S. 1809

At the request of Mr. WICKER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1809, a bill to amend the Clean Air Act to promote the certification of aftermarket conversion systems and thereby encourage the increased use of alternative fueled vehicles.

S. 1859

At the request of Mr. ROCKEFELLER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1859, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. 2730

At the request of Mr. BROWN, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 2730, a bill to extend and enhance the COBRA subsidy program under the American Recovery and Reinvestment Act of 2009.

S. 2758

At the request of Ms. STABENOW, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 2758, a bill to amend the Agricultural Research, Extension, and Education Reform Act of 1998 to establish a national food safety training, education, extension, outreach, and technical assistance program for agricultural producers, and for other purposes.

S. 2794

At the request of Mr. SCHUMER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2794, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the donation of wild game meat.

S. 2820

At the request of Mr. LAUTENBERG, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2820, a bill to prevent the destruction of terrorist and criminal national instant criminal background check system records.

S. RES. 337

At the request of Mr. ENSIGN, his name was added as a cosponsor of S. Res. 337, a resolution designating December 6, 2009, as ''National Miners Day''.

S. RES. 356

At the request of Mr. DURBIN, his name was added as a cosponsor of S. Res. 356, a resolution calling upon the Government of Turkey to facilitate the reopening of the Ecumenical Patriarchate's Theological School of Halki without condition or further delay.

AMENDMENT NO. 2790

At the request of Mr. CASEY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of amendment No. 2790 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2791

At the request of Ms. MIKULSKI, the names of the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Montana (Mr. TESTER) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of amendment No. 2791 proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2836

At the request of Ms. MURKOWSKI, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of amendment No. 2836 proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY:

S. 2826. A bill to amend the Internal Revenue Code of 1986 to extend the renewable production credit for wind and open-loop biomass facilities, and for other purposes; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, today I am introducing the Clean Renewable Energy Advancement Tax Extension Jobs Act of 2009, or the CREATE Jobs Act of 2009 for short. This is a bill to help all kinds of businesses create jobs and continue pushing ahead on the development of clean renewable energy. My bill extends the tax credit for the production of electricity from wind and open-loop biomass through December 31, 2016.

It increases the amount of bond authority for new clean renewable energy bonds to incentivize more clean renewable energy projects and the jobs created by these projects. For all businesses, my bill extends bonus depreciation for 1 year, so that businesses are able to deduct half of the value of any property placed in service in 2010.

This tax cut for businesses that invest in new property in 2010 will spur investment in clean energy projects, as well as other new projects, and that will create badly needed jobs.

I urge my colleagues to help me in getting this important legislation enacted into law 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. 2826

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 ''Clean Renewable Energy Advancement Tax Extension Jobs Act of 2009'' or the ''CREATE Jobs Act''.

SEC. 2. EXTENSION OF RENEWABLE PRODUCTION CREDIT FOR WIND AND OPEN-LOOP BIOMASS FACILITIES.

(a) WIND.—Section 45(d)(1) of the Internal Revenue Code of 1986 is amended by striking ''before January 1, 2013'' and inserting ''before January 1, 2017''.

(b) OPEN-LOOP BIOMASS.—Section 45(d)(3) of the Internal Revenue Code of 1986 is amended by striking ''before January 1, 2014'' both places it appears and inserting ''before January 1, 2017''.

(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.

SEC. 3. INCREASED LIMITATION ON ISSUANCE OF NEW CLEAN RENEWABLE ENERGY BONDS.

(a) ADDITIONAL LIMITATION.—Section 54C(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(5) FURTHER INCREASE IN LIMITATION.—The national new clean renewable energy bond limitation shall be increased by $2,200,000,000. Such increase shall be allocated by the Secretary consistent with the rules of paragraphs (2) and (3).''.

(b) NONAPPLICATION OF CERTAIN LABOR STANDARDS TO FURTHER INCREASE IN LIMITATION.—Section 1601(1) of the American Recovery and Reinvestment Tax Act of 2009 is amended by inserting ''pursuant to section 54C(c)(4) of such Code'' after ''Act,''.

(c) NONAPPLICATION OF CERTAIN ARBITRAGE AND ISSUANCE RULES.—Section 54C of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(e) SPECIAL RULES.—For purposes of this section—

''(1) LIMITED ARBITRAGE.—Section 54A(d)(4) shall apply without regard to subparagraph (B) or (C) thereof.

''(2) NO CREDIT STRIPPING.—Section 54A(i) shall not apply.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 4. ADDITIONAL FIRST-YEAR DEPRECIATION FOR 50 PERCENT OF THE BASIS OF CERTAIN QUALIFIED PROPERTY.

(a) IN GENERAL.—Paragraph (2) of section 168(k) of the Internal Revenue Code of 1986, as amended by the American Recovery and Reinvestment Tax Act of 2009, is amended—

(1) by striking ''January 1, 2011'' and inserting ''January 1, 2012'', and

(2) by striking ''January 1, 2010'' each place it appears and inserting ''January 1, 2011''.

(b) CONFORMING AMENDMENTS.—

(1) The heading for subsection (k) of section 168 of the Internal Revenue Code of 1986, as amended by the American Recovery and Reinvestment Tax Act of 2009, is amended by striking ''JANUARY 1, 2010'' and inserting ''JANUARY 1, 2011''.

(2) The heading for clause (ii) of section 168(k)(2)(B) of such Code, as so amended, is amended by striking ''PRE-JANUARY 1, 2010'' and inserting ''PRE-JANUARY 1, 2011''.

(3) Subparagraph (B) of section 168(l)(5) of such Code, as so amended, is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(4) Subparagraph (C) of section 168(n)(2)of such Code, as so amended, is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(5) Subparagraph (D) of section 1400L(b)(2) of such Code is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(6) Subparagraph (B) of section 1400N(d)(3)of such Code, as so amended, is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2009.

By Mr. KERRY:

S. 2828. A bill to amend the Public Health Service Act to authorize the National Institute of Environmental Health Sciences to conduct a research program on endocrine disruption, to prevent and reduce the production of, and exposure to, chemicals that can undermine the development of children before they are born and cause lifelong impairment to their health and function, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KERRY. Mr. President, there are approximately 80,000 known chemicals in our environment that are potentially harmful. Many of those chemicals are not tested to determine if they are damaging to our health. This includes products Americans use every day such as household cleaners, cosmetics or personal care products.

The increased rate of disorders affecting the human endocrine system is alarming. Children developing in the womb may be particularly vulnerable. We can see the effects in our environment. Some fish in our lakes and rivers are developing gender mutations. We know there may be connections between these effects and the chemicals around us and it is time to learn more about it. That is why I am proud to introduce the Endocrine Disruption Prevention Act.

The Endocrine Disruption Prevention Act simply authorizes the National Institute of Environmental Health Sciences to conduct a research program on chemicals that may pose a risk to our health. This will streamline research efforts so more useful and complete data will be available to Federal agencies with the responsibility of regulating chemicals. This bill allows agencies to fake action based on findings and to report to Congress with what actions were taken.

This bill promotes action based on hard, scientific evidence. I urge my colleagues to support this bill.

By Mr. WYDEN (for himself, Ms. STABENOW, and Mrs. GILLIBRAND):

S. 2829. A bill to amend the Internal Revenue Code of 1986 to allow the cost of labor for building envelope improvements to be included for purposes of the nonbusiness energy property tax credit; to the Committee on Finance.

Mr. WYDEN. Mr. President, the Federal tax code is in great need of an overhaul and today I am introducing legislation to fix one small piece of it. My legislation will help struggling homeowners who are seeing their money literally going out the window as their heating costs go through the roof.

The current tax code gives homeowners a tax credit for installing energy efficiency improvements, which is all well and good, but it only allows labor costs to be included for improvements inside their homes. If the homeowner is installing a new energy efficient furnace, labor costs are included in the expenses eligible for the tax credit. But for improvements like installing energy efficient windows, or doors, or insulation, or energy efficient roofing materials—improvements where labor is a major part of the cost, the tax credit only covers the cost of the materials and not the labor to install them. If this seems counterintuitive and counterproductive, that's because it is. Tilting the tax code to favor some types of home improvements over others is not a sound foundation for tax policy or energy policy.

This legislation, which Senators STABENOW and GILLIBRAND have joined with me to coponsor, will fix this problem by including labor costs for all eligible energy efficiency improvements whether to the heating system or to the roof Our legislation doesn't change the amount of the overall credit or the kinds of energy efficiency improvements that can be made. It just makes it clear that the credit applies equally to labor costs to install all of the qualifying residential energy efficiency improvements, not just some. This will create a level playing field for homeowners when they are trying to decide which improvements to make especially for more labor intensive projects like installing insulation or new energy efficient roofing. It will also make all of these building energy saving opportunities more affordable. Most importantly, it will help Americans actually save energy and it will create jobs for those workers manufacturing and installing new, energy efficiency products.

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. 2829

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

SECTION 1. MODIFICATION TO NONBUSINESS ENERGY PROPERTY CREDIT.

(a) IN GENERAL.—Paragraph (1) of section 25C(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following flush sentence:

'' ''Such term includes expenditures for labor costs properly allocable to the onsite preparation, assembly, or original installation of the component.''.

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

By Mr. BINGAMAN (for himself, Mr. HATCH, Mr. BENNETT, Mr. UDALL of New Mexico, Mr. UDALL of Colorado, and Mr. BENNET):

S. 2830. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to clarify that uncertified States and Indian tribes have the authority to use certain payments for certain noncoal reclamation projects; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I rise to introduce a bill important to public health and safety and the environment in the West. This legislation addresses an interpretation by the Department of the Interior, DOI, which restricts the ability of States to use certain funds under the Abandoned Mine Land, AML, Program authorized by the Surface Mining Control and Reclamation Act, SMCRA, for non-coal mine reclamation.

