expenses necessary to carry out this subsection.

(5) TRANSFERS OF AMOUNTS.—

(A) IN GENERAL.—The amounts required to be transferred to the Fund under this subsection shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(B) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(h) FUNDING.—Notwithstanding any other provision of law, for each of fiscal years 2010 through 2020, the Secretary shall use to

carry out the Program such amounts as are available in the Fund.

S. 1093

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

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the ''Oil Independence, Limiting Subsidies, and Accelerating Vehicle Efficiency Act'' or the ''OILSAVE Act''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. TAX CREDIT FOR FUEL-EFFICIENT MOTOR VEHICLES.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 (relating to other credits) is amended by inserting after section 30D the following new section:

''SEC. 30E. FUEL-EFFICIENT MOTOR VEHICLE CREDIT.

''(a) ALLOWANCE OF CREDIT.—

''(1) IN GENERAL.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the amount determined under paragraph (2) with respect to any new qualified fuel-efficient motor vehicle placed in service by the taxpayer during the taxable year.

''(2) CREDIT AMOUNT.—With respect to each new qualified fuel-efficient motor vehicle, the amount determined under this paragraph shall be equal to—

''(A) in the case of any vehicle manufactured in model year 2011, the applicable amount determined in accordance with the table contained in paragraph (3), and

''(B) in the case of any passenger automobile or non-passenger automobile manufactured in a model year after 2011, the lesser of—

''(i) the sum of—

''(I) $900, plus

''(II) $100 for each whole mile per gallon in excess of 110 percent of the respective industry-wide average fuel economy standard for such model year for all passenger automobiles and all non-passenger automobiles, or

''(ii) $2,500.

''(3) APPLICABLE AMOUNT.—For purposes of paragraph (2)(A), the applicable amount shall be determined as follows:

''(A) In the case of a passenger automobile which achieves:

''The fuel economy of:	The applicable amount is:
At least 33.2 but less than 34.2 ..	$900.
At least 34.2 but less than 35.2 ..	$1,000.
At least 35.2 but less than 36.2 ..	$1,100.
At least 36.2 but less than 37.2 ..	$1,200.
At least 37.2 but less than 38.2 ..	$1,300.
At least 38.2 but less than 39.2 ..	$1,400.
At least 39.2 but less than 40.2 ..	$1,500.
At least 40.2 but less than 41.2 ..	$1,600.
At least 41.2 but less than 42.2 ..	$1,700.
At least 42.2 but less than 43.2 ..	$1,800.
At least 43.2 but less than 44.2 ..	$1,900.
At least 44.2 but less than 45.2 ..	$2,000.
At least 45.2 but less than 46.2 ..	$2,100.
At least 46.2 but less than 47.2 ..	$2,200.
At least 47.2 but less than 48.2 ..	$2,300.
At least 48.2 but less than 49.2 ..	$2,400.
At least 49.2	$2,500.

''(B) In the case of a non-passenger automobile which achieves:

''The fuel economy of:	The applicable amount is:
At least 26.5 but less than 27.5 ..	$900.
At least 27.5 but less than 28.5 ..	$1,000.
At least 28.5 but less than 29.5 ..	$1,100.
At least 29.5 but less than 30.5 ..	$1,200.
At least 30.5 but less than 31.5 ..	$1,300.
At least 31.5 but less than 32.5 ..	$1,400.
At least 32.5 but less than 33.5 ..	$1,500.
At least 33.5 but less than 34.5 ..	$1,600.
At least 34.5 but less than 35.5 ..	$1,700.
At least 35.5 but less than 36.5 ..	$1,800.
At least 36.5 but less than 37.5 ..	$1,900.
At least 37.5 but less than 38.5 ..	$2,000.
At least 38.5 but less than 39.5 ..	$2,100.
At least 39.5 but less than 40.5 ..	$2,200.
At least 40.5 but less than 41.5 ..	$2,300.
At least 41.5 but less than 42.5 ..	$2,400.
At least 42.5	$2,500.

''(b) NEW QUALIFIED FUEL-EFFICIENT MOTOR VEHICLE.—For purposes of this section, the term 'new qualified fuel-efficient motor vehicle' means a passenger automobile or non-passenger automobile—

''(1) which is treated as a motor vehicle for purposes of title II of the Clean Air Act,

''(2) which—

''(A) in the case of a passenger automobile, achieves a fuel economy of not less than 110 percent of the industry-wide average fuel economy standard for the model year for all passenger automobiles, and

''(B) in the case of a non-passenger automobile, achieves a fuel economy of not less than 110 percent of the industry-wide average fuel economy standard for the model year for all non-passenger automobiles,

''(3) which has a gross vehicle weight rating of less than 14,000 pounds,

''(4) the original use of which commences with the taxpayer,

''(5) which is acquired for use or lease by the taxpayer and not for resale, and

''(6) which is made by a manufacturer during the period beginning with model year 2011 and ending with model year 2020.

''(c) APPLICATION WITH OTHER CREDITS.—

''(1) BUSINESS CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—So much of the credit which would be allowed under subsection (a) for any taxable year (determined without regard to this subsection) that is attributable to property of a character subject to an allowance for depreciation shall be treated as a credit listed in section 38(b) for such taxable year (and not allowed under subsection (a)).

''(2) PERSONAL CREDIT.—

''(A) IN GENERAL.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.

''(B) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall not exceed the excess of—

''(i) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(ii) the sum of the credits allowable under subpart A (other than this section and sections 23, 25D, 30, and 30D) and section 27 for the taxable year.

''(d) OTHER DEFINITIONS.—For purposes of this section—

''(1) MANUFACTURER.—The term 'manufacturer' has the meaning given such term in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

''(2) MODEL YEAR.—The term 'model year' has the meaning given such term under section 32901(a) of such title 49.

''(3) MOTOR VEHICLE.—The term 'motor vehicle' means any vehicle which is manufactured primarily for use on public streets, roads, and highways (not including a vehicle operated exclusively on a rail or rails) and which has at least 4 wheels.

''(4) FUEL ECONOMY; AVERAGE FUEL ECONOMY STANDARD.—The terms 'fuel economy' and 'average fuel economy standard' have the meanings given such terms under section 32901 of such title 49.

''(e) SPECIAL RULES.—

''(1) BASIS REDUCTION.—For purposes of this subtitle, the basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit so allowed.

''(2) NO DOUBLE BENEFIT.—The amount of any deduction or other credit allowable under this chapter for a new qualified fuel-efficient motor vehicle shall be reduced by the amount of credit allowed under subsection (a) for such vehicle.

''(3) CREDIT MAY BE TRANSFERRED.—

''(A) IN GENERAL.—A taxpayer may, in connection with the purchase of a new qualified fuel-efficient motor vehicle, transfer any credit allowable under subsection (a) to any person who is in the trade or business of selling new qualified fuel-efficient motor vehicles, but only if such person clearly discloses to such taxpayer, through the use of a window sticker attached to the new qualified fuel-efficient vehicle—

''(i) the amount of any credit allowable under subsection (a) with respect to such vehicle (determined without regard to subsection (c)), and

''(ii) a notification that the taxpayer will not be eligible for any credit under section 30, 30B, or 30D with respect to such vehicle unless the taxpayer elects not to have this section apply with respect to such vehicle.

''(B) CONSENT REQUIRED FOR REVOCATION.—Any transfer under subparagraph (A) may be revoked only with the consent of the Secretary.

''(C) REGULATIONS.—The Secretary may prescribe such regulations as necessary to ensure that any credit described in subparagraph (A) is claimed once and not retransferred by a transferee.

''(4) PROPERTY USED OUTSIDE UNITED STATES NOT QUALIFIED.—No credit shall be allowable under subsection (a) with respect to any property referred to in section 50(b)(1).

''(5) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit.

''(6) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any vehicle if the taxpayer elects to not have this section apply to such vehicle.

''(7) INTERACTION WITH AIR QUALITY AND MOTOR VEHICLE SAFETY STANDARDS.—A motor vehicle shall not be considered eligible for a credit under this section unless such vehicle is in compliance with—

''(A) the applicable provisions of the Clean Air Act for the applicable make and model year of the vehicle (or applicable air quality provisions of State law in the case of a State which has adopted such provision under a waiver under section 209(b) of the Clean Air Act), and

''(B) the motor vehicle safety provisions of sections 30101 through 30169 of title 49, United States Code.

''(f) TERMINATION.—This section shall not apply to property placed in service after December 31, 2020.''.

(b) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—

(1) BUSINESS CREDIT.—Section 38(c)(4)(B) is amended by redesignating clauses (i) through (viii) as clauses (ii) through (ix), respectively, and by inserting before clause (ii) (as so redesignated) the following new clause:

''(i) the credit determined under section 30E,''.

(2) PERSONAL CREDIT.—

(A) Section 24(b)(3)(B) is amended by striking ''and 30D'' and inserting ''30D, and 30E''.

(B) Section 25(e)(1)(C)(ii) is amended by inserting ''30E,'' after ''30D,''.

(C) Section 25B(g)(2) is amended by striking ''and 30D'' and inserting ''30D, and 30E''.

(D) Section 26(a)(1) is amended by striking '' and 30D'' and inserting ''30D, and 30E''.

(E) Section 904(i) is amended by striking ''and 30D'' and inserting ''30D, and 30E''.

(c) CONFORMING AMENDMENTS.—

(1) Section 38(a) is amended by striking ''plus'' at the end of paragraph (34), by striking the period at the end of paragraph (35) and inserting '', plus'', and by adding at the end the following new paragraph:

''(36) the portion of the new qualified fuel-efficient motor vehicle credit to which section 30E(c)(1) applies.''.

(2) Section 1016(a) is amended by striking ''and'' at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting '', and'', and by adding at the end the following new paragraph:

''(38) to the extent provided in section 30E(e)(1).''.

(3) Section 6501(m) is amended by inserting ''30E(e)(6),'' after ''30D(e)(4),''.

(4) The table of section for subpart C of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 30D the following new item:

''Sec. 30E. Fuel-efficient motor vehicle credit.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2009.

SEC. 3. CREDIT FOR FUEL SAVINGS COMPONENTS FOR CERTAIN VEHICLES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business-related credits) is amended by adding at the end the following new section:

''SEC. 45R. CREDIT FOR FUEL SAVINGS COMPONENTS FOR CERTAIN VEHICLES.

''(a) GENERAL RULE.—For purposes of section 38, the fuel savings tax credit determined under this section for the taxable year is an amount equal to the applicable percentage of the amount paid or incurred for 1 or more qualifying fuel savings components placed in service on a qualifying vehicle by the taxpayer during the taxable year.

''(b) APPLICABLE PERCENTAGE.—For purposes of subsection (a), the applicable percentage is equal to the sum of—

''(1) 5 percent, plus

''(2) 5 percentage points (not to exceed 45 percentage points), for each percent in excess of 2 percent by which the fuel economy achieved by the qualifying vehicle with 1 or more qualifying fuel savings components exceeds such qualifying vehicle without such component or components.

''(c) DEFINITIONS.—For purposes of this section—

''(1) QUALIFYING FUEL SAVINGS COMPONENT.—The term 'qualifying fuel savings component' means any device or system of devices that—

''(A) is installed on a qualifying vehicle,

''(B) is designed to increase the fuel economy of such vehicle by at least 2 percent, the amount of such increase to be verified by the Administrator of the Environmental Protection Agency under the SmartWay Transport Partnership,

''(C) the original use of which commences with the taxpayer,

''(D) is acquired for use by the taxpayer and not for resale, and

''(E) has not been taken into account for purposes of determining the credit under this section for any preceding taxable year with respect to such qualifying vehicle.

''(2) QUALIFYING VEHICLE.—The term 'qualifying vehicle' means any vehicle subject to transportation fuels regulations under the Clean Air Act.

''(3) FUEL ECONOMY.—The term 'fuel economy' has the meaning given such term under section 32901 of such title 49.

''(d) SPECIAL RULES.—

''(1) NO DOUBLE BENEFIT.—

''(A) REDUCTION IN BASIS.—If a credit is determined under this section with respect to any property by reason of expenditures described in subsection (a), the basis of such property shall be reduced by the amount of the credit so determined.

''(B) OTHER DEDUCTIONS AND CREDITS.—The amount of any deduction or other credit allowable under this chapter for a qualifying vehicle shall be reduced by the amount of credit allowed under subsection (a) with respect to such vehicle.

''(2) CREDIT MAY BE TRANSFERRED.—

''(A) IN GENERAL.—A taxpayer may, in connection with the purchase of a qualifying fuel savings component, transfer any credit allowable under subsection (a) to any person who is in the trade or business of selling such components, but only if such person clearly discloses to such taxpayer, through the use of a sticker attached to the qualifying fuel savings component, the amount of any credit allowable under subsection (a) with respect to such component.

''(B) CONSENT REQUIRED FOR REVOCATION.—Any transfer under subparagraph (A) may be revoked only with the consent of the Secretary.

''(C) REGULATIONS.—The Secretary may prescribe such regulations as necessary to ensure that any credit described in subparagraph (A) is claimed once and not retransferred by a transferee.

''(3) ELECTION NOT TO CLAIM CREDIT.—No credit shall be allowed under subsection (a) for any component if the taxpayer elects to not have this section apply to such component.

''(e) TERMINATION.—This section shall not apply to property placed in service after December 31, 2020.''.

(b) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38 (relating to general business credit), as amended by this Act, is amended by striking ''plus'' at the end of paragraph (35), by striking the period at the end of paragraph (36) and inserting '', plus'' , and by adding at the end the following new paragraph:

''(37) the fuel savings tax credit determined under section 45R(a).''.

(c) CONFORMING AMENDMENTS.—

(1) The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 45Q the following new item:

''Sec. 45R. Credit for fuel savings components for certain vehicles and engines.''.

(2) Section 1016(a), as amended by this Act, is amended by striking ''and'' at the end of paragraph (37), by striking the period at the end of paragraph (38) and inserting '', and'', and by adding at the end the following:

''(39) in the case of a component with respect to which a credit was allowed under section 45R, to the extent provided in section 45R(d)(1)(A).''.

(3) Section 6501(m), as amended by this Act, is amended by inserting ''45R(d)(3)'' after ''45H(g)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2009, in taxable years ending after such date.

SEC. 4. INCREASE IN GAS GUZZLER TAX.

(a) IN GENERAL.—Subsection (a) of section 4064 (relating to gas guzzler tax) is amended to read as follows:

''(a) IMPOSITION OF TAX.—

''(1) IN GENERAL.—There is hereby imposed on the sale by the manufacturer of each automobile a tax equal to—

''(A) in the case of any automobile manufactured in model year 2011, the applicable tax amount determined in accordance with the table contained in paragraph (2), and

''(B) in the case of any automobile manufactured in a model year after 2011, if the fuel economy of the model type in which such automobile falls is less than 80 percent of the industry-wide average fuel economy standard for such model year for all automobiles, an amount equal to the lesser of—

''(i) an amount based on each mile per gallon reduction below such 80 percent equal to—

''(I) $1,000 for the first mile per gallon reduction, or

''(II) an aggregate amount equal to 125 percent of the previous dollar amount for each additional mile per gallon reduction, or

''(ii) $22,737.

For purposes of subparagraph (B), any fraction of a mile per gallon shall be rounded to the nearest mile per gallon and any fraction of a dollar shall be rounded to the nearest dollar.

''(2) APPLICABLE TAX AMOUNT.—For purposes of paragraph (1)(A), the applicable tax amount shall be determined as follows:

''If the fuel economy of the model type in which the automobile falls is:	The applicable tax amount is:
At least 24.2	$0.
At least 23.2 but less than 24.2 ..	$1,000.
At least 22.2 but less than 23.2 ..	$1,250.
At least 21.2 but less than 22.2 ..	$1,563.
At least 20.2 but less than 21.2 ..	$1,953.
At least 19.2 but less than 20.2 ..	$2,441.
At least 18.2 but less than 19.2 ..	$3,052.
At least 17.2 but less than 18.2 ..	$3,815.
At least 16.2 but less than 17.2 ..	$4,768.
At least 15.2 but less than 16.2 ..	$5,960.
At least 14.2 but less than 15.2 ..	$7,451.
At least 13.2 but less than 14.2 ..	$9,313.
At least 12.2 but less than 13.2 ..	$11,642.
At least 11.2 but less than 12.2 ..	$14,552.
At least 10.2 but less than 11.2 ..	$18,190.
Less than 10.2	$22,737.''.

(b) DEFINITION.—Section 4064(b) (relating to definitions) is amended by adding at the end the following new paragraph:

''(8) AVERAGE FUEL ECONOMY STANDARD.—The term 'average fuel economy standard' has the meaning given such term under section 32901 of title 49, United States Code.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales after December 31, 2009.

SEC. 5. INCREASE IN MANUFACTURER CAFE PENALTIES.

(a) IN GENERAL.—Section 32912 of title 49, United States Code, is amended—

(1) by striking ''$5'' in subsection (b) and inserting ''$50'', and

(2) by striking ''$10'' in subsection (c)(1)(B) and inserting ''$100''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to model years beginning after the date of the enactment of this Act.

SEC. 6. DEPLOYMENT OF LOW-GREENHOUSE GAS AND FUEL-SAVING TECHNOLOGIES.

Section 756 of the Energy Policy Act of 2005 (42 U.S.C. 16104) is amended—

(1) by striking the section heading and all that follows through the end of subsection (b) and inserting the following:

''SEC. 756. DEPLOYMENT OF LOW-GREENHOUSE GAS AND FUEL-SAVING TECHNOLOGIES.

''(a) DEFINITIONS.—In this section:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Environmental Protection Agency.

''(2) ADVANCED TRUCK STOP ELECTRIFICATION SYSTEM.—The term 'advanced truck stop electrification system' means a stationary system that delivers heat, air conditioning, electricity, or communications, and is capable of providing verifiable and auditable evidence of use of those services, to a heavy-duty vehicle and any occupants of the heavy-duty vehicle with, or for delivery, of those services.

''(3) AUXILIARY POWER UNIT.—The term 'auxiliary power unit' means an integrated system that—

''(A) provides heat, air conditioning, engine warming, or electricity to components on a heavy-duty vehicle; and

''(B) is certified by the Administrator under part 89 of title 40, Code of Federal Regulations (or any successor regulation), as meeting applicable emission standards.

''(4) HEAVY-DUTY VEHICLE.—The term 'heavy-duty vehicle' means a vehicle that has a gross vehicle weight rating greater than 8,500 pounds.

''(5) IDLE REDUCTION TECHNOLOGY.—The term 'idle reduction technology' means an advanced truck stop electrification system, auxiliary power unit, or other technology that—

''(A) is used to reduce idling; and

''(B) allows for the main drive engine or auxiliary refrigeration engine to be shut down.

''(6) LONG-DURATION IDLING.—

''(A) IN GENERAL.—The term 'long-duration idling' means the operation of a main drive engine or auxiliary refrigeration engine, for a period greater than 15 consecutive minutes, at a time at which the main drive engine is not engaged in gear.

''(B) EXCLUSIONS.—The term 'long-duration idling' does not include the operation of a main drive engine or auxiliary refrigeration engine during a routine stoppage associated with traffic movement or congestion.

''(7) LOW-GREENHOUSE GAS AND FUEL-SAVING TECHNOLOGY.—The term 'low-greenhouse gas and fuel-saving technology' means any device, system of devices, strategies, or equipment that—

''(A) reduces greenhouse gas emissions; or

''(B) improves fuel efficiency.

''(b) LOW-GREENHOUSE GAS AND FUEL-SAVING TECHNOLOGY DEPLOYMENT PROGRAM.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—Not later than 90 days after the date of enactment of the OILSAVE Act, the Administrator, in consultation with the Secretary of Energy, shall implement, through the SmartWay Transport Partnership of the Environmental Protection Agency, a program to support deployment of low-greenhouse gas and fuel-saving technologies.

''(B) PRIORITY.—The Administrator shall give priority to the deployment of low-greenhouse gas and fuel-saving technologies that meet SmartWay performance thresholds developed under paragraph (2)(B).

''(2) TECHNOLOGY DESIGNATION AND DEPLOYMENT.—The Administrator shall—

''(A) develop measurement protocols to evaluate the fuel consumption and greenhouse gas performance of transportation technologies, including technologies for passenger transport and goods movement;

''(B) develop SmartWay performance thresholds that can be used to certify, verify, or designate low-greenhouse gas and fuel-saving technologies that provide superior environmental performance for each mode of passenger transportation and goods movement; and

''(C)(i) publish a list of low-greenhouse gas and fuel-saving technologies;

''(ii) identify the greenhouse gas and fuel efficiency performance of each technology; and

''(iii) identify those technologies that meet the SmartWay performance thresholds developed under subparagraph (B).

''(3) PROMOTION AND DEPLOYMENT OF TECHNOLOGIES.—The Administrator shall—

''(A) implement partnership and recognition programs to promote best practices and drive demand for fuel-efficient, low-greenhouse gas transportation performance;

''(B) promote the availability of and encourage the adoption of technologies that meet the SmartWay performance thresholds developed under paragraph (2)(B);

''(C) publicize the availability of financial incentives (such as Federal tax incentives, grants, and low-cost loans) for the deployment of low-greenhouse gas and fuel-saving technologies; and

''(D) deploy low-greenhouse gas and fuel-saving technologies through grant and loan programs.

''(4) STAKEHOLDER CONSULTATION.—

''(A) IN GENERAL.—The Administrator shall solicit the comments of interested parties prior to establishing a new or revising an existing SmartWay technology category, measurement protocol, or performance threshold.

''(B) NOTICE.—On adoption of a new or revised technology category, measurement protocol, or performance threshold, the Administrator shall publish a notice and explanation of any changes and, if appropriate, responses to comments submitted by interested parties.

''(5) FREIGHT PARTNERSHIP.—

''(A) IN GENERAL.—The Administrator shall implement, through the SmartWay Transport Partnership, a program with shippers and carriers of goods to promote fuel-efficient, low-greenhouse gas transportation.

''(B) ADMINISTRATION.—The Administrator shall—

''(i) verify the greenhouse gas performance and fuel efficiency of participating freight carriers, including carriers involved in rail, trucking, marine, and other goods movement operations;

''(ii) publish a comprehensive greenhouse gas and fuel efficiency performance index of freight modes (including rail, trucking, marine, and other modes of transporting goods) and individual freight companies so that shippers can choose to deliver the goods of the shippers most efficiently with minimum greenhouse gas emissions;

''(iii) develop tools for—

''(I) freight carriers to calculate and improve the fuel efficiency and greenhouse gas performance of the carriers; and

''(II) shippers—

''(aa) to calculate the fuel and greenhouse gas impacts of moving the products of the shippers; and

''(bb) to evaluate the relative impacts from transporting the goods of the shippers by different modes and carriers; and

''(iv) recognize participating shipper and carrier companies that demonstrate advanced practices and achieve superior levels of fuel efficiency and greenhouse gas performance.

''(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this subsection $19,500,000 for each of fiscal years 2010 through 2020.''; and

(2) by striking subsection (d) and inserting the following:

''(d) IMPROVING FREIGHT GREENHOUSE GAS PERFORMANCE DATABASES.—The Secretary of Commerce, in consultation with the Administrator, shall—

''(1)(A) define and collect data on the physical and operational characteristics of the truck fleet of the United States, with special emphasis on data relating to fuel efficiency and greenhouse gas performance to provide data for the performance index published under subsection (b)(5)(B)(ii); and

''(B) publish the data described in subparagraph (A) through the Vehicle Inventory and Use Survey as soon as practicable after the date of enactment of the OILSAVE Act, and at least every 5 years thereafter, as part of the economic census required under title 13, United States Code; and

''(2) define, collect, and publish data for other modes of goods transport (including rail and marine), as necessary.

''(e) REPORT.—Not later than 18 months after the date on which funds are initially awarded under this section and on a biennial basis thereafter, the Administrator shall submit to Congress a report containing a description of—

''(1) actions taken to implement the low-greenhouse gas and fuel-saving technology deployment program established under subsection (b), including—

''(A) the measurement protocols;

''(B) the SmartWay performance thresholds; and

''(C) a list of low-greenhouse gas and fuel-saving technologies; and

''(2) estimated greenhouse gas emissions and fuel savings from the program.''.

S. 1094

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 ''Renewable Energy Alternative Production Act'' or the ''REAP Act''.

SEC. 2. CREDIT FOR PRODUCTION OF RENEWABLE ENERGY.

(a) IN GENERAL.—Section 45 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(f) CREDIT ALLOWED FOR PRODUCTION OF NON-ELECTRIC ENERGY.—

''(1) IN GENERAL.—The credit allowed under subsection (a) shall be increased by an amount equal to the product of—

''(A) the dollar amount determined under paragraph (2), and

''(B) each million British thermal units (mmBtu) of qualified fuel which is—

''(i) produced by the taxpayer—

''(I) from qualified energy resources, and

''(II) at any facility during the 10-year period beginning on the date such facility was placed in service,

''(ii) not used for the production of electricity, and

''(iii) sold by the taxpayer to an unrelated person during the taxable year.

''(2) DOLLAR AMOUNT.—The dollar amount determined under this paragraph shall be the amount determined by the Secretary to be the equivalent, expressed in British thermal units, of the credit allowed under subsection (a) for 1 kilowatt hour of electricity.

''(3) REDUCTION FOR GRANTS, TAX EXEMPT BONDS, SUBSIDIZED ENERGY FINANCING, AND OTHER CREDITS.—Rules similar to the rules of subsection (b)(3) shall apply for purposes of paragraph (1).

''(4) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

''(A) QUALIFIED FUEL.—The term 'qualified fuel' means an energy product which is produced, extracted, converted, or synthesized from a qualified energy resource through a

controlled process, including pyrolysis, electrolysis, and anaerobic digestion, which results in a product consisting of methane, synthesis gas, hydrogen, steam, manufactured cellulosic fuels, or any other form of energy provided under regulations by the Secretary and which is used solely as a source of energy.

''(B) ALLOCATION OF CREDIT TO PATRONS OF AGRICULTURAL COOPERATIVES.—Rules similar to the rules of subsection (e)(11) shall apply for purposes of paragraph (1).''.

(b) CONFORMING AMENDMENTS.—

(1) The heading for section 45 of the Internal Revenue Code of 1986 is amended by striking ''**ELECTRICITY**'' and inserting ''**ENERGY**''.

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by striking ''Electricity'' in the item relating to section 45 and inserting ''Energy''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 3. ENERGY CREDIT FOR ONSITE RENEWABLE NON-ELECTRIC ENERGY PRODUCTION FACILITIES.

(a) CREDIT ALLOWED.—Clause (i) of section 48(a)(2)(A) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''and'' at the end of subclause (III), and

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

''(V) qualified onsite renewable non-electric energy production property,''.

(b) QUALIFIED ONSITE RENEWABLE NON-ELECTRIC ENERGY PRODUCTION PROPERTY.—Subsection (c) of section 48 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(5) QUALIFIED ONSITE RENEWABLE NON-ELECTRIC ENERGY PRODUCTION PROPERTY.—

''(A) IN GENERAL.—The term 'qualified onsite renewable non-electric energy production property' means property which produces qualified fuel—

''(i) from qualified energy resources,

''(ii) not used for the production of electricity, and

''(iii) used primarily on the same site where the production is located to replace an equivalent amount of non-renewable fuel (determined based on the number of British thermal units of non-renewable fuel consumed by the taxpayer in the prior taxable year) or to provide energy primarily on such site for a use that did not exist prior to the later of the date of the enactment of this paragraph or the date such property was placed in service.

''(B) DEFINITIONS.—For purposes of this paragraph—

''(i) QUALIFIED FUEL.—The term 'qualified fuel' means an energy product which is produced, extracted, converted, or synthesized from a qualified energy resource through a controlled process, including pyrolysis, electrolysis, and anaerobic digestion, which results in a product consisting of methane, synthesis gas, hydrogen, steam, manufactured cellulosic fuels, or any other form of energy provided under regulations by the Secretary and which is used solely as a source of energy.

''(ii) QUALIFIED ENERGY RESOURCES.—The term 'qualified energy resources' has the meaning given such term by paragraph (1) of section 45(c).

''(iii) TERMINATION.—The term 'qualified onsite renewable non-electric energy production property' shall not include any property for any period after the date which is 10 years after the date of the enactment of the Renewable Energy Alternative Production Act.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 4. RENEWABLE NON-ELECTRIC ENERGY PRODUCTION FACILITIES ELIGIBLE FOR NEW CLEAN RENEWABLE ENERGY BONDS.

(a) IN GENERAL.—Paragraph (1) of section 54C(d) of the Internal Revenue Code of 1986 is amended to read as follows:

''(1) QUALIFIED RENEWABLE ENERGY FACILITY.—The term 'qualified renewable energy facility' means a facility which is—

''(A)(i) a qualified facility (as determined under section 45(d) without regard to paragraphs (8) and (10) thereof and to any placed in service date), or

''(ii) a facility which produces qualified fuel (as defined in section 45(f)(4)(A)) which is derived from qualified energy resources (within the meaning of section 45(f)(4)(B)) and not used for the production of electricity, and

''(B) owned by a public power provider, a governmental body, or a cooperative electric company.''.

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

S. 1095

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 ''America's Low-Carbon Fuel Standard Act of 2009''.

SEC. 2. LOW-CARBON FUEL PROGRAM.

(a) IN GENERAL.—Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended by striking subsection (o) and inserting the following:

''(o) LOW-CARBON FUEL PROGRAM.—

''(1) DEFINITIONS.—In this subsection:

''(A) BASELINE LIFECYCLE GREENHOUSE GAS EMISSIONS.—The term 'baseline lifecycle greenhouse gas emissions' means the average lifecycle greenhouse gas emissions, as determined by the Administrator, after notice and opportunity for comment, for transportation fuel sold or distributed as transportation fuel in 2005.

''(B) LIFECYCLE GREENHOUSE GAS EMISSIONS.—The term 'lifecycle greenhouse gas emissions' means the aggregate quantity of greenhouse gas emissions (including direct emissions and significant indirect emissions such as significant emissions from land use changes), as determined by the Administrator, related to the full fuel lifecycle, including all stages of fuel and feedstock production and distribution, from feedstock generation or extraction through the distribution and delivery and use of the finished fuel to the ultimate consumer, where the mass values for all greenhouse gases are adjusted to account for their relative global warming potential.

''(C) LOW-CARBON FUEL.—The term 'low-carbon fuel' means transportation fuel (including renewable fuel, electricity, hydrogen, and other forms of energy) that has lifecycle greenhouse gas emissions, as determined by the Administrator, after notice and opportunity for comment, that on annual average basis are equal to at least the following percentage less than baseline lifecycle greenhouse gas emissions determined in accordance with the following table:

''Calendar year:	**Applicable percentage less than baseline lifecycle greenhouse gas emissions:**
2015	20.0
2016	21.5
2017	23.0
2018	24.5
2019	26.0
2020	27.5
2021	29.0
2022	30.5
2023	32.0
2024	33.5
2025	35.0
2026	36.5
2027	38.0
2028	39.5
2029	41.0
2030	42.5
2031 and thereafter	Percentage determined under paragraph (2)(B)(ii).

''(D) RENEWABLE BIOMASS.—The term 'renewable biomass' means each of the following:

''(i) Planted crops and crop residue harvested from agricultural land cleared or cultivated at any time prior to December 19, 2007, that is either actively managed or fallow, and nonforested.

''(ii) Planted trees, bioenergy crops, and tree residue from actively managed tree plantations on non-Federal land cleared at any time prior to December 19, 2007, including land belonging to an Indian tribe or an Indian individual, that is held in trust by the United States or subject to a restriction against alienation imposed by the United States.

''(iii) Slash, brush, and those trees that are byproducts of ecological restoration, disease or insect infestation control, or hazardous fuels reduction treatments and do not exceed the minimum size standards for sawtimber, harvested—

''(I) in ecologically sustainable quantities, as determined by the appropriate Federal land manager; and

''(II) from National Forest System land or public land (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)), other than—

''(aa) components of the National Wilderness Preservation System;

''(bb) wilderness study areas;

''(cc) inventoried roadless areas;

''(dd) old growth or late successional forest stands unless biomass from the stand is harvested as a byproduct of an ecological restoration treatment that fully maintains, or contributes toward the restoration of, the structure and composition of an old growth forest stand taking into account the contribution of the stand to landscape fire adaptation and watershed health, and retaining large trees contributing to old-growth structure;

''(ee) components of the National Landscape Conservation System; and

''(ff) National Monuments.

''(iv) Animal waste material and animal byproducts.

''(v) Slash and pre-commercial thinnings that are from non-Federal forestland, including forestland belonging to an Indian tribe or an Indian individual, that are held in trust by the United States or subject to a restriction against alienation imposed by the United States, but not forests or forestland that are ecological communities with a global or State ranking of critically imperiled, imperiled, or rare pursuant to a State Natural Heritage Program, old growth forest, or late successional forest.

''(vi) Biomass from land in any ownership obtained from the immediate vicinity of

buildings and other areas regularly occupied by people, or of public infrastructure, at risk from wildfire.

''(vii) Algae.

''(viii) Municipal solid waste, including separated yard waste or food waste, including recycled cooking and trap grease.

''(E) RENEWABLE FUEL.—The term 'renewable fuel' means fuel that is—

''(i) produced from renewable biomass; and

''(ii) used to replace or reduce the quantity of fossil fuel present in a transportation fuel.

''(F) TRANSPORTATION FUEL.—The term 'transportation fuel' means fuel for use in motor vehicles, motor vehicle engines, or nonroad vehicles (except for ocean-going vessels).

''(2) PROGRAM.—

''(A) REGULATIONS.—

''(i) IN GENERAL.—Not later than January 31, 2015, the Administrator shall promulgate regulations to ensure that the applicable percentage determined under subparagraph (B) of the transportation fuel sold or introduced into commerce in the United States, on an annual average basis, is low-carbon fuel.

''(ii) PROVISIONS OF REGULATIONS.—Regardless of the date of promulgation, the regulations promulgated under clause (i)—

''(I) shall contain compliance provisions applicable to producers, refiners, blenders, distributors, and importers, as appropriate, to ensure that the requirements of this paragraph are met; but

''(II) shall not—

''(aa) restrict geographic areas in which low-carbon fuel may be used; or

''(bb) impose any per-gallon obligation for the use of low-carbon fuel.

''(B) APPLICABLE VOLUMES.—

''(i) CALENDAR YEARS 2015 THROUGH 2030.—For the purpose of subparagraph (A), the applicable percentage of the transportation fuel sold or introduced into commerce in the United States, on an annual average basis, that is low-carbon fuel for each of calendar years 2015 through 2030 shall be determined by the Administrator, in consultation with the Secretary of Energy, in accordance with the following table:

''Calendar year:	**Applicable percentage of transportation fuel sold that is low-carbon fuel:**
2015	10.0
2016	11.5
2017	13.0
2018	14.5
2019	16.0
2020	17.5
2021	19.0
2022	20.5
2023	22.0
2024	23.5
2025	25.0
2026	26.5
2027	28.0
2028	29.5
2029	31.0
2030	32.5.

''(ii) SUBSEQUENT CALENDAR YEARS.—

''(I) IN GENERAL.—For the purposes of subparagraph (A), the applicable percentage of the transportation fuel sold or introduced into commerce in the United States (except in noncontiguous States or territories), on an annual average basis, that is low-carbon fuel for calendar year 2031 and each subsequent calendar year shall be determined by the Administrator, in consultation with the Secretary of Energy, based on a review of the implementation of the program during calendar years specified in the tables established under this subsection, and an analysis of—

''(aa) the impact of the production and use of low-carbon fuel on the environment, including on air quality, climate change, conversion of wetland, ecosystems, wildlife habitat, water quality, and water supply;

''(bb) the impact of low-carbon fuel on the energy security of the United States;

''(cc) the expected annual rate of future commercial production of low-carbon fuel;

''(dd) the impact of low-carbon fuel on the infrastructure of the United States, including deliverability of materials, goods, and products other than low-carbon fuel, and the sufficiency of infrastructure to deliver and use low-carbon fuel;

''(ee) the impact of the use of low-carbon fuel on the cost to consumers of transportation fuel and on the cost to transport goods; and

''(ff) the impact of the use of low-carbon fuel on other factors, including job creation, the price and supply of agricultural commodities, rural economic development, and food prices.

''(II) DEADLINE.—The Administrator shall promulgate rules establishing the applicable volumes under this clause not later than 14 months before the first year for which the applicable percentage will apply.

''(3) APPLICABLE PERCENTAGES.—

''(A) PROVISION OF ESTIMATE OF VOLUMES OF GASOLINE SALES.—Not later than October 31 of each of calendar years 2005 through 2021, the Administrator of the Energy Information Administration shall provide to the Administrator of the Environmental Protection Agency an estimate, with respect to the following calendar year, of the volumes of transportation fuel and low-carbon fuel projected to be sold or introduced into commerce in the United States.

''(B) DETERMINATION OF APPLICABLE PERCENTAGES.—

''(i) IN GENERAL.—Not later than November 30 of each of calendar years 2015 through 2029, based on the estimate provided under subparagraph (A), the Administrator of the Environmental Protection Agency shall determine and publish in the Federal Register, with respect to the following calendar year, the low-carbon fuel obligation that ensures that the requirements of paragraph (2) are met.

''(ii) REQUIRED ELEMENTS.—The low-carbon fuel obligation determined for a calendar year under clause (i) shall—

''(I) be applicable to refineries, blenders, and importers, as appropriate;

''(II) be expressed in terms of a volume percentage of transportation fuel sold or introduced into commerce in the United States; and

''(III) subject to subparagraph (C), consist of a single applicable percentage that applies to all categories of persons specified in subclause (I).

''(C) ADJUSTMENTS.—In determining the applicable percentage for a calendar year, the Administrator shall make adjustments to prevent the imposition of redundant obligations on any person specified in subparagraph (B)(ii)(I).

''(4) MODIFICATION OF GREENHOUSE GAS REDUCTION PERCENTAGES.—

''(A) IN GENERAL.—In the regulations promulgated under paragraph (2)(A)(i), the Administrator may adjust the required percentage reductions in lifecycle greenhouse gas emissions for low-carbon fuel to a lower percentage if the Administrator determines that generally the reduction is not commercially feasible for low-carbon fuel made using a variety of feedstocks, technologies, and processes to meet the applicable reduction.

''(B) AMOUNT OF ADJUSTMENT.—In promulgating regulations under this paragraph, the specified percent reduction in greenhouse gas emissions from low-carbon fuel may not be reduced more than 10 percentage points below the percentage otherwise required under this subsection.

''(C) ADJUSTED REDUCTION LEVELS.—

''(i) IN GENERAL.—An adjustment in the percentage reduction in greenhouse gas levels shall be the minimum practicable adjustment for low-carbon fuel.

''(ii) MAXIMUM ACHIEVABLE LEVEL.—The adjusted greenhouse gas reduction shall be established at the maximum achievable level, taking cost in consideration, allowing for the use of a variety of feedstocks, technologies, and processes.

''(D) SUBSEQUENT ADJUSTMENTS.—

''(i) IN GENERAL.—After the Administrator has promulgated a final rule under paragraph (2)(A)(i) with respect to the method of determining lifecycle greenhouse gas emissions, the Administrator may not adjust the percent greenhouse gas reduction levels unless the Administrator determines that there has been a significant change in the analytical basis used for determining the lifecycle greenhouse gas emissions.

''(ii) CRITERIA AND STANDARDS.—If the Administrator makes the determination that an adjustment is required, the Administrator may adjust the percent reduction levels through rulemaking using the criteria and standards established under this paragraph.

''(iii) 5-YEAR REVIEW.—If the Administrator makes any adjustment under this paragraph, not later than 5 years thereafter, the Administrator shall review and revise (based on the same criteria and standards as required for the initial adjustment) the level as adjusted by the regulations.

''(5) CREDIT PROGRAM.—

''(A) IN GENERAL.—The regulations promulgated under paragraph (2)(A) shall provide for the generation of an appropriate quantity of credits by any person that refines, blends, imports, or distributes transportation fuel that contains a quantity of low-carbon fuel that is greater than the quantity required under paragraph (2).

''(B) USE OF CREDITS.—A person that generates credits under subparagraph (A) may use the credits, or transfer all or a portion of the credits to another person, for the purpose of complying with paragraph (2).

''(C) DURATION OF CREDITS.—A credit generated under this paragraph shall be valid to demonstrate compliance for the 12 month-period beginning on the date of generation.

''(D) INABILITY TO GENERATE OR PURCHASE SUFFICIENT CREDITS.—The regulations promulgated under paragraph (2)(A) shall include provisions allowing any person that is unable to generate or purchase sufficient credits to meet the requirements of paragraph (2) to carry forward a low-carbon fuel deficit on condition that the person, in the calendar year following the year in which the low-carbon fuel deficit is created—

''(i) achieves compliance with the low-carbon fuel requirement under paragraph (2); and

''(ii) generates or purchases additional low-carbon fuel credits to offset the low-carbon fuel deficit of the previous year.

''(E) CREDITS FOR ADDITIONAL LOW-CARBON FUEL.—The Administrator may promulgate regulations providing—

''(i) for the generation of an appropriate quantity of credits by any person that refines, blends, imports, or distributes additional low-carbon fuel specified by the Administrator; and

''(ii) for the use of the credits by the generator, or the transfer of all or a portion of the credits to another person, for the purpose of complying with paragraph (2).

''(6) WAIVERS.—

''(A) IN GENERAL.—The Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, may waive the requirements of this subsection in whole or in part on petition by 1 or more States, by any person subject to the requirements of this subsection, or by the Administrator on the Administrator's own motion, by reducing the national percentage of low-carbon fuel required under paragraph (2)—

''(i) based on a determination by the Administrator, after public notice and opportunity for comment, that implementation of the requirement would severely harm the economy or environment of a State, a region, or the United States; or

''(ii) based on a determination by the Administrator, after public notice and opportunity for comment, that there is an inadequate domestic supply of low-carbon fuel.

''(B) PETITIONS FOR WAIVERS.—The Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, shall approve or disapprove a petition for a waiver of the requirements of paragraph (2) not later than 90 days after the date on which the petition is received by the Administrator.

''(C) TERMINATION OF WAIVERS.—A waiver granted under subparagraph (A) shall terminate after 1 year, but may be renewed by the Administrator after consultation with the Secretary of Agriculture and the Secretary of Energy and after public notice and opportunity for comment.

''(D) MODIFICATION OF APPLICABLE PERCENTAGES.—

''(i) IN GENERAL.—In the case of any table established under this subsection, if the Administrator waives at least 20 percent of the applicable percentage requirement specified in the table for 2 consecutive years, or at least 50 percent of the percentage requirement for a single year, the Administrator shall promulgate regulations (not later than 1 year after issuing the waiver) that modify the applicable volumes specified in the table concerned for all years following the final year to which the waiver applies, except that no such modification in applicable percentages shall be made for any year before calendar year 2016.

''(ii) ADMINISTRATION.—In promulgating the regulations, the Administrator shall comply with the processes, criteria, and standards established under paragraph (2)(B)(ii).

''(7) LOW-CARBON MARKET CONCENTRATION ANALYSIS.—

''(A) ANALYSIS.—

''(i) IN GENERAL.—Not later than January 1, 2015, and annually thereafter, the Federal Trade Commission shall perform a market concentration analysis of the low-carbon fuel production, import, and distribution industries using the Herfindahl-Hirschman Index to determine whether there is sufficient competition among industry participants to avoid price-setting and other anticompetitive behavior.

''(ii) SCORING.—For the purpose of scoring under clause (i) using the Herfindahl-Hirschman Index, all marketing arrangements among industry participants shall be considered.

''(B) REPORT.—Not later than December 1, 2015, and annually thereafter, the Federal Trade Commission shall submit to Congress and the Administrator a report on the results of the market concentration analysis performed under subparagraph (A)(i).

''(8) PERIODIC REVIEWS.—To allow for the appropriate adjustment of the requirements described in paragraph (2)(B), the Administrator shall conduct periodic reviews of—

''(A) existing technologies;

''(B) the feasibility of achieving compliance with the requirements; and

''(C) the impacts of the requirements of this subsection on each individual and entity described in paragraph (2).

''(9) EFFECT ON OTHER PROVISIONS.—

''(A) IN GENERAL.—Subject to subparagraph (B), nothing in this subsection, or regulations promulgated under this subsection, affects the regulatory status of carbon dioxide or any other greenhouse gas, or expands or limits regulatory authority regarding carbon dioxide or any other greenhouse gas, for purposes of other provisions (including section 165) of this Act.

''(B) ADMINISTRATION.—Subparagraph (A) shall not affect implementation and enforcement of this subsection.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on January 1, 2015.

SEC. 3. TRANSITION PROVISIONS.

(a) DEFINITIONS.—Section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1)) is amended—

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

''(A) ADDITIONAL RENEWABLE FUEL.—

''(i) IN GENERAL.—The term 'additional renewable fuel' means fuel that—

''(I) is—

''(aa) produced from renewable biomass; or

''(bb) low-carbon fuel;

''(II) is used to replace or reduce the quantity of fossil fuel present in—

''(aa) transportation fuel;

''(bb) home heating oil; or

''(cc) aviation jet fuel; and

''(III) has lifecycle greenhouse gas emissions, as determined by the Administrator, after notice and opportunity for comment, that are at least 20 percent less than baseline lifecycle greenhouse gas emissions.'';

(2) by redesignating subparagraphs (I) through (L) as subparagraphs (J) through (M), respectively; and

(3) by inserting after subparagraph (H) the following:

''(I) LOW-CARBON FUEL.—The term 'low-carbon fuel' means renewable fuel that has lifecycle greenhouse gas emissions, as determined by the Administrator, after notice and opportunity for comment, that are at least 20 percent less than baseline lifecycle greenhouse gas emissions.''.

(b) CREDITS FOR ADDITIONAL RENEWABLE FUEL.—Section 211(o)(5) of the Clean Air Act (42 U.S.C. 7545(o)(5)) is amended by striking subparagraph (A) and inserting the following:

''(A) CREDITS FOR ADDITIONAL RENEWABLE FUEL.—

''(i) IN GENERAL.—Not later than 180 days after the date of enactment of the America's Low-Carbon Fuel Standard Act of 2009, the Administrator shall issue regulations providing—

''(I) for the generation of an appropriate quantity of credits by any person that produces, refines, blends, or imports additional renewable fuels or low-carbon fuels specified by the Administrator; and

''(II) for the use of the credits by the generator, or the transfer of all or a portion of the credits to another person, for the purpose of complying with paragraph (2).

''(ii) INCREASED CREDIT.—For each of calendar years 2012 through 2014, the Administrator shall increase the amount of the credit provided under clause (i) in proportion to the extent to which the lifecycle greenhouse gas emissions of the additional renewable fuel is less than baseline lifecycle greenhouse gas emissions.''.

S. 1096

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

SECTION 1. ENERGYGRANT COMPETITIVE EDUCATION PROGRAM.

(a) DEFINITIONS.—In this section:

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

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Energy, acting through the Director appointed under subsection (c).

(3) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(b) ESTABLISHMENT.—The Secretary shall establish and carry out a program to awards grants, on a competitive basis, to each consortium of institutions of higher education operating in each of the regions established under subsection (d) to conduct research, extension, and education programs relating to the energy needs of the regions.

(c) DIRECTOR.—The Secretary shall appoint a Director to carry out the program established under this section.

(d) GRANTS.—

(1) IN GENERAL.—The Secretary shall use amounts made available under this section to award grants, on a competitive basis, to each consortium of institutions of higher education located in each of at least 6 regions established by the Secretary that, collectively, cover all States.

(2) MANNER OF DISTRIBUTION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), in making grants for a fiscal year under this section, the Secretary shall award grants to each consortium of institutions of higher education in equal amounts for each region of not less than $50,000,000 for each region.

(B) TERRITORIES AND POSSESSIONS.—The Secretary may adjust the amount of grants awarded to a consortium of institutions of higher education in a region under this section if the region contains territories or possessions of the United States.

(3) PLANS.—As a condition of an initial grant under this section, a consortium of institutions of higher education in a region shall submit to the Secretary for approval a plan that—

(A) addresses the energy needs for the region; and

(B) describes the manner in which the proposed activities of the consortium will address those needs.

(4) FAILURE TO COMPLY WITH REQUIREMENTS.—If the Secretary finds on the basis of a review of the annual report required under subsection (g) or on the basis of an audit of a consortium of institutions of higher education conducted by the Secretary that the consortium has not complied with the requirements of this section, the consortium shall be ineligible to receive further grants under this section for such period of time as may be prescribed by the Secretary.

(e) USE OF FUNDS.—

(1) COMPETITIVE GRANTS.—

(A) IN GENERAL.—A consortium of institutions of higher education in a region that is awarded a grant under this section shall use the grant to conduct research, extension, and education programs relating to the energy needs of the region, including—

(i) the promotion of low-carbon clean and green energy and related jobs that are applicable to the region;

(ii) the development of low-carbon green fuels to reduce dependency on oil;

(iii) the development of energy storage and energy management innovations for intermittent renewable technologies; and

(iv) the accelerated deployment of efficient-energy technologies in new and existing buildings and in manufacturing facilities.

(B) ADMINISTRATION.—

(i) IN GENERAL.—Subject to clauses (ii) through (vi), the Secretary shall make grants under this paragraph in accordance with section 989 of the Energy Policy Act of 2005 (42 U.S.C. 16353).

(ii) PRIORITY.—A consortium of institutions of higher education in a region shall give a higher priority to programs that are consistent with the plan approved by the Secretary for the region under subsection (d)(3).

(iii) TERM.—A grant awarded to a consortium of institutions of higher education under this section shall have a term that does not exceed 5 years.

(iv) COST-SHARING REQUIREMENT.—As a condition of receiving a grant under this paragraph, the Secretary shall require the recipient of the grant to share costs relating to the program that is the subject of the grant in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(v) BUILDINGS AND FACILITIES.—Funds made available for grants under this section shall not be used for the construction of a new building or facility or the acquisition, expansion, remodeling, or alteration of an existing building or facility (including site grading and improvement and architect fees).

(vi) LIMITATION ON INDIRECT COSTS.—A consortium of institutions of higher education may not recover the indirect costs of using grants under subparagraph (A) in excess of the limits established under paragraph (2).

(C) FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS.—

(i) IN GENERAL.—A federally funded research and development center may be a member of a consortium of institutions of higher education that receives a grant under this section.

(ii) SCOPE.—The Secretary shall ensure that the scope of work performed by a single federally funded research and development center in the consortium is not more significant than the scope of work performed by any of the other academic institutions of higher education in the consortium.

(2) ADMINISTRATIVE EXPENSES.—A consortium of institutions of higher education may use up to 15 percent of the funds described in subsection (d) to pay administrative and indirect expenses incurred in carrying out paragraph (1), unless otherwise approved by the Secretary.

(f) GRANT INFORMATION ANALYSIS CENTER.—A consortium of institutions of higher education in a region shall maintain an Energy Analysis Center at 1 or more of the institutions of higher education to provide the institutions of higher education in the region with analysis and data management support.