The Tax Relief and Health Care Act of 2006 contained amendments to SMCRA reauthorizing collection of an AML fee on coal produced in the U.S. and making certain modifications to the AML program. Under this program, which is administered by DOI, funds are expended to reclaim abandoned mine lands, with top priority for protecting public health, safety, general welfare, and property, and restoration of land and water resources adversely affected by past mining practices. The program is largely directed to abandoned coal mine reclamation, but under section 409 of SMCRA, funds have been available to address non-coal mine sites.

Pursuant to a Memorandum Opinion, M–37014, issued by the DOI's Solicitor on December 5, 2007, the Department has interpreted the amendments in a manner that limits the ability of western States to use certain funds under SMCRA to address significant problems relating to non-coal abandoned mines. This is in spite of the fact that these funds had previously been available for these purposes. In accordance with section 409 of SMCRA, western States such as New Mexico, Colorado, and Utah, have prioritized the use of AML funds to undertake the most pressing reclamation work on both coal and non-coal mine sites. While activities on non-coal sites have consumed a relatively insignificant portion of the funding provided for the overall AML program, the results in terms of public health and safety in these States is considerable, and there is significant work yet to be done. For example, New Mexico alone has over 15,000 remaining mine openings with a vast majority of these being non-coal. Uranium mine reclamation is a particular priority in New Mexico. All AML-related fatalities in New Mexico in the last few decades have been at non-coal mine sites.

The bill that I am introducing today would correct what I believe is an unfortunate interpretation of the 2006 Amendments by modifying the language of SMCRA to clarify that the funding would be available for non-coal reclamation as it was prior to the passage of the amendments in 2006. Under the bill, which makes a conforming change to sections 409 and 411 of SMCRA, western, non-certified States

could continue to use their State share balances, including amounts comprising their so-called previously unappropriated State share balances, for non-coal reclamation.

I hope that my colleagues will support this legislation, which has important implications for abandoned mine clean-up in the West.

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. 2830

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

SECTION 1. ABANDONED MINE RECLAMATION.

(a) LIMITATION ON FUNDS.—Section 409(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1239(b)) is amended by inserting ''or section 411(h)(1)'' after ''section 402(g)''.

(b) USE OF FUNDS.—Section 411(h)(1)(D)(ii) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1240a(h)(1)(D)(ii)) is amended by inserting ''or 409'' after ''section 403''.

By Mr. REED (for himself, Mr. SCHUMER, Mrs. SHAHEEN, Mr. LEAHY, Mr. KERRY, Mr. DODD, Mr. WHITEHOUSE, and Mr. CASEY):

S. 2831. A bill to provide for additional emergency unemployment compensation and to keep Americans working, and for other purposes; to the Committee on Finance.

Mr. REED. 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. 2831

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 ''Helping Unemployed Workers Act''.

SEC. 2. EXTENSION OF EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM.

(a) IN GENERAL.—Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), as amended by section 4 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 122 Stat. 5015) and section 2001(a) of the Assistance for Unemployed Workers and Struggling Families Act (Public Law 111–5; 123 Stat. 436), is amended—

(1) by striking ''December 31, 2009'' each place it appears and inserting ''December 31, 2010'';

(2) in the heading for subsection (b)(2), by striking ''DECEMBER 31, 2009'' and inserting ''DECEMBER 31, 2010''; and

(3) in subsection (b)(3), by striking ''May 31, 2010'' and inserting ''May 31, 2011''.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), as amended by section 6 of the Worker, Homeownership, and Business Assistance Act of 2009 (Public Law 111–92), is amended by striking ''by reason of'' and all that follows and inserting the following: ''by reason of—

''(A) the amendments made by section 2001(a) of the Assistance for Unemployed Workers and Struggling Families Act;

''(B) the amendments made by sections 2 through 4 of the Worker, Homeownership, and Business Assistance Act of 2009; and

''(C) the amendments made by section 2(a) of the Helping Unemployed Workers Act; and''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect as if included in the enactment of the Supplemental Appropriations Act, 2008.

SEC. 3. EXTENSION OF INCREASE IN UNEMPLOYMENT COMPENSATION BENEFITS.

(a) IN GENERAL.—Section 2002(e) of the Assistance for Unemployed Workers and Struggling Families Act (Public Law 111–5; 123 Stat. 438) is amended—

(1) in paragraph (1)(B), by striking ''January 1, 2010'' and inserting ''January 1, 2011'';

(2) in the heading for paragraph (2), by striking ''JANUARY 1, 2010'' and inserting ''JANUARY 1, 2011''; and

(3) in paragraph (3), by striking ''June 30, 2010'' and inserting ''June 30, 2011''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Assistance for Unemployed Workers and Struggling Families Act.

SEC. 4. EXTENSION OF FULL FEDERAL FUNDING OF EXTENDED UNEMPLOYMENT COMPENSATION FOR A LIMITED PERIOD.

(a) IN GENERAL.—Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act (Public Law 111–5; 26 U.S.C. 3304 note) is amended—

(1) by striking ''January 1, 2010'' each place it appears and inserting ''January 1, 2011''; and

(2) in subsection (c), by striking ''June 1, 2010'' and inserting ''June 1, 2011''.

(b) EXTENSION OF TEMPORARY FEDERAL MATCHING FOR THE FIRST WEEK OF EXTENDED BENEFITS FOR STATES WITH NO WAITING WEEK.—Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note), as amended by section 2005(d) of the Assistance for Unemployed Workers and Struggling Families Act (Public Law 111–5; 26 U.S.C. 3304 note), is amended by striking ''May 30, 2010'' and inserting ''May 30, 2011''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsection (a) shall take effect as if included in the enactment of the Assistance for Unemployed Workers and Struggling Families Act.

(2) FIRST WEEK.—The amendment made by subsection (b) shall take effect as if included in the enactment of the Unemployment Compensation Extension Act of 2008.

SEC. 5. MODIFICATION TO ELIGIBILITY REQUIREMENTS FOR EMERGENCY UNEMPLOYMENT COMPENSATION.

(a) INDIVIDUAL NOT INELIGIBLE BY REASON OF SUBSEQUENT ENTITLEMENT TO REGULAR BENEFITS.—Section 4001 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended by adding at the end the following new subsection:

''(g) CERTAIN RIGHTS TO REGULAR COMPENSATION DISREGARDED.—If an individual exhausted the individual's rights to regular compensation for any benefit year, such individual's eligibility to receive emergency unemployment compensation under this title in respect of such benefit year shall be determined without regard to any rights to regular compensation for a subsequent benefit year if such individual does not file a claim for regular compensation for such subsequent benefit year.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this section shall apply to weeks of unemployment beginning after the date of the enactment of this Act.

(2) TRANSITION RULES.—

(A) WAIVER OF RECOVERY OF CERTAIN OVERPAYMENTS.—On and after the date of the enactment of this Act, no repayment of any emergency unemployment compensation shall be required under section 4005 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) if the individual would have been entitled to receive such compensation had the amendment made by subsection (a) applied to all weeks beginning on or before the date of the enactment of this Act.

(B) WAIVER OF RIGHTS TO CERTAIN REGULAR BENEFITS.—If—

(i) before the date of the enactment of this Act, an individual exhausted the individual's rights to regular compensation for any benefit year, and

(ii) after such exhaustion, such individual was not eligible to receive emergency unemployment compensation under title IV of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) by reason of being entitled to regular compensation for a subsequent benefit year,

such individual may elect to defer the individual's rights to regular compensation for such subsequent benefit year with respect to weeks beginning after such date of enactment until such individual has exhausted the individual's rights to emergency unemployment compensation in respect of the benefit year referred to in clause (i), and such individual shall be entitled to receive emergency unemployment compensation for such weeks in the same manner as if the individual had not been entitled to the regular compensation to which the election applies.

SEC. 6. SUSPENSION OF TAX ON PORTION OF UNEMPLOYMENT COMPENSATION.

(a) IN GENERAL.—Section 85(c) of the Internal Revenue Code of 1986 is amended—

(1) by inserting ''or 2010'' after ''in 2009'', and

(2) by inserting ''AND 2010'' in the heading after ''2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 7. TREATMENT OF SHORT-TIME COMPENSATION PROGRAMS.

(a) IN GENERAL.—Section 3306 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(v) SHORT-TIME COMPENSATION PROGRAM.—For purposes of this chapter, the term 'short-time compensation program' means a program under which—

''(1) the participation of an employer is voluntary;

''(2) an employer reduces the number of hours worked by employees through certifying that such reductions are in lieu of temporary layoffs;

''(3) such employees whose workweeks have been reduced by at least 10 percent are eligible for unemployment compensation;

''(4) the amount of unemployment compensation payable to any such employee is a pro rata portion of the unemployment compensation which would be payable to the employee if such employee were totally unemployed;

''(5) such employees are not expected to meet the availability for work or work search test requirements while collecting short-time compensation benefits, but are required to be available for their normal workweek;

''(6) eligible employees may participate in an employer-sponsored training program to enhance job skills if such program has been approved by the State agency;

''(7) beginning on the date which is 2 years after the date of enactment of this subsection, the employer certifies that continuation of health benefits and retirement benefits under a defined benefit pension plan (as defined in section 3(35) of the Employee Retirement Income Security Act of 1974) is not affected by participation in the program;

''(8) the employer (or an employer's association which is party to a collective bargaining agreement) submits a written plan describing the manner in which the requirements of this subsection will be implemented and containing such other information as the Secretary of Labor determines is appropriate;

''(9) in the case of employees represented by a union, the appropriate official of the union has agreed to the terms of the employer's written plan and implementation is consistent with employer obligations under the National Labor Relations Act; and

''(10) the program meets such other requirements as the Secretary of Labor determines appropriate.''.

(b) ASSISTANCE AND GUIDANCE IN IMPLEMENTING PROGRAMS.—

(1) ASSISTANCE AND GUIDANCE.—

(A) IN GENERAL.—In order to assist States in establishing, qualifying, and implementing short-time compensation programs, as defined in section 3306(v) of the Internal Revenue Code of 1986 (as added by subsection (a)), the Secretary of Labor (in this section referred to as the ''Secretary'') shall—

(i) develop model legislative language which may be used by States in developing and enacting short-time compensation programs and shall periodically review and revise such model legislative language;

(ii) provide technical assistance and guidance in developing, enacting, and implementing such programs;

(iii) establish biannual reporting requirements for States, including number of averted layoffs, number of participating companies and workers, and retention of employees following participation; and

(iv) award start-up grants to State agencies under subparagraph (B).

(B) GRANTS.—

(i) IN GENERAL.—The Secretary shall award start-up grants to State agencies that apply not later than June 30, 2011, in States that enact short-time compensation programs after the date of enactment of this Act for the purpose of creating such programs. The amount of such grants shall be awarded depending on the costs of implementing such programs.

(ii) ELIGIBILITY.—In order to receive a grant under clause (i) a State agency shall meet requirements established by the Secretary, including any reporting requirements under clause (iii). Each State agency shall be eligible to receive not more than one such grant.

(iii) REPORTING.—The Secretary may establish reporting requirements for State agencies receiving a grant under clause (i) in order to provide oversight of grant funds used by States for the creation of short-time compensation programs.

(iv) FUNDING.—There are appropriated, out of any moneys in the Treasury not otherwise appropriated, to the Secretary, such sums as the Secretary certifies as necessary for the period of fiscal years 2010 and 2011 to carry out this subparagraph.

(2) TIMEFRAME.—The initial model legislative language referred to in paragraph (1)(A) shall be developed not later than 60 days after the date of enactment of this Act.

(c) REPORTS.—

(1) INITIAL REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit to Congress and to the President a report or reports on the implementation of this section. Such report or reports shall include—

(A) a study of short-time compensation programs;

(B) an analysis of the significant impediments to State enactment and implementation of such programs; and

(C) such recommendations as the Secretary determines appropriate.

(2) SUBSEQUENT REPORTS.—After the submission of the report under paragraph (1), the Secretary may submit such additional reports on the implementation of short-time compensation programs as the Secretary deems appropriate.

(3) FUNDING.—There are appropriated, out of any moneys in the Treasury not otherwise appropriated, to the Secretary, $1,500,000 to carry out this subsection, to remain available without fiscal year limitation.

(d) CONFORMING AMENDMENTS.—

(1) INTERNAL REVENUE CODE OF 1986.—

(A) Subparagraph (E) of section 3304(a)(4) of the Internal Revenue Code of 1986 is amended to read as follows:

''(E) amounts may be withdrawn for the payment of short-time compensation under a short-time compensation program (as defined in section 3306(v));''.

(B) Subsection (f) of section 3306 of the Internal Revenue Code of 1986 is amended—

(i) by striking paragraph (5) (relating to short-term compensation) and inserting the following new paragraph:

''(5) amounts may be withdrawn for the payment of short-time compensation under a short-time compensation program (as defined in subsection (v));'', and

(ii) by redesignating paragraph (5) (relating to self-employment assistance program) as paragraph (6).

(2) SOCIAL SECURITY ACT.—Section 303(a)(5) of the Social Security Act is amended by striking ''the payment of short-time compensation under a plan approved by the Secretary of Labor'' and inserting ''the payment of short-time compensation under a short-time compensation program (as defined in section 3306(v) of the Internal Revenue Code of 1986)''.

(3) REPEAL.—Subsections (b) through (d) of section 401 of the Unemployment Compensation Amendments of 1992 (26 U.S.C. 3304 note) are repealed.

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

SEC. 8. TEMPORARY FINANCING OF CERTAIN SHORT-TIME COMPENSATION PROGRAMS.

(a) PAYMENTS TO STATES WITH CERTIFIED PROGRAMS.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall establish a program under which the Secretary shall make payments to any State unemployment trust fund to be used for the payment of unemployment compensation if the Secretary approves an application for certification submitted under paragraph (3) for such State to operate a short-time compensation program (as defined in section 3306(v) of the Internal Revenue Code of 1986 (as added by section 7(a))) which requires the maintenance of health and retirement employee benefits as described in paragraph (7) of such section 3306(v), in addition to other requirements of this Act and notwithstanding the otherwise effective date of such requirement.

(2) REIMBURSEMENT.—Subject to subsection (d), the payment to a State under paragraph (1) shall be an amount equal to 100 percent of the total amount of benefits paid to individuals by the State pursuant to the short-time compensation program during the weeks of unemployment—

(A) beginning on or after the date the certification is issued by the Secretary with respect to such program; and

(B) ending on or before December 31, 2011.

(3) CERTIFICATION REQUIREMENTS.—

(A) IN GENERAL.—Any State seeking full reimbursement under this subsection shall submit an application for certification at such time, in such manner, and complete with such information as the Secretary may require (whether by regulation or otherwise), including information relating to compliance with the requirements of paragraph (7) of such section 3306(v). The Secretary shall, within 30 days after receiving a complete application, notify the State agency of the State of the Secretary's findings with respect to the requirements of such paragraph (7).

(B) FINDINGS.—If the Secretary finds that the short-time compensation program operated by the State meets the requirements of such paragraph (7), the Secretary shall certify such State's short-time compensation program thereby making such State eligible for reimbursement under this subsection.

(b) TIMING OF APPLICATION SUBMITTALS.—No application under subsection (a)(3) may be considered if submitted before the date of enactment of this Act or after the latest date necessary (as specified by the Secretary) to ensure that all payments under this section are made before December 31, 2011.

(c) TERMS OF PAYMENTS.—Payments made to a State under subsection (a)(1) shall be payable by way of reimbursement in such amounts as the Secretary estimates the State will be entitled to receive under this section for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(d) LIMITATIONS.—

(1) GENERAL PAYMENT LIMITATIONS.—No payments shall be made to a State under this section for benefits paid to an individual by the State in excess of 26 weeks of benefits.

(2) EMPLOYER LIMITATIONS.—No payments shall be made to a State under this section for benefits paid to an individual by the State pursuant to a short-time compensation program if such individual is employed by an employer—

(A) whose workforce during the 3 months preceding the date of the submission of the employer's short-time compensation plan has been reduced by temporary layoffs of more than 20 percent; or

(B) on a seasonal, temporary, or intermittent basis.

(3) PROGRAM PAYMENT LIMITATION.—In making any payments to a State under this section pursuant to a short-time compensation program, the Secretary may limit the frequency of employer participation in such program.

(e) RETENTION REQUIREMENT.—

(1) IN GENERAL.—A participating employer under this section is required to comply with the terms of the written plan approved by the State agency and act in good faith to retain participating employees.

(2) OVERSIGHT AND MONITORING.—The Secretary shall establish an oversight and monitoring process by which State agencies will ensure that participating employers comply with the requirements of paragraph (1).

(f) FUNDING.—There are appropriated, from time to time, out of any moneys in the Treasury not otherwise appropriated, to the

Secretary, such sums as the Secretary certifies are necessary to carry out this section (including to reimburse any additional administrative expenses by reason of the provision of, and amendments made by, this Act that are incurred by the States in operating such short-time compensation programs).

(g) DEFINITION OF STATE.—In this section, the term ''State'' includes the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

(h) SUNSET.—The provisions of this section shall not apply after December 31, 2011.

SEC. 9. STUDY AND REPORTS ON THE EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM.

(a) STUDY.—The Secretary of Labor (in this section referred to as the ''Secretary'') shall conduct a study on the implementation of the emergency unemployment compensation program under title IV of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), as amended by section 2 and the Worker, Homeownership, and Business Assistance Act of 2009 (Public Law 111–92). Such study shall include an analysis of—

(1) the different tiers under such program;

(2) the number of initial claims under such program, the average duration of benefits under the program, the average sum of benefits under the program, and other areas that demonstrate who received benefits under the program;

(3) any significant impediments to State implementation of such program;

(4) the significant administration weaknesses and strengths of such programs; and

(5) other areas determined appropriate by the Secretary.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 4 years after the date of the enactment of this Act, the Secretary shall submit to Congress and the President a report (or multiple reports) on the study conducted under subsection (a), together with such recommendations as the Secretary determines appropriate.

(2) SUBSEQUENT REPORTS.—After the Secretary submits the report (or reports) required under paragraph (1), the Secretary may submit such additional reports on the implementation of emergency unemployment compensation programs as the Secretary deems appropriate.

(c) FUNDING.—There are appropriated, out of any moneys in the Treasury not otherwise appropriated, to the Secretary, $1,250,000 to carry out this section, to remain available without fiscal year limitation.

By Mr. BINGAMAN (for himself, Mr. ISAKSON, and Mr. KOHL):

S. 2832. A bill to amend the Employee Retirement Income Security Act of 1974 to require a lifetime income disclosure; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Lifetime Income Disclosure Act, to help Americans ensure they do not outlive their retirement savings. I am pleased to be joined by my colleague on the Health, Education, Labor and Pensions Committee, Senator ISAKSON, and the Chairman of the Aging Committee, Senator KOHL, in introducing the Act. In sum, the Act would require private defined contribution retirement plans annually to show plan participants how their account balances translate into monthly income equivalents, based on age at retirement and other factors. The act is structured so as not to impose a material burden on employers.