(g) ANNUAL REPORTS.—Not later than 90 days after the end of each fiscal year, a consortium of institutions of higher education receiving a grant under this section shall submit to the Secretary a report that describes the policies, priorities, and operations of the program carried out by the consortium of institutions of higher education under this section during the fiscal year.

(h) ADMINISTRATION.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish such criteria and procedures as are necessary to carry out this section.

(i) COORDINATION.—The Secretary shall coordinate with the Secretary of Agriculture and the Secretary of Commerce each activity carried out under the program under this section—

(1) to avoid duplication of efforts; and

(2) to ensure that the program supplements and does not supplant—

(A) the Sun Grant program established under section 7526 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8114); and

(B) the national Sea Grant college program carried out by the Administrator of the National Oceanic and Atmospheric Administration.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out—

(1) this section $300,000,000 for each of fiscal years 2010 through 2014; and

(2) the activities of the Department of Energy (including biomass and bioenergy feedstock assessment research) under the Sun Grant program established under section 7526 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8114) $15,000,000 for each of fiscal years 2010 through 2014.

S. 1097

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 ''Community College Energy Training Act of 2009''.

SEC. 2. SUSTAINABLE ENERGY TRAINING PROGRAM FOR COMMUNITY COLLEGES.

(a) DEFINITION OF COMMUNITY COLLEGE.—In this Act, the term ''community college'' means an institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), that—

(1) provides a 2-year program of instruction for which the institution awards an associate degree; and

(2) primarily awards associate degrees.

(b) WORKFORCE TRAINING AND EDUCATION IN SUSTAINABLE ENERGY.—From funds made available under subsection (d), the Secretary of Energy, in coordination with the Secretary of Labor, shall carry out a joint sustainable energy workforce training and education program. In carrying out the program, the Secretary of Energy, in coordination with the Secretary of Labor, shall award grants to community colleges to provide workforce training and education in industries and practices such as—

(1) alternative energy, including wind and solar energy;

(2) energy efficient construction, retrofitting, and design;

(3) sustainable energy technologies, including chemical technology, nanotechnology, and electrical technology;

(4) water and energy conservation;

(5) recycling and waste reduction; and

(6) sustainable agriculture and farming.

(c) AWARD CONSIDERATIONS.—Of the funds made available under subsection (d) for a fiscal year, not less than one-half of such funds shall be awarded to community colleges with existing (as of the date of the award) sustainability programs that lead to certificates or degrees in 1 or more of the industries and practices described in paragraphs (1) through (6) of subsection (b).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000,000 for each of the fiscal years 2010 through 2015.

S. 1098

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 ''EnergySmart Transport Corridors Act of 2009''.

SEC. 2. ENERGYSMART TRANSPORT CORRIDORS PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) INTERSTATE SYSTEM.—The term ''Interstate System'' has the meaning given the term in section 101(a) of title 23, United States Code.

(3) PROGRAM.—The term ''Program'' means the EnergySmart Transport Corridor program established under subsection (b).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

(b) ESTABLISHMENT.—Not later than 120 days after the date of enactment of this Act, the Secretary, in consultation with the Administrator, shall establish an EnergySmart Transport Corridor program in accordance with this section.

(c) REQUIREMENTS.—In carrying out the Program, the Secretary shall coordinate the planning and deployment of measures that will increase the energy efficiency of the Interstate System and reduce the emission of greenhouse gases and other environmental pollutants, including by—

(1) increasing the availability and standardization of anti-idling equipment;

(2) increasing the availability of alternative, low-carbon transportation fuels;

(3) coordinating and adjusting vehicle weight limits for both existing and future highways on the Interstate System;

(4) coordinating and expanding intermodal shipment capabilities;

(5) coordinating and adjusting time of service restrictions; and

(6) planning and identifying future construction within the Interstate System.

(d) DESIGNATION OF CORRIDORS.—

(1) IN GENERAL.—The Secretary, in consultation with the Administrator and with the concurrence of the Governors of the States in which EnergySmart transport corridors are to be located, and in consultation with the appropriate advisory committees established under paragraph (3), shall designate EnergySmart transport corridors in accordance with the requirements described in subsection (c).

(2) INTERMODAL FACILITIES AND OTHER SURFACE TRANSPORTATION MODES.—In designating EnergySmart transport corridors, the Secretary may include—

(A) intermodal passenger and freight transfer facilities, particularly those that use measures to significantly increase the energy efficiency of the Interstate System and reduce greenhouse gas emissions and other environmental pollutants; and

(B) other surface transportation modes.

(3) ADVISORY COMMITTEES.—

(A) IN GENERAL.—The Secretary, in consultation with the Governors of the States in which EnergySmart transport corridors are to be located, may establish advisory committees to assist in the designation of individual EnergySmart transport corridors.

(B) MEMBERSHIP.—The advisory committees established under this paragraph shall include representatives of interests affected by the designation of EnergySmart transport corridors, including—

(i) freight and trucking companies;

(ii) vehicle and vehicle equipment manufacturers and retailers;

(iii) independent owners and operators;

(iv) conventional and alternative fuel providers; and

(v) local transportation, planning, and energy agencies.

(e) PRIORITY.—In allocating funds for Federal highway programs, the Secretary shall give special consideration and priority to projects and programs that enable deployment and operation of EnergySmart transport corridors.

(f) GRANTS.—In carrying out the Program, the Secretary may provide grants to States to assist in the planning, designation, development, and maintenance of EnergySmart transport corridors.

(g) ANNUAL REPORT.—Each fiscal year, the Secretary shall submit to the appropriate committees of Congress a report describing activities carried out under the Program during the preceding fiscal year.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $25,000,000 for each of fiscal years 2010 through 2015.

SEC. 3. REDUCTION OF ENGINE IDLING.

Section 756(b)(4)(B) of the Energy Policy Act of 2005 (42 U.S.C. 16104(b)(4)(B)) is amended by striking ''for fiscal year 2008'' each place it appears in clauses (i) and (ii) and inserting ''for each of fiscal years 2008 through 2015''.

By Mr. COBURN (for himself, Mr. BURR, Mr. BUNNING, Mr. CHAMBLISS, Mr. ALEXANDER, and Mr. INHOFE):

S. 1099. A bill to provide comprehensive solutions for the health care system of the United States, and for other purposes; to the Committee on Finance.

Mr. BURR. Mr. President, I rise today to speak on the pressing issue of health care in America. Millions of Americans go without health insurance each year. Especially during these tough economic times, many families are looking to Washington to fix the health care crisis in this country.

This year, Congress is poised to make significant changes to our health care system. Ultimately, the American people want solutions that work. In that vein I am pleased to join today with my colleague, Senator COBURN, to introduce, S. 1099, the Patients' Choice Act. It will start to build a health care system that is responsive to patients' needs and conscious of their budgets.

As we developed the framework of the Patients' Choice Act, we had to think about what would truly transform the failing health care system in America right now. Typically, the problems with our health care system relate to cost, quality, and our inability to make important lifestyle interventions before treatable symptoms become chronic conditions. With that thought in mind, Senator COBURN and I set out to reform our health care system so it met the following requirements. We believe that any truly transformational health care plan must guarantee that every American can get affordable coverage.

It must demand more value for our health care dollar instead of imposing a new tax or passing on a new obligation to future generations.

It must transform the health care system so that we focus on keeping people healthy and well instead of only treating them when they are sick.

It must make health coverage affordable for those with pre-existing conditions.

It must end the current discrimination in the tax code that benefits the wealthy and corporations but fails the poor and those who can't get coverage through their employer.

It must ensure that health care is accessible when people want it, where people want it.

It must be sustainable so that it will be there for future generations.

We believe the Patient's Choice Act will meet all of these requirements. The bill focuses on 6 key areas: preventing disease and promoting healthier lifestyles; creating affordable and accessible health insurance options; equalizing the tax treatment of health care; establishing transparency in health care price and quality; and ensuring compensation for injured patients.

S. 1099 transforms health care in America by strengthening the relationship between the patient and the doctor and relying on choice and competition rather than rationing and restrictions. In doing so, we can ensure universal, affordable health care for all Americans.

By Mr. LIEBERMAN (for himself and Ms. COLLINS):

S. 1102. A bill to provide benefits to domestic partners of Federal employees; to the Committee on Homeland Security and Governmental Affairs.

Mr. LIEBERMAN. Mr. President, I rise today to speak in favour of the Domestic Partner Benefits and Obligations Act, which I am introducing with my colleague and friend on the Homeland Security and Governmental Affairs Committee, Senator SUSAN COLLINS.

Last year, the Homeland Security and Governmental Affairs Committee held a hearing on this legislation, but time ran out before we were able to move the measure to the Senate floor.

I also want to thank my former cosponsor, Senator Gordon Smith of Oregon, with whom I and more than 20 other Senators introduced identical legislation in the 110th Congress. We expect about 20 cosponsors again this year, and I want to express my appreciation to them for helping us get an early enough start in the 111th Congress so that we can pass the bill, hopefully, this year.

This legislation makes eminent sense for two reasons: It will help the Federal Government attract the best and the brightest and it is the fair and right thing to do from a human rights perspective.

Let me explain. The Domestic Partners Benefits and Obligations Act would provide the same employee benefit programs to same-sex domestic partners of Federal employees that are now provided to the opposite-sex spouses of Federal employees. In other words, same-sex domestic partners—living in a committed relationship and unrelated by blood would be eligible to participate in health benefits, long-term care, Family and Medical Leave, federal retirement benefits, and all other benefits for which married employees and their spouses are eligible. Federal employees and their domestic partners would also be subject to the same responsibilities that apply to married employees and their spouses, such as anti-nepotism rules and financial disclosure requirements.

When the domestic partners of Federal employees are granted the same benefits and obligations as the spouses of federal employees, the Federal Government will be able to attract from a larger pool of applicants the best possible employees to carry out the Government's responsibilities to the American people. In the coming years, as a large percentage of federal employees become eligible for retirement, a new generation of employees will be hired, and the Federal Government will be competing with the private sector for the most qualified among them. This legislation will help put the Federal Government on equal footing to compete for those new recruits and then retain them.

From a human rights perspective, this legislation is one more step on the long road to bring the gay and lesbian community equality under the law.

We are not talking about an insignificant number of people. According to UCLA's Williams Institute, over 30,000 federal workers live in committed relationships with same-sex partners who are not Federal employees.

We often hear—and I have often said—that Government should be run more like a business. While the purpose of Government and business are different, I believe Government has a lot to learn from private sector business models including in the matter before us today. The fact is that a majority of U.S. corporations—including more than half of all Fortune 500 companies—already offer benefits to domestic partners.

General Electric, IBM, Eastman Kodak, Dow Chemical, the Chubb Corporation, Lockheed Martin, and Duke Energy are among the major employers that have recognized the economic reward of providing benefits to domestic partners. Overall, almost 10,000 private-sector companies of all sizes provide benefits to domestic partners. The governments of 13 States, including my home State of Connecticut, about 145 local jurisdictions across our country, and some 300 colleges and universities also provide these benefits.

Surveys show that many private sector employers offer these benefits because it is the right thing to do. You can bet each one knows that the policy makes good business sense; it is good management policy, it is good employee policy, and it is good recruitment and retention policy.

In fact, employers have told analysts that they extend benefits to domestic partners to boost recruitment and retain quality employees—as well as to be fair. If we want the Government to be able to compete for the most qualified employees, we are going to have to provide the same benefits that job seekers can find elsewhere.

The experts tell us that 19 percent of an employee's compensation comes in the form of benefits, including benefits for family members. Employees who do not get benefits for their families are,

therefore, not being paid equally. Of course, the supporters of this legislation understand that covering domestic partners will add some increment to the total cost of providing federal employee benefits. And we understand that we have to be particularly careful about government spending right now and perform rigorous cost benefit analyses of all, not just new, federal expenditures.

Based on the experience of private companies and state and local governments, the Congressional Budget Office has estimated that benefits to same-sex domestic partners of federal employees would increase the cost of those programs by less than one-half of one percent. The Office of Personnel Management says the cost of health benefits for domestic partners over 10 years would be $670 million. In the name of fairness and raising the appeal of federal employment, this is affordable legislation.

Among the many stories I have heard about the impact of this inequality on real people, I particularly remember the words of Michael Guest, who was ambassador to Romania in the Bush Administration and Dean of the Foreign Service Institute before he left public service. In his resignation letter, Mr. Guest made a moving and eloquent case for extending benefits to same sex partners. I believe Ambassador Guest was the first publicly gay man to be confirmed for an U.S. ambassadorship from the U.S. When he resigned the Foreign Service in 2007, he said, and I quote here from his farewell address to his colleagues ''. . . I have felt compelled to choose between obligations to my partner—who is my family—and service to my country. That anyone should have to make that choice is a stain on the Secretary's leadership and a shame for this institution and our country.''

Those are convincing words from a talented and loyal former public servant—who once described the Foreign Service as the career he was ''born for . . . what I was always meant to do.'' It is a great loss to the nation that he felt compelled to leave the Foreign Service—particularly at a time when our nation so desperately needs talented diplomats to help meet the challenges we face abroad. He may have left public service for many reasons—but one of them should not have been that his federal employee benefits did not allow him to care for the needs of his family in an adequate manner.

The Domestic Partners Benefits and Obligations Act makes good economic sense. It is sound policy. And it is the right thing to do. I urge my colleagues to support this bill.

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

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

S. 1102

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 ''Domestic Partnership Benefits and Obligations Act of 2009''.

SEC. 2. BENEFITS TO DOMESTIC PARTNERS OF FEDERAL EMPLOYEES.

(a) IN GENERAL.—An employee who has a domestic partner and the domestic partner of the employee shall be entitled to benefits available to, and shall be subject to obligations imposed upon, a married employee and the spouse of the employee.

(b) CERTIFICATION OF ELIGIBILITY.—In order to obtain benefits and assume obligations under this Act, an employee shall file an affidavit of eligibility for benefits and obligations with the Office of Personnel Management identifying the domestic partner of the employee and certifying that the employee and the domestic partner of the employee—

(1) are each other's sole domestic partner and intend to remain so indefinitely;

(2) have a common residence, and intend to continue the arrangement;

(3) are at least 18 years of age and mentally competent to consent to contract;

(4) share responsibility for a significant measure of each other's common welfare and financial obligations;

(5) are not married to or domestic partners with anyone else;

(6) are same sex domestic partners, and not related in a way that, if the 2 were of opposite sex, would prohibit legal marriage in the State in which they reside; and

(7) understand that willful falsification of information within the affidavit may lead to disciplinary action and the recovery of the cost of benefits received related to such falsification and may constitute a criminal violation.

(c) DISSOLUTION OF PARTNERSHIP.—

(1) IN GENERAL.—An employee or domestic partner of an employee who obtains benefits under this Act shall file a statement of dissolution of the domestic partnership with the Office of Personnel Management not later than 30 days after the death of the employee or the domestic partner or the date of dissolution of the domestic partnership.

(2) DEATH OF EMPLOYEE.—In a case in which an employee dies, the domestic partner of the employee at the time of death shall receive under this Act such benefits as would be received by the widow or widower of an employee.

(3) OTHER DISSOLUTION OF PARTNERSHIP.—

(A) IN GENERAL.—In a case in which a domestic partnership dissolves by a method other than death of the employee or domestic partner of the employee, any benefits received by the domestic partner as a result of this Act shall terminate.

(B) EXCEPTION.—In a case in which a domestic partnership dissolves by a method other than death of the employee or domestic partner of the employee, the former domestic partner of the employee shall be entitled to benefits available to, and shall be subject to obligations imposed upon, a former spouse.

(d) STEPCHILDREN.—For purposes of affording benefits under this Act, any natural or adopted child of a domestic partner of an employee shall be deemed a stepchild of the employee.

(e) CONFIDENTIALITY.—Any information submitted to the Office of Personnel Management under subsection (b) shall be used solely for the purpose of certifying an individual's eligibility for benefits under subsection (a).

(f) REGULATIONS AND ORDERS.—

(1) OFFICE OF PERSONNEL MANAGEMENT.—Not later than 6 months after the date of enactment of this Act, the Office of Personnel Management shall promulgate regulations to implement section 2 (b) and (c).

(2) OTHER EXECUTIVE BRANCH REGULATIONS.—Not later than 6 months after the date of enactment of this Act, the President or designees of the President shall promulgate regulations to implement this Act with respect to benefits and obligations administered by agencies or other entities of the executive branch.

(3) OTHER REGULATIONS AND ORDERS.—Not later than 6 months after the date of enactment of this Act, each agency or other entity or official not within the executive branch that administers a program providing benefits or imposing obligations shall promulgate regulations or orders to implement this Act with respect to the program.

(4) PROCEDURE.—Regulations and orders required under this subsection shall be promulgated after notice to interested persons and an opportunity for comment.

(g) DEFINITIONS.—In this Act:

(1) BENEFITS.—The term ''benefits'' means—

(A) health insurance and enhanced dental and vision benefits, as provided under chapters 89, 89A, and 89B of title 5, United States Code;

(B) retirement and disability benefits and plans, as provided under—

(i) chapters 83 and 84 of title 5, United States Code;

(ii) chapter 8 of the Foreign Service Act of 1980 (22 U.S.C. 4041 et seq.); and

(iii) the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. chapter 38);

(C) family, medical, and emergency leave, as provided under—

(i) subchapters III, IV, and V of chapter 63 of title 5, United States Code;

(ii) the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.), insofar as that Act applies to the Government Accountability Office and the Library of Congress;

(iii) section 202 of the Congressional Accountability Act of 1995 (2 U.S.C. 1312); and

(iv) section 412 of title 3, United States Code;

(D) Federal group life insurance, as provided under chapter 87 of title 5, United States Code;

(E) long-term care insurance, as provided under chapter 90 of title 5, United States Code;

(F) compensation for work injuries, as provided under chapter 81 of title 5, United States Code;

(G) benefits for disability, death, or captivity, as provided under—

(i) sections 5569 and 5570 of title 5, United States Code;

(ii) section 413 of the Foreign Service Act of 1980 (22 U.S.C. 3973); and

(iii) part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.), insofar as that part applies to any employee;

(H) travel, transportation, and related payments and benefits, as provided under—

(i) chapter 57 of title 5, United States Code;

(ii) chapter 9 of the Foreign Service Act of 1980 (22 U.S.C. 4081 et seq.); and

(iii) section 1599b of title 10, United States Code; and

(I) any other benefit similar to a benefit described under subparagraphs (A) through (H) provided by or on behalf of the United States to any employee.

(2) DOMESTIC PARTNER.—The term ''domestic partner'' means an adult unmarried person living with another adult unmarried person of the same sex in a committed, intimate relationship.

(3) EMPLOYEE.—The term ''employee''—

(A) means an officer or employee of the United States or of any department, agency, or other entity of the United States, including the President of the United States, the Vice President of the United States, a Member of Congress, or a Federal judge; and

(B) shall not include a member of the uniformed services.

(4) OBLIGATIONS.—The term ''obligations'' means any duties or responsibilities with respect to Federal employment that would be incurred by a married employee or by the spouse of an employee.

(5) UNIFORMED SERVICES.—The term ''uniformed services'' has the meaning given under section 2101(3) of title 5, United States Code.

SEC. 3. EFFECTIVE DATE.

This Act shall—

(1) with respect to the provision of benefits and obligations, take effect 6 months after the date of enactment of this Act; and

(2) apply to any individual who is employed as an employee on or after the date of enactment of this Act.

DOMESTIC PARTNERSHIP BENEFITS AND OBLIGATIONS ACT OF 2009

SUMMARY

Under the Domestic Partnership Benefits and Obligations Act of 2009, federal employees who have same-sex domestic partners will be entitled to the same employment benefits that are available to married federal employees and their spouses. Federal employees and their domestic partners will also be subject to the same employment-related obligations that are imposed on married employees and their spouses.

In order to obtain benefits and assume obligations, an employee must file an affidavit of eligibility with the Office of Personnel Management (OPM). The employee must certify that the employee and the employee's same-sex domestic partner have a common residence, share responsibility for each other's welfare and financial responsibilities, are not related by blood, and are living together in a committed intimate relationship. They must also certify that, as each other's sole domestic partner, they intend to remain so indefinitely. If a domestic partnership dissolves, whether by death of the domestic partner or otherwise, the employee must file a statement of dissolution with OPM within 30 days.

Employees and their domestic partners will have the same benefits as married employees and their spouses under—

Employee health benefits.
Retirement and disability plans.
Family, medical, and emergency leave.
Group life insurance.
Long-term care insurance.
Compensation for work injuries.
Death, disability, and similar benefits.
Relocation, travel, and related expenses.

For purposes of these benefits, any natural or adopted child of the domestic partner will be treated as a stepchild of the employee.

The employee and the employee's domestic partner will also become subject to the same duties and responsibilities with respect to federal employment that apply to a married employee and the employee's spouse. These will include, for example, anti-nepotism rules and financial disclosure requirements.

The Act will apply with respect to those federal employees who are employed on the date of enactment or who become employed on or after that date.

By Mr. BINGAMAN (for himself and Mr. UDALL, of New Mexico):

S. 1105. A bill to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to develop water infrastructure in the Rio Grande Basin, and to approve the settlement of the water rights claims of the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque; to the Committee on Indian Affairs.

Mr. BINGAMAN. Mr. President, today Senator UDALL and I are introducing a bill that will help end a contentious dispute over water rights claims in the Rio Pojoaque general stream adjudication in New Mexico. This is accomplished by authorizing an Indian water rights settlement of the claims being pursued by the Nambe, Pojoaque, San Ildefonso, and Tesuque Pueblos in the Rio Pojoaque basin north of Santa Fe.

This general stream adjudication is known as the Aamodt case, and I believe it is the longest active case in the Federal court system nationwide. The case began in 1966, and since that time has been actively litigated before the New Mexico District Court and the Tenth Circuit Court of Appeals. Forty years of litigation has resolved very little in the basin. Fortunately, the parties to the case took matters into their own hands. By engaging directly with each other they have resolved their differences, something the litigation could not accomplish. The Aamodt Litigation Settlement Act represents an agreement by the parties that will secure water to meet the present and future needs of the four Pueblos involved in the litigation; protect the interests and rights of longstanding water users, including century-old irrigation practices; and ensure that water is available for municipal and domestic needs for all residents in the Pojoaque basin. Negotiation of this agreement was a lengthy process. In the end, however, the parties' commitment to solving water supply issues in the basin prevailed.

Legislation to implement this settlement was introduced in the 110th Congress. Hearings were held in both the House and Senate and based on the submitted testimony a number of changes were made to address concerns with the legislation. These changes help standardize the Pueblos' waivers of claims as part of the settlement; limit the settlement's impact on the Federal budget; and allows for flexibility in developing the size and scope of the regional water system in response to local concerns.

This settlement is widely supported in the region and it is time to move swiftly to enact this legislation. The State of New Mexico deserves recognition for actively pursuing a settlement of this matter and committing significant resources so that the Federal government does not bear the entire cost of the settlement. The bill is critical to New Mexico's future since it provides certainty in allocating water in a perennially water-short area of the state. It also helps address a long-neglected responsibility of the Federal Government to protect the rights and interests of these Pueblos. I look forward to working with my colleagues in the Senate as well as the House of Representatives to enact this legislation as soon as possible.

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. 1105

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Aamodt Litigation Settlement Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—POJOAQUE BASIN REGIONAL WATER SYSTEM

Sec. 101. Authorization of Regional Water System.
Sec. 102. Operating Agreement.
Sec. 103. Acquisition of Pueblo water supply for the Regional Water System.
Sec. 104. Delivery and allocation of Regional Water System capacity and water.
Sec. 105. Aamodt Settlement Pueblos' Fund.
Sec. 106. Environmental compliance.
Sec. 107. Authorization of appropriations.

TITLE II—POJOAQUE BASIN INDIAN WATER RIGHTS SETTLEMENT

Sec. 201. Settlement Agreement and contract approval.
Sec. 202. Environmental compliance.
Sec. 203. Conditions precedent and enforcement date.
Sec. 204. Waivers and releases.
Sec. 205. Effect.

SEC. 2. DEFINITIONS.

In this Act:

(1) AAMODT CASE.—The term ''Aamodt Case'' means the civil action entitled State of New Mexico, ex rel. State Engineer and United States of America, Pueblo de Nambe, Pueblo de Pojoaque, Pueblo de San Ildefonso, and Pueblo de Tesuque v. R. Lee Aamodt, et al., No. 66 CV 6639 MV/LCS (D.N.M.).

(2) ACRE-FEET.—The term ''acre-feet'' means acre-feet of water per year.

(3) AUTHORITY.—The term ''Authority'' means the Pojoaque Basin Regional Water Authority described in section 9.5 of the Settlement Agreement or an alternate entity acceptable to the Pueblos and the County to operate and maintain the diversion and treatment facilities, certain transmission pipelines, and other facilities of the Regional Water System.

(4) CITY.—The term ''City'' means the city of Santa Fe, New Mexico.

(5) COST-SHARING AND SYSTEM INTEGRATION AGREEMENT.—The term ''Cost-Sharing and System Integration Agreement'' means the agreement to be executed by the United States, the State, the Pueblos, the County, and the City that—

(A) describes the location, capacity, and management (including the distribution of water to customers) of the Regional Water System; and

(B) allocates the costs of the Regional Water System with respect to—

(i) the construction, operation, maintenance, and repair of the Regional Water System;

(ii) rights-of-way for the Regional Water System; and

(iii) the acquisition of water rights.

(6) COUNTY.—The term ''County'' means Santa Fe County, New Mexico.

(7) COUNTY DISTRIBUTION SYSTEM.—The term ''County Distribution System'' means the portion of the Regional Water System that serves water customers on non-Pueblo land in the Pojoaque Basin.

(8) COUNTY WATER UTILITY.—The term ''County Water Utility'' means the water utility organized by the County to—

(A) receive water distributed by the Authority; and

(B) provide the water received under subparagraph (A) to customers on non-Pueblo land in the Pojoaque Basin.

(9) ENGINEERING REPORT.—The term ''Engineering Report'' means the report entitled ''Pojoaque Regional Water System Engineering Report'' dated September 2008 and any amendments thereto, including any modifications which may be required by section 101(d)(2).

(10) FUND.—The term ''Fund'' means the Aamodt Settlement Pueblos' Fund established by section 105(a).

(11) OPERATING AGREEMENT.—The term ''Operating Agreement'' means the agreement between the Pueblos and the County executed under section 102(a).

(12) OPERATIONS, MAINTENANCE, AND REPLACEMENT COSTS.—

(A) IN GENERAL.—The term ''operations, maintenance, and replacement costs'' means all costs for the operation of the Regional Water System that are necessary for the safe, efficient, and continued functioning of the Regional Water System to produce the benefits described in the Settlement Agreement.

(B) EXCLUSION.—The term ''operations, maintenance, and replacement costs'' does not include construction costs or costs related to construction design and planning.

(13) POJOAQUE BASIN.—

(A) IN GENERAL.—The term ''Pojoaque Basin'' means the geographic area limited by a surface water divide (which can be drawn on a topographic map), within which area rainfall and runoff flow into arroyos, drainages, and named tributaries that eventually drain to—

(i) the Rio Pojoaque; or

(ii) the 2 unnamed arroyos immediately south; and

(iii) 2 arroyos (including the Arroyo Alamo) that are north of the confluence of the Rio Pojoaque and the Rio Grande.

(B) INCLUSION.—The term ''Pojoaque Basin'' includes the San Ildefonso Eastern Reservation recognized by section 8 of Public Law 87–231 (75 Stat. 505).

(14) PUEBLO.—The term ''Pueblo'' means each of the pueblos of Nambe, Pojoaque, San Ildefonso, or Tesuque.

(15) PUEBLOS.—The term ''Pueblos'' means collectively the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque.

(16) PUEBLO LAND.—The term ''Pueblo land'' means any real property that is—

(A) held by the United States in trust for a Pueblo within the Pojoaque Basin;

(B)(i) owned by a Pueblo within the Pojoaque Basin before the date on which a court approves the Settlement Agreement; or

(ii) acquired by a Pueblo on or after the date on which a court approves the Settlement Agreement, if the real property is located—

(I) within the exterior boundaries of the Pueblo, as recognized and conformed by a patent issued under the Act of December 22, 1858 (11 Stat. 374, chapter V); or

(II) within the exterior boundaries of any territory set aside for the Pueblo by law, executive order, or court decree;

(C) owned by a Pueblo or held by the United States in trust for the benefit of a Pueblo outside the Pojoaque Basin that is located within the exterior boundaries of the Pueblo as recognized and confirmed by a patent issued under the Act of December 22, 1858 (11 Stat. 374, chapter V); or

(D) within the exterior boundaries of any real property located outside the Pojoaque Basin set aside for a Pueblo by law, executive order, or court decree, if the land is within or contiguous to land held by the United States in trust for the Pueblo as of January 1, 2005.

(17) PUEBLO WATER FACILITY.—

(A) IN GENERAL.—The term ''Pueblo Water Facility'' means—

(i) a portion of the Regional Water System that serves only water customers on Pueblo land; and

(ii) portions of a Pueblo water system in existence on the date of enactment of this Act that serve water customers on non-Pueblo land, also in existence on the date of enactment of this Act, or their successors, that are—

(I) depicted in the final project design, as modified by the drawings reflecting the completed Regional Water System; and

(II) described in the Operating Agreement.

(B) INCLUSIONS.—The term ''Pueblo Water Facility'' includes—

(i) the barrier dam and infiltration project on the Rio Pojoaque described in the Engineering Report; and

(ii) the Tesuque Pueblo infiltration pond described in the Engineering Report.

(18) REGIONAL WATER SYSTEM.—

(A) IN GENERAL.—The term ''Regional Water System'' means the Regional Water System described in section 101(a).

(B) EXCLUSIONS.—The term ''Regional Water System'' does not include the County or Pueblo water supply delivered through the Regional Water System.

(19) SAN JUAN-CHAMA PROJECT.—The term ''San Juan-Chama Project'' means the Project authorized by section 8 of the Act of June 13, 1962 (76 Stat. 96, 97), and the Act of April 11, 1956 (70 Stat. 105).

(20) SAN JUAN-CHAMA PROJECT ACT.—The term ''San Juan-Chama Project Act'' means sections 8 through 18 of the Act of June 13, 1962 (76 Stat. 96, 97).

(21) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(22) SETTLEMENT AGREEMENT.—The term ''Settlement Agreement'' means the stipulated and binding agreement among the State, the Pueblos, the United States, the County, and the City dated January 19, 2006, and signed by all of the government parties to the Settlement Agreement (other than the United States) on May 3, 2006, and as amended in conformity with this Act.

(23) STATE.—The term ''State'' means the State of New Mexico.

TITLE I—POJOAQUE BASIN REGIONAL WATER SYSTEM

SEC. 101. AUTHORIZATION OF REGIONAL WATER SYSTEM.

(a) IN GENERAL.—The Secretary, acting through the Commissioner of Reclamation, shall plan, design, and construct a regional water system in accordance with the Settlement Agreement, to be known as the ''Regional Water System''—

(1) to divert and distribute water to the Pueblos and to the County Water Utility, in accordance with the Engineering Report; and

(2) that consists of—

(A) surface water diversion facilities at San Ildefonso Pueblo on the Rio Grande; and

(B) any treatment, transmission, storage and distribution facilities and wellfields for the County Distribution System and Pueblo Water Facilities that are necessary to supply 4,000 acre-feet of water within the Pojoaque Basin, unless modified in accordance with subsection (d)(2).

(b) FINAL PROJECT DESIGN.—The Secretary shall issue a final project design within 90 days of completion of the environmental compliance described in section 106 for the Regional Water System that—

(1) is consistent with the Engineering Report; and

(2) includes a description of any Pueblo Water Facilities.

(c) ACQUISITION OF LAND; WATER RIGHTS.—

(1) ACQUISITION OF LAND.—Upon request, and in exchange for the funding which shall be provided in section 107(c), the Pueblos shall consent to the grant of such easements and rights-of-way as may be necessary for the construction of the Regional Water System at no cost to the Secretary. To the extent that the State or County own easements or rights-of-way that may be used for construction of the Regional Water System, the State or County shall provide that land or interest in land as necessary for construction at no cost to the Secretary. The Secretary shall acquire any other land or interest in land that is necessary for the construction of the Regional Water System.

(2) WATER RIGHTS.—The Secretary shall not condemn water rights for purposes of the Regional Water System.

(d) CONDITIONS FOR CONSTRUCTION.—

(1) IN GENERAL.—The Secretary shall not begin construction of the Regional Water System facilities until the date on which—

(A) the Secretary executes—

(i) the Settlement Agreement; and

(ii) the Cost-Sharing and System Integration Agreement; and

(B) the State and the County have entered into an agreement with the Secretary to contribute the non-Federal share of the costs of the construction in accordance with the Cost-Sharing and System Integration Agreement.

(2) MODIFICATIONS TO REGIONAL WATER SYSTEM.—

(A) IN GENERAL.—The State and the County, in agreement with the Pueblos, the City, and other signatories to the Cost-Sharing and System Integration Agreement, may modify the extent, size, and capacity of the County Distribution System as set forth in the Cost-Sharing and System Integration Agreement.

(B) EFFECT.—A modification under subparagraph (A)—

(i) shall not affect implementation of the Settlement Agreement so long as the provisions in section 203 are satisfied; and

(ii) may result in an adjustment of the State and County cost-share allocation as set forth in the Cost-Sharing and System Integration Agreement.

(e) APPLICABLE LAW.—The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) shall not apply to the design and construction of the Regional Water System.

(f) CONSTRUCTION COSTS.—

(1) PUEBLO WATER FACILITIES.—The costs of constructing the Pueblo Water Facilities, as determined by the final project design and the Engineering Report—

(A) shall be at full Federal expense subject to the amount authorized in section 107(a)(1); and

(B) shall be nonreimbursable to the United States.

(2) COUNTY DISTRIBUTION SYSTEM.—The costs of constructing the County Distribution System shall be at State and local expense.

(g) STATE AND LOCAL CAPITAL OBLIGATIONS.—The State and local capital obligations for the Regional Water System described in the Cost-Sharing and System Integration Agreement shall be satisfied on the

payment of the State and local capital obligations described in the Cost-Sharing and System Integration Agreement.

(h) CONVEYANCE OF REGIONAL WATER SYSTEM FACILITIES.—

(1) IN GENERAL.—Subject to paragraph (2), on completion of the construction of the Regional Water System, the Secretary, in accordance with the Operating Agreement, shall convey to—

(A) each Pueblo the portion of any Pueblo Water Facility that is located within the boundaries of the Pueblo, including any land or interest in land located within the boundaries of the Pueblo that is acquired by the United States for the construction of the Pueblo Water Facility;

(B) the County the County Distribution System, including any land or interest in land acquired by the United States for the construction of the County Distribution System; and

(C) the Authority any portions of the Regional Water System that remain after making the conveyances under subparagraphs (A) and (B), including any land or interest in land acquired by the United States for the construction of the portions of the Regional Water System.

(2) CONDITIONS FOR CONVEYANCE.—The Secretary shall not convey any portion of the Regional Water System facilities under paragraph (1) until the date on which—

(A) construction of the Regional Water System is complete; and

(B) the Operating Agreement is executed in accordance with section 102.

(3) SUBSEQUENT CONVEYANCE.—On conveyance by the Secretary under paragraph (1), the Pueblos, the County, and the Authority shall not reconvey any portion of the Regional Water System conveyed to the Pueblos, the County, and the Authority, respectively, unless the reconveyance is authorized by an Act of Congress enacted after the date of enactment of this Act.

(4) INTEREST OF THE UNITED STATES.—On conveyance of a portion of the Regional Water System under paragraph (1), the United States shall have no further right, title, or interest in and to the portion of the Regional Water System conveyed.

(5) ADDITIONAL CONSTRUCTION.—On conveyance of a portion of the Regional Water System under paragraph (1), the Pueblos, County, or the Authority, as applicable, may, at the expense of the Pueblos, County, or the Authority, construct any additional infrastructure that is necessary to fully use the water delivered by the Regional Water System.

(6) LIABILITY.—

(A) IN GENERAL.—Effective on the date of conveyance of any land or facility under this section, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the land and facilities conveyed, other than damages caused by acts of negligence by the United States, or by employees or agents of the United States, prior to the date of conveyance.

(B) TORT CLAIMS.—Nothing in this section increases the liability of the United States beyond the liability provided in chapter 171 of title 28, United States Code (commonly known as the ''Federal Tort Claims Act'').

(7) EFFECT.—Nothing in any transfer of ownership provided or any conveyance thereto as provided in this section shall extinguish the right of any Pueblo, the County, or the Regional Water Authority to the continuous use and benefit of each easement or right of way for the use, operation, maintenance, repair, and replacement of Pueblo Water Facilities, the County Distribution System or the Regional Water System or for wastewater purposes as provided in the Cost-Sharing and System Integration Agreement.

SEC. 102. OPERATING AGREEMENT.

(a) IN GENERAL.—The Pueblos and the County shall submit to the Secretary an executed Operating Agreement for the Regional Water System that is consistent with this Act, the Settlement Agreement, and the Cost-Sharing and System Integration Agreement not later than 180 days after the later of—

(1) the date of completion of environmental compliance and permitting; or

(2) the date of issuance of a final project design for the Regional Water System under section 101(b).

(b) APPROVAL.—Not later than 180 days after receipt of the operating agreement described in subsection (a), the Secretary shall approve the Operating Agreement upon determination that the Operating Agreement is consistent with this Act, the Settlement Agreement, and the Cost-Sharing and System Integration Agreement.

(c) CONTENTS.—The Operating Agreement shall include—

(1) provisions consistent with the Settlement Agreement and the Cost-Sharing and System Integration Agreement and necessary to implement the intended benefits of the Regional Water System described in those documents;

(2) provisions for—

(A) the distribution of water conveyed through the Regional Water System, including a delineation of—

(i) distribution lines for the County Distribution System;

(ii) distribution lines for the Pueblo Water Facilities; and

(iii) distribution lines that serve both—

(I) the County Distribution System; and

(II) the Pueblo Water Facilities;

(B) the allocation of the Regional Water System capacity;

(C) the terms of use of unused water capacity in the Regional Water System;

(D) the construction of additional infrastructure and the acquisition of associated rights-of-way or easements necessary to enable any of the Pueblos or the County to fully use water allocated to the Pueblos or the County from the Regional Water System, including provisions addressing when the construction of such additional infrastructure requires approval by the Authority;

(E) the allocation and payment of annual operation, maintenance, and replacement costs for the Regional Water System, including the portions of the Regional Water System that are used to treat, transmit, and distribute water to both the Pueblo Water Facilities and the County Water Utility;

(F) the operation of wellfields located on Pueblo land;

(G) the transfer of any water rights necessary to provide the Pueblo water supply described in section 103(a);

(H) the operation of the Regional Water System with respect to the water supply, including the allocation of the water supply in accordance with section 3.1.8.4.2 of the Settlement Agreement so that, in the event of a shortage of supply to the Regional Water System, the supply to each of the Pueblos' and to the County's distribution system shall be reduced on a prorata basis, in proportion to each distribution system's most current annual use; and

(I) dispute resolution; and

(3) provisions for operating and maintaining the Regional Water System facilities before and after conveyance under section 101(h), including provisions to—

(A) ensure that—

(i) the operation of, and the diversion and conveyance of water by, the Regional Water System is in accordance with the Settlement Agreement;

(ii) the wells in the Regional Water System are used in conjunction with the surface water supply of the Regional Water System to ensure a reliable firm supply of water to all users of the Regional Water System, consistent with the intent of the Settlement Agreement that surface supplies will be used to the maximum extent feasible;

(iii) the respective obligations regarding delivery, payment, operation, and management are enforceable; and

(iv) the County has the right to serve any new water users located on non-Pueblo land in the Pojoaque Basin; and

(B) allow for any aquifer storage and recovery projects that are approved by the Office of the New Mexico State Engineer.

(d) EFFECT.—Nothing in this Act precludes the Operating Agreement from authorizing phased or interim operations if the Regional Water System is constructed in phases.

SEC. 103. ACQUISITION OF PUEBLO WATER SUPPLY FOR THE REGIONAL WATER SYSTEM.

(a) IN GENERAL.—For the purpose of providing a reliable firm supply of water from the Regional Water System for the Pueblos in accordance with the Settlement Agreement, the Secretary, on behalf of the Pueblos, shall—

(1) acquire water rights to—

(A) 302 acre-feet of Nambe reserved water described in section 2.6.2 of the Settlement Agreement pursuant to section 107(c)(1)(C); and

(B) 1141 acre-feet from water acquired by the County for water rights commonly referred to as ''Top of the World'' rights in the Aamodt Case;

(2) make available 1079 acre-feet to the Pueblos pursuant to a contract entered into among the Pueblos and the Secretary in accordance with section 11 of the San Juan-Chama Project Act, under water rights held by the Secretary; and

(3) by application to the State Engineer, obtain approval to divert the water acquired and made available under paragraphs (1) and (2) at the points of diversion for the Regional Water System, consistent with the Settlement Agreement and the Cost-Sharing and System Integration Agreement.

(b) FORFEITURE.—The nonuse of the water supply secured by the Secretary for the Pueblos under subsection (a) shall in no event result in forfeiture, abandonment, relinquishment, or other loss thereof.

(c) TRUST.—The Pueblo water supply secured under subsection (a) shall be held by the United States in trust for the Pueblos.

(d) APPLICABLE LAW.—The water supply made available pursuant to subsection (a)(2) shall be subject to the San Juan-Chama Project Act, and no preference shall be provided to the Pueblos as a result of subsection (c) with regard to the delivery or distribution of San Juan-Chama Project water or the management or operation of the San Juan-Chama Project.

(e) CONTRACT FOR SAN JUAN-CHAMA PROJECT WATER SUPPLY.—With respect to the contract for the water supply required by subsection (a)(2), such San Juan-Chama Project contract shall be pursuant to the following terms:

(1) WAIVERS.—Notwithstanding the provisions of the San Juan-Chama Project Act, or any other provision of law—

(A) the Secretary shall waive the entirety of the Pueblos' share of the construction costs for the San Juan-Chama Project, and pursuant to that waiver, the Pueblos' share of all construction costs for the San Juan-Chama Project, inclusive of both principal and interest, due from 1972 to the execution of the contract required by subsection (a)(2), shall be nonreimbursable;

(B) the Secretary's waiver of each Pueblo's share of the construction costs for the San Juan-Chama Project will not result in an increase in the pro rata shares of other San Juan-Chama Project water contractors, but such costs shall be absorbed by the United States Treasury or otherwise appropriated to the Department of the Interior; and

(C) the costs associated with any water made available from the San Juan-Chama Project which were determined nonreimbursable and nonreturnable pursuant to Public Law No. 88–293, 78 Stat. 171 (March 26, 1964) shall remain nonreimbursable and nonreturnable.

(2) TERMINATION.—The contract shall provide that it shall terminate only upon the following conditions—

(A) failure of the United States District Court for the District of New Mexico to enter a final decree for the Aamodt Case by December 15, 2012, or within the time period of any extension of that deadline granted by the court; or

(B) entry of an order by the United States District Court for the District of New Mexico voiding the final decree and Settlement Agreement for the Aamodt Case pursuant to section 10.3 of the Settlement Agreement.

(f) LIMITATION.—The Secretary shall use the water supply secured under subsection (a) only for the purposes described in the Settlement Agreement.

(g) FULFILLMENT OF WATER SUPPLY ACQUISITION OBLIGATIONS.—Compliance with subsections (a) through (f) shall satisfy any and all obligations of the Secretary to acquire or secure a water supply for the Pueblos pursuant to the Settlement Agreement.

(h) RIGHTS OF PUEBLOS IN SETTLEMENT AGREEMENT UNAFFECTED.—Notwithstanding the provisions of subsections (a) through (g), the Pueblos, the County or the Regional Water Authority may acquire any additional water rights to ensure all parties to the Settlement Agreement receive the full allocation of water provided by the Settlement Agreement and nothing in this Act amends or modifies the quantities of water allocated to the Pueblos thereunder.

SEC. 104. DELIVERY AND ALLOCATION OF REGIONAL WATER SYSTEM CAPACITY AND WATER.

(a) ALLOCATION OF REGIONAL WATER SYSTEM CAPACITY.—

(1) IN GENERAL.—The Regional Water System shall have the capacity to divert from the Rio Grande a quantity of water sufficient to provide—

(A) up to 4,000 acre-feet of consumptive use of water; and

(B) the requisite peaking capacity described in—

(i) the Engineering Report; and

(ii) the final project design.

(2) ALLOCATION TO THE PUEBLOS AND COUNTY WATER UTILITY.—Of the capacity described in paragraph (1)—

(A) there shall be allocated to the Pueblos—

(i) sufficient capacity for the conveyance of 2,500 acre-feet consumptive use; and

(ii) the requisite peaking capacity for the quantity of water described in clause (i); and

(B) there shall be allocated to the County Water Utility—

(i) sufficient capacity for the conveyance of up to 1,500 acre-feet consumptive use; and

(ii) the requisite peaking capacity for the quantity of water described in clause (i).

(3) APPLICABLE LAW.—Water shall be allocated to the Pueblos and the County Water Utility under this subsection in accordance with—

(A) this title;

(B) the Settlement Agreement; and

(C) the Operating Agreement.

(b) DELIVERY OF REGIONAL WATER SYSTEM WATER.—The Authority shall deliver water from the Regional Water System—

(1) to the Pueblos water in a quantity sufficient to allow full consumptive use of up to 2,500 acre-feet per year of water rights by the Pueblos in accordance with—

(A) the Settlement Agreement;

(B) the Operating Agreement; and

(C) this title; and

(2) to the County water in a quantity sufficient to allow full consumptive use of up to 1,500 acre-feet per year of water rights by the County Water Utility in accordance with—

(A) the Settlement Agreement;

(B) the Operating Agreement; and

(C) this title.

(c) ADDITIONAL USE OF ALLOCATION QUANTITY AND UNUSED CAPACITY.—The Regional Water System may be used to—

(1) provide for use of return flow credits to allow for full consumptive use of the water allocated in the Settlement Agreement to each of the Pueblos and to the County; and

(2) convey water allocated to one of the Pueblos or the County Water Utility for the benefit of another Pueblo or the County Water Utility or allow use of unused capacity by each other through the Regional Water System in accordance with an intergovernmental agreement between the Pueblos, or between a Pueblo and County Water Utility, as applicable, if—

(A) such intergovernmental agreements are consistent with the Operating Agreement, the Settlement Agreement, and this Act;

(B) capacity is available without reducing water delivery to any Pueblo or the County Water Utility in accordance with the Settlement Agreement, unless the County Water Utility or Pueblo contracts for a reduction in water delivery or Regional Water System capacity;

(C) the Pueblo or County Water Utility contracting for use of the unused capacity or water has the right to use the water under applicable law; and

(D) any agreement for the use of unused capacity or water provides for payment of the operation, maintenance, and replacement costs associated with the use of capacity or water.

SEC. 105. AAMODT SETTLEMENT PUEBLOS' FUND.

(a) ESTABLISHMENT OF THE AAMODT SETTLEMENT PUEBLOS' FUND.—There is established in the Treasury of the United States a fund, to be known as the ''Aamodt Settlement Pueblos' Fund,'' consisting of—

(1) such amounts as are made available to the Fund under section 107(c) or other authorized sources; and

(2) any interest earned from investment of amounts in the Fund under subsection (b).

(b) MANAGEMENT OF THE FUND.—The Secretary shall manage the Fund, invest amounts in the Fund, and make amounts available from the Fund for distribution to the Pueblos in accordance with—

(1) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.); and

(2) this Act.

(c) INVESTMENT OF THE FUND.—On the date set forth in section 203(a)(1), the Secretary shall invest amounts in the Fund in accordance with—

(1) the Act of April 1, 1880 (25 U.S.C. 161);

(2) the first section of the Act of June 24, 1938 (25 U.S.C. 162a); and

(3) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(d) TRIBAL MANAGEMENT PLAN.—

(1) IN GENERAL.—A Pueblo may withdraw all or part of the Pueblo's portion of the Fund on approval by the Secretary of a tribal management plan as described in the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(2) REQUIREMENTS.—In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the tribal management plan shall require that a Pueblo spend any amounts withdrawn from the Fund in accordance with the purposes described in section 107(c).

(3) ENFORCEMENT.—The Secretary may take judicial or administrative action to enforce the provisions of any tribal management plan to ensure that any amounts withdrawn from the Fund under an approved tribal management plan are used in accordance with this title.

(4) LIABILITY.—If a Pueblo or the Pueblos exercise the right to withdraw amounts from the Fund, neither the Secretary nor the Secretary of the Treasury shall retain any liability for the expenditure or investment of the amounts withdrawn.

(5) EXPENDITURE PLAN.—

(A) IN GENERAL.—The Pueblos shall submit to the Secretary for approval an expenditure plan for any portion of the amounts in the Fund that the Pueblos do not withdraw under this subsection.

(B) DESCRIPTION.—The expenditure plan shall describe the manner in which, and the purposes for which, amounts remaining in the Fund will be used.

(C) APPROVAL.—On receipt of an expenditure plan under subparagraph (A), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this Act, the Settlement Agreement, and the Cost-Sharing and System Integration Agreement.

(D) ANNUAL REPORT.—The Pueblos shall submit to the Secretary an annual report that describes all expenditures from the Fund during the year covered by the report.

(6) NO PER CAPITA PAYMENTS.—No part of the principal of the Fund, or the interest or income accruing on the principal shall be distributed to any member of a Pueblo on a per capita basis.

(7) AVAILABILITY OF AMOUNTS FROM THE FUND.—

(A) APPROVAL OF SETTLEMENT AGREEMENT.—Amounts made available under subparagraphs (A) and (C) of section 107(c)(1) or from other authorized sources shall be available for expenditure or withdrawal only after the date on which the United States District Court for the District of New Mexico issues an order approving the Settlement Agreement.

(B) COMPLETION OF CERTAIN PORTIONS OF REGIONAL WATER SYSTEM.—Amounts made available under section 107(c)(1)(B) or from other authorized sources shall be available for expenditure or withdrawal only after those portions of the Regional Water System described in section 1.5.24 of the Settlement Agreement have been declared substantially complete by the Secretary.

(C) FAILURE TO FULFILL CONDITIONS PRECEDENT.—If the conditions precedent in section 203 have not been fulfilled by September 15, 2017, the United States shall be entitled to set off any funds expended or withdrawn from the amounts appropriated pursuant to section 107(c), together with any interest accrued, against any claims asserted by the Pueblos against the United States relating to the water rights in the Pojoaque Basin.

SEC. 106. ENVIRONMENTAL COMPLIANCE.

(a) IN GENERAL.—In carrying out this title, the Secretary shall comply with each law of the Federal Government relating to the protection of the environment, including—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(b) NATIONAL ENVIRONMENTAL POLICY ACT.—Nothing in this Act affects the outcome of any analysis conducted by the Secretary or any other Federal official under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 107. AUTHORIZATION OF APPROPRIATIONS.

(a) REGIONAL WATER SYSTEM.—

(1) IN GENERAL.—Subject to paragraph (4), there is authorized to be appropriated to the Secretary for the planning, design, and construction of the Regional Water System and the conduct of environmental compliance activities under section 106 a total of $106,400,000 between fiscal years 2010 and 2022.

(2) PRIORITY OF FUNDING.—Of the amounts authorized under paragraph (1), the Secretary shall give priority to funding—

(A) the construction of the San Ildefonso portion of the Regional Water System, consisting of—

(i) the surface water diversion, treatment, and transmission facilities at San Ildefonso Pueblo; and

(ii) the San Ildefonso Pueblo portion of the Pueblo Water Facilities; and

(B) that part of the Regional Water System providing 475 acre-feet to Pojoaque Pueblo pursuant to section 2.2 of the Settlement Agreement.

(3) ADJUSTMENT.—The amount authorized under paragraph (1) shall be adjusted annually to account for increases in construction costs since October 1, 2006, as determined using applicable engineering cost indices.

(4) LIMITATIONS.—

(A) IN GENERAL.—No amounts shall be made available under paragraph (1) for the construction of the Regional Water System until the date on which the United States District Court for the District of New Mexico issues an order approving the Settlement Agreement.

(B) RECORD OF DECISION.—No amounts made available under paragraph (1) shall be expended unless the record of decision issued by the Secretary after completion of an environmental impact statement provides for a preferred alternative that is in substantial compliance with the proposed Regional Water System, as defined in the Engineering Report.

(b) ACQUISITION OF WATER RIGHTS.—There is authorized to be appropriated to the Secretary funds for the acquisition of the water rights under section 103(a)(1)(B)—

(1) in the amount of $5,400,000.00 if such acquisition is completed by December 31, 2010; and

(2) the amount authorized under paragraph (b)(1) shall be adjusted according to the CPI Urban Index commencing January 1, 2011.

(c) AAMODT SETTLEMENT PUEBLOS' FUND.—

(1) IN GENERAL.—There is authorized to be appropriated to the Fund the following amounts for the period of fiscal years 2010 through 2022:

(A) $15,000,000, which shall be allocated to the Pueblos, in accordance with section 2.7.1 of the Settlement Agreement, for the rehabilitation, improvement, operation, maintenance, and replacement of the agricultural delivery facilities, waste water systems, and other water-related infrastructure of the applicable Pueblo. The amount authorized herein shall be adjusted according to the CPI Urban Index commencing October 1, 2006.

(B) $37,500,000, which shall be allocated to an account, to be established not later than January 1, 2016, to assist the Pueblos in paying the Pueblos' share of the cost of operating, maintaining, and replacing the Pueblo Water Facilities and the Regional Water System.

(C) $5,000,000 and any interest thereon, which shall be allocated to the Pueblo of Nambé for the acquisition of the Nambé reserved water rights in accordance with section 103(a)(1)(A). The amount authorized herein shall be adjusted according to the CPI Urban Index commencing January 1, 2011. The funds provided under this section may be used by the Pueblo of Nambé only for the acquisition of land, other real property interests, or economic development.

(2) OPERATION, MAINTENANCE, AND REPLACEMENT COSTS.—

(A) IN GENERAL.—Prior to conveyance of the Regional Water System pursuant to section 101, the Secretary shall pay any operation, maintenance or replacement costs associated with the Pueblo Water Facilities or the Regional Water System up to an amount that does not exceed $5,000,000, which is authorized to be appropriated to the Secretary.

(B) OBLIGATION OF THE FEDERAL GOVERNMENT AFTER COMPLETION.—Except as provided in section 103(a)(4)(B), after construction of the Regional Water System is completed and the amounts required to be deposited in the account have been deposited under this section the Federal Government shall have no obligation to pay for the operation, maintenance, and replacement costs of the Regional Water System.

TITLE II—POJOAQUE BASIN INDIAN WATER RIGHTS SETTLEMENT

SEC. 201. SETTLEMENT AGREEMENT AND CONTRACT APPROVAL.

(a) APPROVAL.—To the extent the Settlement Agreement and the Cost-Sharing and System Integration Agreement do not conflict with this Act, the Settlement Agreement and the Cost-Sharing and System Integration Agreement (including any amendments to the Settlement Agreement and the Cost-Sharing and System Integration Agreement that are executed to make the Settlement Agreement or the Cost-Sharing and System Integration Agreement consistent with this Act) are authorized, ratified, and confirmed.

(b) EXECUTION.—To the extent the Settlement Agreement and the Cost-Sharing and System Integration Agreement do not conflict with this Act, the Secretary shall execute the Settlement Agreement and the Cost-Sharing and System Integration Agreement (including any amendments that are necessary to make the Settlement Agreement or the Cost-Sharing and System Integration Agreement consistent with this Act).

(c) AUTHORITIES OF THE PUEBLOS.—

(1) IN GENERAL.—Each of the Pueblos may enter into contracts to lease or exchange water rights or to forbear undertaking new or expanded water uses for water rights recognized in section 2.1 of the Settlement Agreement for use within the Pojoaque Basin in accordance with the other limitations of section 2.1.5 of the Settlement Agreement provided that section 2.1.5 is amended accordingly.

(2) EXECUTION.—The Secretary shall not execute the Settlement Agreement until such amendment is accomplished under paragraph (1).

(3) APPROVAL BY SECRETARY.—Consistent with the Settlement Agreement as amended under paragraph (1), the Secretary shall approve or disapprove a lease entered into under paragraph (1).

(4) PROHIBITION ON PERMANENT ALIENATION.—No lease or contract under paragraph (1) shall be for a term exceeding 99 years, nor shall any such lease or contract provide for permanent alienation of any portion of the water rights made available to the Pueblos under the Settlement Agreement.

(5) APPLICABLE LAW.—Section 2116 of the Revised Statutes (25 U.S.C. 177) shall not apply to any lease or contract entered into under paragraph (1).

(6) LEASING OR MARKETING OF WATER SUPPLY.—The water supply provided on behalf of the Pueblos pursuant to section 103(a)(1) may only be leased or marketed by any of the Pueblos pursuant to the intergovernmental agreements described in section 104(c)(2).

(d) AMENDMENTS TO CONTRACTS.—The Secretary shall amend the contracts relating to the Nambe Falls Dam and Reservoir that are necessary to use water supplied from the Nambe Falls Dam and Reservoir in accordance with the Settlement Agreement.

SEC. 202. ENVIRONMENTAL COMPLIANCE.

(a) EFFECT OF EXECUTION OF SETTLEMENT AGREEMENT.—The execution of the Settlement Agreement under section 201(b) shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) COMPLIANCE WITH ENVIRONMENTAL LAWS.—In carrying out this Act, the Secretary shall comply with each law of the Federal Government relating to the protection of the environment, including—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SEC. 203. CONDITIONS PRECEDENT AND ENFORCEMENT DATE.

(a) CONDITIONS PRECEDENT.—

(1) IN GENERAL.—Upon the fulfillment of the conditions precedent described in paragraph (2), the Secretary shall publish in the Federal Register by September 15, 2017 a statement of finding that the conditions have been fulfilled.

(2) REQUIREMENTS.—The conditions precedent referred to in paragraph (1) are the conditions that—

(A) to the extent that the Settlement Agreement conflicts with this title, the Settlement Agreement has been revised to conform with this title;

(B) the Settlement Agreement, so revised, including waivers and releases pursuant to section 204, has been executed by the appropriate parties and the Secretary;

(C) Congress has fully appropriated, or the Secretary has provided from other authorized sources, all funds authorized by section 107, with the exception of subsection (a)(1) of that section, by December 15, 2016;

(D) the State has enacted any necessary legislation and provided any funding that may be required under the Settlement Agreement;

(E) a partial final decree that sets forth the water rights and other rights to water to which the Pueblos are entitled under the Settlement Agreement and this title and that substantially conforms to the Settlement Agreement has been approved by the United States District Court for the District of New Mexico; and

(F) a final decree that sets forth the water rights for all parties to the Aamodt Case and that substantially conforms to the Settlement Agreement has been approved by the United States District Court for the District of New Mexico by June 15, 2017.

(b) EXPIRATION DATE.—If all the conditions precedent described in subsection (a)(2) have not been fulfilled by September 15, 2017—

(1) the Settlement Agreement and this Act including waivers described in those documents shall no longer be effective; and

(2) any funds that have been appropriated under this Act but not expended shall immediately revert to the general fund of the United States Treasury.

(c) ENFORCEMENT DATE.—The Settlement Agreement shall become enforceable as of the date that the United States District Court for the District of New Mexico enters a partial final decree pursuant to subsection (a)(2)(E) and an Interim Administrative

Order consistent with the Settlement Agreement.

(d) EFFECTIVENESS OF WAIVERS.—The waivers and releases executed pursuant to section 204 shall become effective as of the date that the Secretary publishes the notice required by subsection (a)(1).

(e) REQUIREMENTS FOR DETERMINATION OF SUBSTANTIAL COMPLETION OF THE REGIONAL WATER SYSTEM.—

(1) CRITERIA FOR SUBSTANTIAL COMPLETION OF REGIONAL WATER SYSTEM.—Subject to the provisions in section 101(d) concerning the extent, size, and capacity of the County Distribution System, the Regional Water System shall be determined to be substantially completed if the infrastructure has been constructed capable of—

(A) diverting, treating, transmitting, and distributing a supply of 2,500 acre-feet of water to the Pueblos; and

(B) diverting, treating, and transmitting the quantity of water specified in the Engineering Report to the County Distribution System.

(2) CONSULTATION.—On or after June 30, 2021, at the request of 1 or more of the Pueblos, the Secretary shall consult with the Pueblos and confer with the County and the State on whether the criteria in paragraph (1) for substantial completion of the Regional Water System have been met or will be met by June 30, 2024.

(3) RIGHT TO VOID FINAL DECREE.—If the substantial completion criteria have not been met by June 15, 2021, after the consultation required by paragraph (2), the Pueblos or the United States as trustee for the Pueblos have until midnight June 30, 2024 to ask the Decree Court to void the Final Decree pursuant to section 10.3 of the Settlement Agreement.

(f) VOIDING OF WAIVERS.—If the Court determines the Final Decree is voided pursuant to Section 10.3 of the Settlement Agreement, the Settlement Agreement shall no longer be effective, the waivers and releases executed pursuant to section 204 shall no longer be effective, and any unexpended Federal funds, together with any income earned thereon, and title to any property acquired or constructed with expended Federal funds, shall be returned to the Federal Government unless otherwise agreed to by the Pueblos and the United States in writing and approved by Congress.

SEC. 204. WAIVERS AND RELEASES.

(a) CLAIMS BY THE PUEBLOS AND THE UNITED STATES.—In return for recognition of the Pueblos' water rights and other benefits, including waivers and releases by non-Pueblo parties, as set forth in the Settlement Agreement and this Act, the Pueblos, on behalf of themselves and their members, and the United States acting in its capacity as trustee for the Pueblos are authorized to execute a waiver and release of—

(1) all claims for water rights in the Pojoaque Basin that the Pueblos, or the United States acting in its capacity as trustee for the Pueblos, asserted, or could have asserted, in any proceeding, including the Aamodt Case, up to and including the waiver effectiveness date identified in section 203(d), except to the extent that such rights are recognized in the Settlement Agreement or this Act;

(2) all claims for water rights for lands in the Pojoaque Basin and for rights to use water in the Pojoaque Basin that the Pueblos, or the United States acting in its capacity as trustee for the Pueblos, might be able to otherwise assert in any proceeding not initiated on or before the date of enactment of this title, except to the extent that such rights are recognized in the Settlement Agreement or this Act;

(3) all claims for damages, losses or injuries to water rights or claims of interference with, diversion or taking of water (including claims for injury to land resulting from such damages, losses, injuries, interference with, diversion, or taking) for land within the Pojoaque Basin that accrued at any time up to and including the waiver effectiveness date identified in section 203(d);

(4) their defenses in the Aamodt Case to the claims previously asserted therein by other parties to the Settlement Agreement;

(5) all pending and future inter se challenges to the quantification and priority of water rights of non-Pueblo wells in the Pojoaque Basin, except as provided by section 2.8 of the Settlement Agreement;

(6) all pending and future inter se challenges against other parties to the Settlement Agreement;

(7) all claims for damages, losses, or injuries to water rights or claims of interference with, diversion or taking of water (including claims for injury to land resulting from such damages, losses, injuries, interference with, diversion, or taking of water) attributable to City of Santa Fe pumping of groundwater that has effects on the ground and surface water supplies of the Pojoaque Basin, provided that this waiver shall not be effective by the Pueblo of Tesuque unless there is a water resources agreement executed between the Pueblo of Tesuque and the City of Santa Fe;

(8) all claims for damages, losses, or injuries to water rights or claims of interference with, diversion or taking of water (including claims for injury to land resulting from such damages, losses, injuries, interference with, diversion, or taking of water) attributable to County of Santa Fe pumping of groundwater that has effects on the ground and surface water supplies of the Pojoaque Basin; and

(9) all claims for damages, losses, or injuries, or for injunctive or other relief, because of the condition of, or changes in, the concentration of naturally occurring constituents of ground and surface water in the Pojoaque Basin arising out of the diversion of water pursuant to water rights recognized by the final decree.

(b) CLAIMS BY THE PUEBLOS AGAINST THE UNITED STATES.—The Pueblos, on behalf of themselves and their members, are authorized to execute a waiver and release of—

(1) all claims against the United States, its agencies, or employees, relating to claims for water rights in or water of the Pojoaque Basin or for rights to use water in the Pojoaque Basin that the United States acting in its capacity as trustee for the Pueblos asserted, or could have asserted, in any proceeding, including the Aamodt Case;

(2) all claims against the United States, its agencies, or employees relating to damages, losses, or injuries to water, water rights, land, or natural resources due to loss of water or water rights (including damages, losses or injuries to hunting, fishing, gathering or cultural rights due to loss of water or water rights; claims relating to interference with, diversion or taking of water or water rights; or claims relating to failure to protect, acquire, replace, or develop water, water rights or water infrastructure) within the Pojoaque Basin that first accrued at any time up to and including the waiver effectiveness date identified in section 203(d);

(3) all claims against the United States, its agencies, or employees for an accounting of funds appropriated by Acts, including the Act of December 22, 1927 (45 Stat. 2), the Act of March 4, 1929 (45 Stat. 1562), the Act of March 26, 1930 (46 Stat. 90), the Act of February 14, 1931 (46 Stat. 1115), the Act of March 4, 1931 (46 Stat. 1552), the Act of July 1, 1932 (47 Stat. 525), the Act of June 22, 1936 (49 Stat. 1757), the Act of August 9, 1937 (50 Stat. 564), and the Act of May 9, 1938 (52 Stat. 291), as authorized by the Pueblo Lands Act of June 7, 1924 (43 Stat. 636) and the Pueblo Lands Act of May 31, 1933 (48 Stat. 108) and for breach of Trust relating to funds for water replacement appropriated by said Acts that first accrued before the date of enactment of this Act;

(4) all claims against the United States, its agencies, or employees relating to the pending litigation of claims relating to the Pueblos' water rights in the Aamodt Case; and

(5) all claims against the United States, its agencies, or employees relating to the negotiation, Execution or the adoption of the Settlement Agreement, exhibits thereto, the Partial Final Decree, the Final Decree, or this Act.

(c) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS.—Notwithstanding the waivers and releases authorized in this Act, the Pueblos on behalf of themselves and their members and the United States acting in its capacity as trustee for the Pueblos retain.—

(1) all claims for enforcement of the Settlement Agreement, the Cost-Sharing and System Integration Agreement, the Final Decree, including the Partial Final Decree, the San Juan-Chama Project contract between the Pueblos and the United States or this Act;

(2) all rights to use and protect water rights acquired after the date of enactment of this Act;

(3) all rights to use and protect water rights acquired pursuant to state law to the extent not inconsistent with the Partial Final Decree, Final Decree, and the Settlement Agreement;

(4) all claims against persons other than Parties to the Settlement Agreement for damages, losses or injuries to water rights or claims of interference with, diversion or taking of water (including claims for injury to lands resulting from such damages, losses, injuries, interference with, diversion, or taking of water) within the Pojoaque Basin arising out of activities occurring outside the Pojoaque Basin;

(5) all claims relating to activities affecting the quality of water including any claims the Pueblos may have under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) (including claims for damages to natural resources), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), and the regulations implementing those laws;

(6) all claims against the United States relating to damages, losses, or injuries to land or natural resources not due to loss of water or water rights (including hunting, fishing, gathering or cultural rights);

(7) all claims for water rights from water sources outside the Pojoaque Basin for land outside the Pojoaque Basin owned by a Pueblo or held by the United States for the benefit of any of the Pueblos; and

(8) all rights, remedies, privileges, immunities, powers and claims not specifically waived and released pursuant to this Act or the Settlement Agreement.

(d) EFFECT OF SECTION.—Nothing in the Settlement Agreement or this Act—

(1) affects the ability of the United States acting in its sovereign capacity to take actions authorized by law, including any laws relating to health, safety, or the environment, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), and the regulations implementing those laws;

(2) affects the ability of the United States to take actions acting in its capacity as trustee for any other Indian tribe or allottee; or

(3) confers jurisdiction on any State court to—

(A) interpret Federal law regarding health, safety, or the environment or determine the duties of the United States or other parties pursuant to such Federal law; or

(B) conduct judicial review of Federal agency action;

(e) TOLLING OF CLAIMS.—

(1) IN GENERAL.—Each applicable period of limitation and time-based equitable defense relating to a claim described in this section shall be tolled for the period beginning on the date of enactment of this Act and ending on June 30, 2021.

(2) EFFECT OF SUBPARAGRAPH.—Nothing in this subsection revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

(3) LIMITATION.—Nothing in this section precludes the tolling of any period of limitations or any time-based equitable defense under any other applicable law.

SEC. 205. EFFECT.

Nothing in this Act or the Settlement Agreement affects the land and water rights, claims, or entitlements to water of any Indian tribe, pueblo, or community other than the Pueblos.

Mr. UDALL of New Mexico. Mr. President, today I join Senator BINGAMAN in introducing a bill to complete the Aamodt water settlement in northern New Mexico. Introduction of this bill represents a major milestone in the resolution of water rights claims for four tribes along the Rio Grande in northern New Mexico. Decades of work and negotiation have gone into the settlement, and I am pleased that the tribes, city, county, and community groups involved were able to come to an agreement that is mutually beneficial to all water users in the Pojoaque valley.

The Aamodt settlement resolves the water claims of the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque, and addresses the needs of the surrounding communities in Santa Fe County for water and sanitation systems. The settlement is a result of long negotiations between the county and pueblos, and will result in the development of a mutually beneficial water infrastructure system. This system will ensure that the pueblos have access to clean running water into the future, and will allow the surrounding communities to work with the county and state to connect in to the water system. I applaud the efforts and success of these groups in coming to an agreement that both settles disputes and benefits each community.

New Mexico is a State rich with tradition and culture, where water resources are scarce and precious. Diverse communities have depended on the on ground and surface water along the Rio Grande for centuries. As our population grows and communities expand to welcome newcomers, the impact on water resources in New Mexico is vivid. With such stress on this vital but limited commodity, conflict easily develops between communities and individuals, and in a State where the history is long and complex, disputes over water are uniquely complicated. But, ay. despite the potential for disagreement over water tenure, New Mexicans are united in a common respect for this resource. From the pueblos and tribes of New Mexico, to the historic acequias and growing communities, water is fundamental to both survival and cultural traditions, and is respected as such. The Aamodt settlement is an example of communities and tribes coming together to foster compromise rather than conflict. The parties involved have worked tirelessly to ensure that everyone has access to this precious and respected resource.

It has been said that the wars of the future will be fought over access to water. In New Mexico, we are setting a different precedent—a precedent of respect and compromise, one that will help us move into the future with well-established partnerships and a commitment to conserve and manage this vital resource to the benefit of all. I am honored to join Senator BINGAMAN today in introducing this legislation that will bring the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque and the surrounding communities one step closer to establishing a secure water future.

By Mr. DURBIN (for himself, Mr. GRAHAM, and Mr. HATCH):

S. 1107. A bill to amend title 28, United States Code, to provide for a limited 6-month period for Federal judges to opt into the Judicial Survivor' Annuities System and begin contributing toward an annuity for their spouse and dependent children upon their death, and for other purposes; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, today I am introducing a bill, together with my Republican colleague Senator ORRIN HATCH, that will help the financial security of Federal judges and their families. It will do so without costing the Federal Government a penny.

Our bill, the Judicial Survivors Protection Act of 2009, will create an open season for active and senior federal judges to enroll in the Judicial Survivors' Annuities System, JSAS, if they are not currently enrolled. JSAS provides an annuity for the surviving spouses and dependent children of a deceased federal judge. Depending on the judge's length of service, the annuity for a surviving spouse can be as high as 50 percent of the judge's average annual salary, and the annuity for surviving dependent children can be as high as 20 percent.

In addition, our bill would provide an important health insurance benefit for the surviving family members of decease Federal judges. For a surviving spouse or dependent child to continue to receive health insurance coverage under the Federal Employees Health Benefit, FEHB, program after the judge's death, the judge must have been enrolled in JSAS. Otherwise, they can no longer participate in FEHB.

Federal judges have only 6 months from the date of their appointment to sign up for JSAS and, for a variety of reasons, many do not do so. For example, many individuals take substantial pay cuts when they leave a law firm to become a Federal judge, and they are unable to afford JSAS contributions, which amount to a 2.2 percent of a judge's annual salary. Nearly 900 federal judges, representing about 40 percent of the federal judiciary, currently do not participate in JSAS. However, if given the opportunity, the Administrative Office of the U.S. Courts estimates between 200 and 300 judges would sign up.

Take, for example, the case of Judge Michael Mihm, who is a federal judge in the Central District of Illinois, my home State. Judge Mihm wrote a letter and said:

> In 1982, when I came on the bench, the survivor's pension (JSAS) was so bad that almost no incoming judge signed up for it. Plus, the percentage of salary involved was very high. So I didn't sign up for it then. In the early 90s I was a member of the Judicial Branch Committee, and at that time the Committee and the judiciary succeeded in getting a bill passed that improved the benefits (established a 25% floor) and the percentage of salary paid. There was an open season. That would have been the time to join. However, at that time I had four children attending private universities . . . I simply couldn't afford to bring home a smaller paycheck. I have for some time now been very interested in 'buying in' to the survivor's pension, that is, pay in everything I would have paid in if I had joined during the open season, plus a penalty amount for waiting until now to join.

I also received a letter from U.S. District Court Judge Robert Gettleman in the Northern District of Illinois, who said: ''Especially given the circumstances of our current economic crisis, providing for my family in the event of a death is of urgent importance to me. I think I speak for many of those in my circumstance that I am happy to make a make-up payment and contribute a greater share of my income to participate in this program.''

The bill that Senator HATCH and I are introducing would allow Judge Mihm, Judge Gettleman, and the hundreds of other nonparticipating federal judges around the country to pay a penalty and buy into the JSAS program. Such judges would be required to pay an enhanced contribution rate of 2.75 percent of their salary each year rather than the 2.2 percent rate they would pay if they had enrolled within 6 months of taking office.

As a result, the cost of our bill would be borne by these new enrollees and not by the Federal Government or by previously enrolled judges. The Congressional Budget Office has conducted an informal review of this bill and determined that the cost of this bill is insignificant. Therefore, the bill would require no Federal funds and have no

PAYGO implications. The higher ongoing contribution rates for new enrollees will offset the value of any potential future liabilities that would be incurred by the JSAS fund, which currently has assets of over $500 million.

One of the highest priorities of the federal judiciary in recent years has been the pursuit of a pay raise. Federal judges have not received a pay raise from Congress since 1991, other than occasional cost-of living adjustments, and there is a concern that some of this Nation's best and brightest attorneys no longer seek Federal judgeships because of the financial sacrifice they and their families would have to make. The bill that Senator HATCH and I are introducing today would not raise the judicial pay of our federal judges, but it would at least provide a modest benefit that might make judicial service more tenable and more attractive. I hope Congress will take up and pass the Judicial Survivors Protection Act of 2009 as soon as possible.

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. 1107

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 ''Judicial Survivors Protection Act of 2009''.

SEC. 2. DEFINITIONS.

In this Act:

(1) The term ''judicial official'' refers to incumbent officials defined under section 376(a) of title 28, United States Code.

(2) The term ''Judicial Survivors' Annuities Fund'' means the fund established under section 3 of the Judicial Survivors' Annuities Reform Act (28 U.S.C. 376 note; Public Law 94–554; 90 Stat. 2611).

(3) The term ''Judicial Survivors' Annuities System'' means the program established under section 376 of title 28, United States Code.

SEC. 3. PERSONS NOT CURRENTLY PARTICIPATING IN THE JUDICIAL SURVIVORS' ANNUITIES SYSTEM.

(a) ELECTION OF JUDICIAL SURVIVORS' ANNUITIES SYSTEM COVERAGE.—An eligible judicial official may elect to participate in the Judicial Survivors' Annuities System during the open enrollment period specified in subsection (d).

(b) MANNER OF MAKING ELECTIONS.—An election under this section shall be made in writing, signed by the person making the election, and received by the Director of the Administrative Office of the United States Courts before the end of the open enrollment period.

(c) EFFECTIVE DATE FOR ELECTIONS.—Any such election shall be effective as of the first day of the first calendar month following the month in which the election is received by the Director.

(d) OPEN ENROLLMENT PERIOD DEFINED.—The open enrollment period under this section is the 6-month period beginning 30 days after the date of enactment of this Act.

SEC. 4. JUDICIAL OFFICERS' CONTRIBUTIONS FOR OPEN ENROLLMENT ELECTION.

(a) CONTRIBUTION RATE.—Every active judicial official who files a written notification of his or her intention to participate in the Judicial Survivors' Annuities System during the open enrollment period shall be deemed thereby to consent and agree to having deducted from his or her salary a sum equal to 2.75 percent of that salary or a sum equal to 3.5 percent of his or her retirement salary, except that the deduction from any retirement salary—

(1) of a justice or judge of the United States retired from regular active service under section 371(b) or 372(a) of title 28, United States Code;

(2) of a judge of the United States Court of Federal Claims retired under section 178 of title 28, United States Code; or

(3) of a judicial official on recall under section 155(b), 373(c)(4), 375, or 636(h) of title 28, United States Code,

shall be an amount equal to 2.75 percent of retirement salary.

(b) CONTRIBUTIONS TO BE CREDITED TO JUDICIAL SURVIVORS' ANNUITIES FUND.—Contributions made under subsection (a) shall be credited to the Judicial Survivors' Annuities Fund.

SEC. 5. DEPOSIT FOR PRIOR CREDITABLE SERVICE.

(a) LUMP SUM DEPOSIT.—Any judicial official who files a written notification of his or her intention to participate in the Judicial Survivors' Annuities System during the open enrollment period may make a deposit equaling 2.75 percent of salary, plus 3 percent annual, compounded interest, for the last 18 months of prior service, to receive the credit for prior judicial service required for immediate coverage and protection of the official's survivors. Any such deposit shall be made on or before the closure of the open enrollment period.

(b) DEPOSITS TO BE CREDITED TO JUDICIAL SURVIVORS' ANNUITIES FUND.—Deposits made under subsection (a) shall be credited to the Judicial Survivors' Annuities Fund.

SEC. 6. VOLUNTARY CONTRIBUTIONS TO ENLARGE SURVIVORS' ANNUITY.

Section 376 of title 28, United States Code, is amended by adding at the end the following:

''(y) For each year of Federal judicial service completed, judicial officials who are enrolled in the Judicial Survivors' Annuities System on the date of enactment of the Judicial Survivors Protection Act of 2009 may purchase, in 3-month increments, up to an additional year of service credit, under the terms set forth in this section. In the case of judicial officials who elect to enroll in the Judicial Survivors' Annuities System during the statutory open enrollment period authorized under the Judicial Survivors Protection Act of 2009, for each year of Federal judicial service completed, such an official may purchase, in 3-month increments, up to an additional year of service credit for each year of Federal judicial service completed, under the terms set forth in section 4(a) of that Act.''.

SEC. 7. EFFECTIVE DATE.

This Act, including the amendment made by section 6, shall take effect on the date of enactment of this Act.

Mr. HATCH. Mr. President, I am pleased to join my colleague from Illinois and fellow Judiciary Committee member, Senator DURBIN, in introducing the Judicial Survivors' Protection Act of 2009. This legislation will provide more Federal judges with an opportunity financially to provide for their own families after their death. Under this legislation, the cost of this opportunity will be borne by the judges themselves, not by the taxpayers, and I hope all my colleagues will support it.

Congress created the Judicial Survivors' Annuity System in 1956. It allow Federal judges to devote a portion of their salary toward an annuity for their spouses and dependent children upon the judges' death. Enrollment in JSAS is also necessary for a judge's family members to continue receiving health insurance coverage under the Federal Employees Health Benefits Program.

The catch is that judges must enroll within 6 months of taking judicial office or 6 months of marriage while in office. Approximately 40 percent of current Federal judges did not do so, some for financial reasons. Many judges who had been in private practice, for example, took a substantial pay cut to enter public service. The enrollment period for JSAS was the very time when they and their families were making that financial adjustment, when maximizing current income was the priority. This is just one of the scenarios which have led judges to decline enrollment in JSAS, and it will become more likely, more pronounced, as Congress refuses to give Federal judges a much needed pay raise.

Congress may authorize an open-season period for sitting judges to enroll but has not done so since 1992, the year after Congress last gave Federal judges a real salary increase. The legislation we introduce today would provide for such a one-time, 6 month period for sitting Federal judges to enroll in JSAS. Doing so would not cost the taxpayers anything because these judges would commit a higher percentage of their salary than those who enroll during the ordinary period.

Congress' refusal to provide appropriate judicial compensation limits judges' ability to provide for their families financial future. Providing this one-time opportunity for judges to enroll in JSAS, therefore, is almost the least we can do. It will also allow more judges to ensure that their family members will continue receiving health insurance coverage. And since it will not cost the taxpayers anything, I think it is a win-win which I trust will receive wide bipartisan support.

By Mr. REID (for Mr. ROCKEFELLER):

S. 1110. A bill to amend title XVIII of the Social Security Act to create a sensible infrastructure for delivery system reform by renaming the Medicare Payment Advisory Commission, making the Commission an executive branch agency, and providing the Commission new resources and authority to implement Medicare payment policy; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce the Medicare Payment Advisory Commission MedPAC Reform Act, legislation to elevate MedPAC to an executive branch entity and give it the resources and authority to implement Medicare payment policies. It is a fact that the quality of U.S. health care is mediocre

and its costs are unsustainable. Nonetheless, a modern health care delivery system is within our reach and something that we can start to achieve this year. Payment reforms, particularly in Medicare, are the cornerstone for driving quality improvement and improving the efficiency of our health care system. However, Congress must adopt a mechanism to implement and maintain Medicare reimbursement policies that are based on the best evidence and driven by the right incentives. This is simply not the case today.

Currently, Congress has the sole authority to change the cost curve for Medicare. Unfortunately, this process is riddled with political influence and is slowed by an inadequate structure to research, analyze, test, and implement successful delivery system reforms. Given the role of Medicare in determining market norms among all health care payers, both public and private, the federal government has an opportunity to realign our nation's health care system to drive quality improvement and greater efficiency.

The federal government already has a well-respected, independent entity—the Medicare Payment Advisory Commission, MedPAC—that currently advises Congress on Medicare payment policies. MedPAC, established by the Balanced Budget Act of 1997 (P.L. 105–33), employs a number of mechanisms to inform Congress on issues affecting the Medicare program. Specifically, MedPAC analyzes provider reimbursement, beneficiary access to care, and quality of care; delivers this information to Congress through regular reports and recommendations; engages in public meetings to discuss policy issues and formulate its recommendations to the Congress; and seeks input on Medicare issues in non-public forums through frequent meetings with a wide variety of parties.

Despite MedPAC's reputation for providing thoughtful, evidence-based recommendations to improve Medicare's payment policies, MedPAC has no power to implement its recommendations. That power rests solely with Congress. Unfortunately, Members of Congress face unyielding pressure from the health care industry to pick and choose which MedPAC recommendations they consider, despite the evidence. This routinely leads to the passage of laws that put the special interests of industry over the needs of patients.

MedPAC has proven, through its objectivity and its open and deliberative process, that they have the appropriate expertise to change the cost curve for Medicare and strengthen it for the future. The Medicare Payment Advisory Commission Reform Act of 2009 helps to achieve this goal. Specifically, this legislation would restructure MedPAC as an independent executive branch entity, like the Federal Reserve Board. This would provide MedPAC the appropriate authority to implement its recommendations for Medicare provider reimbursement policies.

In addition to extending the terms and requirements of the Commissioners to be full-time employees of the Commission, this legislation also establishes three new advisory councils to assist them in their decision-making—a Council of Health and Economic Advisors, a Consumer Advisory Council, and a Federal Health Advisory Council with representatives from the health care industry.

Lastly, MedPAC's authority to analyze health services research is also enhanced in this legislation by providing them with additional resources and staff to bolster their current analytical role. Given the limitations of the current Medicare demonstration process, this legislation provides new authority and resources to MedPAC to design and evaluate new payment models through Medicare demonstrations.

I strongly feel that establishing MedPAC as an independent executive branch agency—which can only happen through an act of Congress—is the type of bold step forward that can truly transform our delivery system. Congress has proven itself to be inefficient and inconsistent in making decisions about provider reimbursement under Medicare. If we want serious improvements in our health care delivery system, then Congress should leave the reimbursement rules to the independent health care experts. I urge my colleagues to join me in support of a policy that truly improves Medicare today and in the future.

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. 1110

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 ''Medicare Payment Advisory Commission (MedPAC) Reform Act of 2009''.

SEC. 2. RENAMING AND REFORMING THE MEDICARE PAYMENT ADVISORY COMMISSION.

(a) AMENDMENT TO TITLE.—

(1) IN GENERAL.—Section 1805 of the Social Security Act (42 U.S.C. 1395b–6) is amended—

(A) in the heading, by striking ''medicare payment advisory commission'' and inserting ''medicare payment and access commission''; and

(B) in subsection (a), by striking ''Medicare Payment Advisory Commission'' and inserting ''Medicare Payment and Access Commission (or 'MedPAC')''.

(2) REFERENCES.—Any reference to the Medicare Payment Advisory Commission shall be deemed a reference to the Medicare Payment and Access Commission.

(b) ESTABLISHMENT AS EXECUTIVE AGENCY.—Section 1805 of the Social Security Act (42 U.S.C. 1395b–6) is amended—

(1) in the heading, by striking ''ADVISORY'';

(2) in subsection (a)—

(A) by striking ''Advisory''; and

(B) by striking ''agency of Congress'' and inserting ''independent establishment (as defined in section 104 of title 5, United States Code)'';

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''APPOINTMENT.—The Commission'' and inserting ''APPOINTMENT.—

''(A) IN GENERAL.—The Commission'';

(ii) in subparagraph (A), as inserted by clause (i)—

(I) by striking ''17'' and inserting ''11'';

(II) by inserting ''the Secretary and the Administrator of the Centers for Medicare & Medicaid Services, who shall each serve as non-voting members of the Commission, and'' after ''composed of''; and

(III) by striking ''Comptroller General'' and inserting ''President, by and with the advice and consent of the Senate''; and

(iii) by adding at the end the following new subparagraphs:

''(B) LIMITATION ON NUMBER OF TERMS SERVED.—An individual may not be appointed as a member of the Commission for more than 2 consecutive terms.

''(C) MEMBERS CURRENTLY APPOINTED.—

''(i) IN GENERAL.—Any individual serving as a member of the Commission as of the date of enactment of the Medicare Payment Advisory Commission (MedPAC) Reform Act of 2009 may continue to serve as a member until the earlier of—

''(I) the remainder of the term for which the member was appointed; or

''(II) April 30, 2010.

''(ii) CLARIFICATION REGARDING VACANCIES.—Any vacancy in the Commission on or after such date of enactment shall be filled as provided in accordance with subparagraph (A).''; and

(B) in paragraph (2), by striking subparagraph (D) and inserting the following new subparagraph:

''(D) ADDITIONAL QUALIFICATIONS.—In addition to the qualifications described in the succeeding provisions of this paragraph, the President shall consider the political balance of the membership of the Commission and the needs of individuals entitled to (or enrolled for) benefits under part A or enrolled under part B who are entitled to medical assistance under a State plan under title XIX.''.

(C) in paragraph (3)—

(i) by amending subparagraph (A) to read as follows:

''(A) IN GENERAL.—The terms of members of the Commission shall be for 6 years except that, of the members first appointed—

''(i) four shall be appointed for terms of 5 years;

''(ii) four shall be appointed for terms of 3 years; and

''(iii) three shall be appointed for terms of 1 year.''; and

(ii) in subparagraph (B), in the third sentence, by striking ''A vacancy'' and inserting ''Except as provided in paragraph (1)(C), a vacancy'';

(D) by amending paragraph (4) to read as follows:

''(4) COMPENSATION.—Membership in the Commission shall be a full-time position. A member of the Commission shall be entitled to compensation at the rate payable for level IV of the Executive Schedule under section 5316 of title 5, United States Code.''.

(E) by amending paragraph (5) to read as follows:

''(5) CHAIRMAN; VICE CHAIRMAN.—The President shall designate a member of the Commission, at the time of appointment of the member by and with the advice and consent of the Senate, as Chairman and a member of the Commission, at the time of appointment of the member by and with the advice and consent of the Senate, as Vice Chairman, except that in the case where the Chairman or the Vice Chairman is not able to be present

(including in the case of vacancy), a majority of the Commission may designate another member for the period of such absence.'';

(4) in subsection (d), in the matter preceding paragraph (1), by striking ''Subject to such review as the Comptroller General deems necessary to assure the efficient administration of the Commission, the Commission'' and inserting ''The Commission'';

(5) by amending subsection (f) to read as follows:

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section. Sixty percent of such appropriations shall be payable from the Federal Hospital Insurance Trust Fund, and 40 percent of such appropriation shall be payable from the Federal Supplementary Medical Insurance Trust Fund.''; and

(6) by adding at the end the following new subsection:

''(g) REFERENCES.—Any reference to the Medicare Payment Advisory Commission or MedPAC shall be deemed a reference to the Medicare Payment and Access Commission.''.

(c) AUTHORITY TO DETERMINE PAYMENT RATES AND ROUTINE EVALUATION OF PAYMENT RATES UNDER THE MEDICARE PROGRAM.—

(1) IN GENERAL.—Section 1805(b) of the Social Security Act (42 U.S.C. 1395b–6(b)) is amended—

(A) in paragraph (1)(B), by inserting ''and determine payment rates for items and services furnished under this title in accordance with paragraph (9)'' before the semicolon at the end; and

(B) by adding at the end the following new paragraphs:

''(9) AUTHORITY TO DETERMINE PAYMENT RATES UNDER THIS TITLE.—

''(A) DETERMINATION OF PAYMENT RATES.—

''(i) IN GENERAL.—Notwithstanding any other provision of law, the Commission shall determine payment rates for items and services furnished under this title. In determining such payment rates, the Commission shall do so in a manner that is consistent with the provisions of sections 1801 and 1802.

''(ii) TIMELINE FOR DETERMINATIONS WITH RESPECT TO PAYMENT POLICIES FOR PHYSICIANS AND HOSPITALS.—The Commission shall make a determination under this subparagraph with respect to payment policies—

''(I) for physicians (as defined in section 1861(r)(1)), not later than December 1 of each year (beginning with 2012); and

''(II) for hospitals, not later than March 1 of each year (beginning with 2013).

''(B) IMPLEMENTATION OF PAYMENT RATES.—

''(i) AUTHORITY OF SECRETARY.—Notwithstanding any other provision of law, the Secretary shall promulgate regulations to implement any payment rates determined by the Commission under subparagraph (A).

''(ii) PAYMENT RATES AND REGULATIONS CURRENTLY IN EFFECT.—Any payment rate for items and services furnished under this title as of the date of enactment of the Medicare Payment Advisory Commission (MedPAC) Reform Act of 2009 or regulation promulgated by the Secretary relating to such payments prior to such date of enactment shall remain in effect until the Secretary promulgates regulations under clause (ii) to implement a payment rate determined by the Commission with respect to the item or service.

''(C) LIMITATION ON JUDICIAL REVIEW.—Any determination of the Commission relating to payment rates for items and services furnished under this title shall be a final agency action of the Commission and shall not be subject to judicial review.

''(D) ANNUAL REPORT.—Not later than March 15 of each year (beginning with 2012), the Commission shall submit to Congress a report on any payment rates determined under subparagraph (A) during the preceding year, including the performance of the Secretary in implementing such payment rates by promulgating regulations under subparagraph (B).

''(10) ROUTINE EVALUATION OF PAYMENT RATES.—The Commission shall review the payment rate for each item and service furnished under this title not less frequently than every 5 years in order to determine whether the Commission should make a determination under paragraph (9) to update such payment rate.''.

(2) GAO STUDY AND ANNUAL REPORT ON DETERMINATION AND IMPLEMENTATION OF PAYMENT RATES.—

(A) STUDY.—The Comptroller General of the United States shall conduct a study on changes to payment policies under the Medicare program under title XVIII of the Social Security Act as a result of the amendments made by this subsection, including an analysis of—

(i) any determinations made by the Medicare Payment and Access Commission under subparagraph (A) of section 1805(b)(9) of such Act, as added by paragraph (1), during the preceding year;

(ii) any regulations promulgated by the Secretary of Health and Human Services under subparagraph (B) of such section during the preceding year;

(iii) the process for—

(I) making such determinations (including the evidence to support any such determination);

(II) promulgating such regulations (including the capacity of the Secretary of Health and Human Services to promulgate such regulations); and

(iv) the ability of the Centers for Medicare & Medicaid Services to fulfill its responsibilities in carrying out such regulations.

(B) REPORT.—Not later than December 31 of each year (beginning with 2012), the Comptroller General shall submit to Congress a report containing the results of the study conducted under subparagraph (A), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

(d) CONGRESSIONAL ACTION.—Section 1805 of the Social Security Act (42 U.S.C. 1395b–6), as amended by subsection (b), is amended—

(1) by redesignating subsections (f) and (g), respectively, as subsections (g) and (h); and

(2) by inserting after subsection (e) the following new subsection:

''(f) CONGRESSIONAL ACTION.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, it shall only be in order in the Senate or the House of Representatives to consider any measure that would overrule a determination of the Commission with respect to payments for items and services furnished under this title if ⅗ of the Members, duly chosen and sworn, of the Senate or the House of Representatives agree to such consideration.

''(2) RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES.—This subsection is enacted by Congress—

''(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a measure described in paragraph (1), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

''(B) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.''.

(e) RESEARCH, INFORMATION ACCESS, AND DEMONSTRATION PROJECTS.—Section 1805(e) of the Social Security Act (42 U.S.C. 1395b–6(e)) is amended by adding at the end the following new paragraphs:

''(5) AUTHORITY TO INFORM RESEARCH PRIORITIES FOR DATA COLLECTION.—The Commission may advise the Secretary (through the Director of the Agency for Healthcare Research and Quality and the Director of the National Institutes of Health) on priorities for health services research, particularly as such priorities pertain to necessary changes and issues regarding payment reforms under this title.

''(6) EXPANDED AUTHORITY TO ACCESS FEDERAL DATA AND REPORTS.—In addition to data obtained under paragraph (1), the Commission shall have priority access to all raw data and research conducted or funded by the Federal government, including data and research produced by the Centers for Medicare & Medicaid Services, the National Institutes of Health, and the Agency for Healthcare Research and Quality.

''(7) ELECTRONIC ACCESS.—The National Director for Health Information Technology, in coordination with the Secretary, the Administrator of the Centers for Medicare & Medicaid Services, and the Commission, shall establish a direct electronic link for raw data, including claims data under this title, to be accessed by the Commission for the purposes of evaluating and determining recommendations under this title, in accordance with applicable privacy laws and data use agreements.

''(8) ACCESS TO BIANNUAL REPORTS.—Not less frequently than on a biannual basis, the National Institutes of Health and the Agency for Healthcare Research and Quality shall submit to the Commission a report containing information on any research conducted by the National Institutes of Health and the Agency for Healthcare Research and Quality, respectively, which has relevance for the determinations and recommendations being considered by the Commission. Such information shall be provided to the Commission in electronic form.

''(9) REVISIONS TO PROCESS FOR CONDUCT OF DEMONSTRATION PROJECTS RELATING TO PAYMENTS UNDER THIS TITLE.—Effective beginning January 1, 2011, the Commission shall have sole authority to design and evaluate demonstration projects relating to payments under this title which are authorized by section 402 of the Social Security Amendments of 1967 or under a waiver under section 1115. The Secretary shall maintain all responsibility for implementing such demonstration projects, including for implementing the process through which providers are reimbursed for items and services furnished under the demonstration projects. Nothing in this paragraph shall affect the authority of the Secretary with respect to demonstration projects under this title not relating to such payments.''.

(f) ADDITIONAL RESOURCES TO CARRY OUT DUTIES.—

(1) IN GENERAL.—Section 1805(d) of the Social Security Act (42 U.S.C. 1395b–6(d)) is amended—

(A) in paragraph (1), by inserting ''(including an attorney)'' after ''such other personnel''; and

(B) in paragraph (5), by striking ''and'' at the end;

(C) in paragraph (6), by striking the period at the end and inserting ''; and''; and

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

''(7) establish a public affairs office.''.

(2) OFFICE OF THE OMBUDSMAN.—Section 1805(e) of the Social Security Act (42 U.S.C.

1395b–6(e)), as amended by subsection (e), is amended by adding at the end the following new paragraph:

''(10) OFFICE OF THE OMBUDSMAN.—

''(A) IN GENERAL.—The Commission shall establish an office of the ombudsman to handle complaints regarding the implementation of regulations under subsection (a)(9)(B).

''(B) DUTIES.—The office of the ombudsman shall—

''(i) act as a liaison between the Commission and any entity or individual affected by the implementation of such a regulation; and

''(ii) ensure that the Commission has established safeguards—

''(I) to encourage such entities and individuals to submit complaints to the office of the ombudsman; and

''(II) to protect the confidentiality of any entity or individual who submits such a complaint.''.

(g) USE OF FUNDING.—Section 1805(g) of the Social Security Act (42 U.S.C. 1395b–6(g)), as amended by subsection (b) and redesignated by subsection (d), is amended by adding at the end the following new sentence: ''Out of amounts appropriated under the preceding sentence, the Commission may use not more than $500,000,000 each fiscal year to test new methods of reimbursement under this title.''.

(h) MACPAC TECHNICAL AMENDMENTS.—Section 1900(b) of the Social Security Act (42 U.S.C. 1396) is amended—

(1) in paragraph (1)(D), by striking ''June 1'' and inserting ''June 15''; and

(2) by adding at the end the following:

''(10) CONSULTATION WITH MEDPAC.—MACPAC shall regularly consult with the Medicare Payment and Access Commission (in this paragraph referred to as 'MedPAC') established under section 1805 in carrying out its duties under this section.''.

(i) LOBBYING COOLING-OFF PERIOD FOR MEMBERS OF THE MEDICARE PAYMENT ADVISORY COMMISSION.—Section 207(c) of title 18, United States Code, is amended by inserting at the end the following:

''(3) MEMBERS OF THE MEDICARE PAYMENT ADVISORY COMMISSION.—

''(A) IN GENERAL.—Paragraph (1) shall apply to a member of the Medicare Payment Advisory Commission who was appointed to such Commission as of the day before the date of enactment of the Medicare Payment Advisory Commission (MedPAC) Reform Act of 2009.

''(B) AGENCIES AND CONGRESS.—For purposes of paragraph (1), the agency in which the individual described in subparagraph (A) served shall be considered to be the Medicare Payment and Access Commission established under section 1805 of the Social Security Act, the Department of Health and Human Services, and the relevant committees of jurisdiction of Congress.''.

SEC. 3. ESTABLISHMENT OF COUNCIL OF HEALTH AND ECONOMIC ADVISERS, CONSUMER ADVISORY COUNCIL, AND FEDERAL HEALTH ADVISORY COUNCIL.

Section 1805(b) of the Social Security Act (42 U.S.C. 1395b–6(b)), as amended by section 2(c), is amended by adding at the end the following new paragraph:

''(11) COUNCIL OF HEALTH AND ECONOMIC ADVISERS, CONSUMER ADVISORY COUNCIL, AND FEDERAL HEALTH ADVISORY COUNCIL.—

''(A) COUNCIL OF HEALTH AND ECONOMIC ADVISERS.—

''(i) IN GENERAL.—The Commission shall establish a council of health and economic advisers to advise the Commission on its development, analyses, and implementation of payment policies under this title.

''(ii) MEMBERSHIP.—

''(I) IN GENERAL.—The council of health and economic advisers shall be composed of acknowledged experts in health care and economics selected by the Commission.

''(II) INITIAL INCLUSION OF FORMER MEMBERS OF MEDICARE PAYMENT ADVISORY COMMISSION.—The members initially selected for the council of health and economic advisers under subclause (I) shall include those individuals who were members of the Medicare Payment Advisory Commission as of the day before the date of enactment of the Medicare Payment Advisory Commission (MedPAC) Reform Act of 2009.

''(B) CONSUMER ADVISORY COUNCIL.—

''(i) IN GENERAL.—There is established a consumer advisory council to advise the Commission on the impact of payment policies under this title on consumers.

''(ii) MEMBERSHIP.—

''(I) NUMBER AND APPOINTMENT.—The consumer advisory council shall be composed of 10 consumer representatives appointed by the Comptroller General of the United States, 1 from among each of the 10 regions established by the Secretary as of the date of enactment of the Medicare Payment Advisory Commission (MedPAC) Reform Act of 2009.

''(II) QUALIFICATIONS.—The membership of the council shall represent the interests of consumers and particular communities.

''(iii) DUTIES.—The consumer advisory council shall, subject to the call of the Commission, meet not less frequently than 2 times each year in the District of Columbia.

''(iv) OPEN MEETINGS.—Meetings of the consumer advisory council shall be open to the public.

''(v) ELECTION OF OFFICERS.—Members of the consumer advisory council shall elect their own officers.

''(C) FEDERAL HEALTH ADVISORY COUNCIL.—

''(i) IN GENERAL.—There is established a Federal health advisory council to consult with and provide advice to the Commission on all matters within the jurisdiction of the Commission.

''(ii) MEMBERSHIP.—The Federal health advisory council shall be composed of 10 representatives from the health care industry appointed by the Comptroller General of the United States, 1 from among each of the 10 regions established by the Secretary as of the date of enactment of the Medicare Payment Advisory Commission (MedPAC) Reform Act of 2009.

''(iii) TERMS.—

''(I) IN GENERAL.—The terms of members of the Federal health advisory council shall be for 1 year.

''(II) LIMITATION ON NUMBER OF TERMS SERVED.—An individual may not be appointed as a member of the Federal health advisory council for more than 3 terms.

''(iv) DUTIES.—The Federal health advisory council shall, subject to the call of the Commission, meet not less frequently than 2 times each year in the District of Columbia.

''(v) OPEN MEETINGS.—Meetings of the Federal health advisory council shall be open to the public.