As life expectancies rise, individuals have an increasing need for protection against the risk that they will outlive their savings. In fact, Boston College's National Retirement Risk Index recently found that half of American households are ''at risk'' of being unable to maintain their pre-retirement standard of living in retirement.

But trends in retirement plan coverage are only increasing this risk. Defined benefit pension plans—to which employers make regular fixed contributions—are becoming rare. Individuals who receive any form of workplace retirement account are increasingly offered the opportunity to contribute to defined contribution plans, like 401(k)s, to which the employer may or may not provide a matching contribution. At present, 401(k) plan statements typically provide a total account balance, but not a monthly income equivalent. Consequently, employees are not well-prepared to evaluate whether they are saving adequately to maintain cost of their current standard of living in retirement.

To address this challenge, the act would require that defined contribution plans subject to ERISA, such as 401(k) plans, include ''annuity equivalents'' on benefit statements provided to employees. An annuity equivalent is the monthly annuity payment that would be made if the employee's total account balance were used to buy a life annuity that commenced payments at the plan's normal retirement age, generally 65. The act requires the statement to show the monthly annuity payments under both a single life annuity and a qualified joint and survivor annuity—that is, an annuity with survivor benefits payable for life to the employee's spouse. The annuity equivalents would only be required to be provided once a year, even where quarterly statements are otherwise required.

In this regard, 401(k) benefit statements would become better coordinated with Social Security benefit statements, which only express benefits in the form of a life annuity. Knowing the amount of monthly income they can expect from Social Security and their define contribution plan will help employees determine whether they are on the path to a secure retirement. Additionally, including annuity equivalents on benefit statements will make employees more aware of the possibility upon retirement of receiving at least a portion of their benefit in the form of an annuity that protects them against outliving their savings.

As I have already discussed, this proposal addresses a critical public policy issue. But it is equally important that the proposal be structured not to impose any material burden or potential liability on employers that voluntarily maintain a plan. Thus, the act directs the Department of Labor to issue, within a year, assumptions that employers may use in converting a lump sum amount into an annuity equivalent. Accordingly, employers will be able to base their annuity equivalents entirely on clear mechanical assumptions prescribed by the DOL. Of course, to the extent that a participant's benefit is or may be invested in an annuity contract that guarantees a specified annuity benefit, the DOL shall, to the extent appropriate, permit such specified benefit to be treated as an annuity equivalent.

The DOL would further be directed to issue, within a year, a model disclosure that explains the assumptions used to determine the annuity equivalents and the fact that the annuity equivalents provided are only estimates. This model disclosure would include a clear explanation that actual annuity benefits may be materially different from such estimates.

The act also provides employers with a clear path to avoid liability: under the act, employers and service providers using the model disclosure and following the prescribed assumptions and DOL rules would not have any liability with regard to the provision of annuity equivalents. This exemption from liability would apply to any disclosure of an annuity equivalent that incorporates the explanation from the model disclosure and that is prepared in accordance with the prescribed assumptions and DOL rules. For example, subject to such conditions, the exemption would apply to annuity equivalents available on a Web site or provided quarterly.

Finally, the act would not go into effect until a year after the DOL has issued the guidance needed by employers to implement the new rules.

Our proposal is a small step, but one that can make a significant difference in beginning to tackle a key policy challenge. I am pleased that the act enjoys the support of many advocates for retirement security, including AARP, the Women's Institute for a Secure Retirement, and the Council of Independent 401(k) Recordkeepers. I look forward to working with Senators ISAKSON and KOHL to see these provisions enacted into law.

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. 2832

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 ''Lifetime Income Disclosure Act''.

SEC. 2. DISCLOSURE REGARDING LIFETIME INCOME.

(a) IN GENERAL.—Subparagraph (B) of section 105(a)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1025(a)(2)) is amended—

(1) in clause (i), by striking ''and'' at the end;

(2) in clause (ii), by striking ''diversification.'' and inserting ''diversification, and''; and

(3) by inserting at the end the following:

''(iii) the lifetime income disclosure described in subparagraph (D)(i).

In the case of pension benefit statements described in clause (i) of paragraph (1)(A), a lifetime income disclosure under clause (iii) of this subparagraph shall only be required to be included in one pension benefit statement in each calendar year.''.

(b) LIFETIME INCOME.—Paragraph (2) of section 105(a) of such Act (29 U.S.C. 1025(a)) is amended by adding at the end the following new subparagraph:

''(D) LIFETIME INCOME DISCLOSURE.—

''(i) IN GENERAL.—

''(I) DISCLOSURE.—A lifetime income disclosure shall set forth the annuity equivalent of the total benefits accrued with respect to the participant or beneficiary.

''(II) ANNUITY EQUIVALENT OF THE TOTAL BENEFITS ACCRUED.—For purposes of this subparagraph, the 'annuity equivalent of the total benefits accrued' means the amount of monthly payments the participant or beneficiary would receive at the plan's normal retirement age if the total accrued benefits of such participant or beneficiary were used on the date of the lifetime income disclosure to purchase the life annuities described in subclause (III), with payments under such annuities commencing at the plan's normal retirement age.

''(III) LIFE ANNUITIES.—The life annuities described in this subclause are a qualified joint and survivor annuity (as defined in section 205(d)), based on assumptions specified in rules prescribed by the Secretary, including the assumption that the participant or beneficiary has a spouse of equal age, and a single life annuity. Such annuities may have a term certain or other features to the extent permitted under rules prescribed by the Secretary.

''(ii) MODEL DISCLOSURE.—Not later than 1 year after the date of the enactment of the Lifetime Income Disclosure Act, the Secretary shall issue a model lifetime income disclosure, written in a manner so as to be understood by the average plan participant, that—

''(I) explains that the annuity equivalent is only provided as an illustration;

''(II) explains that the actual annuity payments that may be purchased with the total benefits accrued will depend on numerous factors and may vary substantially from the annuity equivalent in the disclosures;

''(III) explains the assumptions upon which the annuity equivalent was determined; and

''(IV) provides such other similar explanations as the Secretary considers appropriate.

''(iii) ASSUMPTIONS AND RULES.—Not later than 1 year after the date of the enactment of the Lifetime Income Disclosure Act, the Secretary shall—

''(I) prescribe assumptions that administrators of individual account plans may use in converting total accrued benefits into annuity equivalents for purposes of this subparagraph; and

''(II) issue interim final rules under clause (i).

In prescribing assumptions under subclause (I), the Secretary may prescribe a single set of specific assumptions (in which case the Secretary may issue tables or factors that facilitate such conversions), or ranges of permissible assumptions. To the extent that an accrued benefit is or may be invested in an annuity contract, the assumptions prescribed under subclause (I) shall, to the extent appropriate, permit administrators of individual account plans to use the amounts payable under such contract as an annuity equivalent.

''(iv) LIMITATION ON LIABILITY.—No plan fiduciary, plan sponsor, or other person shall have any liability under this title solely by reason of the provision of annuity equivalents which are derived in accordance with the assumptions and rules described in clause (iii) and which include the explanations contained in the model lifetime income disclosure described in clause (ii). This clause shall apply without regard to whether the provision of such annuity equivalent is required by subparagraph (B)(iii).

''(v) EFFECTIVE DATE.—The requirement in subparagraph (B)(iii) shall apply to pension benefit statements furnished more than 12 months after the latest of the issuance by the Secretary of—

''(I) interim final rules under clause (i);

''(II) the model disclosure under clause (ii); or

''(III) the assumptions under clause (iii).''.

By Mr. REED (for himself, Mr. BROWN, Mr. WHITEHOUSE, Mr. AKAKA, Mr. DURBIN, Ms. KLOBUCHAR, and Mr. BEGICH):

S. 2833. A bill to provide adjusted Federal medical assistance percentage rates during a transitional assistance period; to the Committee on Finance.

Mr. REED. Mr. President, I rise today to introduce the Transitional Federal Medical Assistance Percentage, FMAP, Act, and I am pleased to do so with the support of Senators BROWN, WHITEHOUSE, AKAKA, DURBIN, KLOBUCHAR, and BEGICH. This bill is an important step in continuing the conversation about how we can help our States, businesses, and individuals as our economy recovers.

In my State of Rhode Island, the economic downturn has been particularly hard hitting on families and businesses. As a result, the State has seen a decline in tax revenue and an increased enrollment in safety net programs like Medicaid. Revenue from the sales tax is down over 7 percent, income tax receipts are down 2.3 percent, and corporate tax revenue is down nearly 10 percent. At the same time, unemployment rates have soared to new heights, topping 13 percent earlier this year. In the past 2 years, 40,000 Rhode Islanders have lost their employer-sponsored health insurance. Many of these individuals have come to rely on Medicaid for health coverage. This has caused great strain on the State's resources and its Medicaid program. In November, we learned that the estimated Medicaid caseload for the year will cost over $40 million more than what the State had initially estimated in its budget.

The American Recovery and Reinvestment Act, which I supported, provided States with additional Federal assistance through 2010. States have used these funds to help balance their budgets, minimize harmful cuts in public services, and, very importantly, to prevent tax increases in many cases. However, even with the funding from the Recovery Act, Rhode Island will close the current fiscal year $219.8 million in the red.

A total of 38 States have looked ahead to fiscal year 2011, and they have estimated $92 billion in combined deficits in the coming year. As the State fiscal year nears, and more States have had ample time to analyze their fiscal health it is expected that the total shortfall will likely equal $180 billion.