''(vi) ELECTION OF OFFICERS.—Members of the Federal health advisory council shall elect their own officers.

''(D) LIMITATION ON FUNDING.—Out of amounts appropriated under subsection (g), the Commission may use not more than $300,000 each fiscal year to carry out this paragraph.''.

By Mr. REID (for Mr. ROCKEFELLER):

S. 1111. A bill to require the Secretary of Health and Human Services to enter into agreements with States to resolve outstanding claims for reimbursement under the Medicare program relating to the Special Disability Workload project; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce the Special Disability Workload Liability Resolution Act, legislation that will resolve Medicare's longstanding liability to state Medicaid programs for individuals who were covered by Medicaid when they should have been covered by Medicare.

For the past several decades, hundreds of thousands of disabled people have had their health care paid for by Medicaid; however, their health care was actually the responsibility of Medicare. Therefore, states have been left financially responsible for individuals whose care should have been paid for entirely by the Federal Government. Both the Centers for Medicare and Medicaid Services, CMS, and the Social Security Administration, SSA, acknowledge Medicare's responsibility for these beneficiaries. The Social Security Administration is in the process of correcting the cash insurance payments that were due to disabled individuals. However, CMS has not acted to establish a means of satisfying Medicare's liability.

This is unacceptable. Nearly every state is struggling to balance its budget in the midst of this terrible economic crisis, and it is estimated that the Medicare program owes the states an estimated $4 billion. This figure continues to grow as the SSA corrects additional cases. When it is determined that a state owes the Federal Government money for Medicaid expenses, states have only 60 days to pay this debt. Yet, now that the situation is reversed, the Federal Government has not even established a timeline with which to pay its debt to the States.

The legislation I am introducing today, the Special Disability Workload Liability Resolution Act, would provide $4 billion in Federal funding to settle this debt to the States. It requires the Social Security Administration and CMS to develop an accurate payment methodology to reimburse states within 6 months of the bill's enactment. Resolving this Federal debt would inject critical funds into State and local economies and help maintain state jobs.

This bill is based on language successfully included in the Senate-passed American Recovery and Reinvestment Act, but it was dropped in conference. It is my hope that my colleagues will once again support this important legislation.

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

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

S. 1111

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 ''Special Disability Workload Liability Resolution Act of 2009''.

SEC. 2. PAYMENT OF MEDICARE LIABILITY TO STATES AS A RESULT OF THE SPECIAL DISABILITY WORKLOAD PROJECT.

(a) IN GENERAL.—The Secretary, in consultation with the Commissioner, shall work with each State to reach an agreement, not later than 6 months after the date of enactment of this Act, on the amount of a payment for the State related to the Medicare program liability as a result of the Special Disability Workload project, subject to the requirements of subsection (c).

(b) PAYMENTS.—

(1) DEADLINE FOR MAKING PAYMENTS.—Not later than 30 days after reaching an agreement with a State under subsection (a), the Secretary shall pay the State, from the amounts appropriated under paragraph (2), the payment agreed to for the State.

(2) APPROPRIATION.—Out of any money in the Treasury not otherwise appropriated, there is appropriated $4,000,000,000 for fiscal year 2010 for making payments to States under paragraph (1).

(3) LIMITATIONS.—In no case may the aggregate amount of payments made by the Secretary to States under paragraph (1) exceed $4,000,000,000.

(c) REQUIREMENTS.—The requirements of this subsection are the following:

(1) FEDERAL DATA USED TO DETERMINE AMOUNT OF PAYMENTS.—The amount of the payment under subsection (a) for each State is determined on the basis of the most recent Federal data available, including the use of proxies and reasonable estimates as necessary, for determining expeditiously the amount of the payment that shall be made to each State that enters into an agreement under this section. The payment methodology shall consider the following factors:

(A) The number of SDW cases found to have been eligible for benefits under the Medicare program and the month of the initial Medicare program eligibility for such cases.

(B) The applicable non-Federal share of expenditures made by a State under the Medicaid program during the time period for SDW cases.

(C) Such other factors as the Secretary and the Commissioner, in consultation with the States, determine appropriate.

(2) CONDITIONS FOR PAYMENTS.—A State shall not receive a payment under this section unless the State—

(A) waives the right to file a civil action (or to be a party to any action) in any Federal or State court in which the relief sought includes a payment from the United States to the State related to the Medicare liability under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) as a result of the Special Disability Workload project; and

(B) releases the United States from any further claims for reimbursement of State expenditures as a result of the Special Disability Workload project (other than reimbursements being made under agreements in effect on the date of enactment of this Act as a result of such project, including payments made pursuant to agreements entered into under section 1616 of the Social Security Act or section 211(1)(1)(A) of Public Law 93–66).

(3) NO INDIVIDUAL STATE CLAIMS DATA REQUIRED.—No State shall be required to submit individual claims evidencing payment under the Medicaid program as a condition for receiving a payment under this section.

(4) INELIGIBLE STATES.—No State that is a party to a civil action in any Federal or State court in which the relief sought includes a payment from the United States to the State related to the Medicare liability under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) as a result of the Special Disability Workload project shall be eligible to receive a payment under this section while such an action is pending or if such an action is resolved in favor of the State.

(d) DEFINITIONS.—In this section:

(1) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of Social Security.

(2) MEDICAID PROGRAM.—The term ''Medicaid program'' means the program of medical assistance established under title XIX of the Social Security Act (42 U.S.C. 1396a et seq.) and includes medical assistance provided under any waiver of that program approved under section 1115 or 1915 of such Act (42 U.S.C. 1315, 1396n) or otherwise.

(3) MEDICARE PROGRAM.—The term ''Medicare program'' means the program established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(5) SDW CASE.—The term ''SDW case'' means a case in the Special Disability Workload project involving an individual determined by the Commissioner to have been eligible for benefits under title II of the Social Security Act (42 U.S.C. 401 et seq.) for a period during which such benefits were not provided to the individual and who was, during all or part of such period, enrolled in a State Medicaid program.

(6) SPECIAL DISABILITY WORKLOAD PROJECT.—The term ''Special Disability Workload project'' means the project described in the 2008 Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and Federal Disability Insurance Trust Funds, H.R. Doc. No. 110-104, 110th Cong. (2008).

(7) STATE.—The term ''State'' means each of the 50 States and the District of Columbia.

By Mr. PRYOR (for himself, Ms. SNOWE, Mr. NELSON, of Nebraska, and Mr. WICKER):

S. 1113. A bill to amend title 49, United States Code, to direct the Secretary of Transportation to establish and maintain a national clearinghouse for records related to alcohol and controlled substances testing of commercial motor vehicle operators, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. PRYOR. Mr. President, I rise today to introduce legislation with Senators SNOWE, NELSON of Nebraska, and WICKER. The legislation that we are introducing today is aptly named The Safe Roads Act of 2009, as it will go a long way toward improving the safety of our Nation's roads by closing loopholes that have allowed commercial truck and bus drivers to use and abuse drugs and continue to drive without receiving required treatment necessary to return to duty. The bill is designed to save lives by preventing unnecessary deaths on our Nation's roads.

Nearly every day Americans can open their newspapers to learn about a death caused by drivers under the influence of drugs and alcohol. Sometimes, these drivers are behind the wheel of an 18-wheeler or a commercial bus, which due to their size and weight bring a destructive force on any road. On May 8th of this year, the Arkansas Democrat Gazette reported about a commercial bus driver involved in an accident on Interstate 40 near Forrest City, AR, in 2007 that resulted in four fatalities. The driver was reportedly under the influence of amphetamines, one of the substances tested for under Federal Motor Carrier Safety Administration, FMCSA, testing regulations. The driver of this commercial vehicle has been sentenced to jail and four lives were lost as a result of the accident.

Some other similar accidents involving truck drivers that have occurred in recent years include: in October 2008, Kane County, IL, a truck driver rear-ended a passenger vehicle killing a woman. The truck driver was indicted for reckless homicide and driving under the influence of narcotics.

In January 2008, in Franklin County, AL, a truck driver was arrested for being under the influence of drugs or alcohol after crossing the center line and killing a woman in a head-on accident.

In July 2007, in Little Rock, AR, a truck driver killed a family of five in a crash. The driver admitted smoking crack cocaine a few hours before the crash.

In May 2007, Centre County, PA, a truck driver ran over a car killing a woman. The driver faces charges including homicide by vehicle while driving under the influence of suspected methamphetamines.

While drug abuse among the at least 3.4 million truck drivers in the industry is estimated by FMCSA to only represent 2 to 5 percent of the entire truck driving workforce, that still represents roughly 68,000 truck drivers that have a drug or alcohol abuse problem. That is a high and unacceptable risk that needs to be addressed in a serious fashion. Our goal is to prevent accidents of this nature, and I would like to briefly explain how we intend to do so.

Our bill will establish within the FMCSA a national drug and alcohol database and clearinghouse listing positive alcohol and drug test results or test refusals by commercial truck and bus drivers. The bill will expand current drug and alcohol testing regulations to require Medical Review Officers, MROs, and other FMCSA-approved agents conducting already-required testing to report positive test results and test refusals to the FMCSA drug and alcohol clearinghouse. Employers seeking new employees would then be required to not only follow the laws already in place for testing prospective employees, but they would also be required to examine the prospective employees' record in the FMCSA clearinghouse to determine if the prospective employee has recently failed or refused to take a drug and alcohol test. If the prospective employee has a positive test result or test refusal in the clearinghouse, an employer would not be allowed to hire the prospective employee unless it can be proven that he or she has not violated

the requirements of the testing program, or that he or she has fully completed a return-to-duty program as required by the testing program.

There are major loopholes that exist today in the current drug and alcohol testing regime. Drivers have a tendency to ''job-hop'' after failing drug and alcohol tests, moving from one company to another without reporting past drug and alcohol test failures. Some States have since closed this loophole by establishing clearinghouses similar to our proposal, but not all States have these laws, and they do not do anything to prevent drivers with past drug and alcohol test failures from moving State-to-State to seek and gain employment. Our legislation would go to considerable lengths in closing both of these well-known and well-reported loopholes. Our bill would also provide extensive privacy protection for individuals whose data is collected at the clearinghouse or accessed from the clearinghouse. The bill would provide individuals with the means to challenge records in the clearinghouse and rights of actions against those who misuse information contained in the clearinghouse or accessed from the clearinghouse.

The Government Accountability Office, GAO, and the FMCSA have acknowledged these loopholes. Both have published reports describing a national clearinghouse as a feasible, cost-effective measure to address this problem and improve highway safety. In addition, a clearinghouse is something that Congress has examined since implementing drug and alcohol testing requirements in 1995. In 1999, Congress required the FMCSA to evaluate the viability of a national clearinghouse database for positive test results and test refusals, and in 2004 the results of their study supported a need for such a system and revealed the safety benefits that would come from it. As recently as last year, the GAO released a report to Congress titled 'Motor Carrier Safety: Improvements to Drug Testing Programs Could Better Identify Illegal Drug Users and Keep Them off the Road' that recommended the establishment of a national database and clearinghouse of drivers who have tested positive or refused to test. There is a clear need to close these well-known loopholes, and I believe our bill goes a long way in that direction.

It is my hope that Congress will support this legislation and move forward quickly to enact this legislation. I believe it is an imperative step to enhance drug and alcohol testing requirements and improve pre-employment background reviews to reduce the number of accidents and needless deaths resulting from drivers that are under the influence of these types of substances.

I want to thank Senators SNOWE, NELSON of Nebraska, and WICKER for their hard work, leadership and support on this very important safety issue, and I urge the rest of my colleagues to support its swift passage.

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

S. 1114. A bill to establish a demonstration project to provide for patient-centered medical homes to improve the effectiveness and efficiency in providing medical assistance under the Medicaid program and child health assistance under the State Children's Health Insurance Program; to the Committee on Finance.

Mr. DURBIN. Mr. President, I rise to introduce legislation with Senator BURR to help States improve quality and reduce the costs of health care for Medicaid and CHIP enrollees. The Medical Homes Act would create a pilot project in Medicaid and the State Children's Health Insurance Program to encourage hospitals and health clinics to create a medical home for the low-income people they serve.

Those of us who have a medical home take it for granted. We see the same doctor, in the same setting, for extended periods of time. Our medical history is in one place, and even if we are seeing specialists or different doctors in the same practice, there is continuity in decisions about our health care.

But many people do not have this luxury. Think about people who move from place to place whose home lives are less than stable, who do not have health insurance, whose medical care is sporadic. For these members of our community, each visit to a clinic or an emergency room means starting over again.

Everyone should have access to a medical home, but it requires some changes in behavior and expectations and, perhaps most importantly, it requires a commitment by local providers to work together. The medical home model makes sense for improving health care for everyone. And it is a model of care that makes sense for stretching our limited Federal health care dollars.

States like Illinois and North Carolina are already seeing progress with implementing the medical home model. Illinois Health Connect is a new program at the Illinois Department of Healthcare and Family Services that uses the medical home model to deliver primary and preventive care for children and adults covered through the All Kids program. This emphasis on coordinated and ongoing care is leading to better health outcomes, and it is saving money.

Community Care of North Carolina launched a medical home model in 1998, through nine physician-led networks. North Carolina started by creating medical homes for 250,000 Medicaid enrollees. Today, it is a state-wide program that has saved the State at least $60 million in Medicaid costs in 2003 and $120 million in 2004.

Cost savings is not the only benefit. Several studies show that the medical home approach improves quality of care. Early analyses are finding that having regular access to a particular physician through the medical home is associated with earlier and more accurate diagnoses, fewer emergency room visits, fewer hospitalizations, lower costs, better care, and increased patient satisfaction. Many studies conclude that having both health insurance and a medical home leads to improved overall health for the entire population, which brings down the cost of care and reduces health care disparities.

The bill that Senator BURR and I introduce today would make it easier for other States to implement a medical home model, much like Illinois and North Carolina have. Congress passed a medical home demonstration project for Medicare last year. The Medical Homes Act of 2009 would do this for Medicaid and SCHIP beneficiaries by making Federal funding available for a demonstration project in 8 States to provide care through patient-centered medical homes.

The approach we propose requires a per-member, per-month care management fee to help pay for participating doctors and provides initial start-up funding for participating states. The start-up funds are used for the purchase of health information technology, primary care case managers, and other uses appropriate for the delivery of patient-centered care.

This is a critical time in our country We have a President who wants health care reform. We have a Congress ready to act. We have an historic level of cooperation among stakeholders. Unlike the last time, there is substantial agreement this time among insurers, employers, consumers and lawmakers on the need for change and the broad outlines of reform. Change will only happen if everyone—doctors, patients, insurance companies, everyone—work with each other, not against each other. The specifics of the reform package still have to be worked out—and that will be difficult. But there is broad agreement that we must do a better job of delivering health care, not just treatment for illness.

If patients, provider, payers, and the government continue to work together to create a system that values the patient more than payments and the health outcome of the patient more than the number of patients seen, we can really change the way primary care is provided. I urge my colleagues to support the Medical Homes Act of 2009 and help stabilize health care delivery for low-income Americans.

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. 1114

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 ''Medical Homes Act of 2009''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Medical homes provide patient-centered care, leading to better health outcomes and greater patient satisfaction. A growing body of research supports the need to involve patients and their families in their own health care decisions, to better inform them of their treatment options, and to improve their access to information.

(2) Medical homes help patients better manage chronic diseases and maintain basic preventive care, resulting in better health outcomes than those who lack medical homes. An investigation of the Chronic Care Model discovered that the medical home reduced the risk of cardiovascular disease in diabetes patients, helped congestive heart failure patients become more knowledgeable and stay on recommended therapy, and increased the likelihood that asthma and diabetes patients would receive appropriate therapy.

(3) Medical homes also reduce disparities in access to care. A survey conducted by the Commonwealth Fund found that 74 percent of adults with a medical home have reliable access to the care they need, compared with only 52 percent of adults with a regular provider that is not a medical home and 38 percent of adults without any regular source of care or provider.

(4) Medical homes reduce racial and ethnic differences in access to medical care. Three-fourths of Caucasians, African Americans, and Hispanics with medical homes report getting care when they need it.

(5) Medical homes reduce duplicative health services and inappropriate emergency room use. In 1998, North Carolina launched the Community Care of North Carolina (CCNC) program, which employs the medical home concept. Presently, CCNC has developed 14 regional networks that include all of the Federally qualified health centers in the State and cover 740,000 recipients. An analysis conducted by Mercer Human Resources Consulting Group found that CCNC resulted in $244,000,000 in savings to the Medicaid program in 2004, with similar results in 2005 and 2006.

(6) Health information technology is a crucial foundation for medical homes. While many doctors' offices use electronic health records for billing or other administrative functions, few practices utilize health information technology systematically to measure and improve the quality of care they provide. For example, electronic health records can generate reports to ensure that all patients with chronic conditions receive recommended tests and are on target to meet their treatment goals. Computerized ordering systems, particularly with decision-support tools, can prevent medical and medication errors, while e-mail and interactive Internet websites can facilitate communication between patients and providers and improve patient education.

SEC. 3. MEDICAID AND CHIP DEMONSTRATION PROJECT TO SUPPORT PATIENT-CENTERED PRIMARY CARE.

(a) DEFINITIONS.—In this section:

(1) CARE MANAGEMENT MODEL.—The term ''care management model'' means a model that—

(A) uses health information technology and other innovations such as the chronic care model, to improve the management and coordination of care provided to patients;

(B) is centered on the relationship between a patient and their personal primary care provider;

(C) seeks guidance from—

(i) a steering committee; and

(ii) a medical management committee; and

(D) has established, where practicable, effective referral relationships between the primary care provider and the major medical specialties and ancillary services in the region.

(2) HEALTH CENTER.—The term ''health center'' has the meaning given that term in section 330(a) of the Public Health Service Act (42 U.S.C. 254b(a)).

(3) MEDICAID.—The term ''Medicaid'' means the program for medical assistance established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(4) MEDICAL MANAGEMENT COMMITTEE.—The term ''medical management committee'' means a group of practitioners that—

(A) provides services in the community in which the practice or health center is located;

(B) reviews evidence-based practice guidelines;

(C) selects targeted disease and care processes that address health conditions in the community (as identified in the National or State health assessment or as outlined in ''Healthy People 2010'', or any subsequent similar report (as determined by the Secretary));

(D) defines programs to target disease and care processes;

(E) establishes standards and measures for patient-centered medical homes, taking into account nationally-developed standards and measures; and

(F) makes the determination described in subparagraph (A)(iii) of paragraph (5), taking into account the considerations under subparagraph (B) of such paragraph.

(5) PATIENT-CENTERED MEDICAL HOME.—

(A) IN GENERAL.—The term ''patient-centered medical home'' means a physician-directed practice or a health center that—

(i) incorporates the attributes of the care management model described in paragraph (1);

(ii) voluntarily participates in an independent evaluation process whereby primary care providers submit information to the medical management committee of the relevant network;

(iii) the medical management committee determines has the capability to achieve improvements in the management and coordination of care for targeted beneficiaries (as defined by statewide quality improvement standards and outcomes); and

(iv) meets the requirements imposed on a covered entity for purposes of applying part C of title XI of the Social Security Act (42 U.S.C. 1320d et seq.) and all regulatory provisions promulgated thereunder, including regulations (relating to privacy) adopted pursuant to the authority of the Secretary under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note).

(B) CONSIDERATIONS.—In making the determination under subparagraph (A)(iii), the medical management committee shall consider the following:

(i) ACCESS AND COMMUNICATION WITH PATIENTS.—Whether the practice or health center applies both standards for access to care for, and standards for communication with, targeted beneficiaries who receive care through the practice or health center.

(ii) MANAGING PATIENT INFORMATION AND USING INFORMATION MANAGEMENT TO SUPPORT PATIENT CARE.—Whether the practice or health center has readily accessible, clinically useful information on such beneficiaries that enables the practice or health center to provide comprehensive and systematic treatment.

(iii) MANAGING AND COORDINATING CARE ACCORDING TO INDIVIDUAL NEEDS.—Whether the practice or health center—

(I) maintains continuous relationships with such beneficiaries by implementing evidence-based guidelines and applying such guidelines to the identified needs of individual beneficiaries over time and with the intensity needed by such beneficiaries;

(II) assists in the early identification of health care needs;

(III) provides ongoing primary care;

(IV) coordinates with a broad range of other specialty, ancillary, and related services; and

(V) provides health care services and consultations in a culturally and linguistically appropriate manner, as well as at a time and location that is convenient to the patient.

(iv) PROVIDING ONGOING ASSISTANCE AND ENCOURAGEMENT IN PATIENT SELF-MANAGEMENT.—Whether the practice or health center—

(I) collaborates with targeted beneficiaries who receive care through the practice or health center to pursue their goals for optimal achievable health;

(II) assesses patient-specific barriers; and

(III) conducts activities to support patient self-management.

(v) RESOURCES TO MANAGE CARE.—Whether the practice or health center has in place the resources and processes necessary to achieve improvements in the management and coordination of care for targeted beneficiaries who receive care through the practice or health center.

(vi) MONITORING PERFORMANCE.—Whether the practice or health center—

(I) monitors its clinical process and performance (including process and outcome measures) in meeting the applicable standards under paragraph (4)(E); and

(II) provides information in a form and manner specified by the steering committee and medical management committee with respect to such process and performance.

(6) PERSONAL PRIMARY CARE PROVIDER.—The term ''personal primary care provider'' means—

(A) a physician, nurse practitioner, or other qualified health care provider (as determined by the Secretary), who—

(i) practices in a patient-centered medical home; and

(ii) has been trained to provide first contact, continuous, and comprehensive care for the whole person, not limited to a specific disease condition or organ system, including care for all types of health conditions (such as acute care, chronic care, and preventive services); or

(B) a health center that—

(i) is a patient-centered medical home; and

(ii) has providers on staff that have received the training described in subparagraph (A)(ii).

(7) PRIMARY CARE CASE MANAGEMENT SERVICES; PRIMARY CARE CASE MANAGER.—The terms ''primary care case management services'' and ''primary care case manager'' have the meaning given those terms in section 1905(t) of the Social Security Act (42 U.S.C. 1396d(t)).

(8) PROJECT.—The term ''project'' means the demonstration project established under this section.

(9) CHIP.—The term ''CHIP'' means the State Children's Health Insurance Program established under title XXI of the Social Security Act (42 U.S.C. 1396aa et seq.).

(10) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(11) STEERING COMMITTEE.—The term ''steering committee'' means a local management group comprised of collaborating local health care practitioners or a local not-for-profit network of health care practitioners—

(A) that implements State-level initiatives;

(B) that develops local improvement initiatives;

(C) whose mission is to—

(i) investigate questions related to community-based practice; and

(ii) improve the quality of primary care; and

(D) whose membership—

(i) represents the health care delivery system of the community it serves; and

(ii) includes physicians (with an emphasis on primary care physicians) and at least 1 representative from each part of the collaborative or network (such as a representative from a health center, a representative from the health department, a representative from social services, and a representative from each public and private hospital in the collaborative or the network).

(12) TARGETED BENEFICIARY.—

(A) IN GENERAL.—The term ''targeted beneficiary'' means an individual who is eligible for benefits under a State plan under Medicaid or a State child health plan under CHIP.

(B) PARTICIPATION IN PATIENT-CENTERED MEDICAL HOME.—Individuals who are eligible for benefits under Medicaid or CHIP in a State that has been selected to participate in the project shall receive care through a patient-centered medical home when available.

(C) ENSURING CHOICE.—In the case of such an individual who receives care through a patient-centered medical home, the individual shall receive guidance from their personal primary care provider on appropriate referrals to other health care professionals in the context of shared decision-making.

(b) ESTABLISHMENT.—The Secretary shall establish a demonstration project under Medicaid and CHIP for the implementation of a patient-centered medical home program that meets the requirements of subsection (d) to improve the effectiveness and efficiency in providing medical assistance under Medicaid and CHIP to an estimated 500,000 to 1,000,000 targeted beneficiaries.

(c) PROJECT DESIGN.—

(1) DURATION.—The project shall be conducted for a 3-year period, beginning not later than [October 1, 2011].

(2) SITES.—

(A) IN GENERAL.—The project shall be conducted in 8 States—

(i) four of which already provide medical assistance under Medicaid for primary care case management services as of the date of enactment of this Act; and

(ii) four of which do not provide such medical assistance.

(B) APPLICATION.—A State seeking to participate in the project shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(C) SELECTION.—In selecting States to participate in the project, the Secretary shall ensure that urban, rural, and underserved areas are served by the project.

(3) GRANTS AND PAYMENTS.—

(A) DEVELOPMENT GRANTS.—

(i) FIRST YEAR DEVELOPMENT GRANTS.—The Secretary shall award development grants to States participating in the project during the first year the project is conducted. Grants awarded under this clause shall be used by a participating State to—

(I) assist with the development of steering committees, medical management committees, and local networks of health care providers; and

(II) facilitate coordination with local communities to be better prepared and positioned to understand and meet the needs of the communities served by patient-centered medical homes.

(ii) SECOND YEAR FUNDING.—The Secretary shall award additional grant funds to States that received a development grant under clause (i) during the second year the project is conducted if the Secretary determines such funds are necessary to ensure continued participation in the project by the State. Grant funds awarded under this clause shall be used by a participating State to assist in making the payments described in paragraph (B). To the extent a State uses such grant funds for such purpose, no matching payment may be made to the State for the payments made with such funds under section 1903(a) or 2105(a) of the Social Security Act (42 U.S.C. 1396b(a); 1397ee(a)).

(B) ADDITIONAL PAYMENTS TO PERSONAL PRIMARY CARE PROVIDERS AND STEERING COMMITTEES.—

(i) PAYMENTS TO PERSONAL PRIMARY CARE PROVIDERS.—

(I) IN GENERAL.—Subject to subsection (d)(6)(B), a State participating in the project shall pay a personal primary care provider not less than $2.50 per month per targeted beneficiary assigned to the personal primary care provider, regardless of whether the provider saw the targeted beneficiary that month.

(II) FEDERAL MATCHING PAYMENT.—Subject to subparagraph (A)(ii), amounts paid to a personal primary care provider under subclause (I) shall be considered medical assistance or child health assistance for purposes of section 1903(a) or 2105(a), respectively, of the Social Security Act (42 U.S.C. 1396b(a); 1397ee(a)).

(III) PATIENT POPULATION.—In determining the amount of payment to a personal primary care provider per month with respect to targeted beneficiaries under this clause, a State participating in the project shall take into account the care needs of such targeted beneficiaries.

(ii) PAYMENTS TO STEERING COMMITTEES.—

(I) IN GENERAL.—Subject to subsection (d)(6)(B), a State participating in the project shall pay a steering committee not less than $2.50 per targeted beneficiary per month.

(II) FEDERAL MATCHING PAYMENT.—Subject to subparagraph (A)(ii), amounts paid to a steering committee under subclause (I) shall be considered medical assistance or child health assistance for purposes of section 1903(a) or 2105(a), respectively, of the Social Security Act (42 U.S.C. 1396b(a); 1397ee(a)).

(III) USE OF FUNDS.—Amounts paid to a steering committee under subclause (I) shall be used (in accordance with any applicable Medicaid requirements) to purchase health information technology, pay primary care case managers, support network initiatives, and for such other uses as the steering committee determines appropriate.

(4) TECHNICAL ASSISTANCE.—The Secretary shall make available technical assistance to States, physician practices, and health centers participating in the project during the duration of the project.

(5) BEST PRACTICES INFORMATION.—The Secretary shall collect and make available to States participating in the project information on best practices for patient-centered medical homes.

(d) PATIENT-CENTERED MEDICAL HOME PROGRAM.—

(1) IN GENERAL.—For purposes of this section, a patient-centered medical home program meets the requirements of this subsection if, under such program, targeted beneficiaries have access to a personal primary care provider in a patient-centered medical home as their source of first contact, comprehensive, and coordinated care for the whole person.

(2) ELEMENTS.—

(A) MANDATORY ELEMENTS.—

(i) IN GENERAL.—Such program shall include the following elements:

(I) A steering committee.

(II) A medical management committee.

(III) A network of physician practices and health centers that have volunteered to participate as patient-centered medical homes to provide high-quality care, focusing on preventive care, at the appropriate time and place and in a cost-effective manner.

(IV) Hospitals and local public health departments that will work in cooperation with the network of patient-centered medical homes to coordinate and provide health care.

(V) Primary care case managers to assist with care coordination.

(VI) Health information technology to facilitate the provision and coordination of health care by network participants.

(ii) MULTIPLE LOCATIONS IN THE STATE.—In the case where a State operates a patient-centered medical home program in 2 or more areas in the State, the program in each of those areas shall include the elements described in clause (i).

(B) OPTIONAL ELEMENTS.—Such program may include a non-profit organization that—

(i) includes a steering committee and a medical management committee; and

(ii) manages the payments to steering committees described in subsection (c)(3)(B)(ii).

(3) GOALS.—Such program shall be designed—

(A) to increase—

(i) cost efficiencies of health care delivery;

(ii) access to appropriate health care services, especially wellness and prevention care, at times convenient for patients;

(iii) patient satisfaction;

(iv) communication among primary care providers, hospitals, and other health care providers;

(v) school attendance; and

(vi) the quality of health care services (as determined by the relevant steering committee and medical management committee, taking into account nationally developed standards and measures); and

(B) to decrease—

(i) inappropriate emergency room utilization, which can be accomplished through initiatives, such as expanded hours of care throughout the program network;

(ii) avoidable hospitalizations; and

(iii) duplication of health care services provided.

(4) PAYMENT.—Under the program, payment shall be provided to personal primary care providers and steering committees (in accordance with subsection (c)(3)(B)).

(5) NOTIFICATION.—The State shall notify individuals enrolled in Medicaid or CHIP about—

(A) the patient-centered medical home program;

(B) the providers participating in such program; and

(C) the benefits of such program.

(6) TREATMENT OF STATES WITH A MANAGED CARE CONTRACT.—

(A) IN GENERAL.—In the case where a State contracts with a private entity to manage parts of the State Medicaid program, the State shall—

(i) ensure that the private entity follows the care management model; and

(ii) establish a medical management committee and a steering committee in the community.

(B) ADJUSTMENT OF PAYMENT AMOUNTS.—The State may adjust the amount of payments made under (c)(3)(B), taking into consideration the management role carried out by the private entity described in subparagraph (A) and the cost effectiveness provided by such entity in certain areas, such as health information technology.

(e) EVALUATION AND PROJECT REPORT.—

(1) IN GENERAL.—

(A) EVALUATION.—The Secretary, in consultation with appropriate health care professional associations, shall evaluate the project in order to determine the effectiveness of patient-centered medical homes in terms of quality improvement, patient and provider satisfaction, and the improvement of health outcomes.

(B) PROJECT REPORT.—Not later than 12 months after completion of the project, the Secretary shall submit to Congress a report on the project containing the results of the evaluation conducted under subparagraph (A). Such report shall include—

(i) an assessment of the differences, if any, between the quality of the care provided through the patient-centered medical home program conducted under the project in the States that provided medical assistance for primary care case management services and those that did not;

(ii) an assessment of quality improvements and clinical outcomes as a result of such program;

(iii) estimates of cost savings resulting from such program; and

(iv) recommendations for such legislation and administrative action as the Secretary determines to be appropriate.

(2) SENSE OF THE SENATE.—It is the sense of the Senate that titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 et seq.; 1397aa et seq.) should be amended, based on the results of the evaluation and report under paragraph (1), to establish a patient-centered medical home program under such titles on a permanent basis.

(f) WAIVER.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall waive compliance with such requirements of titles XI, XIX, and XXI of the Social Security Act (42 U.S.C. 1301 et seq.; 1396 et seq.; 1397aa et seq.) to the extent and for the period the Secretary finds necessary to conduct the project.

(2) LIMITATION.—In no case shall the Secretary waive compliance with the requirements of subsections (a)(10)(A), (a)(15), and (bb) of section 1902 of the Social Security Act (42 U.S.C. 1396a) under paragraph (1), to the extent that such requirements require the provision of and reimbursement for services described in section 1905(a)(2)(C) of such Act (42 U.S.C. 1396d(a)(2)(C)).

AMENDMENTS SUBMITTED AND PROPOSED

SA 1145. Mr. KYL 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.

SA 1146. Mr. KYL 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 1147. Mr. KYL (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 2346, supra.

SA 1148. Mr. KYL (for himself, Mr. VITTER, and Mr. SESSIONS) 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 1149. Mr. GRAHAM (for himself and Mr. LIEBERMAN) 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 1150. Mr. REID (for Mr. KENNEDY) submitted an amendment intended to be proposed by Mr. REID to the bill H.R. 2346, supra; which was ordered to lie on the table.

SA 1151. Mr. REID (for Mr. KENNEDY) submitted an amendment intended to be proposed by Mr. REID to the bill H.R. 2346, supra; which was ordered to lie on the table.

SA 1152. Mrs. FEINSTEIN 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 1153. Mrs. MURRAY 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 1154. Mr. WEBB 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 1155. Mr. NELSON, of Florida (for himself and Ms. LANDRIEU) 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 1156. Mr. LIEBERMAN (for himself, Mr. GRAHAM, Mr. BEGICH, Mr. THUNE, Mr. BURRIS, Mr. BENNETT, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill H.R. 2346, supra.

SA 1157. Mr. LIEBERMAN (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill H.R. 2346, supra.

SA 1158. Mrs. HUTCHISON (for herself and Mrs. FEINSTEIN) 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 1159. Mr. MCCAIN (for himself, Mr. LUGAR, and Mr. LIEBERMAN) 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 1160. Mr. HARKIN 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 1161. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 2346, supra.

SA 1162. Mr. GREGG 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 1163. Mr. GREGG 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 1164. Mr. ISAKSON (for himself, Mr. CHAMBLISS, Mr. DODD, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 2346, supra.

SA 1165. Mrs. GILLIBRAND 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 1166. Mr. LAUTENBERG (for himself and Ms. SNOWE) 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 1167. Mr. BENNET (for himself, Mr. CASEY, and Mr. JOHANNS) submitted an amendment intended to be proposed by him to the bill H.R. 2346, supra.

SA 1168. Mr. LEAHY 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 1169. Mr. LEAHY (for himself, Mr. BROWN, and Mr. CASEY) 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 1170. Mr. LEAHY 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 1171. Mr. LEAHY 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 1172. Mr. VITTER (for himself and Ms. LANDRIEU) 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 1173. Mr. CORKER (for himself, Mr. GRAHAM, Mr. LIEBERMAN, Mr. LUGAR, Mr. ISAKSON, Ms. COLLINS, and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill H.R. 2346, supra.

SA 1174. Mrs. HUTCHISON 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 1175. Mrs. HUTCHISON 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 1176. Mrs. HUTCHISON 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 1177. Ms. LANDRIEU (for herself 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 1178. Mr. CARDIN 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 1179. Mr. KAUFMAN (for himself, Mr. LUGAR, and Mr. REED) submitted an amendment intended to be proposed by him to the bill H.R. 2346, supra.

SA 1180. Ms. LANDRIEU 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 1181. Mrs. LINCOLN (for herself and Mr. PRYOR) submitted an amendment intended to be proposed by her to the bill H.R. 2346, supra.

SA 1182. Mr. MENENDEZ 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 1183. Ms. LANDRIEU (for herself and Mr. VITTER) 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 1184. Mr. BINGAMAN 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 1185. Mr. MERKLEY (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill H.R. 2346, supra.

SA 1186. 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.

SA 1187. Mr. WYDEN (for himself, Ms. KLOBUCHAR, Mr. GRASSLEY, Mr. ROBERTS, and Mr. SHELBY) 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 1188. Mr. MCCAIN (for himself, Mr. LIEBERMAN, Mr. LUGAR, and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill H.R. 2346, supra.

SA 1189. Mrs. HUTCHISON (for herself, Mr. BROWN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Mr. COCHRAN, Mr. BOND, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by her to the bill H.R. 2346, supra.

SA 1190. Mr. REID (for Mr. KENNEDY (for himself and Mr. CARDIN)) submitted an amendment intended to be proposed by Mr. REID to the bill H.R. 2346, supra; which was ordered to lie on the table.

SA 1191. Mr. LEAHY (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill H.R. 2346, supra.

SA 1192. Mr. COBURN (for himself and 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 1193. Mr. COBURN 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 1194. Mr. COBURN 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 1195. Mr. CORNYN 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 1196. Ms. STABENOW 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 1197. Mr. LEVIN 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 1198. Mr. LUGAR (for himself and Mr. LEAHY) 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 1199. Mr. DURBIN proposed an amendment to amendment SA 1136 proposed by Mr. MCCONNELL to the bill H.R. 2346, supra.

SA 1200. Mr. REID (for Mrs. HUTCHISON) proposed an amendment to the bill S. 614, to award a Congressional Gold Medal to the Women Airforce Service Pilots (''WASP'').

SA 1201. Mr. REID proposed an amendment to amendment SA 1167 submitted by Mr. BENNET (for himself, Mr. CASEY, and Mr. JOHANNS) to the bill H.R. 2346, making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes.

TEXT OF AMENDMENTS

SA 1145. Mr. KYL 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 97, between lines 11 and 12, insert the following:

REPORT ON DAMAGE TO PROJECTS AND PROGRAMS IN GAZA CAUSED BY HAMAS

SEC. 1121. (a) Not later than 45 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the Committee detailing assessed damages to United States Government-funded projects and programs in Gaza caused when Hamas broke the ceasefire with Israel from December 2008 to January 2009.

(b) The report required under subsection (a) shall include—

(1) an estimate of the amounts expended on such programs and projects and the estimated costs for repair or rehabilitation;

(2) a description of the assessed damages to United Nations facilities in Gaza caused during such period and, to the extent known, the party responsible for such damage; and

(3) a determination whether such projects or programs were being used by Hamas for any activity by the organization, including launching rockets, sheltering Hamas terrorists, and storing ammunition and other materiel.

SA 1146. Mr. KYL 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. ___. (a) REPORT ON INTERNATIONAL FINANCIAL INSTITUTION LOANS TO THE ISLAMIC REPUBLIC OF IRAN.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of the Treasury shall submit to the Committee on Foreign Relations of the Senate and the Committee on Financial Services of the House of Representatives, and post on the website of the Department of the Treasury, a report—

(1) assessing the compliance of each United States Executive Director of an international financial institution with the requirement under section 1621(a) of the International Financial Institutions Act (22 U.S.C. 262p–4q(a)) that the Director oppose any loan or other use of funds by the institution for the Islamic Republic of Iran;

(2) assessing the progress made by each such Director in opposing such loans and other uses of funds;

(3) assessing the compliance of the United States Executive Directors of the International Development Association and the International Bank for Reconstruction and Development with the requirement under such section 1621(a) with respect to the development of a new World Bank country assistance strategy for the Islamic Republic of Iran; and

(4) describing the efforts of the Secretary to halt the disbursement of any such loan or other use of funds from such an institution for the Islamic Republic of Iran that has already been approved by the institution.

(b) SUNSET.—Subsection (a) shall terminate on the day on which the President certifies to Congress that the Islamic Republic of Iran has halted all uranium enrichment activities.

SA 1147. Mr. KYL (for himself and Mr. LIEBERMAN) 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; as follows:

At the end of title IV, add the following:

PROHIBITION ON USE OF FUNDS FOR THE STRATEGIC PETROLEUM RESERVE FOR PERSONS THAT HAVE ENGAGED IN CERTAIN ACTIVITIES WITH RESPECT TO THE ISLAMIC REPUBLIC OF IRAN

SEC. 410. None of the funds made available by this title or any other appropriations Act for the Strategic Petroleum Reserve may be made available to any person that has, during the 3-year period ending on the date of the enactment of this Act—

(1) sold refined petroleum products valued at $1,000,000 or more to the Islamic Republic of Iran;

(2) engaged in an activity valued at $1,000,000 or more that could contribute to enhancing the ability of Iran to import refined petroleum products, including—

(A) providing ships or shipping services to deliver refined petroleum products to the Islamic Republic of Iran;

(B) underwriting or otherwise providing insurance or reinsurance for such an activity; or

(C) financing or brokering such an activity; or

(3) sold, leased, or otherwise provided to the Islamic Republic of Iran any goods, services, or technology valued at $1,000,000 or more that could contribute to the maintenance or expansion of the capacity of the Islamic Republic of Iran to produce refined petroleum products.

SA 1148. Mr. KYL (for himself, Mr. VITTER, and Mr. SESSIONS) 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 31, between lines 3 and 4, insert the following:

SEC. 315. Congress makes the following findings:

(1) Congress is grateful for the service and leadership of the members of the bipartisan Congressional Commission on the Strategic Posture of the United States, who, pursuant to section 1062 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 319), spent more than a year examining the Nation's strategic posture in all of its aspects: deterrence strategy, arms control initiatives, and nonproliferation strategies.

(2) The Commission, comprised of some of this country's most preeminent scholars and technical experts in the subject matter, found a bipartisan consensus on these issues in its Final Report made public on May 6, 2009.

(3) Congress appreciates the service of former Secretary of Defense William Perry, former Secretary of Defense and Secretary of Energy James Schlesinger, former Senator John Glenn, former Congressman Lee Hamilton, Ambassador James Woolsey, Doctors John Foster, Fred Ikle, Keith Payne, Morton Halperin, Ellen Williams, Bruce Tarter, and Harry Cartland, and the United States Institute of Peace.

(4) Congress values the work of the Commission and pledges to work with President Barack Obama to address the findings and implement the recommendations of the Commission.

SA 1149. Mr. GRAHAM (for himself and Mr. LIEBERMAN) 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. __. RELEASE OR TRANSFER OF COVERED INDIVIDUALS.

(a) COVERED INDIVIDUAL DEFINED.—In this section, the term ''covered individual'' means any individual who—

(1) has ever been determined by a Combatant Status Review Tribunal to be an enemy combatant (pursuant to the definition employed by that tribunal) or is awaiting the determination of such a tribunal;

(2) is in the custody of the United States at Guantanamo Bay, Cuba on or after the date of enactment of this Act; and

(3) is not a citizen of the United States or an alien admitted for permanent residence in the United States.

(b) COVERED INDIVIDUALS ORDERED RELEASED.—

(1) IN GENERAL.—No court shall order the release of a covered individual into the United States.

(2) VISAS AND IMMIGRATION.—The Secretary of State may not issue any visa, and the Secretary of Homeland Security may not admit or provide any type of status, to a covered individual that permits the covered individual to enter into, or be admitted to, the United States.

(c) TRANSFER.—

(1) IN GENERAL.—If a covered individual is no longer held by the United States as an

enemy combatant, the covered individual shall be released into the custody of the Secretary of Homeland Security, who shall transfer the individual to the covered individual's country of nationality or to another country.

(2) HOUSING.—An individual in the custody of the Secretary of Homeland Security pursuant to paragraph (1) shall be housed separately from aliens detained as enemy combatants by the Department of Defense in a manner consistent with the safety and security of United States personnel.

(3) TRANSFER.—Transfers made pursuant to paragraph (1) shall be carried out as expeditiously as possible and in a manner that is consistent with—

(A) the policy set out in section 2242 of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999 (8 U.S.C. 1231 note); and

(B) the national security interests of the United States.

SA 1150. Mr. REID (for Mr. KENNEDY) submitted an amendment intended to be proposed by Mr. REID 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 III, insert the following:

SEC. 315. (a)(1) The amount appropriated or otherwise made available by this title under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'' is hereby increased by $32,000,000.

(2) Of the amount appropriated or otherwise made available by this title under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'', as increased by paragraph (1), $32,000,000 shall be available for an MQ–9 with an integrated DB–110 podded reconnaissance system.

(b) The amount appropriated or otherwise made available by this title under the heading ''AIRCRAFT PROCUREMENT, AIR FORCE'' is hereby reduced by $32,000,000.

SA 1151. Mr. REID (for Mr. KENNEDY) submitted an amendment intended to be proposed by Mr. REID 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 31, between lines 3 and 4, insert the following:

SEC. 315. (a) Of the amounts appropriated or otherwise made available by title III of the Department of Defense Appropriations Act, 2009 (division C of Public Law 110–329) under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'' for the Landmine Warfare and Barrier (PE 0603619A) that remain available for obligation as of the date of the enactment of this Act, $10,000,000 shall be transferred to ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'' and made available for Combating Terrorism Technical Support (PE 0603122D8Z).

(b) Amounts transferred to ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'' under subsection (a) shall be merged with amounts under such heading, and shall be made available for the purposes set forth in such subsection, and subject to the same conditions and limitations, as amounts appropriated or otherwise made available under such heading for such purposes.

SA 1152. Mrs. FEINSTEIN 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:

On page 39, after line 23, add the following:

AMENDMENT TO ENERGY POLICY ACT OF 1992

SEC. 410. Section 106(a)(2)(C) of the Energy Policy Act of 1992 (12 U.S.C. 1701z-16(a)(2)(C)) is amended—

(1) in clause (i), by striking ''section 203(b)(2)(A)) of the National Housing Act (12 U.S.C. 1709(b)(2)(A)'' and inserting ''section 203(b)(2)(A)(i)) of the National Housing Act (12 U.S.C. 1709(b)(2)(A)(i))''; and

(2) in clause (ii), by striking ''section 203(b)(2)(B)'' and inserting ''section 203(b)(2)(A)(ii)''.

SA 1153. Mrs. MURRAY 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 appropriate place, insert the following:

SEC. ___. VESSEL SIZE LIMITS FOR FISHERY ENDORSEMENTS.

(a) LENGTH, TONNAGE, AND HORSEPOWER.—Section 12113(d)(2) of title 46, United States Code, is amended—

(1) in subparagraph (A)—

(A) in clause (i), by adding ''and'' at the end;

(B) in clause (ii) by striking ''and'' at the end; and

(C) by striking clause (iii);

(2) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(C) the vessel is either a rebuilt vessel or a replacement vessel under section 208(g) of the American Fisheries Act (title II of division C of Public Law 105–277; 112 Stat. 2681–627) and is eligible for a fishery endorsement under this section.''.

(b) CONFORMING AMENDMENTS.—

(1) VESSEL REBUILDING AND REPLACEMENT.—Subsection (g) of section 208 of the American Fisheries Act (title II of division C of Public Law 105–277; 112 Stat. 2681–627) is amended to read as follows:

''(g) VESSEL REBUILDING AND REPLACEMENT.—

''(1) IN GENERAL.—

''(A) REBUILD OR REPLACE.—Notwithstanding any limitation to the contrary on replacing, rebuilding, or lengthening vessels or transferring permits or licenses to a replacement vessel contained in sections 679.2 and 679.4 of title 50, Code of Federal Regulations, as in effect on the date of enactment of this subsection and except as provided in paragraph (4), the owner of a vessel eligible under subsection (a), (b), (c), (d), or (e) (other than paragraph (21)), in order to improve vessel safety and operational efficiencies (including fuel efficiency), may rebuild or replace that vessel (including fuel efficiency) with a vessel documented with a fishery endorsement under section 12113 of title 46, United States Code.

''(B) SAME REQUIREMENTS.—The rebuilt or replacement vessel shall be eligible in the same manner and subject to the same restrictions and limitations under such subsection as the vessel being rebuilt or replaced.

''(C) TRANSFER OF PERMITS AND LICENSES.—Each fishing permit and license held by the owner of a vessel or vessels to be rebuilt or replaced under subparagraph (A) shall be transferred to the rebuilt or replacement vessel.

''(2) RECOMMENDATIONS OF NORTH PACIFIC COUNCIL.—The North Pacific Council may recommend for approval by the Secretary such conservation and management measures, including size limits and measures to control fishing capacity, in accordance with the Magnuson-Stevens Act as it considers necessary to ensure that this subsection does not diminish the effectiveness of fishery management plans of the Bering Sea and Aleutian Islands Management Area or the Gulf of Alaska.

''(3) SPECIAL RULE FOR REPLACEMENT OF CERTAIN VESSELS.—

''(A) IN GENERAL.—Notwithstanding the requirements of subsections (b)(2), (c)(1), and (c)(2) of section 12113 of title 46, United States Code, a vessel that is eligible under subsection (a), (b), (c), (d), or (e) (other than paragraph (21)) and that qualifies to be documented with a fishery endorsement pursuant to section 203(g) or 213(g) may be replaced with a replacement vessel under paragraph (1) if the vessel that is replaced is validly documented with a fishery endorsement pursuant to section 203(g) or 213(g) before the replacement vessel is documented with a fishery endorsement under section 12113 of title 46, United States Code.

''(B) APPLICABILITY.—A replacement vessel under subparagraph (A) and its owner and mortgagee are subject to the same limitations under section 203(g) or 213(g) that are applicable to the vessel that has been replaced and its owner and mortgagee.

''(4) SPECIAL RULES FOR CERTAIN CATCHER VESSELS.—

''(A) IN GENERAL.—A replacement for a covered vessel described in subparagraph (B) is prohibited from harvesting fish in any fishery (except for the Pacific whiting fishery) managed under the authority of any regional fishery management council (other than the North Pacific Council) established under section 302(a) of the Magnuson-Stevens Act.

''(B) COVERED VESSELS.—A covered vessel referred to in subparagraph (A) is—

''(i) a vessel eligible under subsection (a), (b), or (c) that is replaced under paragraph (1); or

''(ii) a vessel eligible under subsection (a), (b), or (c) that is rebuilt to increase its registered length, gross tonnage, or shaft horsepower.

''(5) LIMITATION ON FISHERY ENDORSEMENTS.—Any vessel that is replaced under this subsection shall thereafter not be eligible for a fishery endorsement under section 12113 of title 46, United States Code, unless that vessel is also a replacement vessel described in paragraph (1).

''(6) GULF OF ALASKA LIMITATION.—Notwithstanding paragraph (1), the Secretary shall prohibit from participation in the groundfish fisheries of the Gulf of Alaska any vessel that is rebuilt or replaced under this subsection and that exceeds the maximum length overall specified on the license that authorizes fishing for groundfish pursuant to the license limitation program under part 679 of title 50, Code of Federal Regulations, as in effect on the date of enactment of this subsection.

''(7) AUTHORITY OF PACIFIC COUNCIL.—Nothing in this section shall be construed to diminish or otherwise affect the authority of the Pacific Council to recommend to the Secretary conservation and management measures to protect fisheries under its jurisdiction (including the Pacific whiting fishery) and participants in such fisheries from adverse impacts caused by this Act.''.

(2) EXEMPTION OF CERTAIN VESSELS.—Section 203(g) of the American Fisheries Act (title II of division C of Public Law 105–277; 112 Stat. 2681–620) is amended—

(A) by inserting ''and'' after ''(United States official number 651041)'';

(B) by striking '', NORTHERN TRAVELER (United States official number 635986), and NORTHERN VOYAGER (United States official number 637398) (or a replacement vessel for the NORTHERN VOYAGER that complies with paragraphs (2), (5), and (6) of section 208(g) of this Act)''; and

(C) by striking '', in the case of the NORTHERN'' and all that follows through ''PHOENIX,''.