As Congress debates health reform and works to ensure that every American has access to health insurance in 2014, we must not forget about ensuring that Americans have access to health insurance between now and then, as the economy slowly recovers and as state budgets begin to heal. During this tough time we need to help individuals, businesses, and States, and I am particularly concerned with making sure our States have the resources to provide adequate health care.

Unless Congress acts on FMAP legislation, States will be forced to use their limited resources to cover an expanded Medicaid population beginning in January 2011. Since States are planning their fiscal year 2011 budgets, which will begin in July, many Governors are requesting Congress act now to provide States with additional Federal support.

The Transitional FMAP Act would extend the enhanced FMAP funding which we passed in the Recovery Act for two additional quarters. This extension accounts for the prolonged recession and ensures that the pressure of Medicaid needs do not overwhelm the States. The bill would also begin a slow decrease of enhanced FMAP funding from July 2011 through December 2013. This will help States as they recover and ensure that States do not experience a gap in assistance prior to health reform-related FMAP levels beginning in January 2014.

Mr. President, this additional funding is important for States, businesses, and individuals. I know that Chairman BAUCUS and Leader REID are well aware of the importance of FMAP and have a history to working to aid our States. I look forward to working with them and my other colleagues to provide States with necessary additional Federal Medicaid assistance.

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. 2833

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 ''Transitional Federal Medical Assistance Percentage Act''.

SEC. 2. EXTENSION OF ARRA INCREASE IN FMAP.

Section 5001 of ARRA is amended—

(1) in subsection (a)(3), by striking ''first calendar quarter'' and inserting ''first 3 calendar quarters'';

(2) in subsection (b)(2), by inserting before the period at the end the following: ''and such paragraph shall not apply to calendar quarters beginning on or after October 1, 2010'';

(3) in subsection (d), by inserting ''ending before October 1, 2010'' after ''entire fiscal years'' and after ''with respect to fiscal years'';

(4) in subsection (g)(1), by striking ''September 30, 2011'' and inserting ''December 31, 2011''; and

(5) in subsection (h)(3), by striking ''December 31, 2010'' and inserting ''June 30, 2011''.

SEC. 3. ARRA TRANSITIONAL ASSISTANCE PERIOD.

For each fiscal quarter occurring during the period beginning on July 1, 2011, and ending on December 31, 2013 (referred to in this Act as the ''ARRA transitional assistance period''), a State's FMAP shall be equal to the sum of—

(1) the adjusted base FMAP (as determined under section 4(a)(1));

(2) the general FMAP adjustment (as determined under section 4(a)(2)); and

(3) the unemployment FMAP adjustment (as determined under section 4(a)(3)).

SEC. 4. ADJUSTMENTS TO FEDERAL MEDICAL ASSISTANCE PERCENTAGE.

(a) DETERMINATION OF ADJUSTED FMAP.—

(1) ADJUSTED BASE FMAP.—

(A) IN GENERAL.—Subject to subparagraph (B), the adjusted base FMAP is determined as follows:

(i) For the fourth quarter of fiscal year 2011, the FMAP that would have applied to the State under section 5001(a) of ARRA (assuming that such section applied) for such fiscal quarter minus 2 percentage points.

(ii) For any subsequent fiscal quarter occurring during the ARRA transitional assistance period, the FMAP as determined under this paragraph for the preceding fiscal quarter minus 2 percentage points.

(B) ELIMINATION OF NEGATIVE ADJUSTMENT.—If the adjusted base FMAP applicable to a State under this paragraph for any fiscal quarter occurring during the ARRA transitional assistance period would be less than the FMAP determined for the State for such quarter without regard to this paragraph, this paragraph shall not apply to such State.

(2) GENERAL FMAP ADJUSTMENT.—The general FMAP adjustment shall be equal to the following:

(A) For the fourth quarter of fiscal year 2011, 5.7 percentage points.

(B) For the first quarter of fiscal year 2012, 4.95 percentage points.

(C) For the second quarter of fiscal year 2012, 3.95 percentage points.

(D) For the third quarter of fiscal year 2012, 2.7 percentage points.

(E) For the fourth quarter of fiscal year 2012, 1.2 percentage points.

(F) For any subsequent fiscal quarter occurring during the ARRA transitional assistance period, 0.2 percentage points.

(3) UNEMPLOYMENT FMAP ADJUSTMENT.—

(A) IN GENERAL.—Subject to subparagraphs (C) and (D), the unemployment FMAP adjustment shall be equal to the increase in the State's FMAP that would have applied to the State under section 5001(c) of ARRA (assuming that such section applied) for such fiscal quarter minus the applicable reduction amount (as described under subparagraph (B)).

(B) APPLICABLE REDUCTION AMOUNT.—For purposes of subparagraph (A), the applicable reduction amount shall be equal to the following:

(i) For the fourth fiscal quarter of fiscal year 2011, 0.20 percentage points.

(ii) For any subsequent fiscal quarter occurring during the ARRA transitional assistance period, the sum of—

(I) the applicable reduction amount for the preceding fiscal quarter; and

(II) 0.05 percentage points.

(C) ELIMINATION OF NEGATIVE ADJUSTMENT.—If the unemployment FMAP adjustment applicable to a State under this paragraph for any fiscal quarter during the ARRA transitional assistance period would be less than zero, this paragraph shall not apply to such State.

(D) SPECIAL RULE.—

(i) IN GENERAL.—For purposes of subparagraph (A), with respect to the computation of the state unemployment increase percentage (as described under section 5001(c)(4) of ARRA) for the last 2 fiscal quarters of the ARRA transitional assistance period, the most recent previous 3-consecutive-month period (as described under section 5001(c)(4)(A)(i) of ARRA) shall be the 3-consecutive-month period beginning with December 2012, or, if it results in a higher applicable percent under section 5001(c)(3) of ARRA, the 3-consecutive-month period beginning with January 2013.

(ii) REPEAL OF SPECIAL RULE UNDER ARRA FOR LAST 2 CALENDAR QUARTERS OF THE RECESSION ADJUSTMENT PERIOD.—Section 5001(c)(4) of ARRA is amended by striking subparagraph (C) and inserting the following:

''(C) SPECIAL RULE.—With respect to the first 2 calendar quarters of the recession adjustment period, the most recent previous 3-consecutive-month period described in subparagraph (A)(i) shall be the 3-consecutive-month period beginning with October 2008.''.

(b) SCOPE OF APPLICATION.—The adjustments in the FMAP for a State under this section shall apply for purposes of title XIX of the Social Security Act and shall not apply with respect to—

(1) disproportionate share hospital payments described in section 1923 of such Act (42 U.S.C. 1396r-4);

(2) payments under title IV of such Act (42 U.S.C. 601 et seq.) (except that the increases under paragraphs (1) and (2) of subsection (a) shall apply to payments under part E of title IV of such Act (42 U.S.C. 670 et seq.) and, for purposes of the application of this section to the District of Columbia, payments under such part shall be deemed to be made on the basis of the FMAP applied with respect to such District for purposes of title XIX and as increased under subsection (a)(2));

(3) any payments under title XXI of such Act (42 U.S.C. 1397aa et seq.);

(4) any payments under title XIX of such Act that are based on the enhanced FMAP described in section 2105(b) of such Act (42 U.S.C. 1397ee(b)); or

(5) any payments under title XIX of such Act that are attributable to expenditures for medical assistance provided to individuals made eligible under a State plan under title XIX of the Social Security Act (including under any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) because of income standards (expressed as a percentage of the poverty line) for eligibility for medical assistance that are higher than the income standards (as so expressed) for such eligibility as in effect on July 1, 2008, (including as such standards were proposed to be in effect under a State law enacted but not effective as of such date or a State plan amendment or waiver request under title XIX of such Act that was pending approval on such date).

(c) STATE INELIGIBILITY; LIMITATION; SPECIAL RULES.—

(1) MAINTENANCE OF ELIGIBILITY REQUIREMENTS.—

(A) IN GENERAL.—Subject to subparagraph (B) and (C), a State is not eligible for an increase in its FMAP under subsection (a) if eligibility standards, methodologies, or procedures under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) are more restrictive than the eligibility standards, methodologies, or procedures, respectively, under such plan (or waiver) as in effect on July 1, 2008.

(B) STATE REINSTATEMENT OF ELIGIBILITY PERMITTED.—Subject to subparagraph (C), a State that has restricted eligibility standards, methodologies, or procedures under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) after July 1, 2008, is no longer ineligible under subparagraph (A) beginning with the first calendar quarter in which the State has reinstated eligibility standards, methodologies, or procedures that are no more restrictive than the eligibility standards, methodologies, or procedures, respectively, under such plan (or waiver) as in effect on July 1, 2008.

(C) SPECIAL RULES.—A State shall not be ineligible under subparagraph (A)—

(i) for the fiscal quarters before October 1, 2011, on the basis of a restriction that was applied after July 1, 2008, and before the date of the enactment of this Act, if the State prior to October 1, 2011, has reinstated eligibility standards, methodologies, or procedures that are no more restrictive than the eligibility standards, methodologies, or procedures, respectively, under such plan (or waiver) as in effect on July 1, 2008; or

(ii) on the basis of a restriction that was directed to be made under State law as in effect on July 1, 2008, and would have been in effect as of such date, but for a delay in the effective date of a waiver under section 1115 of such Act with respect to such restriction.

(2) COMPLIANCE WITH PROMPT PAY REQUIREMENTS.—

(A) APPLICATION TO PRACTITIONERS.—

(i) IN GENERAL.—Subject to the succeeding provisions of this subparagraph, no State shall be eligible for an increased FMAP rate as provided under this section for any claim received by a State from a practitioner subject to the terms of section 1902(a)(37)(A) of the Social Security Act (42 U.S.C. 1396a(a)(37)(A)) for such days during any period in which that State has failed to pay claims in accordance with such section as applied under title XIX of such Act.

(ii) REPORTING REQUIREMENT.—Each State shall report to the Secretary, on a quarterly basis, its compliance with the requirements of clause (i) as such requirements pertain to claims made for covered services during each month of the preceding quarter.

(iii) WAIVER AUTHORITY.—The Secretary may waive the application of clause (i) to a State, or the reporting requirement imposed under clause (ii), during any period in which there are exigent circumstances, including natural disasters, that prevent the timely processing of claims or the submission of such a report.

(iv) APPLICATION TO CLAIMS.—Clauses (i) and (ii) shall only apply to claims made for covered services after the date of enactment of this Act.

(B) APPLICATION TO NURSING FACILITIES AND HOSPITALS.—The provisions of subparagraph (A) shall apply with respect to a nursing facility or hospital, insofar as it is paid under title XIX of the Social Security Act on the basis of submission of claims, in the same or similar manner (but within the same timeframe) as such provisions apply to practitioners described in such subparagraph.

(3) STATE'S APPLICATION TOWARD RAINY DAY FUND.—A State is not eligible for an increase in its FMAP under paragraphs (2) or (3) of subsection (a) if any amounts attributable (directly or indirectly) to such increase are deposited or credited into any reserve or rainy day fund of the State.

(4) NO WAIVER AUTHORITY.—Except as provided in paragraph (2)(A)(iii), the Secretary may not waive the application of this subsection or subsection (d) under section 1115 of the Social Security Act or otherwise.

(5) LIMITATION OF FMAP TO 100 PERCENT.—In no case shall an increase in FMAP under this section result in an FMAP that exceeds 100 percent.

(d) REQUIREMENTS.—

(1) STATE REPORTS.—Each State that is paid additional Federal funds as a result of this section shall, not later than September 30, 2014, submit a report to the Secretary, in such form and such manner as the Secretary shall determine, regarding how the additional Federal funds were expended.

(2) ADDITIONAL REQUIREMENT FOR CERTAIN STATES.—In the case of a State that requires political subdivisions within the State to contribute toward the non-Federal share of expenditures under the State Medicaid plan required under section 1902(a)(2) of the Social Security Act (42 U.S.C. 1396a(a)(2)), the State is not eligible for an increase in its FMAP under paragraphs (2) or (3) of subsection (a) if it requires that such political subdivisions pay for quarters during the ARRA transitional assistance period a greater percentage of the non-Federal share of such expenditures, or a greater percentage of the non-Federal share of payments under section 1923, than the respective percentage that would have been required by the State under such plan on September 30, 2008, prior to application of this section.

(e) DEFINITIONS.—In this Act, except as otherwise provided:

(1) ARRA.—The term ''ARRA'' means the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 140).

(2) FMAP.—The term ''FMAP'' means the Federal medical assistance percentage, as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)), as determined without regard to this section except as otherwise specified.

(3) POVERTY LINE.—The term ''poverty line'' has the meaning given such term in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by such section.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(5) STATE.—The term ''State'' has the meaning given such term in section 1101(a)(1) of the Social Security Act (42 U.S.C. 1301(a)(1)) for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(f) SUNSET.—This section shall not apply to items and services furnished after the end of the ARRA transitional assistance period.

By Mr. AKAKA (for himself and Mr. VOINOVICH):

S. 2834. A bill to amend the Intelligence Reform and Terrorism Prevention Act of 2004 to establish a Security Clearance and Suitability Performance Accountability Council and for other purposes; to the Select Committee on Intelligence.

Mr. AKAKA. Mr. President, today I am introducing, along with my colleague Senator VOINOVICH, the Security Clearance Modernization and Reporting Act of 2009.

Since 2005, our Homeland Security and Governmental Affairs Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia has held a series of six oversight hearings on the serious shortfalls of the Federal Government's ability to effectively and efficiently issue security clearances to federal employees and contractors.

This issue was placed on the Government Accountability Office's, GAO, High-Risk List in 2005. Since then, through the strong oversight of our Subcommittee and hard work of those in the government dedicated to reforming and modernizing the security clearance process, the tremendous backlog of security clearance investigations has all but vanished, and clearance determinations are made much more quickly. While progress has been made, we must use this opportunity to continue to push for fundamental changes to the clearance process to ensure that we do not experience the same problems in the future.

In 2004, the Intelligence Reform and Terrorism Prevention Act, IRTPA, P.L. 108–458, required 90 percent of clearances to be completed within an average of 60 days by December 2009. At the time, it took almost a year to complete a Top Secret clearance request. IRTPA also required that agencies recognize clearance determinations made by other agencies to ensure reciprocity of clearances. An Executive Order was issued to implement these requirements, designating the Office of Management and Budget, OMB, as the agency responsible for setting security clearance policy and calling on the Office of Personnel Management, OPM, to conduct clearance investigations. Unfortunately, clearance timeliness continued to be unacceptably slow.

After continued pressure from our Subcommittee and other stakeholders, in 2008, OMB brought together the Department of Defense, the Office of the Director of National Intelligence, ODNI, and OPM to create a plan to overhaul and streamline the clearance process government-wide. At the recommendation of this reform team, a new executive order was issued creating a governance structure for overseeing and modernizing the federal government's security clearance and suitability processes. The members of the reform team were designated as the Suitability and Security Clearance Performance Accountability Council, PAC.

Since the creation of the PAC and the implementation of some reforms, including enhanced application processes, new clearance standards, and plans for electronic adjudication and reevaluation, timeliness of clearances has greatly improved. Already, agencies are generally meeting goals laid out by the IRTPA. However, this has required tremendous effort and a surge in investigation capacity over several years to address backlogs.

The bill that we are introducing today would address the lingering concerns over the clearance process and help sustain the momentum for reforming and modernizing the security clearance and suitability determination processes.

First, to ensure accountability in security clearance reform and modernization, it is necessary to produce more detailed timeliness reporting. Today, OMB only reports the average timeliness of the 90 fastest percent of clearances. At our Subcommittee hearings, the GAO has repeatedly called for expanded reporting. It is important that we look at the timeliness of the whole process. Our legislation would require more complete reporting on timeliness for all clearances, not just the 90 percent that we see today. For the first time, it would require OMB to break down the numbers based on types of clearances and employee groups, and to report on which agencies are complying with reciprocal recognition of clearances. While the current IRTPA reporting requirements end in 2011, our legislation would extend these requirements to ensure that we receive reports until GAO has concluded this is no longer a high-risk issue.

To ensure consistent leadership, our bill would codify the Performance Accountability Council, which has been the catalyst for much of the reform we have seen to date. It is critical that we codify the PAC as its future was in doubt during the presidential transition as the new administration reviewed previous executive orders.

GAO has also urged the creation of new metrics that would measure not only the timeliness of clearance determinations, but also the quality and completeness of investigations. These metrics should be defined through the creation of a comprehensive strategic plan for clearance modernization. In response to GAO's recommendations, the legislation would require the PAC to create a comprehensive strategic plan. This plan would outline reform goals, establish performance measures, create a more robust communications strategy, define clear roles and responsibilities for stakeholders, and examine funding needs in order to keep reforms on track.

Finally, this bill would require that the PAC undertake a more comprehensive information technology assessment than it has to date. Today, dozens of intertwined systems are used in the clearance process. These systems are a patchwork of outdated technology owned by different agencies. Rather than conducting an inventory of the current technology in use, as the PAC has already done, our bill would require a true needs assessment to define the most effective information technology approach.

Our Subcommittee, under both my leadership and that of Senator Voinovich, has worked in a bipartisan manner on this issue seamlessly for several years and our oversight has yielded positive results. It is vital, from both a human capital perspective and a national security perspective, that security clearances and suitability determinations be of the highest quality and made in a timely manner. We must work to make sure this issue is removed from the High-Risk List 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. 2834

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 ''Security Clearance Modernization and Reporting Act of 2009''.

SEC. 2. DEFINITIONS.

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

(1) in the matter preceding paragraph (1) by striking ''In this section:'' and inserting ''Except as otherwise specifically provided, in this title:'';

(2) by redesignating paragraph (1) as paragraph (2);

(3) by redesignating paragraph (2) as paragraph (5);

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

(5) by redesignating paragraph (4) as paragraph (12);

(6) by redesignating paragraph (5) as paragraph (10);

(7) by redesignating paragraph (6) as paragraph (15);

(8) by redesignating paragraph (7) as paragraph (14);

(9) by redesignating paragraph (8) as paragraph (3);

(10) by inserting before paragraph (2), as redesignated by paragraph (2), the following:

''(1) ADJUDICATION.—The term 'adjudication' means the evaluation of pertinent data in a background investigation and any other available information that is relevant and reliable to determine whether an individual is—

''(A) suitable for Federal Government employment;

''(B) eligible for logical and physical access to federally controlled information systems;

''(C) eligible for physical access to federally controlled facilities;

''(D) eligible for access to classified information;

''(E) eligible to hold a sensitive position; or

''(F) fit to perform work for or on behalf of the Federal Government as a contractor employee.'';

(11) by inserting after paragraph (5), as redesignated by paragraph (3), the following:

''(6) CLASSIFIED INFORMATION.—The term 'classified information' means information that has been determined, pursuant to Executive Order 12958 (60 Fed. Reg. 19825) or a successor or predecessor order, or the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), to require protection against unauthorized disclosure.

''(7) CONTINUOUS EVALUATION.—The term 'continuous evaluation' means a review of the background of an individual who has been determined to be eligible for access to classified information (including additional or new checks of commercial databases, Government databases, and other information lawfully available to security officials) at any time during the period of eligibility to determine whether that individual continues to meet the requirements for eligibility for access to classified information.