(3) FISHERY COOPERATIVE EXIT PROVISIONS.—Section 210(b) of the American Fisheries Act (title II of division C of Public Law 105–277; 112 Stat. 2681–629) is amended—

(A) by moving the matter beginning with ''the Secretary shall'' in paragraph (1) 2 ems to the right; and

(B) by adding at the end the following:

''(7) FISHERY COOPERATIVE EXIT PROVISIONS.—

''(A) FISHING ALLOWANCE DETERMINATION.—For purposes of determining the aggregate percentage of directed fishing allowances under paragraph (1), when a catcher vessel is removed from the directed pollock fishery, the fishery allowance for pollock for the vessel being removed—

''(i) shall be based on the catch history determination for the vessel made pursuant to section 679.62 of title 50, Code of Federal Regulations, as in effect on the date of enactment of this paragraph; and

''(ii) shall be assigned, for all purposes under this title, in the manner specified by the owner of the vessel being removed to any other catcher vessel or among other catcher vessels participating in the fishery cooperative if such vessel or vessels remain in the fishery cooperative for at least one year after the date on which the vessel being removed leaves the directed pollock fishery.

''(B) ELIGIBILITY FOR FISHERY ENDORSEMENT.—Except as provided in subparagraph (C), a vessel that is removed pursuant to this paragraph shall be permanently ineligible for a fishery endorsement, and any claim (including relating to catch history) associated with such vessel that could qualify any owner of such vessel for any permit to participate in any fishery within the exclusive economic zone of the United States shall be extinguished, unless such removed vessel is thereafter designated to replace a vessel to be removed pursuant to this paragraph.

''(C) LIMITATIONS ON STATUTORY CONSTRUCTION.—Nothing in this paragraph shall be construed—

''(i) to make the vessels AJ (United States official number 905625), DONA MARTITA (United States official number 651751), NORDIC EXPLORER (United States official number 678234), and PROVIDIAN (United States official number 1062183) ineligible for a fishery endorsement or any permit necessary to participate in any fishery under the authority of the New England Fishery Management Council or the Mid-Atlantic Fishery Management Council established, respectively, under subparagraphs (A) and (B) of section 302(a)(1) of the Magnuson-Stevens Act; or

''(ii) to allow the vessels referred to in clause (i) to participate in any fishery under the authority of the Councils referred to in clause (i) in any manner that is not consistent with the fishery management plan for the fishery developed by the Councils under section 303 of the Magnuson-Stevens Act.''.

SA 1154. Mr. WEBB 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 end of title XI, insert the following:

LIMITATIONS ON PAKISTAN ASSISTANCE

SEC. 1121. (a) None of the funds appropriated or otherwise made available by this Act may be obligated or expended to provide assistance to Pakistan unless the President first certifies to the appropriate congressional committees that all measures have been and will be taken to ensure that none of such obligated or expended funds are used—

(1) to support, expand, or in any way assist in the development or deployment of the nuclear weapons program of the Government of Pakistan; or

(2) to support programs or purposes for which such funds have not been specifically appropriated by this Act.

(b)(1) Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the President shall submit to the appropriate congressional committees a report—

(A) certifying whether or not any funds appropriated or otherwise made available by this Act and obligated or expended during the reporting period to provide assistance to Pakistan were used for the purposes described in paragraphs (1) and (2) of subsection (a); and

(B) describing the measures taken during such reporting period to ensure that no obligated or expended funds were used for such purposes.

(2) Each report submitted under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(c) In this section, the term ''appropriate congressional committees'' means—

(1) the Committees on Armed Services, Foreign Relations, and Appropriations of the Senate; and

(2) the Committees on Armed Services, Foreign Affairs, and Appropriations of the House of Representatives.

SA 1155. Mr. NELSON of Florida (for himself and Ms. LANDRIEU) 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 44, between lines 14 and 15, insert the following:

CONSUMER PRODUCT SAFETY COMMISSION

For an additional amount for the Consumer Product Safety Commission, $2,000,000, to remain available until expended, to investigate the public health and environmental impacts of drywall products imported from the People's Republic of China: *Provided*, That of the funds provided under this heading, not less than $1,500,000 shall be expended to analyze such drywall products: *Provided further*, That of the funds provided under this heading, not less than $105,000 shall be expended to carry out a campaign to educate the general public about the public health and environmental impacts of defective drywall products: *Provided further*, That the Commission shall, not later than 60 days after the date of the enactment of this Act, submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report specifying the findings of the investigation required under this heading and outlining the progress made in that investigation: *Provided further*, That for purposes of Senate enforcement, the amount under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 403 of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SA 1156. Mr. LIEBERMAN (for himself, Mr. GRAHAM, Mr. BEGICH, Mr. THUNE, Mr. BURRIS, Mr. BENNETT, and Mr. CORNYN) 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; as follows:

At the end of title III, add the following:

SEC. 315. (a) INCREASE IN FISCAL YEAR 2009 AUTHORIZED END STRENGTH FOR ARMY ACTIVE DUTY PERSONNEL.—Paragraph (1) of section 401 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4428) is amended to read as follows:

''(1) The Army, 547,400.''.

(b) INCREASE IN PERMANENT ACTIVE DUTY END STRENGTH MINIMUM LEVEL FOR ARMY PERSONNEL.—Paragraph (1) of section 691 of title 10, United States Code, is amended to read as follows:

''(1) For the Army, 547,400.''.

(c) FUNDING.—

(1) MILITARY PERSONNEL, ARMY.—The amount appropriated by this title under the heading ''MILITARY PERSONNEL, ARMY'' is hereby increased by $200,000,000, with the amount of such increase to be available for purposes of costs of personnel in connection with personnel of the Army on active duty in excess of 547,400 personnel of the Army.

(2) OPERATION AND MAINTENANCE, ARMY.—The amount appropriated by this title under the heading ''OPERATION AND MAINTENANCE, ARMY'' is hereby increased by $200,000,000, with the amount of such increase to be available for purposes of costs of operation and maintenance in connection with personnel of the Army on active duty in excess of 547,400 personnel of the Army.

(3) LIMITATION ON AVAILABILITY.—Amounts appropriated by paragraphs (1) and (2) shall be available only for the purposes specified in such paragraph.

(4) EMERGENCY REQUIREMENT.—For purposes of Senate enforcement, the amounts appropriated by paragraphs (1) and (2) are designated as an emergency requirement and necessary to meet emergency needs pursuant to section 403 of S. Con Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SA 1157. Mr. LIEBERMAN (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 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. _____. DETAINEE PHOTOGRAPHIC RECORDS PROTECTION.

(a) SHORT TITLE.—This section may be cited as the ''Detainee Photographic Records Protection Act of 2009''.

(b) DEFINITIONS.—In this section:

(1) COVERED RECORD.—The term ''covered record'' means any record—

(A) that is a photograph relating to the treatment of individuals engaged, captured, or detained after September 11, 2001, by the Armed Forces of the United States in operations outside of the United States; and

(B) for which a certification by the Secretary of Defense under subsection (c) is in effect.

(2) PHOTOGRAPH.—The term ''photograph'' encompasses all photographic images, whether originals or copies, including still photographs, negatives, digital images, films, video tapes, and motion pictures.

(c) CERTIFICATION.—

(1) IN GENERAL.—For any photograph described under subsection (b)(1)(A), the Secretary of Defense shall submit a certification, in classified form to the extent appropriate, to the President, if the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, determines that the disclosure of that photograph would endanger—

(A) citizens of the United States; or

(B) members of the Armed Forces or employees of the United States Government deployed outside the United States.

(2) CERTIFICATION EXPIRATION.—A certification submitted under paragraph (1) and a renewal of a certification submitted under paragraph (2) shall expire 5 years after the date on which the certification or renewal, as the case may be, is submitted to the President.

(3) CERTIFICATION RENEWAL.—The Secretary of Defense may submit to the President—

(A) a renewal of a certification in accordance with paragraph (1) at any time; and

(B) more than 1 renewal of a certification.

(d) NONDISCLOSURE OF DETAINEE RECORDS.—A covered record shall not be subject to—

(1) disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act); or

(2) disclosure under any proceeding under that section.

(e) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act and apply to any photograph created before, on, or after that date that is a covered record.

SA 1158. Mrs. HUTCHISON (for herself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by her to the bill S. 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. ___. EXTENSION OF FEDERAL REIMBURSEMENT OF EMERGENCY HEALTH SERVICES FURNISHED TO UNDOCUMENTED ALIENS.

(a) IN GENERAL.—Section 1011(a)(1) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395dd note) is amended by striking ''2008'' and inserting ''2009''.

(b) EMERGENCY DESIGNATION.—For purposes of Senate enforcement, the amount made available for fiscal year 2009 under section 1011(a)(1) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395dd note), as amended by this section, is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 403 of S. Con Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SA 1159. Mr. MCCAIN (for himself, Mr. LUGAR, and Mr. LIEBERMAN)) submitted an amendment intended to be proposed by him to the bill S. 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 XI, add the following:

SEC. 1121. (a) ADDITIONAL AMOUNT FOR ASSISTANCE FOR GEORGIA.—The amount appropriated by this title under the heading ''Europe, Eurasia and Central Asia'' is hereby increased by $42,500,000, with the amount of the increase to be available for assistance for Georgia.

(b) SOURCE OF FUNDS.—The amount of the increase in subsection (a) shall be derived from amounts appropriated or otherwise made available by this title, other than amounts under the heading ''Europe, Eurasia and Central Asia'' and available for assistance for Georgia.

SA 1160. Mr. HARKIN 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 106, between lines 14 and 15, insert the following:

SEC. 1303. (a) EFFORTS TO REDUCE THE WORST FORMS OF CHILD LABOR.—The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to promote policies and practices to reduce the worst forms of child labor (as defined in section 507(6) of the Trade Act of 1974 (19 U.S.C. 2467(6))) through education and other means, such as promoting the need for members of the Fund to develop and implement national action plans to combat the worst forms of child labor.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of the Treasury shall submit 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 a report describing the efforts of the International Monetary Fund to reduce the worst forms of child labor.

SA 1161. Mr. BROWN 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; as follows:

On page 106, between lines 14 and 15, insert the following:

SEC. 1303. (a) EXEMPTION OF CERTAIN GOVERNMENT SPENDING FROM INTERNATIONAL MONETARY FUND RESTRICTIONS.—The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to oppose any loan, project, agreement, memorandum, instrument, plan, or other program of the Fund that does not exempt spending on health care, education, food aid, and other critical safety net programs by the governments of heavily indebted poor countries from national budget caps or restraints, hiring or wage bill ceilings, or other limits on government spending sought by the Fund.

(b) CONFORMING REPEAL.—Section 7030 of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 874) is amended by striking subsection (c) and redesignating subsection (d) as subsection (c).

SA 1162. Mr. GREGG 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 107, line 1, strike ''section'' and insert ''title''

On page 107, line 5, strike ''Ways and Means'' and insert ''Financial Services''

SA 1163. Mr. GREGG 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 97, line 11, insert after the period:

CONTINGENCIES

SEC. ___. During fiscal years 2009 and 2010, the President may use up to $100,000,000 under the authority of section 451 of the Foreign Assistance Act of 1961, notwithstanding the funding ceiling in section 451(a): Provided, That when relying on the authority of section 451 of the Foreign Assistance Act during such fiscal years, the Millennium Challenge Act of 2003 (22 U.S.C. 7701 et seq) shall be deemed a provision of the Foreign Assistance Act of 1961 for the purpose of providing for unanticipated contingenies.

SA 1164. Mr. ISAKSON (for himself, Mr. CHAMBLISS, Mr. DODD, and Mr. LIEBERMAN) 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; as follows:

At the end of title V, insert the following:

SEC. 504. CREDIT FOR CERTAIN HOME PURCHASES.

(a) ELIMINATION OF FIRST-TIME HOMEBUYER REQUIREMENT.—

(1) IN GENERAL.—Subsection (a) of section 36 of the Internal Revenue Code of 1986 is amended by striking ''who is a first-time homebuyer of a principal residence'' and inserting ''who purchases a principal residence''.

(2) CONFORMING AMENDMENTS.—

(A) Subsection (c) of section 36 of such Code is amended by striking paragraph (1) and by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (1), (2), (3), and (4), respectively.

(B) Section 36 of such Code is amended by striking ''**FIRST-TIME HOMEBUYER CREDIT**'' in the heading and inserting ''**HOME PURCHASE CREDIT**''.

(C) The table of sections for subpart C of part IV of subchapter A of chapter 1 of such Code is amended by striking the item relating to section 36 and inserting the following new item:

''Sec. 36. Home purchase credit.''.

(D) Subparagraph (W) of section 26(b)(2) of such Code is amended by striking ''homebuyer credit'' and inserting ''home purchase credit''.

(b) ELIMINATION OF RECAPTURE EXCEPT FOR HOMES SOLD WITHIN 3 YEARS.—Subsection (f) of section 36 of the Internal Revenue Code of 1986 is amended to read as follows:

''(f) RECAPTURE OF CREDIT IN THE CASE OF CERTAIN DISPOSITIONS.—

''(1) IN GENERAL.—In the event that a taxpayer—

''(A) disposes of the principal residence with respect to which a credit was allowed under subsection (a), or

''(B) fails to occupy such residence as the taxpayer's principal residence,

at any time within 36 months after the date on which the taxpayer purchased such residence, then the tax imposed by this chapter for the taxable year during which such disposition occurred or in which the taxpayer failed to occupy the residence as a principal residence shall be increased by the amount of such credit.

''(2) EXCEPTIONS.—

''(A) DEATH OF TAXPAYER.—Paragraph (1) shall not apply to any taxable year ending after the date of the taxpayer's death.

''(B) INVOLUNTARY CONVERSION.—Paragraph (1) shall not apply in the case of a residence

which is compulsorily or involuntarily converted (within the meaning of section 1033(a)) if the taxpayer acquires a new principal residence within the 2-year period beginning on the date of the disposition or cessation referred to in such paragraph. Paragraph (1) shall apply to such new principal residence during the remainder of the 36-month period described in such paragraph as if such new principal residence were the converted residence.

''(C) TRANSFERS BETWEEN SPOUSES OR INCIDENT TO DIVORCE.—In the case of a transfer of a residence to which section 1041(a) applies—

''(i) paragraph (1) shall not apply to such transfer, and

''(ii) in the case of taxable years ending after such transfer, paragraph (1) shall apply to the transferee in the same manner as if such transferee were the transferor (and shall not apply to the transferor).

''(D) RELOCATION OF MEMBERS OF THE ARMED FORCES.—Paragraph (1) shall not apply in the case of a member of the Armed Forces of the United States on active duty who moves pursuant to a military order and incident to a permanent change of station.

''(3) JOINT RETURNS.—In the case of a credit allowed under subsection (a) with respect to a joint return, half of such credit shall be treated as having been allowed to each individual filing such return for purposes of this subsection.

''(4) RETURN REQUIREMENT.—If the tax imposed by this chapter for the taxable year is increased under this subsection, the taxpayer shall, notwithstanding section 6012, be required to file a return with respect to the taxes imposed under this subtitle.''.

(c) EXPANSION OF APPLICATION PERIOD.—Subsection (h) of section 36 of the Internal Revenue Code of 1986 is amended by striking ''December 1, 2009'' and inserting ''June 1, 2010''.

(d) ELECTION TO TREAT PURCHASE IN PRIOR YEAR.—Subsection (g) of section 36 of the Internal Revenue Code of 1986 is amended by striking ''December 1, 2009'' and inserting ''June 1, 2010''.

(e) ELIMINATION OF INCOME LIMITATION.—Subsection (b) of section 36 of the Internal Revenue Code of 1986 is amended to read as follows:

''(b) DOLLAR LIMITATION.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, the credit allowed under subsection (a) shall not exceed $8,000.

''(2) MARRIED INDIVIDUALS FILING SEPARATELY.—In the case of a married individual filing a separate return, paragraph (1) shall be applied by substituting '$4,000' for '$8,000'.

''(3) OTHER INDIVIDUALS.—If two or more individuals who are not married purchase a principal residence, the amount of the credit allowed under subsection (a) shall be allocated among such individuals in such manner as the Secretary may prescribe, except that the total amount of the credits allowed to all such individuals shall not exceed $8,000.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to residences purchased on or after the date of the enactment of this Act.

SA 1165. Mrs. GILLIBRAND 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 XI, insert the following:

CIVILIAN ASSISTANCE IN AFGHANISTAN

SEC. 1121. The Secretary of State and the Administrator of the United States Agency for International Development should enhance United States reconstruction efforts in Afghanistan by—

(1) identifying lessons learned from previous United States reconstruction efforts, including in democracy and governance, public administration, agriculture and rural development, energy, justice and law enforcement, health care, and basic, vocational and higher education, and developing new approaches in these areas which emphasize capacity building and support of Afghan entities and institutions at the provincial and sub-provincial levels;

(2) requiring civilian Provincial Reconstruction Team (PRT) leaders to have regular consultations with appropriate local counterparts in their respective provinces and ensuring that PRT reconstruction and development activities support local needs in a sustainable manner; and

(3) directing the PRTs, as appropriate and with due regard to the safety of United States personnel, to provide a mechanism for local people to lodge complaints regarding corruption or other misconduct by Afghan or foreign officials when such complaints cannot be safely and adequately lodged with local law enforcement officials.

SA 1166. Mr. LAUTENBERG (for himself and Ms. SNOWE) 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. ___. TECHNICAL CORRECTION TO STATE MARITIME ACADEMIES STUDENT INCENTIVE PROGRAM.

Section 51509(b) of title 46, United States Code, is amended—

(1) by striking ''and be paid before the start of each academic year, as prescribed by the Secretary,''; and

(2) by striking ''academy.'' and inserting ''academy, as prescribed by the Secretary.''.

SA 1167. Mr. BENNET (for himself, Mr. CASEY, and Mr. JOHANNS) 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; as follows:

On page 4, between lines 2 and 3, insert the following:

SEC. 103. MILITARY FAMILY NUTRITION PROTECTION.

(a) CHILD NUTRITION PROGRAMS.—Section 9(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)) is amended by adding at the end the following:

''(14) COMBAT PAY.—

''(A) DEFINITION OF COMBAT PAY.—In this paragraph, the term 'combat pay' means any additional payment under chapter 5 of title 37, United States Code, or otherwise designated by the Secretary to be appropriate for exclusion under this paragraph, that is received by or from a member of the United States Armed Forces deployed to a designated combat zone, if the additional pay—

''(i) is the result of deployment to or service in a combat zone; and

''(ii) was not received immediately prior to serving in a combat zone.

''(B) EXCLUSION.—Combat pay shall not be considered to be income for the purpose of determining the eligibility for free or reduced price meals of a child who is a member of the household of a member of the United States Armed Forces.''.

(b) SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN.—Section 17(d)(2) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(2)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following:

''(C) COMBAT PAY.—For the purpose of determining income eligibility under this section, a State agency shall exclude from income any additional payment under chapter 5 of title 37, United States Code, or otherwise designated by the Secretary to be appropriate for exclusion under this subparagraph, that is received by or from a member of the United States Armed Forces deployed to a designated combat zone, if the additional pay—

''(i) is the result of deployment to or service in a combat zone; and

''(ii) was not received immediately prior to serving in a combat zone.''.

SA 1168. Mr. LEAHY 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:

In section 1108(a), strike ''and prosecute'' and insert '', prosecute, and punish''.

SA 1169. Mr. LEAHY (for himself, Mr. BROWN, and Mr. CASEY) 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; as follows:

At the end of title XI, add the following:

SRI LANKA

SEC. 1121. (a) The Secretary of the Treasury shall instruct the United States Executive Directors of the international financial institutions (as defined in section 1701(c)(2) of the International Financial Institutions Act (22 U.S.C. 262r(c)(2))) to vote against any loan, agreement, or other financial support for Sri Lanka, except for basic human needs, unless the Secretary of State certifies to the Committees on Appropriations that the Government of Sri Lanka is respecting the rights of internally displaced persons, accounting for persons detained in the conflict, providing access to affected areas and populations by humanitarian organizations and the media, and implementing policies to promote reconciliation and justice, including devolution of power to local bodies as provided for in the Constitution of Sri Lanka.

(b) The requirement under subsection (a) shall not apply to balance of payments support to the Central Bank of Sri Lanka if the Secretary of the Treasury certifies to the Committees on Appropriations that such payments are necessary to prevent significant and imminent hardship among the general population of Sri Lanka.

(c) Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing incidents during the conflict in Sri Lanka that may constitute violations of international humanitarian law or crimes against humanity, and, to the extent practicable, identifying the parties responsible.

SA 1170. Mr. LEAHY 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 102, line 9, strike ''In'' and everything thereafter through the end of line 14 on page 106, and insert in lieu thereof the following:

In order to carry out the purposes of a one-time decision of the Executive Directors of the International Monetary Fund (the Fund) to expand the resources of the New Arrangements to Borrow, established pursuant to the decision of January 27, 1997 referred to in paragraph (1) above, and to make other amendments to the New Arrangements to Borrow to achieve an expanded and more flexible New Arrangements to Borrow as contemplated by paragraph 17 of the G–20 Leaders' Statement of April 2, 2009 in London, 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 on 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: Provided, That prior to instructing the United States Executive Director to provide consent to such amendments, the Secretary of the Treasury shall consult with 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 on the amendments to be made to the New Arrangements to Borrow, including guidelines and criteria governing the use of its resources; the countries that have made commitments to contribute to the New Arrangements to Borrow and the amount of such commitments; and the steps taken by the United States to expand the number of countries so the United States share of the expanded New Arrangements to Borrow is representative of its share as of the date of enactment of this act: Provided further, That 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 on 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 Fund. Any payments made to the United States by the 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 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.

''(a) 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 to the Fund's Articles of Agreement, 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: Provided, That at least 30 days prior to any such vote, the Secretary shall consult with 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 regarding the use of proceeds from the sale of such gold: Provided further, That the Secretary of the Treasury shall seek to ensure that:

(1) the Fund will provide support to low-income countries that are eligible for the Poverty Reduction and Growth Facility or other low-income lending from the Fund by making available Fund resources of not less than $4 billion;

(2) such Fund resources referenced above will be used to leverage additional support by a significant multiple to provide loans with substantial concessionality and debt service payment relief and or grants, as appropriate to a country's circumstances;

(3) support provided through forgiveness of interest on concessional loans will be provided for not less than two years; and

(4) the support provided to low-income countries occurs within six years, a substantial amount of which shall occur within the initial two years.

(b) 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 United States Governor is authorized, consistent with subsection (a), 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.''

''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: Provided, That not more than one year after the acceptance of such amendments to the Fund's Articles of Agreement, the Secretary of the Treasury shall submit a report to 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 analyzing Special Drawing Rights, to include a discussion of how those countries that significantly use or acquire Special Drawing Rights in accordance with Article XIX, Section 2(c), use or acquire them; the extent to which countries experiencing balance of payment difficulties exchange or use their Special Drawing Rights to acquire reserve currencies; and the manner in which those reserve currencies are acquired when utilizing Special Drawing Rights.''

SA 1171. Mr. LEAHY 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 101, line 5, strike ''section 17(a)(ii) and (b)(ii)'' and insert ''section 17(a)(2) and (b)(2)''.

On page 105, beginning on line 25, strike ''the chairman'' and all that follows through ''thereof,'' on page 106, line 5, and insert ''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''.

SA 1172. Mr. VITTER (for himself and Ms. LANDRIEU) 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 end of title IV, add the following:

SEC. 4___. LAKE PONTCHARTRAIN, LOUISIANA.

(a) AUTHORITY OF SECRETARY OF THE ARMY.—The project authorized by section 204 of Flood Control Act of 1965 (Public Law 89–298; 79 Stat. 1077) and modified by section 7012(a)(2) of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1279), is further modified to authorize the Secretary of the Army to construct a pumping station that shall be specifically designed to evacuate storm water from the area known as Hoey's Basin, as—

(1) generally described in the report entitled ''U.S. Army Corps of Engineers Individual Environmental Report #5; Permanent Protection System for the Outfall Canals Project on 17th Street, Orleans Avenue, and London Avenue Canals''; and

(2) more specifically described under the ''Pump to the Mississippi River'' option contained in the report described in paragraph (1).

(b) AUTHORIZED COST.—The total cost of the project authorized under subsection (a) shall be $205,000,000.

(c) FEDERAL SHARE.—The Federal share of the cost of the project authorized under subsection (a) shall be 100 percent of the total cost of the project.

SA 1173. Mr. CORKER (for himself and Mr. GRAHAM, Mr. LIEBERMAN, Mr. LUGAR, Mr. ISAKSON, Ms. COLLINS, and Mr. BENNETT) 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; as follows:

On page 97, between lines 11 and 12, insert the following:

AFGHANISTAN AND PAKISTAN POLICY

SEC. 1121. (a) OBJECTIVES FOR AFGHANISTAN AND PAKISTAN.—Not later than 30 days after the date of the enactment of this Act, the President, based on information gathered and coordinated by the National Security Council, shall develop and submit to the appropriate committees of Congress the following:

(1) A clear statement of the objectives of United States policy with respect to Afghanistan and Pakistan.

(2) Metrics to be utilized to assess progress toward achieving the objectives developed under paragraph (1).

(b) REPORTS.—

(1) IN GENERAL.—Not later than March 30, 2010 and every 90 days thereafter, the President, on the basis of information gathered and coordinated by the National Security Council and in consultation with Coalition partners as appropriate, shall submit to the appropriate committees of Congress a report setting forth the following:

(A) A description and assessment of the progress of United States Government efforts, including those of the Department of Defense, the Department of State, the United States Agency for International Development, and the Department of Justice, in achieving the objectives for Afghanistan and Pakistan developed under subsection (a)(1).

(B) Any modification of the metrics developed under subsection (a)(2) in light of circumstances in Afghanistan or Pakistan, together with a justification for such modification.

(C) Recommendations for the additional resources or authorities, if any, required to achieve such objectives for Afghanistan and Pakistan.

(2) FORM.—Each report under this subsection may be submitted in classified or unclassified form. Any report submitted in classified form shall include an unclassified annex or summary of the matters contained in the report.

(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committees on Armed Services, Appropriations, Foreign Relations, Homeland Security and Governmental Affairs, and the Judiciary and the Select Committee on Intelligence of the Senate; and

(B) the Committees on Armed Services, Appropriations, Foreign Affairs, Homeland Security, and the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives.

SA 1174. Mrs. HUTCHISON 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:

On page 49, between lines 12 and 13, insert the following:

SEC. 607. REIMBURSEMENT FOR MAJOR DISASTER.

For purposes of reimbursement relating to disaster declaration DR-1791 (issued September 13, 2008), the Statewide per capita qualifying threshold for calendar year 2008 of $122.00 is deemed to have been met.

SA 1175. Mrs. HUTCHISON 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:

On page 39, strike lines 6 through 23 and insert the following:

(Public Law 111–8; 123 Stat. 619) is amended—

(1) in the ninth proviso—

(A) by striking ''or (d)'' and inserting ''(d)''; and

(B) 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''; and

(2) in the tenth proviso, by striking ''*Provided further*,'' and inserting ''*Provided further*, That the Secretary of Energy may use unobligated funds from undersubscribed technologies supported under the Title 17 Innovative Technology Loan Guarantee Program for oversubscribed technologies, as determined by the Secretary, in a manner that, to the maximum extent practicable, is technology-neutral: Provided further,''.

SA 1176. Mrs. HUTCHISON 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:

On page 49, between lines 12 and 13, insert the following:

SEC. 607. DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT.

Title VI of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 164) is amended under the heading ''DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT'' under the heading ''FEDERAL EMERGENCY MANAGEMENT AGENCY''—

(1) by inserting ''or can otherwise demonstrate'' after ''suffered''; and

(2) by inserting ''in fiscal year 2008, 2009, or 2010'' after ''revenues''.

SA 1177. Ms. LANDRIEU (for herself 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, insert the following:

SEC. ____. INTENT OF CONGRESS.

Title XII of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 218) is amended under the heading ''COMMUNITY DEVELOPMENT FUND'' under the heading ''COMMUNITY PLANNING AND DEVELOPMENT'' under the heading ''DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT'' by inserting ''*Provided further*, That, in addition to the eligible uses of funds under section 2301(c)(3)(E) of the Act, grants awarded using amounts made available under this paragraph may be used to redevelop housing 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)):'' after ''demolished or vacant properties as housing:''.

SA 1178. Mr. CARDIN 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:

PRESCRIPTION OF ANTIDEPRESSANTS FOR TROOPS SERVING IN IRAQ AND AFGHANISTAN

SEC. ____. (a) Not later than December 31, 2009, the Secretary of Defense shall submit to Congress a report on the numbers and percentages of troops that have served or are serving in Iraq and Afghanistan who have been prescribed antidepressants, including psychotropic drugs such as Selective Serotonin Reuptake Inhibitors (SSRIs).

(b)(1) The Institute of Medicine shall conduct a study on the potential relationship between the increased number of suicides and attempted suicides by members of the Armed Forces and the increased number of antidepressants, other psychotropics, and other behavior modifying prescription medications being prescribed, including any combination or interactions of such prescriptions. The Department of Defense shall immediately make available to the Institute of Medicine all data necessary to complete the study.

(2) Not later than one year after the date of the enactment of this Act, the Institute of Medicine shall submit to Congress a report on the findings of the study conducted pursuant to paragraph (1).

SA 1179. Mr. KAUFMAN (for himself, Mr. LUGAR, and Mr. REED) 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; as follows:

On page 71, between lines 13 and 14, insert the following:

(g) TRAINING IN CIVILIAN-MILITARY COORDINATION.—The Secretary of State, in consultation with the Secretary of Defense, shall seek to ensure that civilian personnel assigned to serve in Afghanistan receive civilian-military coordination training that focuses on counterinsurgency and stability operations, and shall submit a report to the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives not later than 90 days after the date of the enactment of this Act detailing how such training addresses current and future civilian-military coordination requirements.

SA 1180. Ms. LANDRIEU 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:

On page 49, between lines 12 and 13, insert the following:

SEC. 607. COASTAL HIGH HAZARD AREAS.

(a) DEFINITIONS.—In this section—

(1) the term ''coastal high hazard area'' has the meaning given that term in section 9.4 of title 44, Code of Federal Regulations, or any successor thereto; and

(2) the term ''major disaster'' has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(b) AUTHORIZATION.—For an activity in a coastal high hazard area that is otherwise an eligible use of assistance under section 404, section 406, or section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c, 5172, and 5174) as a result of damage caused by Hurricane Katrina, Rita, Gustav, or Ike, notwithstanding 9.11(d)(1) of title 44, Code of Federal Regulations, and subject to all other requirements under part 9 of title 44, Code of Federal Regulations—

(1) the activity shall be an eligible use of assistance under such section; and

(2) any new construction or substantial improvements to structures under such an activity involving critical actions shall not be required to elevate to the 500-year floodplain, if it would be impracticable.

(c) ADMINISTRATIVE PROCEDURES.—Notwithstanding chapter 5 of title 5, United States Code (commonly known as the ''Administrative Procedure Act''), the Administrator of the Federal Emergency Management Agency shall not be required to promulgate, modify, or amend any regulation to carry out subsection (b).

(d) APPLICABILITY.—This section shall apply to any assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) relating to a major disaster—

(1) declared on or after August 28, 2005; and

(2) relating to Hurricane Katrina, Rita, Gustav, or Ike.

SA 1181. Mrs. LINCOLN (for herself and Mr. PRYOR) 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; as follows:

At the appropriate place, insert the following:

SEC. ___. EXTENSION OF LIMITATIONS.

(a) IN GENERAL.—Section 44(f)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1831u(f)(1)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving the margins 2 ems to the right;

(2) by striking ''evidence of debt by any insured'' and inserting the following: ''evidence of debt by—

''(A) any insured''; and

(3) by striking the period at the end and inserting the following: ''; and

''(B) any nondepository institution operating in such State, shall be equal to not more than the greater of the State's maximum lawful annual percentage rate or 17 percent—

''(i) to facilitate the uniform implementation of federally mandated or federally established programs and financings related thereto, including—

''(I) uniform accessibility of student loans, including the issuance of qualified student loan bonds as set forth in section 144(b) of the Internal Revenue Code of 1986;

''(II) the uniform accessibility of mortgage loans, including the issuance of qualified mortgage bonds and qualified veterans' mortgage bonds as set forth in section 143 of such Code;

''(III) the uniform accessibility of safe and affordable housing programs administered or subject to review by the Department of Housing and Urban Development, including—

''(aa) the issuance of exempt facility bonds for qualified residential rental property as set forth in section 142(d) of such Code;

''(bb) the issuance of low income housing tax credits as set forth in section 42 of such Code, to facilitate the uniform accessibility of provisions of the American Recovery and Reinvestment Act of 2009; and

''(cc) the issuance of bonds and obligations issued under that Act, to facilitate economic development, higher education, and improvements to infrastructure, and the issuance of bonds and obligations issued under any provision of law to further the same; and

''(ii) to facilitate interstate commerce generally, including consumer loans, in the case of any person or governmental entity (other than a depository institution subject to subparagraph (A) and paragraph (2)).''.

(b) EFFECTIVE PERIOD.—The amendments made by subsection (a) shall apply with respect to contracts consummated during the period beginning on the date of enactment of this Act and ending on December 31, 2010.

SA 1182. Mr. MENENDEZ 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 end of title XI, insert the following:

ORGANIZATION OF AMERICAN STATES

SEC. 1121. It is the sense of Congress that—

(1) the United States supports the Charter of the Organization of American States and the principles enshrined in the Inter-American Democratic Charter of the Organization of American States; and

(2) Congress continues to support the Organization of American States as it operates in a manner consistent with the Charter of the Organization of American States, and, in particular, consistent with Articles 1, 3, and 7 of the Inter-American Democratic Charter, as adopted by all the participating member countries of the Organization of American States, which state—

(A) in Article 1, that the peoples of the Americas have a right to democracy and their governments have an obligation to promote and defend it, and that democracy is essential for the social, political, and economic development of the peoples of the Americas;

(B) in Article 3, that essential elements of representative democracy include, inter alia, respect for human rights and fundamental freedoms, access to and the exercise of power in accordance with the rule of law, the holding of periodic, free, and fair elections based on secret balloting and universal suffrage as an expression of the sovereignty of the people, the pluralistic system of political parties and organizations, and the separation of powers and independence of the branches of government; and

(C) in Article 7, that democracy is indispensable for the effective exercise of fundamental freedoms and human rights in their universality, indivisibility, and interdependence, embodied in the respective constitutions of states and in inter-American and international human rights instruments.

SA 1183. Ms. LANDRIEU (for herself and Mr. VITTER) 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 IV, add the following:

SEC. 4___. LAKE PONTCHARTRAIN, LOUISIANA.

(a) DEFINITIONS.—In this section:

(1) PROJECT.—The term ''project'' means the project for permanent pumps and canal modifications authorized by section 204 of Flood Control Act of 1965 (Public Law 89–298; 79 Stat. 1077) and modified by section 7012(a)(2) of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1279).

(2) PROJECT REPORT.—The term ''project report'' means the report—

(A) submitted by the Secretary to Congress;

(B) dated August 30, 2007; and

(C) provided in response to the requirements described in section 4303 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28; 121 Stat. 154) as the basis for complying with the requirements of—

(i) the project; and

(ii) modifications to the 17th Street, Orleans Avenue and London Avenue canals in and near the city of New Orleans carried out under the project.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Army.

(b) DUTIES OF SECRETARY.—

(1) SUSPENSION OF ACTIVITY.—Effective on the date of enactment of this Act, the Secretary shall cease the implementation of option 1, as described in the project report.

(2) STUDY; REPORT.—

(A) STUDY.—As soon as practicable after the date of enactment of this Act, the Secretary shall conduct a study under which the Secretary shall carry out—

(i) an analysis of the residual risks associated with options 1, 2, and 2a, as described in the project report; and

(ii) an independent peer review of the effectiveness of concept designs and preliminary cost estimates associated with each option.

(B) REPORTS.—Not later than 30 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report that—

(i) contains the results of the study conducted under subparagraph (A); and

(ii) identifies the option contained in the project report that—

(I) is more technically advantageous;

(II) is more effective from an operational prospective in providing greater reliability and reducing the risk of flooding to the New Orleans area over the long-term; and

(III) if implemented, would—

(aa) increase the overall drainage capacity of the region;

(bb) reduce local flooding to the greatest extent practicable; and

(cc) provide the greatest system flexibility.

(3) IMPLEMENTATION.—Effective on the date on which the Secretary submits the report under paragraph (2)(B), the Secretary shall resume the implementation of the project in accordance with the option selected by the Secretary under the report.

SA 1184. Mr. BINGAMAN 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 106, between lines 14 and 15, insert the following:

SEC. 1303. (a) INTERPRETATION OF AUTHORITY OF THE INTERNATIONAL MONETARY FUND

TO PROVIDE CERTAIN ASSISTANCE TO LOW-INCOME COUNTRIES.—The Secretary of the Treasury shall instruct the United States Governor of the International Monetary Fund and the United States Executive Director of the Fund to obtain promptly an official interpretation by the Fund with respect to the authority of the Fund to provide support to low-income countries (as defined by the Fund) in the form of grants or other financial assistance that does not create debt for those countries.

(b) AMENDMENT TO ARTICLES OF AGREEMENT TO AUTHORIZE CERTAIN ASSISTANCE TO LOW-INCOME COUNTRIES.—If the International Monetary Fund concludes in the interpretation obtained pursuant to subsection (a) that the Fund does not have the authority to provide grants or other financial assistance described in that subsection, the United States Governor of the International Monetary Fund and the United States Executive Director of the Fund shall promptly propose and support an amendment to the Articles of Agreement of the Fund to explicitly authorize the Fund to provide such grants or other financial assistance.

(c) AUTHORIZATION TO ACCEPT AMENDMENT.—Notwithstanding any other provision of law, the President may agree to and accept on behalf of the United States an amendment proposed under subsection (b) to the Articles of Agreement of the International Monetary Fund to explicitly authorize the Fund to provide grants or other financial assistance to low-income countries that does not create debt for those countries.

SA 1185. Mr. MERKLEY (for himself and Mr. WHITEHOUSE) 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; as follows:

At the appropriate place in title III, insert the following:

SENSE OF SENATE ON USE OF FUNDS FOR OPERATIONS IN IRAQ

SEC. 315. It is the sense of the Senate that funds appropriated or otherwise made available to the Department of Defense by this title for operations in Iraq should be utilized for those operations in a manner consistent with the United States–Iraq Status of Forces Agreement, including specifically that—

(1) the United States combat mission in Iraq will end by August 31, 2010;

(2) any transitional force of the United States remaining in Iraq after August 31, 2010, will have a mission consisting of—

(A) training, equipping, and advising Iraqi Security Forces as long as they remain nonsectarian;

(B) conducting targeted counter-terrorism missions; and

(C) protecting the ongoing civilian and military efforts of the United States within Iraq; and

(3) through continuing redeployments of the transitional force of the United States remaining in Iraq after August 31, 2010, all United States troops present in Iraq under the United States–Iraq Status of Forces Agreement will be redeployed from Iraq by December 31, 2011.

SA 1186. 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:

At the appropriate place, insert the following:

SEC. ___. (a) SPECIFICATION OF THE FIRST TEE PROGRAM AS SUPPORTABLE YOUTH ORGANIZATION.—Section 1058(a) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3442; 5 U.S.C. 301 note) is amended—

(1) in paragraph (16), by striking ''and'' at the end;

(2) by redesignating paragraph (17) as paragraph (18); and

(3) by inserting after paragraph (16) the following new paragraph (17):

''(17) The First Tee program.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2009, and shall apply with respect to fiscal years beginning on or after that date.

SA 1187. Mr. WYDEN (for himself, Ms. KLOBUCHAR, Mr. GRASSLEY, Mr. ROBERTS, and Mr. SHELBY) 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 end of title III, add the following:

SEC. 315. (a) BENEFITS UNDER POST-DEPLOYMENT/MOBILIZATION RESPITE ABSENCE PROGRAM FOR CERTAIN PERIODS BEFORE IMPLEMENTATION OF PROGRAM.—Under regulations prescribed by the Secretary of Defense, the Secretary concerned shall provide any member or former member of the Armed Forces with the benefits specified in subsection (b) if the member or former member would, on any day during the period beginning on January 19, 2007, and ending on the date of the implementation of the Post-Deployment/Mobilization Respite Absence (PDMRA) program by the Secretary concerned, have qualified for a day of administrative absence under the Post-Deployment/Mobilization Respite Absence program had the program been in effect during such period.

(b) BENEFITS.—The benefits specified in this subsection are the following:

(1) In the case of an individual who is a former member of the Armed Forces at the time of the provision of benefits under this section, payment of an amount not to exceed $200 for each day the individual would have qualified for a day of administrative absence as described in subsection (a) during the period specified in that subsection.

(2) In the case of an individual who is a member of the Armed Forces at the time of the provision of benefits under this section, either one day of administrative absence or payment of an amount not to exceed $200, as selected by the Secretary concerned, for each day the individual would have qualified for a day of administrative absence as described in subsection (a) during the period specified in that subsection.

(c) EXCLUSION OF CERTAIN FORMER MEMBERS.—A former member of the Armed Forces is not eligible under this section for the benefits specified in subsection (b)(1) if the former member was discharged or released from the Armed Forces under other than honorable conditions.

(d) MAXIMUM NUMBER OF DAYS OF BENEFITS PROVIDABLE.—The number of days of benefits providable to a member or former member of the Armed Forces under this section may not exceed 40 days of benefits.

(e) FORM OF PAYMENT.—The paid benefits providable under subsection (b) may be paid in a lump sum or installments, at the election of the Secretary concerned.

(f) CONSTRUCTION WITH OTHER PAY AND LEAVE.—The benefits provided a member or former member of the Armed Forces under this section are in addition to any other pay, absence, or leave provided by law.

(g) DEFINITIONS.—In this section:

(1) The term ''Post-Deployment/Mobilization Respite Absence program'' means the program of a military department to provide days of administrative absence not chargeable against available leave to certain deployed or mobilized members of the Armed Forces in order to assist such members in reintegrating into civilian life after deployment or mobilization.

(2) The term ''Secretary concerned'' has the meaning given that term in section 101(5) of title 37, United States Code.

(h) TERMINATION.—

(1) IN GENERAL.—The authority to provide benefits under this section shall expire on the date that is one year after the date of the enactment of this Act.

(2) CONSTRUCTION.—Expiration under this subsection of the authority to provide benefits under this section shall not affect the utilization of any day of administrative absence provided a member of the Armed Forces under subsection (b)(2), or the payment of any payment authorized a member or former member of the Armed Forces under subsection (b), before the expiration of the authority in this section.

SA 1188. Mr. MCCAIN (for himself, Mr. LIEBERMAN, Mr. LUGAR, and Mr. BROWNBACK) 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; as follows:

At the end of title XI, add the following:

SEC. 1121. (a) ADDITIONAL AMOUNT FOR ASSISTANCE FOR GEORGIA.—The amount appropriated by this title under the heading ''Europe, Eurasia and Central Asia'' is hereby increased by $42,500,000, with the amount of the increase to be available for assistance for Georgia.

(b) SOURCE OF FUNDS.—

(1) IN GENERAL.—The amount of the increase in subsection (a) shall be derived from amounts appropriated or otherwise made available by this title, other than amounts under the heading ''Europe, Eurasia and Central Asia'' and available for assistance for Georgia.

(2) 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—

(A) administer the reduction required pursuant to paragraph (1); and

(B) submit to the Committee on Appropriations of the Senate and the Committee of the House of Representatives a report specifying the account and the amount of each reduction made pursuant to the reduction required pursuant to paragraph (1).

SA 1189. Mrs. HUTCHISON (for herself, Mr. BROWN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Mr. COCHRAN, Mr. BOND, and Mr. LAUTENBERG) 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; as follows:

At the appropriate place, insert the following new section

No funds shall be expended from the Treasury to an auto manufacturer which has notified a dealership that it will be terminated without providing at least 60 days for that dealership to wind down its operations and sell its inventory.

SA 1190. Mr. REID (for Mr. KENNEDY (for himself and Mr. CARDIN)) submitted an amendment intended to be proposed by Mr. Reid 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 52, line 11, insert ''and for urgent and unmet resettlement needs of a refugee or individual provided status pursuant to section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 8 U.S.C. 1101 note), section 1244 of the Refugee Crisis in Iraq Act of 2007 (subtitle C of title XII of division A of Public Law 110–181; 122 Stat. 396), or section 602 of the Afghan Allies Protection Act of 2009 (title VI of division F of Public Law 111–8; 123 Stat. 807),'' after ''of 2008,''.

SA 1191. Mr. LEAHY (for himself and Mr. KERRY) 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; as follows:

On page 102, line 9, strike ''In'' and everything thereafter through the end of line 14 on page 106, and insert in lieu thereof the following:

In order to carry out the purposes of a one-time decision of the Executive Directors of the International Monetary Fund (the Fund) to expand the resources of the New Arrangements to Borrow, established pursuant to the decision of January 27, 1997 referred to in paragraph (1) above, and to make other amendments to the New Arrangements to Borrow to achieve an expanded and more flexible New Arrangements to Borrow as contemplated by paragraph 17 of the G–20 Leaders' Statement of April 2, 2009 in London, 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 on 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: Provided, That prior to instructing the United States Executive Director to provide consent to such amendments, the Secretary of the Treasury shall consult with 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 on the amendments to be made to the New Arrangements to Borrow, including guidelines and criteria governing the use of its resources; the countries that have made commitments to contribute to the New Arrangements to Borrow and the amount of such commitments; and the steps taken by the United States to expand the number of countries so the United States share of the expanded New Arrangements to Borrow is representative of its share as of the date of enactment of this act: *Provided further*, That 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 on 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 Fund. Any payments made to the United States by the 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 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 I 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.

''(a) 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 to the Fund's Articles of Agreement, 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: *Provided*, That at least 30 days prior to any such vote, the Secretary shall consult with 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 regarding the use of proceeds from the sale of such gold: *Provided further*, That the Secretary of the Treasury shall seek to ensure that:

(1) the Fund will provide support to low-income countries that are eligible for the Poverty Reduction and Growth Facility or other low-income lending from the Fund by making available Fund resources of not less than $4 billion;

(2) such Fund resources referenced above will be used to leverage additional support by a significant multiple to provide loans with substantial concessionality and debt service payment relief and/or grants, as appropriate to a country's circumstances;

(3) support provided through forgiveness of interest on concessional loans will be provided for not less than two years; and

(4) the support provided to low-income countries occurs within six years, a substantial amount of which shall occur within the initial two years.

(b) 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 United States Governor is authorized, consistent with subsection (a), 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.''

''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: *Provided,* That not more than one year after the acceptance of such amendments to the Fund's Articles of Agreement, the Secretary of the Treasury shall submit a report to 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 analyzing Special Drawing Rights, to include a discussion of how those countries that significantly use or acquire Special Drawing Rights in accordance with Article XIX, Section 2(c), use or acquire them; the extent to which countries experiencing balance of payment difficulties exchange or use their Special Drawing Rights to acquire reserve currencies; and the manner in which those reserve currencies are acquired when utilizing Special Drawing Rights.''

SA 1192. Mr. COBURN (for himself and 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:

Strike section 1113.

SA 1193. Mr. COBURN 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 32, strike lines 6 through 16 and insert the following:

as authorized by law, $315,290,000, to remain available until expended: *Provided*, That the Secretary of the Army is directed to use the funds appropriated under this heading to support emergency operations, to repair eligible projects nationwide, and for other activities in response to natural disasters: *Provided further*, That this work shall be car-

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SA 1194. Mr. COBURN 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:

In the matter under the heading ''FLOOD CONTROL AND COASTAL EMERGENCIES'' under the heading ''CORPS OF ENGINEERS–CIVIL'' under the heading ''DEPARTMENT OF THE ARMY'' under the heading ''DEPARTMENT OF DEFENSE–CIVIL'' of title IV, strike ''*Provided further*, That this work shall be carried out at full Federal expense'' and insert ''*Provided further*, That the Federal share of the cost of the projects under this heading shall be not more than 65 percent''.

SA 1195. Mr. CORNYN 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 provided in this act may be used by the Department of Justice to prosecute or otherwise sanction any individual 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 on 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.

SA 1196. Ms. STABENOW 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 appropriate place, insert the following:

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For an additional amount for ''Training and Employment Services'' for grants to States for dislocated worker employment and training activities under the Workforce Investment Act of 1998, $210,833,000, which shall be available for the period of July 1, 2009 through June 30, 2010: *Provided*, That such funds shall be allotted only to those States that have received a total allotment amount, not including any allotment amount provided under the American Recovery and Reinvestment Act of 2009, for dislocated worker employment and training activities under the Workforce Investment Act of 1998 (referred to under this heading as the ''total allotment amount'') for program year 2009 that is less than the total allotment amount received by such States for program year 2008: *Provided further*, That the amount of the allotment of such funds to a State shall be equal to the amount of the difference between the total allotment amount for program year 2008 and the total allotment amount for program year 2009 for such State: *Provided further*, That for purposes of Senate enforcement, such funds are designated as an emergency requirement and necessary to meet emergency needs pursuant to section 403 of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SA 1197. Mr. LEVIN 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 end of title III, add 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 Naval Station 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 submitted under subsection (a) shall include the following:

(1) The name and country of origin of each detainee at the detention facility at Naval Station 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 Naval Station 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 Naval Station Guantanamo Bay who are confirmed or suspected of returning to terrorist activities after release or transfer from Naval Station Guantanamo Bay.

(5) An assessment of any efforts by al Qaeda to recruit detainees released from detention at Naval Station 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 Naval Station 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 Naval Station Guantanamo Bay.

(d) ADDITIONAL MATTERS TO BE INCLUDED IN INITIAL REPORT.—The first report submitted under subsection (a) shall also include the following:

(1) A description of the process that was previously used for screening the detainees described by subsection (c)(4) prior to their release or transfer from detention at Naval Station Guantanamo Bay, Cuba.

(2) An assessment of the adequacy of that screening process for reducing the risk that detainees previously released or transferred from Naval Station Guantanamo Bay would return to terrorist activities after release or transfer from Naval Station Guantanamo Bay.

(3) An assessment of lessons learned from previous releases and transfers of individuals who returned to terrorist activities for reducing the risk that detainees released or transferred from Naval Station Guantanamo Bay will return to terrorist activities after their release or transfer.

(e) FORM.—Each report submitted under subsection (a), or parts thereof, may be submitted in classified form.

(f) LIMITATION ON RELEASE OR TRANSFER.—No detainee detained at the detention facility at Naval Station 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 1198. Mr. LUGAR (for himself and Mr. LEAHY) 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. ____. (a) DISCLOSURE OF INTERNATIONAL MONETARY FUND DOCUMENTS.—The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to promote standard public disclosure of documents of the Fund presented to the Executive Board of the Fund and summaries of the minutes of meetings of the Board, as recommended by the Independent Evaluation Office of the Fund, not later than 2 years after the date of the meeting at which the document was presented or the minutes were taken (as the case may be), unless the Executive Board—

(1) determines that it is appropriate to delay disclosure; and

(2) posts the reason for the delay on the website of the Fund.

(b) TRANSPARENCY AND ACCOUNTABILITY OF LOANS, AGREEMENTS, AND OTHER PROGRAMS OF THE INTERNATIONAL MONETARY FUND.—The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to promote—

(1) transparency and accountability in the policymaking and budgetary procedures of governments of members of the Fund;

(2) the participation of citizens and nongovernmental organizations in the economic policy choices of those governments; and

(3) the adoption by those governments of loans, agreements, or other programs of the Fund through a parliamentary process or another participatory and transparent process, as appropriate.

SA 1199. Mr. DURBIN proposed an amendment to amendment SA 1136 proposed by Mr. MCCONNELL 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 3, strike lines 1–4, and insert the following:

(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.

SA 1200. Mr. REID (for Mrs. HUTCHISON) proposed an amendment to

the bill S. 614, to award a Congressional Gold Medal to the Women Airforce Service Pilots (''WASP''); as follows:

On page 3, line 11, strike ''Army Air Force'' and insert ''Army Air Forces'' On page 3, line 13, strike ''Air Force'' and insert ''Air Forces'' On page 3, line 17, strike ''Army Air Force'' and insert ''Army Air Forces'' On page 4, line 2, strike ''Force'' and insert ''Forces''

SA 1201. Mr. REID proposed an amendment to amendment SA 1167 submitted by Mr. BENNET (for himself, Mr. CASEY, and Mr. JOHANNS) 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 the amendment, add the following: This section shall become effective 3 days after enactment

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, May 21, 2009 at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct an oversight hearing to examine Executive Branch authority to acquire trust lands for Indian Tribes.

Those wishing additional information may contact the Indian Affairs Committee at 202–224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 20, 2009, at 9:30 a.m., to conduct a hearing entitled ''Oversight of the Troubled Asset Relief Program.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. INOUYE. 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 Wednesday, May 20, 2009, in Russell 253, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, May 20, 2009, at 10 a.m., in room 215 of the Dirksen Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 20, 2009, at 9 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 20, 2009, at 11 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 20, 2009, at 1:30 p.m., to hold a hearing entitled ''Foreign Policy Priorities in the President's FY10 International Affairs Budget.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. INOUYE. 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 Wednesday, May 20, 2009, at 2:30 p.m. in room 430 of the Dirksen Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, May 20, 2009, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

AD HOC SUBCOMMITTEE ON DISASTER RECOVERY

Mr. INOUYE. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Disaster Recovery of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, May 20 2009, at 2:30 p.m. to conduct a hearing entitled, ''The Role of the Community Development Block Grant Program in Disaster Recovery.''

The PRESIDING OFFICER. Without objection, it is so ordered.

PERSONNEL SUBCOMMITTEE

Mr. INOUYE. Mr. President, I ask unanimous consent that the Personnel Subcommittee of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, May 20, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CRIME AND DRUGS

Mr. INOUYE. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on Crime and Drugs, be authorized to meet during the session of the Senate to conduct a hearing entitled ''Criminal Prosecution as a Deterrent to Health Care Fraud'' on Wednesday, May 20, 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 STRATEGIC FORCES

Mr. INOUYE. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, May 20, 2009, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. INOUYE. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on Wednesday, May 20, 2009, from 2 p.m.–4 p.m. in Russell 432 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON IMMIGRATION, REFUGEES, AND BORDER SECURITY

Mr. INOUYE. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on Immigration, Refugees and Border Security, be authorized to meet during the session of the Senate, to conduct a hearing entitled ''Securing the Borders and America's Points of Entry, What Remains to Be Done'' on Wednesday, May 20, 2009, at 10 a.m., in room SD–226 of the Dirksen Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. INOUYE. Mr. President, I ask unanimous consent that Mr. Robert Berschinski, a detailee with the Defense Appropriations Subcommittee, be granted floor privileges during the consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that MAJ Brian Forrest, who is with me from the Army for a year, be given floor privileges during the proceedings on the supplemental appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

HELPING FAMILIES SAVE THEIR HOMES ACT

On Tuesday, May 19, 2009, the Senate passed S. 896, as amended, 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

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

''(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.

4SEC. 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.''.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 31 and 108; that the nominations be confirmed, en bloc; the motions to reconsider be laid upon the table, en bloc; that any statements relating to the nominations be printed in the RECORD; that no further motions be in order; that upon confirmation, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed en bloc as follows:

DEPARTMENT OF THE INTERIOR

David J. Hayes, of Virginia, to be Deputy Secretary of the Interior.

DEPARTMENT OF ENERGY

Ines R. Triay, of New Mexico, to be an Assistant Secretary of Energy (Environmental Management).

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislation session.

TO AWARD A CONGRESSIONAL GOLD MEDAL TO THE WOMEN AIRFORCE SERVICE PILOTS (''WASP'')

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be discharged from further consideration of S. 614.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 614) to award a Congressional Gold Medal to The Women Airforce Service Pilots (''WASP'').

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the Hutchison technical amendment at the desk be agreed to; the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, and any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1200) was agreed to, as follows:

On page 3, line 11, strike ''Army Air Force'' and insert ''Army Air Forces''

On page 3, line 13, strike ''Air Force'' and insert ''Air Forces''

On page 3, line 17, strike ''Army Air Force'' and insert ''Army Air Forces''

On page 4, line 2, strike ''Force'' and insert ''Forces''

The bill (S. 614) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 614

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

SECTION 1. FINDINGS.

Congress finds that—

(1) the Women Airforce Service Pilots of WWII, known as the ''WASP'', were the first women in history to fly American military aircraft;

(2) more than 60 years ago, they flew fighter, bomber, transport, and training aircraft in defense of America's freedom;

(3) they faced overwhelming cultural and gender bias against women in nontraditional roles and overcame multiple injustices and inequities in order to serve their country;

(4) through their actions, the WASP eventually were the catalyst for revolutionary reform in the integration of women pilots into the Armed Services;

(5) during the early months of World War II, there was a severe shortage of combat pilots;

(6) Jacqueline Cochran, America's leading woman pilot of the time, convinced General Hap Arnold, Chief of the Army Air Forces, that women, if given the same training as men, would be equally capable of flying military aircraft and could then take over some of the stateside military flying jobs, thereby releasing hundreds of male pilots for combat duty;

(7) the severe loss of male combat pilots made the necessity of utilizing women pilots to help in the war effort clear to General Arnold, and a women's pilot training program was soon approved;

(8) it was not until August 1943, that the women aviators would receive their official name;

(9) General Arnold ordered that all women pilots flying military aircraft, including 28 civilian women ferry pilots, would be named ''WASP'', Women Airforce Service Pilots;

(10) more than 25,000 American women applied for training, but only 1,830 were accepted and took the oath;

(11) exactly 1,074 of those trainees successfully completed the 21 to 27 weeks of Army Air Forces flight training, graduated, and received their Army Air Forces orders to report to their assigned air base;

(12) on November 16, 1942, the first class of 29 women pilots reported to the Houston, Texas Municipal Airport and began the same military flight training as the male Army Air Forces cadets were taking;

(13) due to a lack of adequate facilities at the airport, 3 months later the training program was moved to Avenger Field in Sweetwater, Texas;

(14) WASP were eventually stationed at 120 Army air bases all across America;

(15) they flew more than 60,000,000 miles for their country in every type of aircraft and on every type of assignment flown by the male Army Air Forces pilots, except combat;

(16) WASP assignments included test piloting, instructor piloting, towing targets for air-to-air gunnery practice, ground-to-air anti-aircraft practice, ferrying, transporting personnel and cargo (including parts for the atomic bomb), simulated strafing, smoke laying, night tracking, and flying drones;

(17) in October 1943, male pilots were refusing to fly the B–26 Martin Marauder (known as the ''Widowmaker'') because of its fatality records, and General Arnold ordered WASP Director, Jacqueline Cochran, to select 25 WASP to be trained to fly the B–26 to prove to the male pilots that it was safe to fly;

(18) during the existence of the WASP—

(A) 38 women lost their lives while serving their country;

(B) their bodies were sent home in poorly crafted pine boxes;

(C) their burial was at the expense of their families or classmates;

(D) there were no gold stars allowed in their parents' windows; and

(E) because they were not considered military, no American flags were allowed on their coffins;

(19) in 1944, General Arnold made a personal request to Congress to militarize the WASP, and it was denied;

(20) on December 7, 1944, in a speech to the last graduating class of WASP, General Arnold said, ''You and more than 900 of your sisters have shown you can fly wingtip to wingtip with your brothers. I salute you . . . We of the Army Air Force are proud of you. We will never forget our debt to you.'';

(21) with victory in WWII almost certain, on December 20, 1944, the WASP were quietly and unceremoniously disbanded;

(22) there were no honors, no benefits, and very few ''thank you's'';

(23) just as they had paid their own way to enter training, they had to pay their own way back home after their honorable service to the military;

(24) the WASP military records were immediately sealed, stamped ''classified'' or ''secret'', and filed away in Government archives, unavailable to the historians who wrote the history of WWII or the scholars who compiled the history text books used today, with many of the records not declassified until the 1980s;

(25) consequently, the WASP story is a missing chapter in the history of the Air Force, the history of aviation, and the history of the United States of America;

(26) in 1977, 33 years after the WASP were disbanded, the Congress finally voted to give the WASP the veteran status they had earned, but these heroic pilots were not invited to the signing ceremony at the White House, and it was not until 7 years later that their medals were delivered in the mail in plain brown envelopes;

(27) in the late 1970s, more than 30 years after the WASP flew in World War II, women were finally permitted to attend military pilot training in the United States Armed Forces;

(28) thousands of women aviators flying support aircraft have benefitted from the service of the WASP and followed in their footsteps;

(29) in 1993, the WASP were once again referenced during congressional hearings regarding the contributions that women could make to the military, which eventually led to women being able to fly military fighter, bomber, and attack aircraft in combat;

(30) hundreds of United States servicewomen combat pilots have seized the opportunity to fly fighter aircraft in recent conflicts, all thanks to the pioneering steps taken by the WASP;

(31) the WASP have maintained a tightknit community, forged by the common experiences of serving their country during war;

(32) as part of their desire to educate America on the WASP history, WASP have assisted ''Wings Across America'', an organization dedicated to educating the American public, with much effort aimed at children, about the remarkable accomplishments of these WWII veterans; and

(33) the WASP have been honored with exhibits at numerous museums, to include—

(A) the Smithsonian Institution, Washington, DC;

(B) the Women in Military Service to America Memorial at Arlington National Cemetery, Arlington, Virginia;

(C) the National Museum of the United States Air Force, Wright Patterson Air Force Base, Ohio;

(D) the National WASP WWII Museum, Sweetwater, Texas;

(E) the 8th Air Force Museum, Savannah, Georgia;

(F) the Lone Star Flight Museum, Galveston, Texas;

(G) the American Airpower Museum, Farmingdale, New York;

(H) the Pima Air Museum, Tucson, Arizona;

(I) the Seattle Museum of Flight, Seattle, Washington;

(J) the March Air Museum, March Reserve Air Base, California; and

(K) the Texas State History Museum, Austin, Texas.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) AWARD AUTHORIZED.—The President pro tempore of the Senate and the Speaker of the House of Representatives shall make appropriate arrangements for the award, on behalf of the Congress, of a single gold medal of appropriate design in honor of the Women Airforce Service Pilots (WASP) collectively, in recognition of their pioneering military service and exemplary record, which forged revolutionary reform in the Armed Forces of the United States of America.

(b) DESIGN AND STRIKING.—For the purposes of the award referred to in subsection (a), the Secretary of the Treasury shall strike the gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(c) SMITHSONIAN INSTITUTION.—

(1) IN GENERAL.—Following the award of the gold medal in honor of the Women Airforce Service Pilots, the gold medal shall be given to the Smithsonian Institution, where it will be displayed as appropriate and made available for research.

(2) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Smithsonian Institution shall make the gold medal received under this Act available for display elsewhere, particularly at other locations associated with the WASP.

SEC. 3. DUPLICATE MEDALS.

Under such regulations as the Secretary may prescribe, the Secretary may strike and sell duplicates in bronze of the gold medal struck under this Act, at a price sufficient to cover the costs of the medals, including labor, materials, dyes, use of machinery, and overhead expenses.

SEC. 4. NATIONAL MEDALS.

Medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS; PROCEEDS OF SALE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be charged against the United States Mint Public Enterprise Fund, an amount not to exceed $30,000 to pay for the cost of the medal authorized under section 2.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

DESIGNATING A NATIONAL DAY OF REMEMBRANCE ON OCTOBER 30, 2009, FOR NUCLEAR WEAPONS PROGRAM WORKERS

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 151.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 151) designating a National Day of Remembrance on October 30, 2009 for Nuclear Weapons Program Workers.

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, and the motion to reconsider laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 151) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 151

Whereas hundreds of thousands of men and women have served this Nation in building its nuclear defense since World War II;

Whereas these dedicated American workers paid a high price for their service and have developed disabling or fatal illnesses as a result of exposure to beryllium, ionizing radiation, toxic substances, and other hazards that are unique to the production and testing of nuclear weapons;

Whereas these workers were put at individual risk without their knowledge and consent in order to develop a nuclear weapons program for the benefit of all American citizens; and

Whereas these patriotic men and women deserve to be recognized for their contribution, service, and sacrifice towards the defense of our great Nation: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 30, 2009, as a national day of remembrance for American nuclear weapons program workers and uranium miners, millers, and haulers; and

(2) encourages the people of the United States to support and participate in appropriate ceremonies, programs, and other activities to commemorate October 30, 2009, as a national day of remembrance for past and present workers in America's nuclear weapons program.

ORDERS FOR THURSDAY, MAY 21, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until tomorrow morning at 9 a.m., May 21; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and 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 emergency supplemental appropriations bill, with the time until 10 a.m. equally divided and controlled between the two leaders or their designees, and that be for debate only; that at 10 a.m., the Senate proceed to vote on the motion to invoke cloture on H.R. 2346.

Finally, I ask that the filing deadline for second-degree amendments be at 9:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 8:21 p.m., adjourned until Thursday, May 21, 2009, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate:

COMMODITY FUTURES TRADING COMMISSION

BARTHOLOMEW CHILTON, OF MARYLAND, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR A TERM EXPIRING APRIL 13, 2013. (REAPPOINTMENT)

ENVIRONMENTAL PROTECTION AGENCY

COLIN SCOTT COLE FULTON, OF MARYLAND, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE ROGER ROMULUS MARTELLA, JR.

DEPARTMENT OF HOMELAND SECURITY

ALEJANDRO N. MAYORKAS, OF CALIFORNIA, TO BE DIRECTOR OF THE UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, DEPARTMENT OF HOMELAND SECURITY, VICE EMILIO T. GONZALEZ.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 152 AND 601:

To be admiral

ADM. MICHAEL G. MULLEN

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. GILMARY M. HOSTAGE III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. GLENN F. SPEARS

CONFIRMATIONS

Executive nominations confirmed by the Senate, May 20, 2009:

DEPARTMENT OF THE INTERIOR

DAVID J. HAYES, OF VIRGINIA, TO BE DEPUTY SECRETARY OF THE INTERIOR.

DEPARTMENT OF ENERGY

INES R. TRIAY, OF NEW MEXICO, TO BE AN ASSISTANT SECRETARY OF ENERGY (ENVIRONMENTAL MANAGEMENT).

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

HONORING GREG PRESTEMON, PRESIDENT AND CEO OF THE ECONOMIC DEVELOPMENT CENTER OF ST. CHARLES COUNTY, MISSOURI

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 2009

Mr. AKIN. 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 entrepreneurial 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. Greg Prestemon for his tremendous accomplishments on behalf of small businesses. Mr. Prestemon has led the St. Charles Economic Development Center (EDC) for 15 years, helping spur the county's rapid population and economic growth during his tenure. Since he assumed the top post at the EDC, St. Charles County has grown by almost 120,000 residents and total valuation assessment has risen from less than $2 billion to $7.2 billion in 2007. For his efforts, Mr. Prestemon was named as the 2008 Non-Profit Executive of the Year by St. Charles Business Magazine.

This month, the SBA named the St. Charles EDC as its 504 Lender of the Year after the organization disbursed more than $22.5 million to 37 businesses throughout the region in 2008, valuable assistance that helped create or retain over 1,000 jobs. He holds a bachelor's degree in political science from Iowa State University and a master's degree in economic development from the University of Iowa.

Madam Speaker, Mr. Prestemon 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 economic from the current downturn and put us on the road to recovery.

IN HONOR OF TED HENRY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 2009

Mr. KUCINICH. Madam Speaker, I rise today in honor of Ted Henry upon the occasion of his retirement from WEWS-TV. Ted is retiring after 38 years of service to the Greater Cleveland Community.

Ted Henry, a household name in the Greater Cleveland Area, began his successful career in broadcasting in 1964 at a local radio station in his hometown of Canton, Ohio. He then became a news reporter at WAKR-TV23 in Akron and later at WKBN-TV in Youngstown, Ohio. He joined WEWS-TV in 1972, where he began as a news producer and later as a weekend anchor. In 1975, Ted was named weekday anchor of the 6:00 pm and 11:00 pm news, a position he has held until his retirement on May 20, 2009. Since his first year as weekday anchor, he has covered nearly every political convention and has traveled all over the world to cover a multitude of historical events, including John Demjanjuk's war crimes trial in Israel, the fall of Berlin Wall and the death of Pope John Paul II in Rome. Additionally, his riveting news coverage on political turmoil in Peru was the first time a live international feed was broadcast in Cleveland.

Ted's ability to humanize the people he covered all over the world has earned him national recognition. He has won five local TV Emmy Awards during his tenure at WEWS and won numerous national awards for a documentary he produced and reported in, ''Finding Aliza;'' a documentary about two holocaust survivors from Auschwitz who were reunited by the International Red Cross. Ted's 38 year career as the weekday anchor for WEWS-TV was the fulfillment of his childhood dream and has undoubtedly inspired Cleveland's next great reporters.

Madam Speaker and colleagues, please join me in honor of Ted Henry as he retires from a 38 year career at WEWS-TV, and in recognition of his talent, innovation and tireless service to the Greater Cleveland Community.

TRIBUTE TO DR. ANGELIA MARIE ROBERTS-WATKINS, ED.D OF CHICAGO, ILLINOIS

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 2009

Mr. RUSH. Madam Speaker, I rise today to pay tribute to and recognize Dr. Angelia Marie Roberts-Watkins on the occasion of being awarded the Doctorate in Education from the Chicago State University. This degree is particularly noteworthy in that the Educational Leadership Doctoral program at Chicago State is a newly created program and as such Dr. Roberts-Watkins holds the distinction of being the first recipient of a Doctoral degree in the 142-year-old history of this academic institution.

An authority in middle school philosophy, Dr. Roberts-Watkins' dissertation was entitled ''Crossroads to the Middle School Movement: Are Teachers In Step with the Tenets and Practices of the National Middle School Association?'' She is a former middle school teacher and served as Middle School Manager for the Chicago Public School system. Dr. Roberts-Watkins has also worked as a Teacher-In-Residence on an U.S. Department of Education Middle School Teacher Quality Enhancement (MSTQE) grant program and has presented at national conferences on middle level education.

A 1981 graduate of Mundelein College, Dr. Roberts-Watkins also holds an M.Ed in Educational Administration and a M.S. in Criminal Justice and Corrections from Chicago State University. She is a Visiting Lecturer at Northeastern Illinois University and an Administrator at Illinois State University.

Madam Speaker, I am grateful to have known this outstanding Educator for nearly two decades and I want to encourage Dr. Angelia Marie Roberts-Watkins to continue demonstrating the passion, perception and power necessary to allow this nation's citizens, both young and old, to meet the demanding needs of a global society.

HONORING THE MEMORY OF CHARLES WILLIAM HARBEN

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 2009

Mr. BONNER. Madam Speaker, the city of Saraland, Alabama, and all of southwest Alabama recently lost a dear friend, and I rise today to honor Charles William Harben and pay tribute to his memory.

● 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.

Known to his many friends as Charlie, he was a native of Leeds and was raised in Chickasaw, Alabama. He served the city of Saraland in public office for almost three decades, 12 years as mayor and 17 as city councilman. In 2008, he ran unopposed in the municipal election.

Mayor Harben was known as a fiscal conservative. Economic development was one of his top priorities, and he was instrumental in attracting business to Saraland, including the city's largest, Wal-Mart.

Mayor Harben also worked for the Illinois Central Gulf Railroad as a secretary, accountant, and an internal auditor, before retiring after 48 years of service.

Madam Speaker, I ask my colleagues to join me in remembering a beloved friend to many throughout southwest Alabama. Charles William Harben will be dearly missed by his family—his wife of 57 years, Pauline; their son, Charles William Jr.; their grandchildren, Christian, Candice, and Jon; his great-granddaughter, Hayzlynn; and his brother, Johnny—as well as the countless friends he leaves behind.

Our thoughts and prayers are with them all during this difficult time.

HELPING FAMILIES SAVE THEIR HOMES ACT OF 2009

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 2009

Mr. KUCINICH. Mr. Speaker, I rise today in reluctant support of S. 986, the Helping Families Save Their Homes Act. Although I supported H.R. 1106 earlier in this Congress, and I will vote for this bill, I remain concerned about many aspects that attempt to fix the problem without addressing the fundamental issues.

S. 896 makes additional changes to the HOPE for Homeowners program despite evidence that it is a seriously flawed model that has failed to effect the type of large-scale mortgage modification that our economy needs if it is going to recover. Despite the changes made, success of the HOPE for Homeowners program continues to be contingent on the active participation of the mortgage lender or mortgage servicer. Once again, we throw money at Wall Street—at the bankers and lenders—and leave individuals and families with nothing.

The bill also reauthorizes programs under the McKinney-Vento Homeless Assistance Act. I am grateful that the plight of the homeless and the growing homeless population has finally merited the attention of Congress; however I am dismayed by some of the provisions in the final bill as well as the process used to arrive at the terms of the relevant language. The problem of homelessness in this country deserves more attention in the House of Representatives than a mere fraction of debate time on a suspension bill. If we had more time and different circumstances, we might have had the opportunity to correct some of the privacy concerns as well as the provisions that limit eligible uses of funds.

Despite the shortcomings in this bill, it represents a small step in the right direction on the whole. I remain hopeful that Congress will continue to improve the HOPE for Homeowners programs as well as the plight of the growing numbers of homeless citizens. In the end, we must adopt a default posture that accommodates communities, families, and individuals, rather than a default posture that accommodates bankers and financial institutions. Only then will we be able to repair our economy and put our country back on a path of prosperity and growth.

DAVIS FAMILY OF TELLICO PLAINS, TENNESSEE

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 2009

Mr. DUNCAN. Madam Speaker, there is perhaps no greater sacrifice an American can make than serving their Country during a time of war, and no one can say the Davis family of Tellico Plains, Tennessee has not answered this call. It is a tradition which spans over ninety years.

Private Hedrick Davis enlisted in the Army's Black Cat Division during World War I. After returning home, he bought a farm, married, and had five sons, who would all go on to answer that same call to service.

Four of the Davis sons—Leonard, Dillard, Clarence, and Guy—joined the Armed Forces as soon as World War II began. All the brothers would fight for their Country and despite the tremendous loss of life in this great campaign, all would remarkably live to tell their tales.

Dillard's story is one that took over fifty years to confirm. While on board the Belgian Troop ship the Leopoldville crossing the English Channel on Christmas Eve, a German Submarine attacked, sinking the boat with a torpedo. In a series of calamities following the strike and a botched rescue, 763 American soldiers died. Dillard managed to survive anid tell the tale that the United States and Great Britain did not admit until the 1990s.

The fifth Davis brother—Rex—was only sixteen-years-old when World War II ended. But he would not be spared from his family's calling. When the Korean conflict escalated into a full-blown war, Rex Davis answered the call. His tale was one of Hollywood legend—literally.

While training at Fort Benning, GA, movie stars Dean Martin and Jerry Lewis filmed the movie ''Jumping Jack'' on base, using Rex and his fellow soldiers as extras. Later, while serving in Korea, another movie star—Patricia Neal—came to entertain the troops. She asked on stage if anyone was from Knoxville and Rex jumped right up, getting his photo taken on stage with Ms. Neal. It is a cherished photograph that in 2003 brought Ms. Neal to tears in Knoxville when she was unexpectedly reunited with Rex.

In his Knoxville home, Rex Davis has files of records documenting the service of his father and four brothers, who together fought and survived three wars. Rex went on to serve on the Knoxville City Council, and he is known to tell a great story. I hope this story is told many times.

Madam Speaker, in closing, I would like to call the remarkable service of Private Hedrick Davis, Master Sgt. Leonard Davis, Staff Sgt. Dillard Davis, Cpl. Clarence Davis, Pfc. Guy Davis, and Cpl. Rex Davis to the attention of my colleagues and other readers of the RECORD.

A TRIBUTE TO DR. JAMES R. RECKNER

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 2009

Mr. NEUGEBAUER. Madam Speaker, I would like to take this time to recognize Dr. James R. Reckner for his dedication to the Vietnam Center and Archive at Texas Tech University. Dr. Reckner retired from Texas Tech University at the end of 2008 after 20 years of service as a professor of history, founding director of the Vietnam Center and Archive, and Executive Director of Texas Tech's new Institute for Modern Conflict, Diplomacy and Reconciliation, which now oversees the Vietnam Center and Archive.

A retired Naval officer and a veteran of the Vietnam War, Dr. Reckner received his Ph.D. from the University of Aukland in New Zealand. He joined the faculty at Texas Tech in September of 1988 and shortly after founded the Vietnam Center and Archive. From 1991 to 1992, Dr. Reckner held the Secretary of the Navy's Research Chair in Naval History and has served as a member of the Secretary's Advisory Subcommittee on Naval History since 1998.

As founder and director of the Vietnam Center and Archive, Dr. Reckner oversaw 20 years of development and growth including the acquisition of many unique and historic collections that have helped us better understand the experience and course of the Vietnam War. As a result of his leadership, the Center has become the foremost Vietnam-related research, archival and reconciliation institution in the United States.

During his years in the United States Navy, Dr. Reckner received the Bronze Star Medal with Combat ''V'', the Navy Commendation Medal with Combat ''V'', the Meritorious Service Medal and the Vietnamese Cross of Gallantry.

For his work in academia, Dr. Reckner also received the Gold Key National Honor Society Teaching Award in 1991, the President's Outstanding Leadership Award in 1996 and the Faculty Distinguished Leadership Award in 2004, among others. Not only is he an inspiring educator and skilled researcher, but he is an accomplished author as well with several published writings on naval and military history. In 1989, he received the Theodore & Franklin D. Roosevelt Annual Naval History Award for his historical biography entitled Teddy Roosevelt's Great White Fleet.

I am enormously appreciative to Dr. Reckner for his contributions to the Texas Tech community, veterans of the Vietnam War and their families, and for his efforts to foster reconciliation between Vietnam and the United States. Those in District 19, including me, thank him for a job well-done and extend to him our best wishes for his future endeavors.

HONORING KAREN FONTENOT

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 2009

Mr. BOUSTANY. Madam Speaker, I rise today to honor Karen Fontenot, of Duson, Louisiana, who has dedicated her life to helping veterans throughout Southwest Louisiana.

She answered her country's call during the Vietnam Conflict, serving as a nurse in the Philippines.

It was while trying to help move and carry male patients twice her size that Karen first injured her back. It was an injury which left her permanently disabled, unable to walk without the assistance of a cane, and in constant pain. Karen's caring and tender nature was injured, perhaps more severely than her physical being. She suffered with every young man she saw torn apart by the horrors of war.

Upon returning to her family and domestic life in Southwest Louisiana, Karen remained true to her fellow veterans. In an area which lacked Memorial Day and Veterans' Day ceremonies, Karen led a movement to establish those events. She was aided by some fellow veterans, but the brunt of the effort fell on her. For more than a decade, Karen has organized ceremonies to honor those she served alongside as well as those who came before and after her.

When the Iraq War led to the deaths of several local, young men, Karen added a special tribute to the Gold Star Mothers. These families led by the mothers who have lost their child gather with dozens of other veterans and their families to pay tribute to those who have died and those who live.

In addition to the beautiful ceremony, Karen invites all of those attending to a catered lunch at the local Armory. Each of the Gold Star Mothers receives special gifts, and those who have made special contributions are recognized and receive a tribute.

Karen Fontenot broke her back to care for young men injured and killed in the Vietnam conflict and returned home with the intent that all men and women who have sacrificed for their country will be remembered. If it is up to her, none of their sacrifices will be forgotten or overlooked. Karen Fontenot is a patron saint of veterans.

Madam Speaker, I ask that my colleagues join me in honoring Karen for her achievements and dedication to our nation's veterans.

INTRODUCTION OF THE ABSENTEE BALLOT TRACK, RECEIVE, AND CONFIRM (TRAC) ACT

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 2009

Mrs. DAVIS of California. Madam Speaker, I rise today to introduce The Absentee Ballot Track, Receive and Confirm (TRAC) Act—a bill to assist states in establishing absentee ballot tracking systems.

Many voters worry that they cannot determine whether their absentee ballots were actually sent out, received and counted.

In most cases, the fears of one's mail-in ballot somehow being lost in the system are unfounded—but we all know the concern is still there. Our nation's voters deserve electoral procedures that are transparent and which strengthen their faith in democracy.

Sometimes there is reason for concern. I have heard from people who simply did not receive a ballot they requested. There are various reasons for this from clerical errors to confusion over addresses.

Other times, a problem occurs when an absentee ballot is rejected because a voter's signature has changed over time and the voter never knows the difference.

The good news is that it is possible and practical to track mail ballots.

Many elections offices are already tracking ballots with great success. In fact, in California it is law that all counties establish absentee ballot tracking systems and the systems are quite popular with voters and elections officials.

In my home of San Diego County, CA, our registrar's online voter registration/absentee look-up feature received 98,000 hits before the 2008 November election.

Quite simply, the technology exists to allow voters to easily find out whether an elections office has sent out a ballot, whether a completed ballot has arrived back at the registrar's office, whether the registrar has counted the ballot, and if not, why not.

Implementing ballot tracking systems will bring voters peace of mind and reduce the burden on elections offices which are often barraged with phone calls from voters trying to determine the status of their ballots.

Moreover, the ability to check absentee status round the clock is a convenient service for voters, especially for military and overseas voters in various time zones.

Not only is mail ballot tracking feasible and helpful, but it is also affordable.

Setting up systems at an elections office can be as simple as redesigning a website and linking it to a back-up of a current database as San Mateo County, CA discovered when they created a tracking system for just $2000.

Absentee tracking could even help elections offices save money in the long run as call volumes will likely go down and the strain on elections office staff declines.

Mail ballot tracking is a win-win for voters and elections officials.

We should follow the lead of the trailblazers who are already tracking mail ballots and encourage local jurisdictions to create tracking systems.

The TRAC Act would allow the federal government to reimburse states for establishing tracking systems. However, I want to be clear that it would not require any state to set up a tracking system.

I am proud to introduce this bill along with my fellow colleague from California, Mr. MCCARTHY and I ask my colleagues on both sides of the aisle to join us in supporting this effort to strengthen the democratic process and give American voters the electoral certainty they deserve.

HONORING THE MEMORY OF JAMES EDWARD ARRINGTON

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 2009

Mr. BONNER. Madam Speaker, the city of Jackson, Alabama, and all of southwest Alabama recently lost a dear friend, and I rise today to honor James Edward Arrington and pay tribute to his memory.

A native of Greensboro, Mayor Arrington was a veteran of the U.S. Army during the Korean Conflict. In 1962, he moved to Jackson to build and operate Arrington Nursing Home, which later became Jackson Health Care. He was former auxiliary police chief in Jackson, former owner of A & B Trucking Company, and co-owner of Anderson Brothers Chrysler-Plymouth dealership.

For all of his achievements, James Arrington will perhaps be most remembered for serving as the mayor of Jackson for over two decades. Among the many accomplishments during his five-term administration include: funding of the new city hall building, locating Allied Paper (now Boise) to Jackson, construction of the Vanity Fair building, and construction of the northern Industrial Road bypass.

Just this past February, the Jackson City Council voted to rename City Hall the James E. Arrington City Hall Complex. Mayor Arrington was also named Jackson's Man of the Year for 1973 by the Jackson Civitan Club.

Madam Speaker, I ask my colleagues to join me in remembering a beloved friend to many throughout southwest Alabama. James Edward Arrington will be dearly missed by his family—his wife, Betty; his two sons, Ed Arrington and Greg Cotton; his two daughters, Leah Trotter and Brenda Fondren; his brother, Johnnie Arrington; his sister, Maggie Nelson; his eight grandchildren; and great-grandchild—as well as the countless friends he leaves behind.

Our thoughts and prayers are with them all during this difficult time.

TRIBUTE TO THE PASSAIC COUNTY COUNCIL ON ALCHOLISM AND DRUG ABUSE PREVENTION, INC.

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 2009

Mr. PASCRELL. Madam Speaker, I would like to call to your attention the work of an outstanding organization, The Passaic County Council on Alcoholism and Drug Abuse Prevention, Inc., which will celebrate its 25th Anniversary on May 25, 2009. This milestone marks a quarter century of supporting those most in need of assistance to get their lives on track, and thereby become a productive part of the greater community.

It is only fitting that The Passaic County Council on Alcoholism and Drug Abuse Prevention, Inc. be honored in this, the permanent record of the greatest democracy ever known, for all the assistance it has provided to individuals and families in the Passaic County area.

Passaic County Council on Alcoholism and Drug Abuse Prevention, Inc. was incorporated as a nonprofit prevention agency on May 25, 1984. Founded by Father Alan Savitt, a Catholic priest from the Paterson Diocese who still serves as executive director, the Council began working from a 200 square foot trailer in Clifton. After renovating an historic building on the City Hall property, the Council was granted a no cost lease from the city of Clifton and moved into its permanent home.

This facility serves the citizens of Passaic County as a Prevention Resource Center, providing prevention educational outreach services and assistance programs to those in need. Programs range from those like BABES (Beginning Alcohol and Addiction Basic Education Studies) and Forest Friends, serving elementary school children, to high school peer counseling programs, and from drug free workplace and counseling to WISE (Wellness Initiative and Senior Educators).

In addition to providing educational services and referral programs, the council also provides a focus for those interested in advocacy, public policy and prevention legislation.

When the group first began, the county government provided funding for operating expenses, but as the years have gone by, sources of funding have begun to run dry. Through the hard work of the staff and friends of the Council, grants and partnerships have been secured to help make ends meet. Over the years, the Council has received governmental, charitable and foundation grants to help fund its innovative programs and partnership efforts with numerous worldwide, national, statewide and regional programs. Father Savitt and long-term employee, Sister Pauline Kuntne, have shouldered the heavy burden of fundraising with enormous fortitude.

The job of a United States Congressman involves much that is rewarding, yet nothing compares to learning about and recognizing the efforts of service-minded organizations like the Passaic County Council on Alcoholism and Drug Abuse Prevention, Inc.

Madam Speaker, I ask that you join our colleagues, Father Alan Savitt and the staff and volunteers of the Passaic County Council on Alcoholism and Drug Abuse Prevention, Inc., all those who have been touched by their caring professionalism, and me in recognizing the outstanding contributions of this group to the Passaic County community and beyond.

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

SPEECH OF

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 2009

Mr. GINGREY of Georgia. Mr. Speaker, I rise today, as an original cosponsor, to voice my strong support for H. Res. 360, which urges Americans and people of every nationality to visit national cemeteries, memorials, and markers on this upcoming Memorial Day.

Today, we rightfully take time to recognize the men and women who have dedicated their lives to the service of our nation. We are proud of all of our servicemen and women and are eternally grateful for their efforts in the Global War on Terror. Indeed, the democracy on display here today with our presence in this chamber is testament to the courage and valor of our Armed Services.

Memorial Day is a federal holiday to celebrate the lives of those that have died while defending our nation. The soldiers, sailors, airmen, and marines who have served in our Armed Services deserve the utmost respect from our nation, and those that have died have made the ultimate sacrifice for the liberties that we enjoy every day.

It is at their final resting place that there will forever be enshrined the spirit of American generosity, sacrifice, and courage that our brave men and women have so graciously provided in defense of our freedom.

Let us also honor and say a gracious thank you to each and every military family member for the encouragement, love, and kindness they exhibit in supporting their precious loved ones as they serve a nation that will forever be free because of their sacrifice. It is to the family members that we say thank you now.

Mr. Speaker, I believe it will be a worthwhile endeavor to spend time on this holiday remembering the sacrifice our heroes have made for America. I encourage every American to visit our national cemeteries and memorials so that they may take part in dedicating this holiday to the memory of the excellent men and women of our Armed Services who have spent a lifetime of service to America.

I urge all of my colleagues to support this bill.

CELEBRATING THE LIFE OF BRUNO DEGOL

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 2009

Mr. SHUSTER. Madam Speaker, I rise today to honor the memory and celebrate the life of Bruno DeGol of Gallitzin, Pennsylvania who passed away on May 14th surrounded by his family and friends at the age of 86.

It is not an easy task to summarize a life so rich in accomplishment as the one lived by Bruno DeGol. For many of my constituents in Pennsylvania Bruno DeGol was best known as an amazingly successful entrepreneur, a noted philanthropist and as someone who never forgot his roots in the community where he grew up and prospered. I agree with that sentiment and I can say without question Bruno will be missed by all who knew him and knew of him.

You don't get to be as successful in life as Bruno DeGol by backing down to a challenge and Bruno never did. In World War II he took part in the D-Day Invasion as a soldier with the Army's 102nd Infantry Division. Bruno left the Army at the end of the war with an honorable service record that included the Bronze Star and numerous medals and commendations for his service.

Like so many other returning veterans looking for a start in post-war America, Bruno took a chance and opened his first of many business ventures in 1950. By 1972, his business, a construction materials company, had grown and expanded to four locations in Blair and Cambria Counties in Pennsylvania. Today, through careful expansion by his sons, DeGol Brothers Lumber now serves consumers in Pennsylvania, Connecticut, and Florida.

Bruno was a consummate entrepreneur with razor sharp business acumen. However, he will be even more fondly remembered for the way he gave back to the people and the community he loved so much. Bruno's philanthropy is most evident in the good work that continues to be done by the Bruno & Lena DeGol Family Foundation as well as his longstanding support of St. Francis University.

Bruno built his version of the American Dream through hard work, determination and the support of his loving family. In fact, even though he was successful in so many things, building his family with his wife Lena was Bruno's most significant achievement. His five children; Don, Dave, Gloria, Bruno Jr., and Dennis and his 18 grandchildren and 10 great-grandchildren have been left a tremendous legacy to build upon.

Bruno DeGol will be remembered as a visionary and a humanitarian in business and community service. He will be missed by his family, his friends and by the countless people he touched throughout his long and wonderful life. I send my thoughts and my prayers to the DeGol family in their time of loss and ask the House to join me in honoring Bruno DeGol and celebrating his life.

HONORING THE LIFE AND ACCOMPLISHMENTS OF JUDGE MARILYN MORGAN UPON HER RETIREMENT

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 2009

Ms. ZOE LOFGREN of California. Madam Speaker, I rise today to honor the life and accomplishments of a distinguished member of my community, the Honorable Marilyn Morgan, upon her retirement from the United States Bankruptcy Court for the San Jose Division of the Northern District of California.

Judge Morgan has served on the federal bench with honor and integrity for 21 years. She has been an exceptional jurist, committed to fairness in the decisions impacting those who have appeared before her. Throughout her life and career, Judge Morgan has sought to ensure that all parties, including those with limited access to services and legal representation, have justice and equality. However, her extraordinary dedication to public service extends far beyond her courtroom.

Prior to her legal career, Ms. Morgan worked in the civil rights movement in the area of voter registration. After receiving her J.D. from Emory University, Ms. Morgan returned to her native San Jose to start her own practice in bankruptcy law, representing both debtors and creditors. She also served as a bankruptcy trustee. In that capacity, she quickly identified a need for a communications clearinghouse for trustees to connect and share ideas and educational resources. Ms. Morgan was co-founder of the National Association of Bankruptcy Trustees, an educational and advocacy organization for Chapter 7 Trustees that continues to thrive and boast a nationwide membership.

Among some important firsts, Ms. Morgan served as the first woman President of the Santa Clara County Bar Association in 1985–86 and as the first bankruptcy lawyer appointed as a Lawyer Representative to the Ninth Circuit Judicial Conference. She has also served as a member of the Bankruptcy Advisory Committee to the United States District Court and as a referee and probation monitor on the State Bar Court. Since her appointment to the bench in 1988, Judge Morgan has continued her extensive contributions to the legal community. She is one of the co-founders of the Congressman Don Edwards American Inn of Court, a professional association dedicated to promoting civility and enhancing communications between the bench and the bankruptcy bar. She has also served on the Board of Directors of Lincoln Law School of San Jose, Consumer Credit Counselors of San Francisco and its subsidiary, BALANCE, and the Bay Area Bankruptcy Forum.

Judge Morgan has been a powerful advocate for the improvement of the legal system. In 2007, Judge Morgan testified about ''Protecting Home Ownership'' before the Subcommittee on Administrative and Commercial Law of the Judiciary Committee of the U.S. House of Representatives. In 1997, she also testified before the National Bankruptcy Review Commission regarding proposed amendments to the Bankruptcy Code. In 2007, the National Association of Consumer Bankruptcy Attorneys recognized Judge Morgan for her extraordinary service in the field of consumer bankruptcy law. In 1999, she received the Fresh Start Award from the local consumer bankruptcy community in recognition of her contributions to improving the consumer bankruptcy system.

Judge Morgan has also been an active and effective advocate for improving the quality of, and access to, legal services available to the public. She has served as President of the Santa Clara County Bar Association Law Foundation and a trustee of Santa Clara County Law Related Education. She is also a co-founder of the Pro Bono Project of Santa Clara County. Judge Morgan has been a frequent provider of continuing legal education through the Bay Area Bankruptcy Forum, the National Association of Consumer Bankruptcy Attorneys, the National Association of Bankruptcy Trustees, the Santa Clara County Bar Association, the California Bankruptcy Forum, the National Conference of Bankruptcy Judges, the American Law Institute—American Bar Association, and the Norton Institute.

In addition to her contributions to the legal community, Judge Morgan has given generously to her broader community. One of the first women admitted to membership in the Rotary Club of San Jose, she has truly fulfilled its mission of ''service above self.'' She has served on the club's Board of Directors and has been intimately involved in developing Los Amigos de Washington School, a Rotary program that provides support to the students, families and teachers of Washington Elementary School through activities, events and mentoring. Judge Morgan has been a regular at the school, reading books to several classes and mentoring a group of fourth grade girls. She has also served on the Board of Directors of the American Red Cross; the San Jose Cathedral Foundation; The Women's Fund; the Santa Clara County Public Facilities Corporation; the Santa Clara County Building Authority; the Downtown YWCA; and the Santa Clara County Century Club.

For more than 30 years, Judge Morgan has been an outstanding pillar of our community in San Jose, a forceful advocate for the improvement of the legal system and the community at large, an inspiration and role model for her public service, a loyal friend to the many people with whom she has worked along the way, and a jurist whose common sense and legal acumen has provided justice to those who have appeared before her.

She is married to the Hon. (Ret.) James R. Grube, and they have three children, Terry, Elyse, and Mark.

It is with great pleasure that I join Judge Morgan in celebrating her life and many accomplishments. I thank her for her contributions to our region in California and to our nation. On behalf of our community, I congratulate Judge Morgan and wish her and her family well in her retirement and her future plans to continue in service to her community.

CONGRATULATING JAMES ''J.T.'' THOMAS JR. FOR WINNING CBS'S ''SURVIVOR: TOCANTINS''

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 2009

Mr. BONNER. Madam Speaker, I rise today to congratulate Mobile's own, James ''J.T.'' Thomas Jr. on winning the million-dollar prize on CBS's ''Survivor: Tocantins—The Brazilian Highlands.''

Before a national television audience, J.T was announced the winner of the 18th edition of the game. Known as the show's ''nice guy,'' J.T. won the unanimous votes of seven jury members, proving he had outwitted, outplayed, and outlasted the other 15 players. He became only the second person to win both the jury vote, worth $1 million, as well as the viewers' vote, worth $100,000.

The Samson, Alabama, native earned a business administration degree from Troy University. While living in Troy, he also owned his own fencing company. He moved to Mobile in 2007, where he manages the B.E. Cattle Co. farm, an operation with 112 head of registered Angus cows, along with 70 calves that are a year old and 60 calves that are just a few months old. He also manages 700 head of cattle in Lowndes County.

Madam Speaker, I ask my colleagues to join me in congratulating James ''J.T.'' Thomas Jr. for winning CBS's ''Survivor: Tocantins—The Brazilian Highlands.'' I know his friends, families, and members of the community join with me in praising his accomplishments.

RECOGNIZING ERWIN CHARLES ''RED'' BECKER ON HIS RETIREMENT AS MAYOR OF EVANSVILLE, ILLINOIS

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 2009

Mr. COSTELLO. Madam Speaker, I rise today to ask my colleagues to join me in recognizing Erwin Charles ''Red'' Becker and wishing him well a he retires as Mayor of Evansville, Illinois.

Red Becker comes by public service naturally. His great uncle, Walter Becker served as Mayor of Evansville from 1923 until 1957 when he died in office. Before serving the Village of Evansville, Red served his country with a tour in Vietnam.

In 1983, Red decided to become more actively involved in local government and ran for Village Trustee. This confirmed his commitment to his community and, two years later, he was elected Mayor of the Village of Hon. Evansville, a position he held through six terms and 24 years.

During Red Becker's tenure as Mayor, Evansville has seen many changes, including a four-phase road project, an upgraded and expanded boat dock, a new fire house, water tower and line replacements, and new water and sewer treatment facilities. These last items were made necessary due to damage from the ''Great Flood of '93'' which displaced the Mayor from his own residence. During this disastrous time for Evansville as well as many Midwestern communities, Red Becker proved his dedication to public service by working around the clock, meeting the needs of his community, even as many of his own belongings were lost to the flood.

After the devastation of the 1993 flood, Red oversaw a rebuilding of Evansville and has continued to work tirelessly for the benefit of the village and its residents.

Madam Speaker, I ask my colleagues to join me in an expression of recognition and appreciation for a true public servant, Erwin Charles ''Red'' Becker, and in wishing him all the best in the future.

RECOGNIZING ROBERTA RAKOVE, RECIPIENT OF THE PARTNERSHIP FOR ACTION GRASSROOTS CHAMPION AWARD

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 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 Chicago's neediest 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 communities and patients it serves.

CUBAN INDEPENDENCE DAY

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 2009

Mr. MEEK of Florida. Madam Speaker, I would like to recognize that today, May 20, 2009, is Cuban Independence Day. On this day, many people in my home community of South Florida will mark the rich cultural heritage and deep-rooted traditions of Cuban Independence Day. What was once a day of festivity and joy has become a day of nostalgia for a Cuba that once was free, but also of hope that it will soon regain its freedom.

As we continue to see political prisoners jailed in Cuba for peacefully expressing their rights and freedoms, we must remember that May 20, 1902, stood as a day of freedom and liberty after years of struggle and hardship.

Political prisoners today such as Dr. Oscar Elias Biscet and dissidents like Jorge Luis Garcia Perez ''Antunez'' hold strong unto their forefathers' passion for liberty and desire to live in a free and transparent democracy. While Dr. Biscet currently serves a 25-year prison sentence in Cuba, even from behind bars, he continues to promote democracy, social justice and liberty for all Cuban people.

Close friends, neighbors and many others who I grew up with are Cuban-Americans who have come to this country with little else beyond the clothes on their back and are now living the American Dream. I stand alongside these patriotic individuals as they mark May 20th in our State. They are men and women who love their adopted homeland, but long for their native land to allow them the freedoms they enjoy here. I offer them my solidarity on this special day.

WALL STREET JOURNAL OP-ED PIECE ON TORTURE

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 2009

Mr. YOUNG of Alaska. Madam Speaker, I rise today to introduce the following Op-Ed piece from the May 16, 2009 edition of the Wall Street Journal. I believe this piece speaks to the reactive nature of Congress, and will help shed some light on this issue to those both inside and outside the Beltway.

[From the Wall Street Journal, May 16, 2009]

CRITICS STILL HAVEN'T READ THE ''TORTURE'' MEMOS

(By Victoria Toensing)

Sen. Patrick Leahy wants an independent commission to investigate them. Rep. John Conyers wants the Obama Justice Department to prosecute them. Liberal lawyers want to disbar them, and the media maligns them.

What did the Justice Department attorneys at George W. Bush's Office of Legal Counsel (OLC)—John Yoo and Jay Bybee—do to garner such scorn? They analyzed a 1994 criminal statute prohibiting torture when the CIA asked for legal guidance on interrogation techniques for a high-level al Qaeda detainee (Abu Zubaydah).

In the mid-1980s, when I supervised the legality of apprehending terrorists to stand trial, I relied on a decades-old Supreme Court standard: Our capture and treatment could not ''shock the conscience'' of the court. The OLC lawyers, however, were not asked what treatment was legal to preserve a prosecution. They were asked what treatment was legal for a detainee who they were told had knowledge of future attacks on Americans.

The 1994 law was passed pursuant to an international treaty, the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment. The law's definition of torture is circular. Torture under that law means ''severe physical or mental pain or suffering,'' which in turn means ''prolonged mental harm,'' which must be caused by one of four prohibited acts. The only relevant one to the CIA inquiry was threatening or inflicting ''severe physical pain or suffering.'' What is ''prolonged mental suffering''? The term appears nowhere else in the U.S. Code.

Congress required, in order for there to be a violation of the law, that an interrogator specifically intend that the detainee suffer prolonged physical or mental suffering as a result of the prohibited conduct. Just knowing a person could be injured from the interrogation method is not a violation under Supreme Court rulings interpreting ''specific intent'' in other criminal statutes.

In the summer of 2002, the CIA outlined 10 interrogation methods that would be used only on Abu Zubaydah, who it told the lawyers was ''one of the highest ranking members of'' al Qaeda, serving as ''Usama Bin Laden's senior lieutenant.'' According to the CIA, Zubaydah had ''been involved in every major'' al Qaeda terrorist operation including 9/11, and was ''planning future terrorist attacks'' against U.S. interests.

Most importantly, the lawyers were told that Zubaydah—who was well-versed in American interrogation techniques, having written al Qaeda's manual on the subject—''displays no signs of willingness'' to provide information and ''has come to expect that no physical harm will be done to him.'' When the usual interrogation methods were used, he had maintained his ''unabated desire to kill Americans and Jews.''

The CIA and Department of Justice lawyers had two options: continue questioning Zubaydah by a process that had not worked or escalate the interrogation techniques in compliance with U.S. law. They chose the latter.

The Justice Department lawyers wrote two opinions totaling 54 pages. One went to White House Counsel Alberto Gonzales, the other to the CIA general counsel.

Both memos noted that the legislative history of the 1994 torture statute was ''scant.'' Neither house of Congress had hearings, debates or amendments, or provided clarification about terms such as ''severe'' or ''prolonged mental harm.'' There is no record of Rep. Jerrold Nadler—who now calls for impeachment and a criminal investigation of the lawyers—trying to make any act (e.g., waterboarding) illegal, or attempting to lessen the specific intent standard.

The Gonzales memo analyzed ''torture'' under American and international law. It noted that our courts, under a civil statute, have interpreted ''severe'' physical or mental pain or suffering to require extreme acts: The person had to be shot, beaten or raped, threatened with death or removal of extremities, or denied medical care. One federal court distinguished between torture and acts that were ''cruel, inhuman, or degrading treatment.'' So have international courts. The European Court of Human Rights in the case of Ireland v. United Kingdom (1978) specifically found that wall standing (to produce muscle fatigue), hooding, and sleep and food deprivation were not torture.

The U.N. treaty defined torture as ''severe pain and suffering.'' The Justice Department witness for the Senate treaty hearings testified that ''[t]orture is understood to be barbaric cruelty . . . the mere mention of which sends chills down one's spine.'' He gave examples of ''the needle under the fingernail, the application of electrical shock to the genital area, the piercing of eyeballs. . . .'' Mental torture was an act ''designed to damage and destroy the human personality.''

The treaty had a specific provision stating that nothing, not even war, justifies torture. Congress removed that provision when drafting the 1994 law against torture, thereby permitting someone accused of violating the statute to invoke the long-established defense of necessity.

The memo to the CIA discussed 10 requested interrogation techniques and how each should be limited so as not to violate the statute. The lawyers warned that no procedure could be used that ''interferes with the proper healing of Zubaydah's wound,'' which he incurred during capture. They observed that all the techniques, including waterboarding, were used on our military trainees, and that the CIA had conducted an ''extensive inquiry'' with experts and psychologists.

But now, safe in ivory towers eight years removed from 9/11, critics demand criminalization of the techniques and the prosecution or disbarment of the lawyers who advised the CIA. Contrary to columnist Frank Rich's uninformed accusation in the New York Times that the lawyers ''proposed using'' the techniques, they did no such thing. They were asked to provide legal guidance on whether the CIA's proposed methods violated the law.

Then there is Washington Post columnist Eugene Robinson, who declared that ''waterboarding will almost certainly be deemed illegal if put under judicial scrutiny,'' depending on which ''of several possibly applicable legal standards'' apply. Does he know the Senate rejected a bill in 2006 to make waterboarding illegal? That fact alone negates criminalization of the act. So quick to condemn, Mr. Robinson later replied to a TV interview question that he did not know how long sleep deprivation could go before it was ''immoral.'' It is ''a nuance,'' he said.

Yet the CIA asked those OLC lawyers to figure out exactly where that nuance stopped in the context of preventing another attack. There should be a rule that all persons proposing investigation, prosecution or disbarment must read the two memos and all underlying documents and then draft a dissenting analysis.

IN MEMORY OF EDWARD ''SCOTT'' HOOD

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 2009

Mr. BRADY of Pennsylvania. Madam Speaker, this week, we in the House lost one of our own. It is with great sadness and a heavy heart that I rise today to honor the memory of Edward ''Scott'' Hood and his years of exemplary service to the Members and staff of the House of Representatives.

Scott Hood lived in Point of Rocks, Maryland with his wife, Karen, and sons, Zachary and Luke. He served the House of Representatives with distinction and excellence for almost twenty-three years, beginning his Congressional career in the House Cabinet Shop. Scott worked in that shop for eleven years, where he learned and honed his skills in the woodworking trade. ''Scotty'' was a valued craftsman and a remarkable talent, with many of his pieces still in use throughout the Capitol complex. The highlight of Scott's portfolio was a sideboard which he made for then Speaker of the House, the Honorable Newt Gingrich, in August of 1996. It can still be viewed in room H–230 of the Capitol.

When the position of Office Coordinator was created in the Office of the Chief Administrative Officer (CAO) in 2002, Scott saw this as an opportunity to enhance his career path by applying his knowledge of cabinetry to advise his customers on furniture choices and selections. He continued to build and cultivate relationships with offices over the next few years, ultimately working his way up to Supervisor of the CAO Capitol Service Center in 2004. In addition to his supervisory duties, he was assigned to the responsibility of coordinating and responding to the furniture and equipment needs of the Leadership offices, as well as representing the CAO organization in the logistical coordination of high-profile events in the Capitol Building. In 2007, he was awarded the Darrell Norman Excellence Award—the highest recognition of service bestowed on an employee of the Chief Administrative Officer. The summation of his recognition then is a fitting testament to his entire career with the House. ''Scott Hood inspires and motivates his staff to deliver quality services and solutions to the furniture and equipment problems of the offices located in the Capitol. Scott has also been a keen contributor to our efforts to enhance customer satisfaction and to work across the organization and with a variety of service partners to deliver solutions that exceed the expectations and needs of their customers. He has been particularly effective in bringing his change management and leadership skills to bear in developing an effective partnership with the Architect of the Capitol to deliver seamless solutions to House Leadership Offices.''

Scott was able to use his inherent honesty and integrity to build trusting relationships and to be a valued advisor to both his offices and staff at all levels. Scott not only embraced and lived the CAO mission, vision, values, and brand, but inspired and motivated his staff and other organizations to do the same. Admired by the people who knew him and appreciated by those he served, Scott was an exceptional role model. His colleagues tell us that they will miss his shy smile and the ''will do'' spirit and positive attitude that he brought to work each day. When asked to describe him, the most common phrase mentioned was, ''He was 'The Rock' that we relied on.''

Besides his loving wife and sons, Scott is survived by his parents, Darlene G. and Edward Hood, of Germantown, MD. He was the son-in law of Edith Jenkins, the loving grandson of Otis and Margaret Smith, and the brother of Kevin Hood and his wife Zaida, all of Germantown, MD.

It is a privilege to pay respects to a man who lived the spirit of unconditional and unwavering service to this great institution. On behalf of the entire House community, we extend our condolences to Scott's family, friends and colleagues in mourning the loss of this truly special public servant. I am honored to stand before the House and to commend him for his service to the Congress and our Nation.

HONORING FAMILIES OF FALLEN SOLDIERS

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 2009

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor all the families who have lost a loved one in defense of our great Nation and in particular, those gathered at Calvary Baptist Church in Lakeland, Florida. For over 225 years, the United States has been a beacon of hope and freedom throughout the world. That freedom comes at a price, however. Whether it is the original fight for independence during the American Revolution, the drive to defeat communism during the cold war, or the current battle in the Middle East, soldiers throughout our history have fought and given their lives to keep us safe here at home. I salute their sacrifice, the sacrifice of their families, and dedication to their fellow man.

Our Nation has often had to defend itself from enemies, both foreign and domestic. Throughout these struggles, it has been our shared faith in our Lord that has given us the strength to soldier on during tough and trying times. America has seen both the good and the bad throughout our Nation's history, but in the end I firmly believe that each of us will heed the call to show our commitment to God when forced to make decisions that affect our fellow man.

To those who will gather at Calvary Baptist Church to honor our ''True American Heroes,'' know this Congress thanks you and honors you. As Ronnie and Aileen Payne wrote to me, ''Our sons and daughters were more than just a name and a casualty number. They were the best that America had to offer. They ran in when others ran out. They answered when America called.''

America is the greatest Nation in the world. We have a proud history of service, faith and community ties that bind us to the common belief in the goodness of mankind. Our collective faith in God surpasses the fear and uncertainty we may feel from time to time. By working and praying together we can ensure that future generations of Americans will share the morals and values that brought us here today. Thank you and God bless the United States of America.

''HOPE BLOOMS'' FOUNDERS WAYNE AND SHANNON MARKLOWITZ OF CLEAR LAKE, MN

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 2009

Mr. BACHMANN. Madam Speaker, I rise today to honor two truly amazing individuals, Wayne and Shannon Marklowitz of Clear Lake, as they begin to create a foster care community, ''Hope Blooms'', in Becker, Minnesota. Wayne and Shannon are working hard to provide a safe, welcoming environment for some of the 650 Minnesota children between the ages of 0 and 18 who are waiting to be placed with a foster home. And, they also hope to provide a close support network for the families that want to provide the love and care these children so desperately need.

It is not often we see such dedication toward such a selfless goal, particularly amidst these troubling times when people honestly turn their focus inward. Wayne works as a fire fighter and Shannon is studying to become a counselor, so there are plenty of very legitimate excuses to hold off on this endeavor. But the inspiration of a similar program in Texas, the prayers of their family, the support of their community and their unconditional faith have moved this project closer to fruition with each day. In fact, Wayne and Shannon received their not-for-profit status from the federal government in just one month, even thought they had been told the process takes a year. Even government appears to have been inspired by their dreams.

After fostering 23 children with my family, I know the personal joy a foster child can bring to a home. I am so grateful to for that gift that I received as a foster parent, and I am equally grateful to the Marklowitz' for helping other families experience that same joy. Shannon and Wayne are taking on this endeavor as a leap of faith, as they acknowledge, answering the call from Christ's apostle James, who asked true believers ''to look after the orphans and widows in distress.''

I rise to honor this amazing young couple for their faith and work to meet such important goals. The month of May has been designated as ''National Foster Care Month'' and I encourage all Americans to look into foster care options and to support the families that have foster children. The future of our country rests firmly on the shoulders of our children and the hundreds of thousands of children in foster care are an important part in carrying on the principles of freedom and community on which America was founded. I look forward to seeing the success and joy Hope Blooms brings to foster families and children in and around Becker. May God continue to bless the homes that have opened their doors to the children in need.

TRIBUTE TO CENTENNIAL HIGH SCHOOL, CALIFORNIA FOOTBALL CHAMPIONS

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 2009

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to a school in my congressional district that not only excels in academics but is also distinguished on the football field. On December 19, 2008, The Centennial High School football team won the 2008 California Interscholastic Federation (CIF) Division I Championship. In the championship game, Centennial defeated De La Salle, Concord 21 to 16.

The football team is an outstanding example of hard work, determination and perseverance. They were undefeated in the 2008 season and have earned the title ''Champions.'' The members of the winning football team, according to their jersey number, include:

Dion Bass, Geshun Harris, Nick Beasley, Michael Aguon, Taylor Martinez, Michael Arredondo, Vontaze Burfict, Jason Manalili, Lenon Ford, Larry Scott, Trevor Romaine, Demeitri Beasley, Chris Simpson, Charles Oakley, Cody Baker, Barrington Collins, Michael Eubank, Ricky Marvray, Sam Kadar, Chris Gonzalez, Hayden Gavett, Anthony Goodman, Arthur Burns, KJ Vaifale, Kevin Angulo, Eddie Lopez, Denzel Hawkins, Duran Harris, Jacob Duro, Lee Adams, Anthony Whitlow, Khiry Shabazz, Norman Ford, Brandon Brown, Daniel Contreras, Marques Watson, Damion Smith, Izaac Colunga, Jimmy Munoz, JD Austin, Jaleel Johnson, Daniel Mireles, Frank Jimenez, James Lindsay, Markiece Miller, Casey Winans, Derek Aviles, Brandon Holder, Andrew Torres, Adam Hollick, Eric Rizzo, Steele Frey, David Leon, Jacob Appleton, Daniel Rojas, Cesar Olivares, Jake Amaya, Adam Davila, Adrian Contreras, Kendrick Allen, Luis Rodriquez, Marc Andres, Robbie Bishop, Chad Salcido, Jesus Cacho, Jacob Olsson, Gavin Pascarella, Joseph Lopez, Johnnyray Cabrerra, Elijah Perricone, JT Felix, David Mireles, Deji Olijade, Jeremy Fennell, JT Powell, Ahkeel Chambers, Derrick Wilson, Romello Goodman, Isaiah Ashby, Bryan Murillo, Eric Finney, Milo Jordan, Iosefa Gasu, Derrick Ivy, William Sutton, Ben Letcher, Paul Verrette, Adam Uribe, Christian Gonzales, Thomas Amato.

The team is led by Head Coach Matt Logan; Assistant Coaches Ron Gueringer, Jeremy Goins, Brian Benz, Noel Hughes, Matt Lance, Mike Nicks, Bill Carter, Kunane Burns, James Hughes, Leo Perez, Dan Herring, Casey Richardson, Trevor Bermudez, Ika Tamelfuna, and Corey Kipp. The team is strongly supported by Principle Sam Buenrostro, Athletic Director Bill Gunn and the entire Centennial family.

It is an honor to represent such a fine group of young people with a strong dedication to teamwork and academics. I know each one of them will treasure the memories of their championship season and I commend them, and the entire Centennial High School community, for this truly great achievement.

RECOGNIZING THE SERVICE CORPS OF RETIRED EXECUTIVES (SCORE) FOR THEIR VALUABLE SERVICE TO THE SMALL BUSINESS COMMUNITY

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 2009

Mr. SMITH of Texas. Madam Speaker, I would like to submit the following for the CONGRESSIONAL RECORD:

Started in October 5, 1964, Service Corps of Retired Executives (SCORE), known presently as ''SCORE Counselors to America's Small Business,'' is made up of more than 11,200 counselors in nearly 400 offices who provide time and expertise to assist fledgling business owners and prospective entrepreneurs. Today, the organization fulfills the vital role of helping small business owners survive economic challenges, stay in business, and keep Americans working. According to the Small Business Administration (SBA), each year SCORE assistance helps start approximately 20,000 new businesses and creates approximately 25,000 jobs.

In 2008, SCORE reached the impressive milestone of providing eight million clients with mentoring and training since its founding. That year, SCORE's nearly 7,000 business workshops drew in excess of 133,000 attendees and the online workshops attracted 51,000 more. Counselors can provide assistance via e-mail and numerous courses may be taken on line, free of charge.

America's small businesses play a significant role in our economy, accounting for 99.7% of all employer firms and generating more than half of the non-farm private gross domestic product (GDP). SCORE continues to be a well-positioned and valuable resource for these small businesses as they grow and develop.

I commend SCORE's numerous volunteers who share their time and valuable expertise to equip future entrepreneurs with the skills to own and operate successful small businesses. Volunteers from SCORE have demonstrated their commitment to enhancing quality of life, building strong communities, and promoting economic growth. Our communities can take pride in SCORE's good work.

HONORING BOB WILLIAMS FOR HIS EFFORTS SENDING CARE PACKAGES TO OUR SOLDIERS OVERSEAS

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 2009

Mr. BILRAKIS. Madam Speaker, I rise today to honor American patriot and founder of the ''Support Our Troops'' organization, Bob Williams.

A veteran of the Vietnam War, Bob Williams understands how valuable it is to receive a care package from home. For 27 years, Bob has sent care packages to members of the Armed Forces serving overseas, often using his own funds to cover both the cost of supplies and postage. His organization, Support Our Troops, is the largest of its kind in Florida to send care packages to troops. His group operates out of its own warehouse in Wesley Chapel, Florida, sending out over 250 packages a week. While Mr. Williams accepts donations, the cost of postage can often exceed $8,000 a week.

In order to alleviate some of the difficulties incurred by these costs, Representative KATHY CASTOR and I have introduced H.R. 707, which would allow for a monthly voucher providing free postage for small parcels and other correspondence to be distributed to soldiers serving in combat zones overseas to transfer at their own discretion. We have introduced this legislation to recognize not only the sacrifices made by the brave men and women who serve overseas in our Armed Forces, but the sacrifices borne by their loved ones back home. Our hope is that, once passed into law, this bill will also assist generous souls like Bob Williams in his organization's efforts to send our troops a piece of home.

Madam Speaker, please join me in honoring Bob Williams for the many contributions he has made to honor the bravery and selfless sacrifice of our Nation's servicemembers. May God bless our troops and may God continue to bless the United States of America.

THANKING LAKE ALICE SCHOOL

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 2009

Mr. SMITH of Nebraska. Madam Speaker, I rise today to celebrate a gem of western Nebraska, Lake Alice School. The school, which first opened its doors in 1915, will bid its final farewell on Monday.

A Farewell to Lake Alice School will be held with an open house at the school, allowing anyone who is or has been associated with the school to reminisce on its impact to our community and what it has meant to so many people through the years.

Nearly 7,000 students from Scottsbluff and the surrounding area have passed through the school during its 93 years. I'm proud to have known Lake Alice students, teachers, graduates, and faculty throughout my life. The school provided a quality education and served as a point of pride for the community.

Lake Alice will hold a special place in our hearts. I hate to see the doors close, but I know the memories will last forever.

HONORING THE MEMORY OF HUEY ALFRED MACK SR.

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 2009

Mr. BONNER. Madam Speaker, the city of Robertsdale, Alabama, and all of southwest Alabama recently lost a dear friend, and I rise today to honor Huey Alfred Mack Sr. and pay tribute to his memory.

Mr. Mack was born in rural Escambia County and studied pre-med at the University of Alabama. In 1958, he received a degree in mortuary science at Gupton Jones Institute in Dallas, Texas, and just seven years later, he and his family moved from Atmore to Robertsdale and opened Mack Funeral Home.

In 1978, he was appointed by then-Governor George C. Wallace as Baldwin County's coroner. He went on to win seven consecutive elections and remained in the post until his retirement in 2006. In addition to serving as county coroner and owning the funeral home, he ran a commercial real estate business and a small cattle operation.

Former Baldwin County District Attorney David Whetstone said "[Mr. Mack] was probably one of the best coroners in the history of Alabama . . . And he is one of the best friends you could have." Jim Small, who was elected county coroner following Mr. Mack's retirement said, "He was a person who worked hard and diligently."

Mr. Mack was a founding member of the Central Baldwin County Chamber of Commerce and had served as its president. He was also past president of the Alabama Funeral Director's Association, the Robertsdale Rotary Club, and past board member of the Selected Independent Funeral Homes. He was a devout member of Robertsdale United Methodist Church.

Madam Speaker, I ask my colleagues to join me in remembering a beloved friend to many throughout southwest Alabama. Huey Alfred Mack Sr. will be dearly missed by his family—his wife, Jean Marie Mack; his daughter, Linda Lou Mack, his son, Huey A. "Hoss" Mack Jr.; his sister, Judy; his brother, Arnold; his five grandchildren; and his great grandchild—as well as the countless friends he leaves behind.

Our thoughts and prayers are with them all during this difficult time.

HONORING MRS. PATRICIA HECK

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 2009

Mr. MITCHELL. Madam Speaker, I rise today to recognize Patricia Heck, an exemplary public servant who is retiring as a teacher at Red Mountain High School in Mesa.

In 1988, Pat launched a program at Red Mountain through Reading Is Fundamental that promotes a love of reading for all ability groups through fun and entertaining activities. Pat's commitment and deep passion for literacy encourages students of all reading levels to unlock the mystery that each book holds.

Fueled by Pat's drive and determination, the program flourished. The club currently consists of 1,800 teen members; representing more than half the student body. Members organize an annual carnival, and produce year-round reading displays, assemblies, and read-a-thons. Every year, they collect over 2,500 books to distribute to their own high school and in other areas of need. Since the school opened in 1988, the club has given away $3 million in donated books. At the core of Club RIF are the one-on-one reading buddies that work directly with 150 second graders at the Salk Elementary School and the tutors who read to 1,375 children each week.

Pat's dedication has been recognized numerous times over the years including national recognition in 1991 as President Bush Sr.'s 432nd Point of Light and in 2000 as the recipients of President Clinton's Student Service Award.

After more than 20 years of service to Club RIF and 30 years in education, Pat is retiring. Through her leadership, vision and passion, she excelled as a charismatic advocate for literacy and provided a shining example of how students can positively influence children in their communities through education and reading. Her energy and enthusiasm for Club RIF and its mission will continue to inspire students to get excited about reading.

I take particular pride in Pat's contributions and accomplishments because she was one of my first students when I began my own 28-year teaching career.

Madam Speaker, please join me in congratulating Patricia Heck on her energetic contributions to Club RIF, her upcoming retirement, and the lasting legacy she will leave with the community.

RECOGNIZING BETTE MIDLER AND THE NEW YORK RESTORATION PROJECT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 2009

Mr. RANGEL. Madam Speaker, today I rise to recognize Bette Midler and the New York Restoration Project who for the last 14 years has been revitalizing underserved parkland and community gardens in my Congressional District and throughout the City of New York. Restoration of our beloved parks and gardens has promoted in my community a sense of ownership and civic pride leading residents to preserve their beloved recreational areas.

Bette Midler first got the attention of this Congress when she took to national syndicated television in 1994 and confessed that if she had not gone into entertainment she probably would have pursued a career as an urban planner, and she certainly has moved to the forefront in promoting livability with her personal advocacy and investment.

This was most apparent when she spearheaded the rescue of 112 parks and community gardens in New York City when then Mayor Rudolph Giuliani threatened to auction these small gardens to the highest bidder for redevelopment. Had Bette not stepped in, along with the Trust for Public Land and the New York Restoration Project (NYRP), a great number of New Yorkers would have lost their sprawling parks and adored gardens.

New York Restoration Project was founded by Bette Midler in 1995 as the "conservancy of forgotten places." NYRP reclaims, restores and revitalizes neglected parks, community gardens and waterfronts throughout New York City—focusing especially on underserved neighborhoods. NYRP is also the lead nonprofit partner of Mayor Bloomberg's PlaNYC MillionTreesNYC, the most ambitious public-private initiative in the country, dedicated to planting one million new trees in New York City by 2017.

For 14 years, NYRP has recognized that the challenges facing New York City's natural environment are significant. Dramatic increases in population, shortage of green spaces, insufficient tree canopy, and unsatisfactory environmental education are some of the compelling obstacles facing our great city, especially in low-income neighborhoods. As a result of these pressing issues, the City is facing dangerously high rates of obesity and diabetes; dramatic climate changes with rising temperatures and sea levels; devastatingly poor air quality and growing asthma rates; and lack of knowledge of, and respect for, the natural environment among younger generations. NYRP is able to combat the negative effects of these concerns through five core initiatives: Park Reclamation and Beautification, Community Garden Design Excellence Program, Community Outreach, Environmental Education Programming, and MillionTreesNYC Tree Planting and Stewardship.

As a permanent operational partner with local communities and city agencies, NYRP supplies labor, materials, project design and management, and environmental educational programs throughout the city's green spaces. NYRP has removed more than 1,900 tons of garbage and debris from New York City parks and public spaces; created Swindler Cove Park on the Harlem River, on the site of what was once an illegal dumping ground; planted more than 200,000 trees as part of MillionTreesNYC, a public-private partnership between the New York City Department of Parks and Recreation and NYRP; undertaken the care of Fort Washington Park, Fort Tryon Park, Highbridge Park, Bridge Park, and Roberto Clemente State Park; saved 114 community gardens from commercial development; and served thousands of youth and families with after-school and school-day outdoor learning and public programs.

So Madam Speaker, I ask that you and my distinguished colleagues join me in recognizing my good friend Bette Midler for all her contributions to our parks and such a remarkable and impressive organization like the New York Restoration Project who, under the leadership of Executive Director Drew Becher, has transformed and beautified the parks and community gardens of my district and the city of New York.

PRESIDENT MA OF TAIWAN

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 2009

Mr. DUNCAN. Madam Speaker, President Ma of Taiwan will celebrate the one-year anniversary of his taking office on May 20th, 2009. In just one year, the Harvard-educated President has accomplished so much to improve Taiwan's standing on the world stage.

The latest of these accomplishments is Taiwan's acceptance 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 finally give Taiwan's 23 million citizens a voice at this forum. This is possible because of President Ma's blossoming relationship with mainland China.

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.

Among other successes, President Ma's administration was able to have Taiwan removed from the Special 301 Watch List which is maintained by the U.S. Trade Representative (USTR). The removal shows Taiwan's commitment to preventing the importing and exporting of illegally pirated materials such as DVD's and CD's.

Madam Speaker, I would like to call these accomplishments and the successful first year of President Ma's administration to my colleagues and other readers of the RECORD.

VETERANS EMPLOYMENT RIGHTS REALIGNMENT ACT OF 2009

SPEECH OF

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 2009

Mr. MITCHELL. Mr. Speaker, I rise today in support of H.R. 1089, the Veterans Employment Rights Realignment Act of 2009. I thank Representative HERSETH SANDLIN of South Dakota for her leadership on the issues of veteran employment and education, and I commend her for bringing this bill to the Floor today.

Members of the Armed Forces—including the National Guard and Reserves—serve our nation with selflessness and courage. They deserve our gratitude, and in these difficult economic times, I believe that means we must redouble our efforts to ensure they have full and fair access to employment after their service.

H.R. 1089 will remove bureaucratic hurdles for veterans in search of redress for discriminatory employment practices, and it will allocate new resources to the Office of Special Counsel—the federal investigative and prosecutorial agency tasked with protecting federal employees from prohibited personnel practices.

In 1994, Congress put in place a strong set of employment protections for service members and veterans in the Uniformed Services Employment and Reemployment Rights Act. We need to enforce this law quickly and efficiently, and the Veterans Employment Rights Realignment Act of 2009 will help the Office of Special Counsel to do just that.

I was proud to support H.R. 1089 when it was considered by the House Committee on Veterans' Affairs, and I am pleased to support this bill on the House floor today. I urge my colleagues to join me in voting for this important legislation to protect service members and veterans from inappropriate employment practices.

TRIBUTE TO THE 203RD MILITARY POLICE BATTALION

HON. PARKER GRIFFITH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 2009

Mr. GRIFFITH. Madam Speaker, I rise today to recognize the 203rd Military Police Battalion of Athens, Alabama. On June 21st, the 203rd Battalion will depart for Fort Bliss to train before leaving for Iraq.

The 203rd Military Police Battalion has provided community service support to the Athens Retired Seniors Volunteer Program (RSVP) for more than a decade, specifically with the annual RSVP Picnic in the Park. Without their assistance, this special event for RSVP volunteers would not be possible. The Picnic in the Park will be especially meaningful this year as the 203rd prepares to deploy.

We enjoy our way of life and the freedoms we have because of groups like the 203rd Military Police Battalion. Their years of sacrifice on both local and national levels serve as an extraordinary example of leadership for us all.

Madam Speaker, I wish to express my extreme gratitude for the 203rd Military Police Battalion's service to my district and to honor them as they leave home in defense of our Nation.

TRIBUTE TO JOSEPH INTILE

HON. BILL PASCRELL JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 2009

Mr. PASCRELL. Madam Speaker, I would like to call to your attention the work of an outstanding individual, Chief Joseph Intile, who is being recognized May 20, 2009 on the occasion of his retirement as Chief of the Bloomfield, NJ Fire Department, after thirty years of dedicated service.

It is only fitting that he be honored in this, the permanent record of the greatest democracy ever known, because he is the embodiment of the patriotism and community spirit that make our nation so great.

Chief Intile joined the Bloomfield Fire Department on March 27, 1979 and since then has brought much distinction to the department and to his position. Most notably, he guided the Bloomfield Fire Department in becoming the first Fire Department in the northeastern United States to achieve international accreditation from the Center for Public Safety Excellence, Commission of Fire Accreditation.

Chief Intile is one of the most decorated and honored Fire Chiefs in the State of New Jersey. He holds a Masters of Administrative Science from Fairleigh Dickinson University and is a graduate of the National Fire Academy in Emmitsburg, Maryland.

He is a member of several highly respected professional organizations, such as the National Fire Protection Association,

International Association of Fire Chiefs, National Society of Executive Fire Officers, National Fire Academy Alumni Association, New Jersey Career Fire Chiefs Association, and the New Jersey State Fire Chiefs Association as well as many others including my own Congressional Public Safety Advisory Committee.

During his tenure in the Bloomfield Fire Department, Chief Intile achieved Executive Fire Officer status from the National Fire Academy and Chief Fire Officer Designation from the Commission on Fire Officer Designation. He has attained Fire Official, Fire Inspector, and Incident Management Level 3 ranks from the New Jersey Division of Criminal Justice. He has received five Live Saving Awards from the Township of Bloomfield, three Public Safety Awards from the John I. Crecco Foundation, as well as recognition from the New Jersey General Assembly, the Essex County Board of Freeholders, and the New Jersey State Senate.

The job of a United States Congressman involves much that is rewarding, yet nothing compares to being able to acknowledge great Americans like Chief Joseph Intile.

Madam Speaker, I ask that you join our colleagues, Joseph's family and friends, the members of the Bloomfield Fire Department, all those who have been touched by him, and me in recognizing the outstanding contributions of Chief Joseph Intile to his profession and his community.

HONORING DOS PUEBLOS HIGH SCHOOL ENGINEERING ACADEMY AND THEIR ROBOTICS TEAM, THE D'PENGUINEERS

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 2009

Mrs. CAPPS. Madam Speaker, it is with great pride that I rise today to commend my constituents at the Dos Pueblos High School Engineering Academy in Goleta, CA.

After rigorous study of engineering, science, math and other subjects, thirty-two high school seniors in this program came together to form a Robotics team called the D'Penguineers.

This group of talented students won two regional competitions and competed last month in the International For Inspiration and Recognition of Science and Technology (FIRST) Robotics Challenge in Atlanta, Georgia and won the coveted Motorola Quality Award which is given to the best-designed robot in the competition.

In only six weeks, these impressive high school students built a robot with the ability to remove 40-inch diameter balls from a 6½-foot tall overpass, drive along a prescribed path, and maneuver the balls into position with each pass under or over the underpass on each lap.

Madam Speaker, the Dos Pueblos Engineering Academy and the success of the D'Penguineers exemplifies what motivated students can do with support from their families, teachers and community.

To build on the success of these students, we must continue to prioritize science education and funding, not only throughout the South and Central Coasts but across the country as well.

With research performed by these students and others equally committed to the scientific community, our country will lead the world with new solutions for clean energy and more efficient technology.

I am proud to represent these gifted high school seniors, their dedicated instructors, and the entire Dos Pueblos High School community in Congress.

I am sure this esteemed achievement is indicative of many further successes for these intelligent young people.

PERSONAL EXPLANATION

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 2009

Ms. MCCOLLUM. Madam Speaker, on Monday, May 18, 2009, I was excused from a series of three rollcall votes. Had I been present, I would have voted "yea" on all three measures.

These measures were: H. Res. 300, a resolution congratulating Camp Dudley YMCA of Westport, New York, on the occasion of its 125th anniversary, introduced by Mr. MCHUGH of New York; S. 386, the Fraud Enforcement and Recovery Act of 2009, as amended, introduced by Senator LEAHY of Vermont; and H. Res. 442, 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, introduced by Mr. GEORGE MILLER of California.

SUPPORTING NATIONAL CHILD AWARENESS MONTH

SPEECH OF

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 2009

Mr. CALVERT. Madam Speaker, I stand in strong support of House Resolution 438, a bipartisan resolution which expresses the sense of the U.S. House of Representatives that National Child Awareness Month should be established in the month of September.

September is traditionally "back-to-school" month, a time when families focus on preparing children for the coming school year. Recognizing September as National Child Awareness Month will heighten the American public's attentiveness to the importance of our children's health, education, safety and character development through the ongoing efforts of the numerous organizations and individuals who help to protect and nurture them. With this resolution we express our support for a month-long effort to recognize the importance of children in our society as they grown into responsible citizens.

It is widely recognized that a strong, supportive family unit is the most important factor in the well-being of a child. Unfortunately there is no guarantee that every child will have a support system to depend on. Thankfully there are many organizations that provide for the most disadvantaged children in communities across the country. Even children with solid support systems benefit from youth-serving organizations which enrich their lives through activities such as sports, the arts, philanthropy and further education outside of the classroom.

I would like to extend my sincerest appreciation to the 69 bipartisan cosponsors and to the gentlelady from Orange County, the lead sponsor, LORETTA SANCHEZ, for her efforts on behalf of this resolution. In addition I would like to extend a special thanks to the Education and Labor Committee for moving the bill quickly. It is my hope that Senators FEINSTEIN and BURR will quickly pass a companion resolution in the Senate chamber and that President Obama will by Presidential Proclamation, designate September as National Child Awareness Month so that the many child-focused programs of the federal government might also be highlighted.

Most importantly, I commend the many local and national youth-serving organizations and charities dedicated to the well-being of children across the nation and the world.

INTRODUCING THE NATIONAL AMUSEMENT PARK RIDE SAFETY ACT OF 2009

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 2009

Mr. MARKEY of Massachusetts. Madam Speaker, Memorial Day is the beginning of the season when many American families take their children to our amusement parks for a day of fun and sun. Most Americans, when they enter an amusement park, believe that the rides at these parks are subject to oversight by the nation's top consumer safety watchdog—the Consumer Product Safety Commission, CPSC. However, this is, unbelievably, not the case. Since 1981, a "Roller Coaster Loophole" has been carved out of the Consumer Product Safety Act.

This loophole is a dangerous gap in child safety and injury prevention, and it is having serious consequences. Between 1987 and 2004, the CPSC reports that there were 3,400 amusement park ride-related accidents and deaths. This estimate is likely lower than the actual number of injuries, due to the CPSC's lack of authority over fixed-site rides.

It is time to act on the words of President Obama when he called for us to, "do more to protect the American public—especially our nation's children—from being harmed by unsafe products."

It is time to put the safety of our children first—it is time to close the Roller Coaster Loophole.

Today, I am re-introducing the National Amusement Park Safety Act, to restore safety oversight to a largely unregulated industry and protect our nation's children.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 2009

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately I missed recorded votes on the House floor on Tuesday, May 19, 2009. Had I been present, I would have voted "yea" on rollcall vote No. 270 (Motion to Suspend the rules and Agree to H.R. 1089), "nay" on rollcall vote No. 271 (Motion to Suspend the Rules and Agree to S. 896), "yea" on rollcall vote No. 272 (Motion to Suspend the Rules and Agree to H. Res. 360).

SMALL BUSINESS AID BILL

HON. BETSY MARKEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 2009

Ms. MARKEY of Colorado. Madam Speaker, I rise today to urge my colleagues to support the Small Business Assistance in Debt Bill (Small Business AID Bill). The Small Business AID Bill will expand the U.S. Small Business Administration (SBA) 504 loan program to be used to refinance conventional, non-SBA loans. This bill will permit small business owners to access capital and tap into equity that is locked in their commercial real estate due to the financial and banking crisis. Market conditions have changed and are making it harder for small businesses to gain access to capital to continue investing in and expanding their businesses. My bill reduces risk to banks from conventional, non-SBA loans on their balance sheets while simultaneously infusing cash into the banking system. This change will not require additional taxpayer support or an additional Congressional allocation, since this program is self-supporting.

Many small businesses have been hamstrung by today's economic conditions. Due to changes in the banking industry's ability and willingness to lend, small businesses are being squeezed out of capital markets. Banks, like most Americans, have been forced to tighten their belts; and banks have had to limit access to capital. With a lack of available capital, small businesses, the economic engine of America, are in crisis. Within the next year, approximately $2.5 billion in commercial loans will come due. Many banks will not be willing or able to renew these loans for small businesses, many whom will be unable to raise the necessary financing to survive. Other small businesses are being forced to stay in loans that are higher than today's current interest rates. Small businesses need another means to refinance their loans to weather this financial storm and potentially expand through new capital. By allowing SBA-backed lenders to extend financing small businesses will be able to: acquire land, construct buildings, or purchase equipment and collateralize fixed assets, avoid prepayment penalties, financing fees, and other costs. Small businesses will receive these benefits while obtaining better loan terms and lower interest rates for existing debt.

A good way to illustrate how my bill works may be helpful to my colleagues: Acme Company owns a building that an appraiser values at $100,000. Acme owes $70,000 on the building to their local bank. Due to the economic and financial crises bank regulators require the bank to downgrade their loans with Acme. The bank severely restricts or eliminates Acme's line of credit. The absence of the line of credit causes a very real hardship, impacting Acme's cash flow. With the inability to manage cash, Acme is severely impacted and encounters problems with operating day-to-day. While Acme has equity in their building, their bank cannot and would not allow them to access this equity due to the downgraded borrower status. With my bill, the SBA would be able to offer a new 504 loan to Acme for up to $40,000 (since the bill limits lending up to 40% of the value of the property). With this new load, Acme would be able

to unlock up to $20,000 worth of equity which they could use to maintain the business, retain jobs, or purchase new equipment to help the business grow again.

There was very little immediate impact for small businesses from the American Recovery and Reinvestment Act. Banks' inability and sometimes unwillingness to assist small businesses will continue for some time and we must act now to help small businesses stay afloat. My bill assists small businesses by providing SBA guarantees for a portion of certain loans coordinated through Certified Development Companies (CDCs). These non-profit organizations work with local lenders to provide secure SBA-backed loans to small businesses. The SBA then guarantees a portion of the loan, reducing the risk to lenders and dramatically increasing small businesses' access to capital. Until this bill, CDC loans were only available for new businesses or business expansion; but with this bill these loans would be available to refinance existing debt. By refinancing small businesses will continue to be current on their existing loans with SBA lenders. The lack of access to working capital depresses small businesses, resulting in a corresponding increase in unemployment rates.

In today's economy, small businesses are struggling. My bill assists small businesses to pull themselves up without any government handout or bailout. They will be able to refinance their current debt so that they can invest in new facilities, equipment, or hire additional workers. I urge all members to support the Small Business AID Bill.

CONGRATULATING DR. STUART COHEN ON HIS PRESIDENTIAL TERM OF THE SAN DIEGO COUNTY MEDICAL SOCIETY

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 2009

Mr. BILBRAY. Madam Speaker, today I rise to congratulate Dr. Stuart Cohen on his term as the 138th President of the San Diego County Medical Society (SDCMS). As America faces the difficult challenges of addressing health care reform, it is reassuring that there are leaders like Dr. Cohen in positions of influence to help our nation craft policies that will bring quality and accessible health care to all Americans.

The San Diego County Medical Society, representing over 8,000 physicians in San Diego County, is a non-profit organization founded in 1870. SDCMS is chartered by the California Medical Association and affiliated with the American Medical Association (AMA). The mission of SDCMS is to promote the science and art of medicine, the quality care and wellbeing of patients, the protection of the public health, the betterment of the medical profession, and the adjudication of ethical relations to its members, as well as the provision of education to its members in scientific, social, legal, and medico-economic aspects of medical practice.

Dr. Cohen received his medical degree in 1981 from the University of Manitoba and served his internship and residency at the Health Sciences Center at Children's Hospital in Winnipeg, Canada. Dr. Cohen is board certified in pediatrics and has been a member of Children's Primary Care Medical Group since 1996.

Dr. Cohen has been an active member of the San Diego County Medical Society and the California Medical Association since 1988 and the American Medical Association since 1994. He has served on numerous committees as a CMA delegate, an AMA delegate, as well as the SDCMS Board of Directors, Executive and Finance Committees and the San Diego Physician magazine Editorial Board. Dr. Cohen is also a member of numerous medical societies including the American Academy of Pediatrics—San Diego Chapter and the American Academy of Pediatrics.

Dr. Cohen is well respected by his peers as evidenced by the fact he was selected as a San Diego ''Top Doctor'' for the last four years. On a personal note, I have benefited immensely from Dr. Cohen's wise counsel on how to craft effective health care policy for all San Diegans.

Let history show that this year will be the year Congress makes progress on health reform. Americans are demanding we put partisan differences aside and devise a health care system that covers all Americans, puts patients first and ensures the highest quality.

With influential leaders such as Dr. Stuart Cohen leading the fight, I feel confident Congress will craft sensible health care policy.

AMERICAN ASSOCIATION OF STATE HIGHWAY TRANSPORTATION OFFICIALS

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 2009

Mr. WEXLER. Madam Speaker, as cochair of the Congressional Caucus on Global Road Safety, I would like to extend my appreciation and sincerest thanks to the Board of Directors of the American Association of State Highway Transportation Officials (AASHTO), who recently passed a policy resolution in support of House Concurrent Resolution 74, a resolution introduced by myself and my fellow Caucus cochairs, Congressman CHRIS VAN HOLLEN and Congressman DAN BURTON, supporting the goals and ideals of a decade of action for road safety with a global target to reduce by 50 percent the predicted increase in global road deaths between 2010 and 2020 and urging the Obama administration to take a leadership role at the First Ministerial Conference on Road Safety in Moscow later this year.

My fellow cochairs and I believe it is critical that the United States work with nations around the world to achieve the goals and ideals of a decade of action for road safety and to reduce the impact of this health epidemic on the global community, and I sincerely appreciate AASHTO's support for this resolution and for their efforts to work with the Global Road Safety Caucus to educate Members of Congress on the issue of road safety. To that end, I encourage all of my colleagues to review the text of AASHTO's resolution, which I am including in the CONGRESSIONAL RECORD.

POLICY RESOLUTION PR–2–09 SUPPORTING HOUSE CONCURRENT RESOLUTION 74

Whereas, AASHTO and its members departments remain fully committed to reducing the number of deaths on our Nation's roads as evidenced by current AASHTO policy positions and efforts to implement AASHTO's Strategic Highway Safety Plan, including the adoption by the Board of Directors in December, 1997 and revised and updated in December, 2004, a goal to reduce fatalities by half in 20 years;

Whereas, According to the 2004 World Report on Road Traffic Injury Prevention, 40,000 people on the United States and 1,300,000 people globally die in road crashes each year;

Whereas, Another 20,000,000 to 50,000,000 people globally are injured each year as a result of speeding motor vehicles and the increased use of motor vehicles;

Whereas, Road crashes are the leading cause of death globally for young people between the ages of 10 and 24 years;

Whereas, The current estimated monetary cost of motor vehicles crashes worldwide is greater than $500,000,000,000 annually, representing between 3 and 5 percent of the gross domestic product of each nation;

Whereas, According to the World Health Organization, over 90 percent of motorist-related deaths occur in low- and middle-income countries;

Whereas, According the World Health Organization, motorist related deaths and cost continue to rise in these countries due to a lack of appropriate road engineering and injury prevention programs in public health sectors;

Whereas, The United States, United Nations, and international community should promote the improvement of data collection and comparability, including adopting the standard definition of a road death as ''any person killed immediately or dying within 30 days as a result of a road traffic crash'' and the facilitation of international cooperation to develop reliable data systems and analytical capability;

Whereas, It is critical that the international community support collaborative action to enhance global road safety and reduce the risk of road crash death and injury around the world by fostering partnerships and cooperation between governments, private and public sectors, professional associations, and within civil society, as well as relationships among the Federal Highway Administration, the National Highway Traffic Safety Administration and other national and international road safety authorities;

Whereas, The United Nations General Assembly adopted a resolution in 2005 designating the third Sunday of November as a day of remembrance for road crash victims and their families and calling on nations globally to improve road safety;

Whereas, The United States Congress passed H. Con. Res. 87, as well as S. Con. Res. 39 in the 110th Congress supporting the goals and ideals of a world day of remembrance for road crash victims;

Whereas, The United Nations General Assembly adopted a resolution in 2008 highlighting the impact global road safety issues, encouraging nations to take action to reduce road crash risks across the world and creating the first global high-level conference on road safety in Moscow in November 2009;

Whereas, The Ministerial Consultive Committee of the First Global Ministerial Conference on Road Safety on Moscow has drafted a declaration to designate 2010–2020 as the ''Decade of Action for Global Road Safety''; now, therefore be it

Resolved, By the American Association of State Highway and Transportation Officials that AASHTO supports the goals and ideals of a decade of action for global road safety with a global target to reduce by 50 percent the predicted increase in global road deaths between 2010 and 2020; be it further

Resolved, AASHTO encourages international harmonization of road safety regulations and good practices through accession to and implementation of related United Nations legal instruments, resolutions, and manuals issued by the United Nations Road Safety Collaboration; and finally be it

Resolved, AASHTO encourages the United States to take a leadership role at the First Ministerial Conference on Road Safety and for the United States to work with nations around the world to achieve the goals and ideals of a decade of action for road safety and to reduce the impact of this health epidemic on the global community.

PRESIDENT MA OF TAIWAN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 2009

Mr. RANGEL. Madam Speaker, I rise today to comment on the remarkable achievements of the government of Taiwan in moving forward a new era of peace in the Pacific.

One year ago, the new President of Taiwan took office amid increasing tensions between China and Taiwan. Today, because of the initiatives of President Ma ying jo, Cross Straits relations have improved to such an extent that they have now produced a series of agreements to enhance mutual cooperation between Taiwan and China.

For too long Taiwan, opposed by China, has been excluded from the World Health Organization. As a result of the conciliatory efforts of President Ma and the recognition by authorities in China of the need to have Taiwan represented, Taiwan now has achieved status by the World Health Assembly. Good work President Ma. With the new health crisis the world faces with Swine Flu, politics must not impede mutual cooperation in combating this dreadful problem.

Increased communications, charter flights and postal agreements negotiated through the initiatives promoted by President Ma in his first year in office have lessened tensions to the extent that day to day contacts have replaced confrontation.

It is in the interest of the United States that this progress, which we understand is the hallmark of President Ma, continue. Peace in the Pacific is an essential ingredient of world progress.

Good luck Mr. President. May the successes of your first year in office be the forerunner of many years to come.

INTRODUCING THE SANCTITY OF LIFE ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 2009

Mr. PAUL. Madam Speaker, I rise today to support the Sanctity of Life Act. This legislation provides that the federal courts of the United States, up to and including the Supreme Court, do not have jurisdiction to hear abortion-related cases. Since the Supreme Court invented a ''right'' to abortion in Roe v. Wade, federal judges have repeatedly thwarted efforts by democratically elected officials at the state and local level to protect the unborn.

However, the federal courts have no legitimate authority to tell states and local communities what restrictions can and cannot be placed on abortion. Even some intellectually honest supporters of legalized abortion acknowledge that Roe v. Wade was incorrectly decided. Congress must use the authority granted to it in Article 3, Section 1 of the Constitution to rein in rogue federal judges from interfering with a state's ability to protect unborn life.

Madam Speaker, it is my hope that my colleagues will join me in support of using the power granted to the Congress by the Constitution to protect the ability of individual states and the people to restore respect for the sanctity of human life.

FAA REAUTHORIZATION

HON. BETSY MARKEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 2009

Ms. MARKEY of Colorado. Madam Speaker, I would like to state for the record that had I been present for the vote on H.R. 915, I would have voted in favor of the FAA reauthorization. As my daughter and son are graduating from college and high school, respectively, I am unable to be present for the vote. As a member of the Transportation and Infrastructure Committee, I was proud to approve the FAA Reauthorization Act of 2009 in our committee.

Being from Colorado, I fly in and out of Denver International Airport. Denver has struggled recently with a dearth of properly trained air traffic controllers. Denver TRACON is struggling with staffing problems because of: retirements, resignations, trainee failures and an inability to recruit and retain both the experienced veteran workforce and high quality trainees that have the ability to succeed in the training program. Air traffic controllers are required to retire by age 56, and of late, 98 percent of controllers have retired before that age because their salaries are not competitive. I am pleased that H.R. 915 addresses the mediation issues between the National Air Traffic Controllers Association and the FAA.

Additionally, the inclusion of funding to accelerate the implementation of the NextGen system is critical. It is important that we seize any opportunity that we have to make our airways not only safer but also more efficient.

I am also pleased to see that the bill increases funding for Essential Air Service. Coming from a rural district, I understand how critical EAS is to economic development. Rural communities across America count on EAS to preserve affordable, reliable air service. The EAS program is a major piece of our rural transportation infrastructure and greatly enhances the ability of these communities to attract and retain new business investment. I support continued efforts to maintain this vital program and urge my colleagues to support this legislation.

A PROCLAMATION HONORING RON VANVOORHIS, TEACHER AT EAST MUSKINGUM MIDDLE SCHOOL, FOR GIVING STUDENTS THE OPPORTUNITY TO EXPERIENCE WASHINGTON, DC FOR 30 YEARS

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 2009

Mr. SPACE. Madam Speaker:

Whereas, Ron VanVoorhis, initiated East Muskingum Middle School's annual trips to Washington, D.C.; and

Whereas, Mr. VanVoorhis has been responsible for close to 4,000 students being able to see and experience Washington, D.C.; and

Whereas, Mr. VanVoorhis has consistently attended each trip, missing only one year for the birth of his daughter; and

Whereas, Mr. VanVoorhis has provided this service without stipend and consistently at very low cost, saving each student an average of $100 per trip; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I commend Mr. Ron VanVoorhis on his service to the East Muskingum Middle School, and congratulate him on his 30 years of service in bringing the students of EMMS to Washington, D.C. to give them a better idea of what it means to be an American citizen.

IN HONOR OF THE 15TH ANNIVERSARY OF THE NOVA-ANNANDALE SYMPHONY ORCHESTRA AND IN RECOGNITION OF THE 2009 AWARDS RECIPIENTS

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 congratulate the NOVA-Annandale Symphony Orchestra on the occasion of their 15th Anniversary and to pay tribute to their 2009 Award Recipients.

In 1994, Dr. Claiborne Richardson of The Reunion Music Society and Dr. Gladys Watkins of the Northern Virginia Community College formed a partnership between the two organizations to create the NOVA-Annandale Symphony Orchestra. This orchestra combines the talents of local professional and amateur musicians and college students to develop their skills and to perform the music of different cultures and heritages. On April 17, 2009 during the NOVA-Annandale Symphony Orchestra's 15th Anniversary celebration, The Reunion Music Society announced the award recipients in two special categories: The Richardson-Watkins Founders Awards, which recognize persons or businesses from the community that have made significant contributions to the success of the Reunion Music Society's programs, and The Orchestra/Players Awards, which are given to musicians who have made significant contributions to the success and development of the Symphony over several years and are selected by their peers in the orchestra.

The recipients of The Richardson-Watkins Founders Awards are:

Annandale Florist, Inc. and Mr. Gary Sherfey for many years of providing complimentary flower arrangements displayed on the theater stage at the Symphony Orchestra concerts and for helping to promote concerts through displays at the florist shop.

Mr. Norman Johnston, a long-time volunteer and one of the founding members of the RMS, who served on the Board of Directors for many years. He continues to support the Symphony Orchestra by serving as the organization's graphic artist as well as providing significant financial support both personally and through the solicitation of paid advertising.

Dr. Bruce Mann, Dean of Liberal Arts at Northern Virginia Community College's Annandale campus, who serves as the college's liaison to the RMS. He oversees the music courses that involve college students and members of the Symphony Orchestra and coordinates the scheduling of concerts and rehearsals. In addition, he successfully solicits and obtains financial resources for concerts. Dr. Mann is presently serving his fourth year on RMS' Board of Directors.

The recipients of The Orchestra/Players Awards are:

Mr. Claiborne T. Richardson II: For the last 15 years "Clai" has generously contributed his time and talent to the Symphony Orchestra helping it to grow and thrive. As the orchestra's percussion and timpani section leader he leads and teaches his section, which is composed of many budding musicians, while encouraging and promoting the works of new young composers. Clai is a mainstay musician with the other RMS programs—the Annandale Brass, Reunion Music Society Jazz Orchestra, and the Chris Johnston Trio.

Ms. Jody Smalley: Jody has been playing the violin with the Symphony Orchestra since it was formed 15 years ago. As vice president of the Orchestra's Board of Directors, Jody arranges for guest musicians to rehearse and perform with the Orchestra. Her production of CD's of music to assist other musicians with their individual practices and the Power Point presentation she prepares to accompany the annual "Winter Wonderland" program helps to ensure the high quality of the performances.

Madam Speaker, I ask my colleagues to join me in congratulating the NOVA-Annandale Symphony Orchestra on their 15th Anniversary and paying tribute to the recipients of The Richardson-Watkins Founder's Awards and of the Orchestra/Player Awards.

TRIBUTE TO RODGER McFARLANE, PIONEER IN THE LGBT CIVIL RIGHTS AND HIV/AIDS MOVEMENTS

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 2009

Ms. DEGETTE. Madam Speaker, I rise to honor the extraordinary life and accomplishments of Rodger McFarlane. A pioneer and legend in the lesbian, gay, bisexual and transgender (LGBT) civil rights and HIV/AIDS movements, this remarkable man merits our recognition and our esteem for his unprecedented contributions to our nation and to the world.

Sadly, Rodger was taken from us far too young, at age 54. Larry Kramer, Rodger's longtime partner and collaborator, has said that Rodger "did more for the gay world than any person has ever done." Rodger was at the forefront of responding to the AIDS epidemic as it began to ravage our country in the early 1980's. Before HIV even had a name, in 1981, Rodger set up the first HIV/AIDS hotline anywhere; in fact, he used his home phone. Rodger, one of the original volunteers at Gay Men's Health Crisis, the nation's first and largest provider of AIDS client services and public education programs, became its first paid executive director. Until his death, Rodger was the president emeritus of Bailey House, the nation's first and largest provider of supportive housing for homeless people with HIV. Rodger was also a founding member of ACT UP–NY, the pioneering protest group responsible for sweeping changes to public policy as well as drug treatment and delivery processes.

In 1989, Rodger became executive director of Broadway Cares/Equity Fights AIDS, merging two small industry-based fundraising groups into one of America's most successful and influential AIDS fundraising and grantmaking organizations. From 2004 to 2008, Rodger served as the executive director of the Denver-based Gill Foundation, one of the nation's largest funders of programs advocating for LGBT equality. Rodger was instrumental in the creation of the Gill Foundation's sister organization, Gill Action.

Rodger took three organizations in their infancy and grew each into a powerhouse to tackle the international tragedy of HIV/AIDS. At Gay Men's Health Crisis, Rodger increased fundraising from a few thousand dollars to the $25 million agency it is today. During his tenure at Broadway Cares/Equity Fights AIDS, he increased the organization's annual revenue from less than $1 million to more than $5 million, while also leveraging an additional $40 million annually through strategic alliances with other funders and corporate partnerships. He transformed the Gill Foundation by sharpening its strategic purpose, focusing its philanthropy in the states, aligning its investment with political imperatives, and forging alliances that furthered both the LGBT movement and the progressive movement as a whole.

The breadth of Rodger's accomplishments is astounding. A proud U.S. Navy veteran, Rodger was a licensed nuclear engineer who conducted strategic missions in the North Atlantic and far Arctic regions aboard a fast attack submarine. A gifted athlete, he was a veteran of seven over-ice expeditions to the North Pole. He also competed internationally for many years as an elite tri-athlete.

Although Rodger never completed college, he was an accomplished and best-selling author and producer of works for the stage. Rodger co-wrote several books, including The Complete Bedside Companion: No Nonsense Advice on Caring for the Seriously Ill (Simon & Schuster, 1998), and most recently, Larry Kramer's The Tragedy of Today's Gays (Penguin, 2005). In 1993, he co-produced the Pulitzer Prize-nominated production of Larry Kramers The Destiny of Me, the sequel to The Normal Heart.

Rodger's many achievements led to well-deserved awards; he was recognized with honors such as the New York City Distinguished Service Award, the Presidential Voluntary Action Award, the Eleanor Roosevelt Award, the Emery Award from the Hetrick Martin Institute, and Tony and Drama Desk honors. Most recently, he received the Patient Advocacy Award from the American Psychiatric Association.

Beyond his professional contributions, friends knew Rodger as a devoted caregiver who nursed countless friends and family members battling cancer and AIDS. He was the most compassionate and giving of friends, especially to those in physical or emotional distress. A hallmark of his personality, his humor made him stand out from the rest.

Please join me in paying tribute to the life of Rodger McFarlane, a constituent of mine, who was a tireless activist, a brilliant strategist, a remarkable leader, and a treasured friend. A man who achieved so much in such a short time, Rodger will be missed by many. Denver is better for the time he spent there. Our world is better for the time he spent here.

125TH ANNIVERSARY OF OAKWOOD CEMETERY IN MT. VERNON, ILLINOIS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 2009

Mr. SHIMKUS. Madam Speaker, I rise today to note the 125th anniversary of Oakwood Cemetery in Mt. Vernon, Illinois.

Since Oakwood's formal recognition in 1883, concerned local citizens have worked tirelessly to ensure that those in the community who have left this life have a peaceful and dignified final resting place. This Memorial Day, the hard-working staff, which does so much to maintain Oakwood, will welcome area residents to the annual Memorial Day Weekend Drive-Thru. Local citizens can visit the resting places of such prominent citizens as the city's first mayor, James Pace, Civil War Generals C.W. Pavey and W.B. Anderson, and Illinois Governor L.L. Emmerson.

Over the decades, local residents have put great efforts in creating a beautiful and serene final resting place. According to its official history, the cemetery has over 9,000 markers spread along five miles of roads. The groundskeepers mow an average of 35 times per year, totaling 1,600 acres.

I want to salute the board members and staff members, past and present, of the Oakwood Cemetery in Mt. Vernon, Illinois, for the important work that they have done for 125 years.

THE MEDICAL RIGHTS ACT OF 2009, H.R. 2516

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 2009

Mr. KIRK. Madam Speaker, I am pleased to stand here today to introduce the Medical Rights Act of 2009 that will protect the doctor-patient relationship, the integrity of the medical profession and the right of Americans to choose the care they deem appropriate without federal delay or restriction.

The President outlined three principles for health care reform—lower costs, choice and access. I support these goals. To back them,

the President should endorse the Medical Rights Act. Our legislation is founded on this: Congress should make no law to block the decisions that American patients make with their doctor. If patients are our prime focus, their rights should be protected in law.

We can look to Great Britain and Canada to show us how government takeover of health care puts Congress, then the government in charge of your health care decisions, allowing them to decide what treatments you should or should not have. While over 60 percent of Americans are actually satisfied with their health care plan, only 55 percent of Canadian seniors are satisfied. The starkest difference in care appears when you are sickest. In Britain, government hospitals maintain nine intensive care unit beds per 100,000 people. In America, we have three times that number at 31 per 100,000. In sum, Britain has less than two doctors per 1,000 people, ranking it next to Mexico and Turkey.

If we do not enact the Medical Rights Act, patients will be at risk when government denies care, as they routinely do in Canada and Great Britain. Once denied government care, many Canadians find doctors in the U.S. If Congress orders the government to take over America's health care, where can we drive once care is denied by a new government health care system? To prevent this nightmare, Congress should pass the Medical Rights Act.

We need to promote patient-centered health care reform, where every American has access to the care they need, when they need it. It is not the role of the federal government to decide the type of care a patient should have but the role of doctors and medical professionals. I urge my colleagues to support the Medical Rights Act to stop the federal government from taking control over decisions made by you and your doctor.

IN RECOGNITION OF THE PRINCETON PUBLIC LIBRARY

HON. DEBORAH L. HALVORSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 2009

Mrs. HALVORSON. Madam Speaker, today I rise to recognize the Princeton Public Library in Bureau County, Illinois. The Princeton Public Library was recently the host of ''Between Fences,'' an exhibition from Museum on Main Street, a partnership of the Smithsonian Institution Traveling Exhibition Service and the Federation of State Humanities Councils. The Princeton Public Library is only one of two Illinois libraries that have been granted the opportunity to host this exhibit.

The exhibit embraces the use and existence of fences as an important facet of United States history. Fences are indicative of the owners lives, their property, and their relationship with their neighbors. For this reason, the Smithsonian Institution and State Humanities Councils chose to highlight fences as an integral part of the fabric of communities through history.

The mission of the Museum on Main Street project is to respond creatively to the challenge faced by rural museums to enhance their own cultural legacies. Princeton, a community of just under 8,000 residents, is thrilled to feature ''Between Fences'' and I am honored to represent them.

SUPPORTING NATIONAL CHILD AWARENESS MONTH

SPEECH OF

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 2009

Mr. ISSA. Madam Speaker, today I rise in support of H. Res. 438, ''Expressing support for designation of September as 'National Child Awareness Month.' '' This bipartisan resolution sponsored by Rep. LORETTA SANCHEZ (D–CA–47) and cosponsored by me, would recognize the efforts of our community leaders as they participate in growing the hopes and dreams of our children; the future of our Nation.

September, a month characterized by the return to school, signifies the start of the new school year. All around the country, corporations and businesses gear-up to highlight our youth and support children's charities and youth serving organizations. Declaring September as National Child Awareness Month will provide an excellent collaborative platform for these charitable groups to bring national attention to issues of vital concern to our children such as education, health, social services, sports, arts, and character development.

H. Res. 438 would recognize these efforts as a positive investment for the future of our Nation. National Child Awareness Month is supported by many regional and national youth organizations among which are the Make-A-Wish Foundation and Big Brothers Big Sisters program.

Madam Speaker, I applaud my colleagues in recognizing the efforts those children's charities and youth serving organizations have put forth and also honor children for their widespread participation in these groups.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 21, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 2

10 a.m.
Environment and Public Works
To hold hearings to examine the nomination of Victor M. Mendez, of Arizona, to be Administrator of the Federal Highway Administration.
SD–406

JUNE 4

9:30 a.m.
Armed Services
To hold hearings to examine the Defense Authorization request for fiscal year 2010 and the Future Years Defense Program for the Department of the Navy; to be possibly followed by a closed session in SVC–217.
SH–216

JUNE 10

9:30 a.m.
Veterans' Affairs
To hold an oversight hearing to examine the Department of Veterans Affairs' construction process.
SR–418

JUNE 24

9:30 a.m.
Veterans' Affairs
To hold an oversight hearing to examine the Department of Veterans Affairs quality management activities.
SR–418

Daily Digest

HIGHLIGHTS

Senate agreed to the conference report to accompany H.R. 454, Weapon Systems Acquisition Reform Act.

Senate

Chamber Action

Routine Proceedings, pages S5649–S5766

Measures Introduced: Thirty-four bills were introduced, as follows: S. 1081–1114. **Pages S5699–S5701**

Measures Reported:

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. 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. 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''.

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''. **Page S5699**

Measures Passed:

Women Airforce Service Pilots Congressional Gold Medal: Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of S. 614, to award a Congressional Gold Medal to the Women Airforce Service Pilots (''WASP''), and the bill was then passed, after agreeing to the following amendment proposed thereto:

Pages S5765–66

Reid (for Hutchison) Amendment No. 1200, of a perfecting nature. **Page S5765**

Nuclear Weapons Program Workers National Day of Remembrance: Committee on the Judiciary was discharged from further consideration of S. Res. 151, designating a national day of remembrance on October 30, 2009, for nuclear weapons program workers, and the resolution was then agreed to. **Page S5766**

Measures Considered:

Supplemental Appropriations Act: Senate continued consideration of H.R. 2346, making supplemental appropriations for the fiscal year ending September 30, 2009, taking action on the following amendments proposed thereto:

Adopted:

By 90 yeas to 6 nays (Vote No. 196), 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 S5650–58, S5663**

By 92 yeas to 3 nays (Vote No. 198), McConnell Modified Amendment No. 1136, to limit the release of detainees at Naval Station Guantanamo Bay, Cuba, pending a report on the prisoner population at the detention facility at Naval Station Guantanamo Bay. **Pages S5650, S5681, S5685–87**

By a unanimous vote of 94 yeas (Vote No. 199), Brownback Modified 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 S5650, S5667–69, S5687**

Withdrawn:

Durbin Amendment No. 1199 (to Amendment No. 1136), of a perfecting nature. **Page S5683**

Pending:

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. **Page S5650**

Chambliss Amendment No. 1144, 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. **Pages S5658–66**

Isakson Amendment No. 1164, to amend the Internal Revenue Code of 1986 to expand the application of the homebuyer credit. **Pages S5666–67**

Corker Amendment No. 1173, to provide for the development of objectives for the United States with respect to Afghanistan and Pakistan. **Page S5669**

Lieberman Amendment No. 1156, to increase the authorized end strength for active duty personnel of the Army. **Pages S5669–73**

Graham (for Lieberman) Amendment No. 1157, to provide that certain photographic records relating to the treatment of any individual engaged, captured, or detained after September 11, 2001, by the Armed Forces of the United States in operations outside the United States shall not be subject to disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act). **Pages S5673–74**

Kyl/Lieberman Amendment No. 1147, to prohibit funds made available for the Strategic Petroleum Reserve to be made available to any person that has engaged in certain activities with respect to the Islamic Republic of Iran. **Pages S5674–75**

Brown Amendment No. 1161, to require the United States Executive Director of the International Monetary Fund to oppose loans and other programs of the Fund that do not exempt certain spending by the governments of heavily indebted poor countries from certain budget caps and restraints. **Page S5675**

McCain Amendment No. 1188, to make available from funds appropriated by title XI an additional $42,500,000 for assistance for Georgia. **Pages S5675–76**

Lincoln Amendment No. 1181, to amend the Federal Deposit Insurance Act with respect to the extension of certain limitations. **Pages S5676–77**

Risch Amendment No. 1143, to appropriate, with an offset, an additional $2,000,000,000 for National Guard and Reserve Equipment. **Page S5677**

Kaufman Modified Amendment No. 1179, to ensure that civilian personnel assigned to serve in Afghanistan receive civilian-military coordination training that focuses on counterinsurgency and stability operations. **Pages S5677–79, S5690**

Leahy/Kerry Amendment No. 1191, to provide for consultation and reports to Congress regarding the International Monetary Fund. **Pages S5688–89**

Hutchison Amendment No. 1189, to protect auto dealers. **Pages S5680–81, 5689**

Merkley/Whitehouse Amendment No. 1185, to express the sense of the Senate on the use by the Department of Defense of funds in the Act for operations in Iraq in a manner consistent with the United States-Iraq Status of Forces Agreement. **Pages S5689–90**

Merkley (for DeMint) Amendment No. 1138, to strike the provisions relating to increased funding for the International Monetary Fund. **Page S5690**

Bennet/Casey Amendment No. 1167, to require the exclusion of combat pay from income for purposes of determining eligibility for child nutrition programs and the special supplemental nutrition program for women, infants, and children. **Page S5691**

Reid Amendment No. 1201 (to Amendment No. 1167), to change the enactment date. **Page S5691**

A unanimous-consent-time agreement was reached providing for further consideration of the bill at 9 a.m., on Thursday, May 21, 2009, and that the time until 10 a.m., be equally divided and controlled for debate only between the two Leaders, or their designees; provided that at 10 a.m., Senate vote on the motion to invoke cloture thereon; provided further, that the filing deadline for second-degree amendments be 9:30 a.m., on Thursday, May 21, 2009. **Page S5766**

Conference Reports:

Weapon Systems Acquisition Reform Act—Conference Report: By a unanimous vote of 95 yeas (Vote No. 197), Senate agreed to the conference report to accompany S. 454, to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems. **Pages S5683–85**

Signing Authority—Agreement: A unanimous-consent agreement was reached providing that on Wednesday, May 20, 2009, the Majority Leader, be authorized to sign duly enrolled bills or joint resolutions. **Page S5649**

Message from the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report on the continuation of the national emergency that was originally declared in Executive Order 13303 of May 22, 2003, with respect to the stabilization of Iraq; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–20) **Pages S5695–96**

Nominations Confirmed: Senate confirmed the following nominations:

David J. Hayes, of Virginia, to be Deputy Secretary of the Interior.

Ines R. Triay, of New Mexico, to be an Assistant Secretary of Energy (Environmental Management). **Page S5765**

Nominations Received: Senate received the following nominations:

Bartholomew Chilton, of Maryland, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring April 13, 2013.

Colin Scott Cole Fulton, of Maryland, to be an Assistant Administrator of the Environmental Protection Agency.

Alejandro N. Mayorkas, of California, to be Director of the United States Citizenship and Immigration Services, Department of Homeland Security.

2 Air Force nominations in the rank of general.

1 Navy nomination in the rank of admiral.

Page S5766

Messages from the House: Page S5696

Measures Referred: Page S5696

Enrolled Bills Presented: Page S5696

Executive Communications: Pages S5696–98

Petitions and Memorials: Pages S5698–99

Executive Reports of Committees: Page S5699

Additional Cosponsors: Pages S5701–02

Statements on Introduced Bills/Resolutions: Pages S5702–32

Additional Statements: Page S5692

Amendments Submitted: Pages S5732–33

Notices of Hearings/Meetings: Page S5744

Authorities for Committees to Meet: Page S5744

Privileges of the Floor: Page S5744

Record Votes: Four record votes were taken today. (Total—199) Pages S5663, S5685, S5687

Adjournment: Senate convened at 9:30 a.m. and adjourned at 8:21 p.m., until 9 a.m. on Thursday, May 21, 2009. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S5766.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: DEPARTMENT OF STATE

Committee on Appropriations: Subcommittee on State, Foreign Operations, and Related Programs concluded a hearing to examine proposed budget estimates for fiscal year 2010 for the Department of State, after receiving testimony from Hillary Rodham Clinton, Secretary of State.

APPROPRIATIONS: FOREST SERVICE

Committee on Appropriations: Subcommittee on Interior, Environment, and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2010 for the Forest Service, after receiving testimony from Abigail Kimbell, Chief, Forest Service, Department of Agriculture.

MILITARY SPACE PROGRAMS BUDGET

Committee on Armed Services: Subcommittee on Strategic Forces concluded open and closed hearings to examine the Defense Authorization request for fiscal year 2010 and Future Years Defense Program for military space programs, after receiving testimony from Gary E. Payton, Deputy Under Secretary of the Air Force for Space Programs, General C. Robert Kehler, USAF, Commander, Air Force Space Command, Lieutenant General Larry D. James, USAF, Commander, 14th Air Force, Air Force Space Command, and Commander, Joint Functional Component Command for Space, Strategic Command, and Vice Admiral Harry B. Harris, Jr., USN, Deputy Chief of Naval Operations for Communication Networks, all of the Department of Defense; and Cristina T. Chaplain, Director, Acquisition and Sourcing Management, Government Accountability Office.

ACTIVE COMPONENT, RESERVE COMPONENT, AND CIVILIAN PERSONNEL PROGRAM BUDGET

Committee on Armed Services: Subcommittee on Personnel concluded a hearing to examine the Defense Authorization request for fiscal year 2010 and Future Years Defense Program for active component, reserve component, and civilian personnel programs, after receiving testimony from Lieutenant General Michael D. Rochelle, USA, Deputy Chief of Staff G–1, United States Army, Lieutenant General Richard Y. Newton III, USAF, Deputy Chief of Staff for Manpower and Personnel, United States Air Force, Vice Admiral Mark E. Ferguson III, USN, Chief of Naval Personnel, Deputy Chief of Naval Operations for Manpower, Personnel, Training, and Education, United States Navy, and Lieutenant General Ronald S. Coleman, USMC, Deputy Commandant for Manpower and Reserve Affairs, United States Marine Corps, all of the Department of Defense; and Colonel Steven P. Strobridge, USAF (Ret.), Military Officers Association of America, Dierdre Parke Holleman, Retired Enlisted Association, Master Chief Joseph L. Barnes, USN (Ret.), Fleet Reserve Association, Captain Ike Puzon, USNR (Ret.), Naval Reserve Association and Guard/Reserve Committee, all of The Military Coalition; and Captain Bradley J. Snyder, USA (Ret.), Armed Forces Services Corporation.

TROUBLED ASSET RELIEF PROGRAM

Committee on Banking, Housing, and Urban Affairs: Committee concluded an oversight hearing to examine the Troubled Asset Relief Program (TARP), after receiving testimony from Tim Geithner, Secretary of the Treasury.

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: Committee ordered favorably reported the following business items:

S. 380, to expand the boundaries of the Thunder Bay National Marine Sanctuary and Underwater Preserve, with an amendment;

S. 212, to expand the boundaries of the Gulf of the Farallones National Marine Sanctuary and the Cordell Bank National Marine Sanctuary, with an amendment;

S. 859, to amend the provisions of law relating to the John H. Prescott Marine Mammal Rescue Assistance Grant Program;

S. 601, to establish the Weather Mitigation Research Office, with an amendment in the nature of a substitute;

S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States, with an amendment;

S. 38, to establish a United States Boxing Commission to administer the Act;

S. 685, to require new vessels for carrying oil fuel to have double hulls, with an amendment; and

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, 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, National Oceanic and Atmospheric Administration, both of the Department of Commerce, Aneesh Chopra, of Virginia, to be Associate Director of the Office of Science and Technology Policy, and routine lists in the National Oceanic and Atmospheric Administration.

COMPREHENSIVE HEALTH REFORM

Committee on Finance: Committee met in closed session to examine financing comprehensive health reform.

STRATEGY FOR SOMALIA

Committee on Foreign Relations: Subcommittee on African Affairs concluded a hearing to examine developing a coordinated and sustainable strategy for Somalia, after receiving testimony from Johnnie Carson, Assistant Secretary of State for African Affairs; Ken Menkhaus, Davidson College, Davidson, North Carolina; and Shannon Scribner, Oxfam America, Washington, DC.

PAKISTAN AND AFGHANISTAN

Committee on Foreign Relations: Committee met in closed session to receive a briefing to examine developments on the ground in Pakistan and Afghanistan from representatives from the Joint Chiefs of Staffs.

BUSINESS MEETING

Committee on Foreign Relations: Committee ordered favorably reported 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.

INTERNATIONAL AFFAIRS BUDGET

Committee on Foreign Relations: Committee concluded a hearing to examine the President's proposed budget request for fiscal year 2010 for international affairs, after receiving testimony from Hillary R. Clinton, Secretary of State.

BUSINESS MEETING

Committee on Homeland Security and Governmental Affairs: Committee ordered favorably reported the following business items:

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, with an amendment;

S. 629, to facilitate the part-time reemployment of annuitants, with an amendment in the nature of a substitute;

S. 707, to enhance the Federal Telework Program, with an amendment;

S. 1064, Enhanced Oversight of State and Local Economic Recovery Act, with amendments;

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, with an amendment in the nature of a substitute;

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. 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.

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Committee on Homeland Security and Governmental Affairs: Ad Hoc Subcommittee on Disaster Recovery concluded a hearing to examine the role of Community Development Block Grant Program in disaster recovery, after receiving testimony from Frederick Tombar, Senior Advisor, Office of the Secretary, Department of Housing and Urban Development; Mississippi Governor Haley Barbour, Jackson; Paul Rainwater, Louisiana Recovery Authority, Baton Rouge; Charles S. Stone, State of Texas Office of Rural Community Affairs, and Karen Paup, Texas Low Income Housing Information Service, both of Austin; Dominique Duval-Diop, PolicyLink, and Melanie Ehrlich, Citizens' Road Home Action Team, both of New Orleans, Louisiana; and Reilly Morse, Mississippi Center for Justice Katrina Recovery Office, Biloxi.

BUSINESS MEETING

Committee on Health, Education, Labor, and Pensions: Committee ordered favorably reported S. 982, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, with amendments; 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.

SECURING THE BORDER AND POINTS OF ENTRY

Committee on the Judiciary: Subcommittee on Immigration, Refugees and Border Security concluded a hearing to examine securing the border and America's points of entry, after receiving testimony from former Representative Hayworth; John P. Torres, Deputy Assistant Secretary for Operations, David V. Aguilar, Chief, Office of Border Patrol, and Thomas Winkowski, Assistant Commissioner, Office of Field Operations, all of United States Customs and Border Protection, Department of Homeland Security; Mayor Chad Foster, Eagle Pass, Texas; Richard Wiles, El Paso County Sheriff, El Paso, Texas; Douglas S. Massey, Princeton University Woodrow Wilson School of Public and International Affairs, Princeton, New Jersey; and Sam F. Vale, Starr-Camargo Bridge Co., Rio Grande City, Texas.

HEALTH CARE FRAUD

Committee on the Judiciary: Subcommittee on Crime and Drugs concluded a hearing to examine criminal prosecution as a deterrent to health care fraud, after receiving testimony from Lanny A. Breur, Assistant Attorney General, Criminal Division, Department of Justice; Sean Dilweg, Wisconsin State Commissioner of Insurance, Madison; Malcolm K. Sparrow, Harvard University John F. Kennedy School of Government, Cambridge, Massachusetts; and Sheri Farrar, Health Care Services Corporation, Chicago, Illinois.

PENSION PLANS

Special Committee on Aging: Committee concluded a hearing to examine pension plans, after receiving testimony from Barbara D. Bovbjerg, Director, Education, Workforce, and Income Security, Government Accountability Office; Rebecca Anne Batts, Inspector General, Vincent K. Snowbarger, Acting Director, and Charles E.F. Millard, former Director, all of the Pension Benefit Guaranty Corporation; and Dallas Salisbury, Employee Benefit Research Institute, Washington, DC.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 28 public bills, H.R. 2509–2536; 13 resolutions, H.J. Res. 52–53; H. Con. Res. 129–132; and H. Res. 460–462, 465–468 were introduced. **Pages H5890–92**

Additional Cosponsors: **Pages H5892–93**

Reports Filed: Reports were filed today as follows:

Conference report on S. 454, to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems (H. Rept. 111–124);

H. Res. 463, providing for consideration of the conference report to accompany the bill (S. 454) to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems (H. Rept. 111–125); and

H. Res. 464, providing for consideration of the bill (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 (H. Rept. 111–126).

Pages H5795–H5805

Speaker: Read a letter from the Speaker wherein she appointed Representative Larsen (WA) to act as Speaker Pro Tempore for today. **Page H5795**

Credit Cardholders' Bill of Rights Act of 2009: The House agreed to the Senate amendment to 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. **Pages H5808–15, H5822, H5823–42**

On a division of the question, the House concurred in all but section 512 of the Senate amendment by a recorded vote of 361 ayes to 64 noes, Roll No. 276. **Page H5840**

On a division of the question, the House concurred in section 512 of the Senate amendment by a yea-and-nay vote of 279 yeas to 147 nays, Roll No. 277. **Pages H5841–42**

H. Res. 456, the rule providing for consideration of the Senate amendment, was agreed to by a yea-and-nay vote of 247 yeas to 180 nays, Roll No. 273, after agreeing to order the previous question without objection. **Page H5822**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and agree to the following measures which were debated on Monday, May 18th:

Recognizing May 25, 2009, as National Missing Children's Day: H. Res. 297, to recognize May 25, 2009, as National Missing Children's Day, by a ⅔ recorded vote of 423 ayes with none voting "no", Roll No. 278 and **Pages H5841–42**

Recognizing the roles and contributions of America's teachers to building and enhancing our Nation's civic, cultural, and economic well-being: H. Res. 374, to recognize the roles and contributions of America's teachers to building and enhancing our Nation's civic, cultural, and economic well-being. **Page H5860**

Job Creation Through Entrepreneurship Act of 2009: The House passed H.R. 2352, to amend the Small Business Act, by a yea-and-nay vote of 406 yeas to 15 nays, Roll No. 281. **Pages H5815–21, H5842–63**

Agreed to the Capito motion to recommit the bill to the Committee on Small Business with instructions to report the same back to the House forthwith with an amendment by a recorded vote of 385 ayes to 41 noes, Roll No. 280. Subsequently, Representative Velázquez reported the bill back to the House with the amendment and the amendment was agreed to. **Pages H5861–62**

Pursuant to the rule, 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 under the 5-minute rule. **Page H5847**

Agreed to:

Velázquez manager's amendment (No. 1 printed in H. Rept. 111–121) that makes conforming grammatical and technical corrections to the legislation; **Pages H5852–53**

Markey (CO) amendment (No. 2 printed in H. Rept. 111–121) that includes cost saving energy usage reductions as an eligible project under section 403(b) management assistance; **Pages H5853–54**

Paulsen amendment (No. 3 printed in H. Rept. 111–121) that requires a study by the Comptroller General to look at the effects of the legislation's efforts for veteran owned businesses. The Comptroller must also include recommendations as to how the Federal government can more effectively serve veteran owned businesses; **Pages H5854–5855**

Boccieri amendment (No. 4 printed in H. Rept. 111–121) that allows veterans centers to receive grants to develop specialized programs to assist unemployed veterans in becoming entrepreneurs and

adds training for veterans centers to improve outreach to veterans in areas of high unemployment at the Veterans Development Summit; **Page H5855**

Himes amendment (No. 5 printed in H. Rept. 111–121) that requires the Small Business Administrator to establish and carry out a ''Microenterprise Training Center Program'' for the purpose of providing low-income and unemployed individuals with training and counseling with respect to starting a microenterprise; **Pages H5855–56**

Murphy (NY) amendment (No. 7 printed in H. Rept. 111–121) that increases the grant sizes for ''initial grants'' and ''growth funding grants'' for each veterans business center by $50,000 per year per center to $200,000 and $150,000 respectively. In addition, the amendment increases the authorized appropriations to carry out this subsection by $2,000,000 each per year to $12,000,000 in fiscal year 2010 and $14,000,000 in fiscal year 2011; **Pages H5857–58**

Nye amendment (No. 8 printed in H. Rept. 111–121) that adds a new title (Military Entrepreneurs Program) to require the Small Business Administration to establish and carry out a program to provide business counseling and entrepreneurial development assistance to members of the Armed Forces to facilitate the development of small business concerns. The amendment establishes a liaison to facilitate outreach to members of the Armed Forces with respect to business counseling and entrepreneurial development assistance; **Pages H5858–59**

Schauer amendment (No. 9 printed in H. Rept. 111–121) that creates a new section and authorizes funding for small business development centers to assist small manufacturers that are transitioning into growth sectors; and **Page H5859**

Kratovil amendment (No. 6 printed in H. Rept. 111–121) that establishes a Rural Entrepreneurship Advisory Council within the Small Business Administration, comprised of appropriate officials from the SBA, the rural development programs of the Department of Agriculture, and the Department of Commerce and of representatives from the academic, small business, agriculture, and high-tech communities. The council is tasked with providing a report to Congress on rural entrepreneurship, and to provide ongoing advice and recommendations to foster rural entrepreneurs (by a recorded vote of 427 yeas with none voting ''nay'', Roll No. 279). **Pages H5856–57, H5860–61**

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House. **Page H5863**

H. Res. 457, the rule providing for consideration of the bill, was agreed to by a recorded vote of 247 ayes to 175 noes, Roll No. 275, after agreeing to order the previous question by a yea-and-nay vote of 244 yeas to 175 nays with 1 voting ''present'', Roll No. 274. **Pages H5822–23**

Recess: The House recessed at 4:06 p.m. and reconvened at 5:17 p.m. **Page H5860**

Presidential Message: Read a message from the President wherein he notified Congress that the national emergency declared with respect to the stabilization of Iraq is to continue in effect beyond May 22, 2009—referred to the Committee on Foreign Affairs and ordered printed (H. Doc. 111–42). **Page H5865**

Senate Messages: Messages received from the Senate today appear on pages H5795, H5871.

Quorum Calls—Votes: Four yea-and-nay votes and five recorded votes developed during the proceedings of today and appear on pages H5822, H5822–23, H5823, H5840, H5841, H5841–42, H5860–61, H5861–62 and H5862–63. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 9:32 p.m.

Committee Meetings

DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Defense held a hearing on Department of Defense. Testimony was heard from the following officials of the Department of Defense: Robert Gates, Secretary; ADM Michael Mullen, USN, Chairman, Joint Chiefs of Staff; and Robert Hale, Comptroller.

FINANCIAL SERVICES GENERAL GOVERNMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Financial Services, General Government, and Related Agencies held a hearing on OMB. Testimony was heard from Peter Orszag, Director, OMB.

MILITARY CONSTRUCTION, VETERANS AFFAIRS APPROPRIATIONS

Committee on Appropriations: Subcommittee on Military Construction, Veterans Affairs, and Related Agencies held a hearing on the Air Force Budget. Testimony was heard from GEN Norton A. Schwartz, USAF, Chief of Staff, Department of Defense.

STATE, FOREIGN OPERATIONS APPROPRIATIONS

Committee on Appropriations: Subcommittee on State, Foreign Operations and Related Programs held a hearing on U.S. Agency for International Development, Millennium Challenge Corporation, and on Office of Global AIDS Coordinator. Testimony was heard from Alonzo Fullgham, Acting Administrator,

Chief Operating Officer, U.S. Agency for International Development, Department of State; Rodney Bent, Acting Administrator, Millennium Challenge Corporation; and Tom Walsh, Acting Deputy U.S. Global AIDS Coordinator and Chief of Staff.

TRANSPORTATION, HUD APPROPRIATIONS

Committee on Appropriations: Subcommittee on Transportation, Housing and Urban Development, and Related Agencies held a hearing on Member Requests. Testimony was heard from Members of Congress.

NATIONAL DEFENSE AUTHORIZATION BUDGET REQUEST—AIR FORCE MODERNIZATION PROGRAMS

Committee on Armed Services: Subcommittee on Air and Land Forces held a hearing on Fiscal Year 2010 National Defense Authorization Budget Request for Air Force Modernization Programs. Testimony was heard from the following officials of the Department of Defense: David G. Ahern, Director, Portfolio Systems Acquisition, Office of the Under Secretary, Acquisition, Technology, and Logistics; LTG Daniel J. Darnell, USAF, Deputy Chief of Staff, Air, Space and Information Operations, Plans and Requirement, Headquarters, U.S. Air Force; LTG Mark D. Shackelford, USAF, Deputy Chief of Staff, Air Space and Information Operations, Plans and Requirement, Headquarters, U.S. Air Force; and LTG Raymond E. Johns, Jr., USAF, Deputy Chief of Staff, Strategic Plans and Programs, Headquarters U.S. Air Force; and Michael J. Sullivan, Director, Acquisition and Sourcing Management, GAO.

PROFESSIONAL MILITARY EDUCATION

Committee on Armed Services: Subcommittee on Oversight and Investigations held a hearing on Another Crossroads? Professional Military Education Twenty Years after the Goldwater-Nichols Act and the Skelton Panel. Testimony was heard from following officials of the Department of Defense: Janet Breslin-Smith, Retired Professor and Department Head, National War College; and Alexander Cochran, Historical Advisor to the Chief of Staff, U.S. Army; and public witnesses.

NATIONAL DEFENSE AUTHORIZATION BUDGET REQUEST

Committee on Armed Services: Subcommittee on Readiness held a hearing on Fiscal Year 2010 National Defense Authorization Budget Request for the Military Services' Operations and Maintenance Funding. Testimony was heard from the following officials of the Department of Defense: GEN Peter W. Chiarelli, USA, Vice Chief of Staff, U.S. Army; ADM Patrick M. Walsh, USN, Vice Chief of Naval Operations, U.S. Navy; GEN James F. Amos, USMC, Assistant Commandant, U.S. Marine Corps; and GEN William M. Fraser III, USAF, Vice Chief of Staff, U.S. Air Force.

NATIONAL DEFENSE AUTHORIZATION BUDGET REQUEST

Committee on Armed Services: Subcommittee on Terrorism, Unconventional Threats and Capabilities held a hearing on Fiscal Year 2010 National Defense Authorization Budget Request for Department of Defense Science and Technology Programs. Testimony was heard from the following officials of the Department of Defense: Alan Shaffer, Principal Deputy Director, Defense Research and Engineering, Office of the Secretary; Thomas H. Killion, Deputy Assistant Secretary, Research and Technology U.S. Army; RADM Nevin P. Carr, Jr., USN, Chief of Naval Research, Director, Test and Evaluation and Technology Requirements, U.S. Navy; Terry Jaggers, Deputy Assistant Secretary, Air Force, Science, Technology and Engineering, Office of the Assistant Secretary, Acquisition, U.S. Air Force; and Robert F. Leheny, Acting Director, Defense Advanced Research Projects Agency, Office of the Secretary of Defense.

ADMINISTRATION'S EDUCATION AGENDA

Committee on Education and Labor: Held a hearing on The Obama Administration's Education Agenda. Testimony was heard from Arne Duncan, Secretary of Education.

AMERICAN CLEAN ENERGY AND SECURITY ACT

Committee on Energy and Commerce: Continued mark up of H.R. 2454 American Clean Energy and Security Act of 2009.

Will continue tomorrow.

CREDIT UNION SHARE INSURANCE STABILIZATION ACT

Committee on Financial Services: Subcommittee on Financial Institutions and Consumer Credit held a hearing entitled "H.R. 2351, Credit Union Share Insurance Stabilization Act." Testimony was heard from Michael E. Fryzel, Chairman, National Credit Union Administration; George Reynolds, Chairman, Senior Deputy Commissioner, Department of Banking and Finance, State of Georgia; and public witnesses.

PAKISTAN AID/STATE DEPARTMENT AUTHORIZATION

Committee on Foreign Affairs: Ordered reported, as amended, 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.

MISCELLANEOUS MEASURES; FBI OVERSIGHT

Committee on the Judiciary: Ordered reported the following bills: H.R. 1741, amended, Witness Security and Protection Grant Program Act of 2009; and H.R. 2247, Congressional Review Act Improvements Act.

The Committee also held an oversight hearing on the Federal Bureau of Investigation. Testimony was

heard from Robert Mueller, Director, FBI, Department of Justice.

INTERNATIONAL WHALING COMMISSION 61ST MEETING OVERSIGHT

Committee on Natural Resources: Subcommittee on Insular Affairs, Oceans and Wildlife held an oversight hearing on advance of the 61st meeting of the International Whaling Commission (IWC) to be held in Madeira, Portugal June 22–26. Testimony was heard from William T. Hogarth, U.S. Commissioner, International Whaling Commission; and public witnesses.

STATE AND LOCAL PANDEMIC PREPAREDNESS

Committee on Oversight and Government Reform: Held a hearing entitled "State and Local Pandemic Preparedness." Testimony was heard from Daniel M. Sosin, M.D., Director, Coordinating Office, Terrorism Preparedness and Emergency Response, Centers for Disease Control and Prevention, Department of Health and Human Services; Guthrie Birkhead, M.D., Deputy Commissioner, Public Health, Department of Health, State of New York; and public witnesses.

IMPACT OF CURRENT COST CUTTING EFFORTS ON POSTAL SERVICES OPERATIONS AND NETWORK

Committee on Oversight and Government Reform: Subcommittee on Federal Workforce, Postal Service and the District of Columbia held a hearing on "Nip and Tuck: The Impact of Current Cost Cutting Efforts on Postal Service Operations and Network." Testimony was heard from William P. Galligan, Senior Vice President, Operations, U.S. Postal Service; John Waller, Director, Office of Accountability and Compliance, Postal Regulatory Commission; Phillip Herr, Director, Physical Infrastructure, GAO; and public witnesses.

FAA REAUTHORIZATION ACT

Committee on Rules: Committee granted, by a nonrecord vote, a rule providing for one hour of general debate on H.R. 915, FAA Reauthorization Act of 2009, equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. The rule waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The rule provides that, in lieu of the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure, the amendment in the nature of a substitute printed in part A of the Rules Committee report, modified by the amendment printed in part B of the Rules Committee report, shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for purpose of further amendment and shall be considered as read. The rule waives all points of order against provisions in the bill, as amended.

The rule makes in order only those amendments printed in part C of the Rules Committee report. Amendments so printed may be offered only in the order printed in the Committee 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 this report equally divided and controlled by a proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The rule waives all points of order against such amendments except those arising under clause 9 or 10 of rule XXI. The rule provides one motion to recommit the bill with or without instructions.

Section 2 of the rule provides that the chair of the Committee on Transportation is authorized to file a supplemental report to accompany H.R. 915. Testimony was heard from Chairman Oberstar and Representatives Costello, Ackerman, Cleaver, Cuellar, Minnick, Mica, Schock, Smith of Nebraska, Petri, Frelinghuysen and Garrett.

CONFERENCE REPORT—WEAPONS SYSTEMS ACQUISITION REFORM ACT OF 2009

Committee on Rules: Committee granted, by a nonrecord vote, a rule providing for consideration of the conference report to accompany S. 454, the "Weapons Acquisition System Reform Through Enhancing Technical Knowledge and Oversight Act of 2009."

The rule waives all points of order against the conference report and against its consideration and provides that the conference report shall be considered as read. The rule provides that the Chair may postpone further consideration of the conference report to such time as may be designated by the Speaker. Testimony was heard from Chairman Skelton and Representative McHugh.

HEROES OF SMALL BUSINESS

Committee on Small Business: Held a hearing entitled "Heroes of Small Business." Testimony was heard from public witnesses.

AVIATION CONSUMER ISSUES

Committee on Transportation and Infrastructure: Subcommittee on Aviation held a hearing on Aviation Consumer Issues: Emergency Contingency Planning and Outlook for Summer Travel. Testimony was heard from the following officials of the Department of Transportation: Christa Fornarotto, Acting Assistant Secretary, Aviation and International Affairs; Calvin L. Scovel III, Inspector General; and Nancy LoBue, Acting Assistant Administrator, Aviation Policy, Planning, and Environment, FAA; and public witnesses.

PIRACY AGAINST U.S. FLAGGED VESSELS

Committee on Transportation and Infrastructure: Subcommittee on Coast Guard and Maritime Transportation held a hearing on Piracy Against U.S.-Flagged Vessels: Lessons Learned. Testimony was heard from RADM Brian Salerno, USCG, Assistant Commander, Marine Safety, Security and Stewardship, Department of Homeland Security; the following officials of the Department of Defense: Ed Frothingham, Principal Director, Office of the Deputy Assistant Secretary, Counternarcotics and Global Threats, Department of Defense, and public witnesses.

BUDGET OVERVIEW

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on Fiscal Year 2010 Budget Overview. Testimony was heard from Dennis Blair, Director, Office of National Intelligence; and James R. Clapper, Jr., Under Secretary, Intelligence, Department of Defense.

Joint Meetings

ECONOMIC IMPACT OF GLOBAL DEMAND ON OIL

Joint Economic Committee: Committee concluded a hearing to examine oil and the economy, focusing on the impact of rising global demand on the United States recovery, after receiving testimony from Daniel Yergin, Chairman, IHS Cambridge Energy Research Associates, Washington, DC.; and James D. Hamilton, University of California, San Diego.

COMMITTEE MEETINGS FOR THURSDAY, MAY 21, 2009

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2010 for the National Institutes of Health, 10:30 a.m., SD–138.

Subcommittee on Defense, to hold hearings to examine proposed budget estimates for fiscal year 2010 for the Missile Defense Agency, 10:30 a.m., SD–124.

Subcommittee on Commerce, Justice, Science, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2010 for the National Aeronautics and Space Administration, 11 a.m., SD–192.

Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2010 for the Food and Drug Administration, 2 p.m., SD–192.

Subcommittee on Legislative Branch, to hold hearings to examine proposed budget estimates for fiscal year 2010 for the Government Accountability Office, the Government Printing Office, and the Congressional Budget Office, 2:30 p.m., SD–138.

Committee on Armed Services: to hold hearings to examine the Defense Authorization request for fiscal year 2010 and the Future Years Defense Program for the Department of the Air Force, 9:30 a.m., SD–106.

Committee on Banking, Housing, and Urban Affairs: business meeting to consider the nominations of Peter M. Rogoff, of Virginia, to be Federal Transit Administrator, Department of Transportation, Francisco J. Sanchez, of Florida, to be Under Secretary of Commerce for International Trade, Sandra Brooks Henriquez, of Massachusetts, to be Assistant Secretary of Housing and Urban Development for Public and Indian Housing, and Michael S. Barr, of Michigan, to be Assistant Secretary of the Treasury for Financial Institutions, Time to be announced, S–216, Capitol.

Committee on Commerce, Science, and Transportation: Subcommittee on Consumer Protection, Product Safety, and Insurance, to hold hearings to examine health and product safety issues associated with imported drywall, 10:30 a.m., SR–253.

Subcommittee on Science and Space, to hold hearings to examine the President's proposed budget request for fiscal year 2010 for NASA, 2:30 p.m., SR–253.

Committee on Energy and Natural Resources: business meeting to consider pending calendar business, 10:30 a.m., SD–366.

Committee on Environment and Public Works: to hold an oversight hearing to examine the Economic Development Administration, 10 a.m., SD–406.

Committee on Finance: to hold hearings to examine The United States-Panama Trade Promotion Agreement, 10 a.m., SD–215.

Committee on Foreign Relations: to hold hearings to examine a new strategy for Afghanistan and Pakistan, 9:30 a.m., SD–419.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine financial regulatory lessons from abroad, 2 p.m., SD–342.

Committee on Indian Affairs: to hold hearings to examine executive branch authority to acquire trust lands for Indian tribes, 2:15 p.m., SD–628.

Committee on the Judiciary: business meeting to consider S. 417, to enact a safe, fair, and responsible state secrets privilege Act, S. 257, to amend title 11, United States Code, to disallow certain claims resulting from high cost credit debts, S. 448 and H.R. 985, bills to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media, the nominations of Thomas E. Perez, of Maryland, to be Assistant Attorney General, Civil Rights Division, Department of Justice, David F. Hamilton, of Indiana, to be United States Circuit Judge for the Seventh Circuit, Andre M. Davis, of Maryland, to be United States Circuit Judge for the Fourth Circuit, and committee's subcommittee assignments, 10 a.m., SD–226.

Committee on Small Business and Entrepreneurship: to hold hearings to examine the role of small business in stimulus contracting, 10 a.m., SR–428A.

Committee on Veterans' Affairs: business meeting to markup pending legislation, 9:30 a.m., SR–418.

Select Committee on Intelligence: to hold hearings to examine the nominations of Stephen Woolman Preston, of the District of Columbia, to be General Counsel of the Central Intelligence Agency, and Robert S. Litt, of Maryland, to be General Counsel of the Office of the Director of National Intelligence, 2:30 p.m., SH–216.

House

Committee on Agriculture, hearing to review low carbon fuel standard proposals, 10:30 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, on FDA, 10 a.m., 2362a Rayburn.

Subcommittee on Defense, on Defense Health Program, 10 a.m., H–140 Capitol.

Subcommittee on Energy and Water Development, and Related Agencies, on Nuclear Security Administration (NNSA): Nuclear Nonproliferation and Weapons. 10 a.m., 2362–B Rayburn.

Subcommittee on Financial Services, General Government and Related Agencies, on Treasury Department, 10 a.m., 2359 Rayburn.

Subcommittee on Interior, Environment, and Related Agencies, on U.S. Geological Survey, 1:30 p.m., B–308 Rayburn.

Committee on Armed Services, Subcommittee on Air and Land Forces, hearing on Fiscal Year 2010 National Defense Authorization Budget Request for Army Acquisition, Reset, and Modernization Programs, 10 a.m., 2118 Rayburn.

Subcommittee on Military Personnel, hearing on Fiscal Year 2010 National Defense Authorization Budget Request on Military Personnel Overview, 2 p.m., 2212 Rayburn.

Subcommittee on Strategic Forces, hearing on Fiscal Year 2010 National Defense Authorization Budget Request for National Security Space and Missile Defense Programs, 2 p.m., 2118 Rayburn.

Committee on the Budget, hearing on the State of the Economy, 10 a.m., 210 Cannon.

Committee on Education and Labor, hearing on Increasing Student Aid Through Loan Reform, 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, to continue mark up of H.R. 2454, American Clean Energy and Security Act of 2009, 10 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Housing and Community Opportunity, hearing entitled ''The Section 8 Voucher Reform Act,'' 2:30 p.m., 2128 Rayburn.

Committee on Homeland Security, Subcommittee on Border, Maritime, and Global Counterterrorism, executive, briefing on piracy, 10 a.m., 311–B Cannon.

Committee on House Administration, hearing on Military and Overseas Voting: Obstacles and Potential Solutions, 10 a.m., 1539 Longworth.

Committee on the Judiciary, hearing on Ramifications of Auto Industry Bankruptcies, 12 p.m., 2141 Rayburn.

Subcommittee on Crime, Terrorism, and Homeland Security, hearing on Unfairness in Federal Cocaine Sentencing: Is it time to Crack the 100 to 1 Disparity? and to consider the following bills: H.R. 1459, Fairness in Cocaine Sentencing Act of 2009; H.R. 1466, Major Drug Trafficking Prosecution Act of 2009; H.R. 265. Drug Sentencing Reform and Cocaine Kingpin Trafficking Act of 2009; H.R. 2178, Crack-Cocaine Equitable Sentencing Act of 2009; and H.R. 18, Powder-Crack Cocaine Penalty Equalization Act of 2009, 10 a.m., 2141 Rayburn.

Committee on Natural Resources, Subcommittee on National Parks, Forests and Public Lands, oversight hearing on the Future of the Forest Economy, 10 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, oversight hearing entitled ''The Future of the V–22 Osprey: Costs, Capabilities, and Challenges,'' 10 a.m., 2154 Rayburn.

Subcommittee on Information Policy, Census, and National Archives, hearing entitled ''Stakeholders' Views on the National Archives and Records Administration (NARA),'' 2 p.m., 2154 Rayburn.

Committee on Rules, to consider H.R. 2200, Transportation Security Administration Authorization Act, 1 p.m., H–313 Capitol.

Committee on Small Business, Subcommittee on Regulations and Healthcare, hearing entitled ''Impacts of Outstanding Regulatory Policy on Small Biofuels Producers and Family Farmers,'' 10 a.m., 2360 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Disability Assistance and Memorial Affairs, hearing on the following bills: H.R. 1522, United States Cadet Nurse Corps Equity Act; H.R. 1982, Veterans Entitlement to Service (VETS) Act of 2009, and H.R. 2270, Benefits for Qualified World War II Veterans Act of 2009, 10 a.m., 334 Cannon.

Subcommittee on Economic Opportunity, hearing on the following bills: H.R. 1037, Pilot College Work Study Programs for Veterans Act of 2009; H.R. 1098, Veterans Worker Retraining Act of 2009; H.R. 1168, Veterans Retraining Act of 2009; H.R. 1172, To direct the Secretary of Veterans Affairs to include on the Internet website of the Department of Veterans Affairs a list of organizations that provide scholarships to veterans and their survivors; H.R. 1821, Equity for Injured Veterans Act of 2009; H.R. 1879, National Guard Employment Protection Act of 2009; and H.R. 2180, To amend title 38, United States Code, to waive housing loan fees for certain veterans with service-connected disabilities called to active service, 1 p.m., 340 Cannon.

Committee on Ways and Means, Subcommittee on Select Revenue Measures, hearing on issues involving tax-exempt and taxable government bonds, 10 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, Committee, executive, briefing on Executive Overview, 2 p.m., 304–HVC.

Next Meeting of the **SENATE**

9 a.m., Thursday, May 21

Senate Chamber

Program for Thursday: Senate will continue consideration of H.R. 2346, Supplemental Appropriations Act, and after a period of debate, vote on the motion to invoke cloture thereon at 10 a.m.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Thursday, May 21

House Chamber

Program for Thursday: Consideration of H.R. 915—FAA Reauthorization Act of 2009 (Subject to a Rule). Consideration of the conference report to accompany S. 454—Weapon Systems Acquisition Reform Act of 2009 (Subject to a Rule).

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