''(8) CONTRACTOR.—The term 'contractor' means an expert or consultant, who is not subject to section 3109 of title 5, United States Code, to an agency, an industrial or commercial contractor, licensee, certificate holder, or grantee of any agency, including all subcontractors, a personal services contractor, or any other category of person who performs work for or on behalf of an agency and who is not an employee of an agency.

''(9) CONTRACTOR EMPLOYEE FITNESS.—The term 'contractor employee fitness' means fitness based on character and conduct for work for or on behalf of an agency as a contractor employee.'';

(12) by inserting after paragraph (10), as redesignated by paragraph (6), the following:

''(11) FEDERALLY CONTROLLED FACILITIES; FEDERALLY CONTROLLED INFORMATION SYSTEMS.—The term 'federally controlled facilities' and 'federally controlled information systems' have the meanings prescribed in guidance pursuant to the Federal Information Security Management Act of 2002 (title III of Public Law 107–347; 116 Stat. 2946), the amendments made by that Act, and Homeland Security Presidential Directive 12, or any successor Directive.'';

(13) by inserting after paragraph (12), as redesignated by paragraph (5), the following:

''(13) LOGICAL ACCESS.—The term 'logical access' means, with respect to federally controlled information systems, access other than occasional or intermittent access to federally controlled information systems.'';

(14) by inserting after paragraph (15), as redesignated by paragraph (7), the following:

''(16) PHYSICAL ACCESS.—The term 'physical access' means, with respect to federally controlled facilities, access other than occasional or intermittent access to federally controlled facilities.

''(17) SENSITIVE POSITION.—The term 'sensitive position' means any position designated as a sensitive position under Executive Order 10450 or any successor Executive Order.

''(18) SUITABILITY.—The term 'suitability' has the meaning of that term in part 731, of title 5, Code of Federal Regulations or any successor similar regulation.''.

SEC. 3. SECURITY CLEARANCE AND SUITABILITY DETERMINATION REPORTING.

(a) EXTENSION OF REPORTING REQUIREMENTS.—Paragraph (1) of section 3001(h) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b(h)) is amended by striking ''through 2011,'' and inserting ''until the earlier of the date that is 2 years after the date that the Comptroller General of the United States has removed all items related to security clearances from the list maintained by the Comptroller General known as the High-Risk List or 2017,''.

(b) REPORTS ON SECURITY CLEARANCE REVIEW PROCESSES.—Paragraph (2) of such section 3001(h) is amended—

(1) by redesignating subparagraphs (B) and (C) as subparagraphs (E) and (F), respectively; and

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

''(A) a description of the full range of time required to complete initial clearance applications, including time required by each authorized investigative agency and each authorized adjudicative agency—

''(i) to respond to requests for security clearances for individuals, including the periods required to initiate security clearance investigations, conduct security clearance investigations, deliver completed investigations to the requesting agency, adjudicate such requests, make final determinations on such requests, and notify individuals and individuals' employers of such determinations, from date of submission of the requests to the date of the ultimate disposition of the requests and notifications, disaggregated by the type of security clearance, including Secret, Top Secret, and Top Secret with Special Program Access, including sensitive compartmented information clearances—

''(I) for civilian employees of the United States;

''(II) for members of the Armed Forces of the United States; and

''(III) for contractor employees; and

''(ii) to conduct investigations for suitability determinations for individuals from successful submission of applications to ultimate disposition of applications and notifications to the individuals—

''(I) for civilian employees of the United States;

''(II) for members of the Armed Forces of the United States; and

''(III) for contractor employees; and

''(B) a listing of the agencies and departments of the United States that have established and utilize policies to accept all security clearance background investigations and determinations completed by an authorized investigative agency or authorized adjudicative agency;

''(C) a description of the progress in implementing the strategic plan referred to in section 3004;

''(D) a description of the progress made in implementing the information technology strategy referred to in section 3005;''.

SEC. 4. SECURITY CLEARANCE AND SUITABILITY PERFORMANCE ACCOUNTABILITY COUNCIL.

Title III of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b et seq.) is amended by adding at the end the following new section:

''SEC. 3003. SECURITY CLEARANCE AND SUITABILITY PERFORMANCE ACCOUNTABILITY COUNCIL.

''(a) ESTABLISHMENT.—There is established a Security Clearance and Suitability Performance Accountability Council (hereinafter referred to as the 'Council').

''(b) CHAIR.—

''(1) DESIGNATION.—The Deputy Director for Management, Office of Management and Budget, shall serve as Chair of the Council.

''(2) AUTHORITY.—The Chair of the Council shall have authority, direction, and control over the functions of the Council.

''(c) VICE CHAIR.—The Chair of the Council shall select a Vice Chair to act in the Chair's absence.

''(d) MEMBERSHIP.—

''(1) IN GENERAL.—The members of the Council shall include—

''(A) the Chair of the Council; and

''(B) an appropriate senior officer from each of the following:

''(i) The Office of the Director of National Intelligence.

''(ii) The Department of Defense.

''(iii) The Office of Personnel Management.

''(2) OTHER MEMBERS.—The Chair of the Council may designate appropriate employees of other agencies or departments of the United States as members of the Council.

''(e) DUTIES.—The Council shall—

''(1) ensure alignment of suitability, security, and, as appropriate, contractor employee fitness, investigative, and adjudicative processes;

''(2) ensure alignment of investigative requirements for suitability determinations and security clearances to reduce duplication in investigations;

''(3) oversee the establishment of requirements for enterprise information technology;

''(4) oversee the development of techniques and tools, including information technology, for enhancing background investigations and eligibility determinations and ensure that such techniques and tools are utilized;

''(5) ensure that each agency and department of the United States establishes and utilizes policies for ensuring reciprocal recognition of clearances that allow access to classified information granted by all other agencies and departments;

''(6) ensure sharing of best practices among agencies and departments of the United States;

''(7) hold each agency and department of the United States accountable for the implementation of suitability, security, and, as appropriate, contractor employee fitness processes and procedures; and

''(8) hold each agency and department of the United States accountable for recognizing clearances that allow access to classified information granted by all other agencies and departments of the United States.

''(f) ASSIGNMENT OF DUTIES.—The Chair may assign, in whole or in part, to the head of any agency or department of the United States, solely or jointly, any duty of the Council relating to—

''(1) alignment and improvement of investigations and determinations of suitability;

''(2) determinations of contractor employee fitness; and

''(3) determinations of eligibility—

''(A) for logical access to federally controlled information systems;

''(B) for physical access to federally controlled facilities;

''(C) for access to classified information; or

''(D) to hold a sensitive position.''.

SEC. 5. STRATEGIC PLAN FOR REFORM.

Title III of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b et seq.), as amended by section 4, is further amended by adding at the end the following new section:

''SEC. 3004. SECURITY CLEARANCE AND SUITABILITY REFORM STRATEGIC PLAN.

''(a) REQUIREMENT FOR PLAN.—Not later than 90 days after the date of the enactment of the Security Clearance Modernization and Reporting Act of 2009, the Security Clearance and Suitability Performance Accountability Council established in section 3003 shall develop a strategic plan that identifies the causes of problems with the issuance of security clearances and a description of actions to be taken to correct such problems.

''(b) CONTENTS.—The plan required by subsection (a) shall include a description of—

''(1) the clear mission and strategic goals of the plan;

''(2) performance measures to be used to determine the effectiveness of security clearance procedures, including measures for the quality of security clearance investigations and adjudications;

''(3) a formal communications strategy related to the issuance of security clearances;

''(4) the roles and responsibilities for agencies participating in security clearance reform efforts; and

''(5) the long-term funding requirements for security clearance reform efforts.

''(c) SUBMISSION TO CONGRESS.—The plan required by subsection (a) shall be submitted to the appropriate committees of Congress.

''(d) GOVERNMENT ACCOUNTABILITY OFFICE REVIEW.—The plan required by subsection (a) shall be reviewed by the Comptroller General of the United States following its submission to the appropriate committees of Congress under subsection (c).''.

SEC. 6. INFORMATION TECHNOLOGY STRATEGY.

Title III of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b et seq.), as amended by sections 4 and 5, is further amended by adding at the end the following new section:

''SEC. 3005. INFORMATION TECHNOLOGY STRATEGY.

''(a) REQUIREMENT FOR STRATEGY.—Not later than 120 days after the date of the enactment of the Security Clearance Modernization and Reporting Act of 2009, the Director of the Office of Management and Budget shall submit to the appropriate committees of Congress an information technology strategy that describes the plans to expedite investigative and adjudicative processes, verify standard information submitted as part of an application for a security clearance, and provide security clearance and suitability determination reform consistent with the strategy required by section 3004(a), by carrying out the Enterprise Information Technology Strategy referred to in the Report of the Joint Security and Suitability Reform Team, dated December 30, 2008.

''(b) CONTENT.—The strategy required by subsection (a) shall include—

''(1) a description of information technology required to request a security clearance or suitability investigation;

''(2) a description of information technology required to apply for a security clearance or suitability investigation;

''(3) a description of information technology systems needed to support such investigations;

''(4) a description of information technology required to transmit common machine readable investigation files to agencies for adjudication;

''(5) a description of information technology required to support agency adjudications of security clearance and suitability determinations;

''(6) a description of information technology required to support continuous evaluations;

''(7) a description of information technology required to implement a single repository containing all security clearance and suitability determinations of each agency and department of the United States that is accessible by each such agency and department in support of ensuring reciprocal recognition of access to classified information among such agencies and departments;

''(8) a description of the efforts of the Security Clearance and Suitability Performance Council established in section 3003, and each of the Department of Defense, the Office of Personnel Management, and the Office of the Director of National Intelligence to carry out the strategy submitted under subsection (a);

''(9) the plans of the agencies and departments of the United States to develop, implement, fund, and provide personnel to carry out the strategy submitted under subsection (a);

''(10) cost estimates to carry out the strategy submitted under subsection (a); and

''(11) a description of the schedule for carrying out the strategy submitted under subsection (a).''.

SEC. 7. TECHNICAL AND CLERICAL AMENDMENTS.

(1) TECHNICAL CORRECTION.—The table of contents in section 1(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3638) is amended by adding after the item relating to section 3001 the following:

''Sec. 3002. Security clearances; limitations.''.

(2) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Intelligence Reform and Terrorism Prevention Act of 2004, as amended by paragraph (1), is further amended by adding after the item relating to section 3002, as added by such paragraph, the following:

''Sec. 3003. Security Clearance and Suitability Performance Accountability Council.

''Sec. 3004. Security clearance and suitability reform strategic plan.

''Sec. 3005. Information technology strategy.''.

Mr. VOINOVICH. Mr. President, I rise today to join my good friend and Chairman on the Oversight of Government Management Subcommittee, Senator AKAKA, to ensure that security clearance reform efforts begun in recent years continue by cosponsoring the Security Clearance Modernization and Reporting Act of 2009.

Since the 1990s, the Government's Accountability Office, GAO, has documented problems with the Department of Defense's, DoD, personnel security clearance program, and in 2005 added the program to its high-risk list. DoD's personnel security clearance program has remained on the 2007 and 2009 high risk lists.

In an effort to address this matter and improve the security clearance process, Congress set benchmarks for the time taken to issue clearances in the Intelligence Reform and Terrorism Prevention Act of 2004, IRTPA. IRTPA also required the President to select a single agency or office to oversee the security clearance process across the federal government and required uniform policies regarding the security clearance process, reciprocal recognition of security clearances among agencies, an evaluation of technology to expedite security clearance processes, and a plan to reduce the length of the security clearance process. While progress has been made to decrease the amount of time it takes to obtain a security clearance, more improvement is needed to fully reform the security clearance process, but reform efforts have been delayed this year by an interagency review of the security clearance reform initiatives undertaken over the past several years.

To ensure that the good work begun with passage of IRTPA in 2004, I am pleased to cosponsor Senator AKAKA's legislation that extends IRTPA's reporting requirements relating to security clearance reform efforts beyond their current 2011 expiration date and requires more details in those reports about the amount of time required by individual agencies to conduct both security clearance investigations and adjudications. To ensure that efforts begun over the past several years continue, the bill codifies portions of Executive Order 13467, which deals with reforming processes related to eligibility for access to classified information. The bill also calls for the development of the strategic plan GAO has been asking for since the DoD personnel security clearance program was put on its high risk list in 2005 and requires a more detailed information technology strategy relating to security clearance reform efforts.

I am proud to cosponsor this bill and thank the Senator from Hawaii for his work on this legislation to address such an important issue.

By Mr. KERRY (for himself, Mr. CARDIN, Mr. KAUFMAN, Mrs. GILLIBRAND, and Mr. MENENDEZ):

S. 2835. A bill to reduce global warming pollution through international climate finance, investment, and for other purposes; to the Committee on Foreign Relations.

Mr. KAUFMAN. Mr. President, I am pleased to join the Chairman of the Foreign Relations Committee and my colleagues to introduce an important piece of legislation, the International Climate Change Investment Act of 2009. Climate change is a global issue and only a concerted international response can succeed. This legislation provides key elements of an international deal that will both protect our planet and meet our Nation's international responsibilities. Even more importantly in these times, it will open the door to a green economy that can create jobs here for the markets abroad for clean energy goods and services.

Successful global climate negotiations will create the opportunity for us to transform our own economy, to free ourselves from dependence on fossil fuels from foreign sources, and to create the jobs and markets for a new, sustainable economy.

This legislation establishes a new framework for a global market in clean energy technologies. A complete agenda to confront climate change will include support for our educational base and for the research, development, and deployment of clean technologies. A climate deal that moves us away from fossil fuels will create global demand for those technologies. Building capacity and encouraging dramatic change in other countries will create a pool of customers for America's innovators.

That global market offers us the best chance to create a new economy based on a growing demand for clean energy goods and services—and that will support job creation and profits here at home. Companies in my home state of Delaware and across America are ready and eager to seize this opportunity for a world's worth of new markets. Our smartest investors agree.

This legislation shows the rest of the world that we are ready to do our part to make a smart, effective, and fair international climate change agreement work. It sets us on a firm forward footing to lead the way in tomorrow's green economy.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 367—RECOGNIZING THE 25TH ANNIVERSARY OF THE ENACTMENT OF THE VICTIMS OF CRIME ACT OF 1984 (42 U.S.C. 10601 ET SEQ.) AND THE SUBSTANTIAL CONTRIBUTIONS TO THE CRIME VICTIMS FUND MADE THROUGH THE CRIMINAL PROSECUTIONS CONDUCTED BY THE FINANCIAL LITIGATION UNITS OF THE UNITED STATES ATTORNEYS' OFFICES

Mr. CRAPO (for himself and Ms. KLOBUCHAR) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 367

Whereas the Victims of Crime Act of 1984 has its 25th anniversary this year;

Whereas for 25 years, the Victims of Crime Act of 1984 has provided funds to States for victim assistance and compensation programs to support victims of crime and those affected by violent crimes;

Whereas the Victims of Crime Act of 1984 has enabled approximately 4,400 community-based public and private programs to offer services to victims of crime, including crisis intervention, counseling, guidance, legal advocacy, and transportation shelters;

Whereas the Victims of Crime Act of 1984 provides assistance and monetary support to over 4,000,000 victims of crime each year;

Whereas the Crime Victims Fund established under the Victims of Crime Act of 1984 provides direct services to victims of sexual assault, spousal abuse, child abuse, survivors of homicide victims, elderly victims of abuse or neglect, victims of drunk drivers, and other such crimes;

Whereas in 2008, the Victims of Crime Act of 1984 assisted State crime victim compensation programs by allocating $432,000,000 to 151,643 victims of violent crime;

Whereas since the establishment of the Crime Victims Fund in 1984, nearly $12,000,000,000 in offender-generated, non-taxpayer funds have been deposited into the Crime Victims Fund solely to help victims of crime;

Whereas the Victims of Crime Act of 1984 also supports services to victims of Federal crimes, by providing funds for victims and witness coordinators in United States Attorneys' offices, Federal Bureau of Investigation victim-assistance specialists, and the Federal Victim Notification System; and

Whereas the Victims of Crime Act of 1984 also supports important improvements in the victim services field through grants for training and technical assistance and evidence-based demonstration projects: Now, therefore, be it

Resolved, That the Senate recognizes—

(1) the 25th anniversary of the enactment of the Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.); and

(2) the substantial contributions to the Crime Victims Fund made through the criminal prosecutions conducted by the Financial Litigation Units of the United States Attorneys' offices.

SENATE RESOLUTION 368—EXPRESSING THE SENSE OF THE SENATE COMMENDING COACH BOBBY BOWDEN

Mr. NELSON of Florida (for himself and Mr. LEMIEUX) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 368

Whereas Bobby Bowden, over a 44-year career during which he coached at Howard College (now Samford University), West Virginia University, and Florida State University, where he has coached for the past 34 years, established a record as one of the most successful coaches in college football history;

Whereas the 388 coaching victories of Bobby Bowden are second only to the 393 coaching victories recorded by Joe Paterno at Pennsylvania State University;

Whereas Bobby Bowden coached Florida State University to 2 national championships in 1993 and 1999, and to a bowl game in every year since 1982, making it the longest streak in the Nation;

Whereas Bobby Bowden helped promote 164 student athletes onto careers in the National Football League;

Whereas Bobby Bowden profoundly influenced many professional and collegiate coaches and players with his wisdom, loyalty, and warmth; and

Whereas the accomplishments of Bobby Bowden on and off the field have come to personify Florida State University: Now, therefore, be it

Resolved, That it is the sense of the Senate that Bobby Bowden is to be commended for his monumental achievements.

SENATE RESOLUTION 369—TO PERMIT THE COLLECTION OF CLOTHING, TOYS, FOOD, AND HOUSEWARES DURING THE HOLIDAY SEASON FOR CHARITABLE PURPOSES IN SENATE BUILDINGS

Mr. MCCONNELL (for himself and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 369

Resolved,

SECTION 1. COLLECTION OF CLOTHING, TOYS, FOOD, AND HOUSEWARES DURING THE HOLIDAY SEASON FOR CHARITABLE PURPOSES IN SENATE BUILDINGS.

(a) IN GENERAL.—Notwithstanding any other provision of the rules or regulations of the Senate—

(1) a Senator, officer, or employee of the Senate may collect from another Senator, officer, or employee of the Senate within Senate buildings nonmonetary donations of clothing, toys, food, and housewares for charitable purposes related to serving those in need or members of the Armed Services and their families during the holiday season, if such purposes do not otherwise violate any rule or regulation of the Senate or of Federal law; and

(2) a Senator, officer, or employee of the Senate may work with a nonprofit organization with respect to the delivery of donations described in paragraph (1).

(b) EXPIRATION.—The authority provided by this resolution shall expire at the end of the 1st session of the 111th Congress.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2860. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table.

SA 2861. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2862. Mr. KOHL (for himself, Mr. GRASSLEY, Mr. FEINGOLD, Ms. KLOBUCHAR, Mr. FRANKEN, Mr. NELSON of Florida, and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2863. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 2864. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself,