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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, the giver of blessings, thank You for Your many gifts. We praise You for the gift of strength for the present duties we must do and for the doors of opportunity You continue to open. We are grateful for the gift of courage to face the future unafraid and to trust You to direct our steps. Lord, we are thankful also for our lawmakers who strive to build a better Nation and world. Bless and keep them. Keep them from being blind to their own faults and from a critical spirit that looks for faults in others. Help them to see and count Your blessings until their lives overflow with ceaseless praise.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 26, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

THE CHAPLAIN

Mr. REID. Mr. President, while the admiral, the Senate Chaplain, is on the floor, I wish to take a minute and acknowledge the prayers he offers here every morning. I have the good fortune to be here almost every day, and the thought and preparation he puts into his prayers is meaningful to most all the Senators; I don't know if there is an exception to that. Often, these prayers are directed, it seems, to me; I guess that is what prayers are all about.

I appreciate very much his leadership and the hard work he does not only with individual Senators but with our staffs. He has been a comfort to so many different individuals who work in this huge Capitol complex with their personal tragedies and difficulties. Most of those don't take place as the prayer does in the Capitol before millions of people. They are very private matters. We recognize that, and word comes back to me and others about all the good he does.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business for an hour, and Senators will be allowed to speak for up to 10 minutes each during that period of time. The Republicans will control the first 30 minutes. The last half hour will be controlled by the Democrats.

Following morning business, the Senate will resume consideration of the national service legislation.

Cloture was filed last night on the underlying bill. As a result, there is a 1 p.m. filing deadline today for first-degree amendments.

Today will be a very confusing day on the floor. We have the Budget Committee meeting. There will be a series of votes starting at noon and then at 3:30 this afternoon. Those could take a considerable period of time. In addition, there is a White House meeting that I believe is a bipartisan meeting; is that right? Is the Senator going to the White House today?

Mr. MCCONNELL. I am not sure I am going to be able to go.

Mr. REID. But it is a bipartisan meeting.

Mr. MCCONNELL. Yes.

Mr. REID. The President will brief the bipartisan group of Senators on what is going on in Afghanistan. It is a report that has been completed. I mention that because that takes place at 1 p.m. today. There will be a lot of difficulty in scheduling votes here today.

In addition, there is a 4 p.m. Senators-only briefing with Ambassador Richard Holbrooke to talk about Afghanistan and Pakistan. We are going to try our best to finish this bill, so everyone be patient. I have had extended conversations with Senator HATCH. It is very doubtful whether we will have to try to invoke cloture on this. I think people have had opportunities to offer amendments.

If there are other amendments to be offered today, I hope Senators will do it quickly so we can schedule the debate and votes on those. We have had a good week on this important, truly bipartisan piece of legislation, with heavy bipartisan support.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

PUBLIC FINANCING OF CAMPAIGNS

Mr. MCCONNELL. Mr. President, at the moment, I think it is safe to say that the most important issue for the American people is the state of the economy and the massive amount of taxing, spending, and borrowing that some in Washington are proposing as an antidote to the downturn.

Yet now comes news of another proposal out of Washington that is sure to make most Americans join together in unison and exclaim, ''Only in Washington.''

Earlier this week, the Washington Post reported on the return of a uniquely bad idea. I am referring to bailouts for politicians or what some people politely refer to as public financing of campaigns.

In recent years, this horrible idea has been championed by some who later abandoned this very system during their own campaigns. Well, it is hard to defend a system that is rejected even by its strongest advocates. It is harder still to justify handouts for politicians at a time of soaring deficits, a shrinking economy, and massive job losses.

At a time when most Americans are outraged that tax dollars have been used to pay million-dollar bonuses to executives at failed financial firms, it's hard to convince anyone that taxpayer dollars should cover the cost of balloons, bunting, and campaign barbecues.

But don't take it from me—every year, Americans register their opposition to the idea of taxpayer-funded campaigns in the largest nationwide poll ever devised. On April 15, Americans are asked on their tax forms whether they support taxpayer-funded elections. The question is clear and straightforward: Do we want our money to go to soldiers and schools or streamers and stump speeches? Well, more than 90 percent of us vote for the former—and the percentage only seems to get higher every year. In 1980, the percentage of Americans who agreed to divert their tax money from the Treasury to pay for political campaigns reached its high water mark at 28.7 percent. Since then, it's plummeted. In 2007, the last year for which figures are readily available, 8.3 percent of taxpayers thought taxpayer funded elections were a good idea.

America faces many challenges at the moment, and the American taxpayer is justifiably worried about the prospect of what too much spending, too much taxing, and too much borrowing will mean for the future of our country and for our children. Congress should heed the advice of nearly all Americans: Don't use our tax dollars to pay for your political campaigns. Taxpayer-funded campaigns are a bad idea at any time, according to 90 percent of Americans. They are a really bad idea in the middle of a recession.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for up to 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from Tennessee is recognized.

THE BUDGET

Mr. ALEXANDER. Mr. President, I understand the Senator from North Dakota, the chairman of the Budget Committee, may come to the floor. If he does and wants to speak, I will defer to him.

In the meantime, I will address the President's budget, which the Senate will begin to consider this morning at 10 o'clock. Those of us who have spent a lot of time around schools, children, and education know there is a very good way to get a picture of the future and that is to walk into a first-grade class in Arkansas, Tennessee or anywhere else in America and take a photograph of the first graders. If you do that, you have a picture of that town, that neighborhood, that community, and our country 10, 15, 20 years out.

The President's budget plan for the next 10 years gives us that kind of photograph of the future of our country. I commend the President for his candor, but I don't like the picture I see. I think, increasingly, our friends around the world and people in this country feel the same way. The Budget Committee chairman, Senator CONRAD, has developed a different budget—somewhat different. He says it is about 98 percent similar to the President's budget. What the chairman, Senator CONRAD, does is say let's look 5 years out, not 10 years, as the President has suggested. Senator CONRAD has moved a few ''children'' out of the picture—the alternative minimum tax ''child'' is over here during the class photograph, so we will not be seeing that person. I think the ''doc fix'' to avoid cuts in physician payments, which we are going to spend money on, is over here, so we will not see that ''child'' during the class picture. The money for the banks—I think we all hope Secretary Geithner's plan to begin to get toxic assets out of the banks will work. If it doesn't, we may have to go to plan B, and we should have the money in reserve if that is necessary. That ''child'' is also out of the class photograph.

With all respect, the attempt of the chairman of the committee to present a 5-year budget, leaving out items that we know we will be spending money on, doesn't come nearly as close to giving us an accurate picture of what the country would be like 10 years from now with the budget we are acting upon.

The President's photograph of the future is a more accurate picture, one we should pay attention to. But it is a blueprint for America that is a very different kind of America—an America with less freedom, with more Government, with more taxes, with more spending, with more borrowing, and an America that our children and our grandchildren will have difficulty affording. This blueprint that President Obama has laid out for us includes a trillion dollars more in spending for health care on top of the trillion dollars in so-called stimulus money that was spent. It includes more than a trillion dollars in taxes, including a national sales tax on energy in the middle of a recession. It would double the debt in 5 years and nearly triple the national debt in 10 years.

There is nothing in the President's budget that would seriously get to work on something he said he wants to work on, which is out-of-control entitlement spending, which accounts for more than 60 percent of the spending in this budget.

It is important for the American people to know this budget that we begin working on at 10 a.m. this morning is a budget of which 60 percent is out of Congress' hands. It is on automatic pilot. It is spending for Social Security, Medicare, Medicaid, and it is going up—everyone agrees—at an unsustainable rate, which means we cannot earn enough money to pay at that rate 10, 15, 20 years out; and there is nothing in the budget that would begin to take charge of that problem, such as the commission that Senator GREGG and Senator CONRAD have proposed; whereby, we would, as a Congress, come up with a plan and present the plan for controlling entitlement spending, and we would vote it up or down—much in the same way that we deal with the difficult problem of closing defense bases.

This 10-year picture of America's future is causing concern around the world. In China, where the savings rate is as high as 50 percent, compared to ours of about 1 percent—although it is up temporarily in the recession to about 5 percent. In China, a country that buys many of our dollars, leaders there express extraordinary concern about the value of the dollar and whether they should continue to buy our dollars.

Of course, if people overseas do not find buying our dollar as attractive,

the price of our dollar goes down and the cash we are paid when we work is worth less and we can buy less and our standard of living will be less.

We are a very lucky country. Here we are in the middle of this recession where people are hurting, where people are having difficulty finding jobs, and still in this year, we will be producing nearly a quarter of all the money in the world to be distributed among just 5 percent of the people in the world. One way we keep that high standard of living compared with the rest of the world is to make sure the dollars we produce and earn and spend are valuable dollars. If we spend too much and tax too much and borrow too much, they become worth less and China and other countries will not buy those dollars.

Not only is it causing concern in China, we have our European friends expressing concern about the U.S. financial condition. This is a turn of affairs. I have heard a lot of comment on this floor and over in the House of Representatives about: Oh, my goodness, we don't want to be like France, we don't want to be like some European country. We are already worse than that in some ways. In order to be admitted to the European Union, a country's annual deficit has to be less than 3 percent of its gross domestic product. We are already exceeding that. The President's 10-year budget plan would have us settle in, after the recession is over, at about 4 percent. So we would be permanently disqualified from joining the European Union, according to the plan that is laid out before us.

The plan also shows that every year of the 10 years of this budget, our total gross debt, which is all of the public debt we have—that is, debt that we individuals have when we loan money to our own Government or that we owe to the Chinese when they buy our dollars, or other countries around the world—that debt every year exceeds 90 percent of our gross domestic product, 90 percent of everything we work and earn and produce every year in this country that produces 25 percent of the world's income. We would be at that level for each of the 10 years. That is an alarming number. That is the highest amount of debt compared to our gross domestic product that we have had since the end of World War II. And, of course, during World War II we were just paying no attention to what we spent, what we borrowed, what we taxed because we had to win the war. Still we find ourselves today with that level of debt.

Polls show this not only is causing concern around the world, it is causing concern at home. I normally do not think it is wise for elected officials to rely on public opinion polls when they vote. We are sent here, of course, to respect the views of the people who elected us but also to make some independent judgments.

The Peter G. Peterson Foundation—which is headed by with David Walker, the former Comptroller General of the United States—has done some very important work over the last few years to try to bring to the American people the seriousness of the problem of our debt. Earlier this month, the Peter G. Peterson Foundation released a public opinion survey that was done jointly by Democratic and Republican pollsters. It showed the following: that voters rank the need to address our budget challenges as a top priority for the Obama administration second only to the need to get the economy back on track and get Americans back to work; that Americans see the threat to our future posed by our growing deficit and debt as more grave and more significant than global warming, more grave and more significant than declines in education, more grave and more significant than manufacturing, and more grave and more significant than the prospect of a rogue nation developing a nuclear weapon.

In other words, the American people, like people in the rest of the world, look at our fiscal condition, look at this budget discussion we are beginning at 10 a.m. today—in just a few minutes—and they are concerned about this issue. We are the world leaders. Our dollar is the world's currency by choice. People who buy and people who follow our leadership are concerned.

Another way to think about the importance of the debt is this way: In the 10th year of the President's budget, we will be spending $800 billion on interest alone. Our credit card will have that big a monthly payment just for interest. That means we will be spending more on interest in the 10th year than we will on national defense, which is $700 billion. We will be spending eight times as much on interest as we will be spending on education, eight times as much on interest as we will be spending on transportation. Every dollar we spend on interest is a dollar we will not be spending on investments to protect our nation's competitive edge in the future, it is a dollar we will not have in our pocket to spend for our families, it is a dollar the small businessperson will not have in his or her pocket to create a job, and it is a dollar that makes us a little less wealthy.

No one is suggesting that President Obama single-handedly caused these large deficits this year or that he is responsible for the economic mess in which we find ourselves. Our friends on the other side, the Democrats, always like to begin their speeches by blaming whatever they can on President Bush. But I think the American people are ready for a talk about where do we go from here.

President Bush did not cause Hurricane Katrina, but he got in some trouble for how he dealt with the cleanup after Hurricane Katrina. In the same way, President Obama had nothing to do with the economic mess in which we find ourselves today, but he will be judged and his administration will be correctly judged based upon how well they lead us in responding to the economic mess in which we find ourselves today. We would suggest that spending this much, taxing this much, and borrowing this much will not help get us out of our economic mess.

The right way to deal with this is not to increase our debt levels to levels that have not been seen since World War II. The right way to deal with it is not to spend another trillion dollars on health care at a time when we are already spending 17 percent of the gross domestic product, which is that much more than every other industrialized country in the world is spending. The right way to do it is not to put a national energy tax on the American people in the middle of a recession.

There is a better way, and I will be offering an amendment in a few minutes in the Budget Committee to show how we can deal with climate change and clean air without new taxes.

We can do it by starting with conservation, with construction of 100 new nuclear powerplants. That is 70 percent of our carbon-free energy today. We can do it by electrifying half our cars and trucks and plugging them into nuclear plants and to coal plants at night when they have plenty of extra electricity. We do not have to build one new powerplant in the next 20 years for the purpose of charging plug-in electric cars unless we wish to. We need to have aggressive research to make solar power cost competitive, to find a way to capture the carbon produced by coal plants, to have the safe processing of nuclear waste. We need to be very aggressive on conservation and efficiency, which is the easiest way for us to deal with clean energy.

We need to develop our oil and gas offshore. We can do it 10 miles offshore so we cannot see it, but we need to do it because the natural gas is important for home heating and, to some extent, for electricity. We are going to be using oil even if we do electrify half our cars and trucks, and we should be using our own oil instead of sending billions of dollars overseas and making us hostage to countries that are not always friendly to us.

This is an important day in the Senate. This is a day when we begin to talk about the budget. We Republicans appreciate the fact that the President has given us a photograph of the future, in the same way we would take a photograph of first graders, and imagine what the country would look like in 10 years. We admire and appreciate his honesty in doing that, but we do not like the picture we see—too much spending, too much debt, too much borrowing, levels that concern the world and levels that concern the American people. It is not necessary to do that. It is not a wise way to create jobs in this country and to begin to get us out of this economic mess—but it will give us in that picture of our future a very different kind of country with more Government, more debt, less freedom, and a country that our children and

grandchildren will have a difficult time affording.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll

The bill clerk proceeded to call the roll.

Mr. JOHANNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JOHANNS. Mr. President, I rise today to discuss the coming debate on the budget resolution. I am very concerned about the use of the budget process to pass very complex climate legislation.

When you think about it, cap-and-trade bills are enormous bills. They are complex, they require discussion, thought, debate, and a very careful weighing of the costs and the economic impacts of the legislation. Such a thoughtful, careful approach is simply not possible if we were to choose to move ahead with a cap-and-trade bill through a budget reconciliation process.

I am not alone in believing this. At least 32 of my colleagues agree with me, and I suspect there are more. But these 32 colleagues cosigned a letter which I circulated together with a man I admire and respect a great deal—the senior Senator from West Virginia—to the Budget Committee. The letter plainly stated that we oppose the use of the budget reconciliation process to consider complex cap-and-trade legislation. Thereafter, the junior Senator from North Dakota, another man I admire and respect, also from the other side of the aisle, sent a letter to the Senate Budget Committee expressing similar concerns.

Some of the cosigners support cap and trade. Yet they also oppose using budget reconciliation to enact it, to make it the law of the land. A group of Democrats in the House recently expressed identical concerns.

Despite this very bipartisan, bicameral expression of clear disapproval, there are some who continue to push the use of the budget reconciliation process for cap and trade. Press reports indicate that the leadership in the Senate and in the House continue to discuss passing cap and trade through the budget reconciliation process. Just this last weekend, administration officials indicated ''all options remained on the table.''

Even more troubling to me, yesterday we learned that the House included reconciliation instructions for the Energy and Commerce Committee, directing it to reduce the deficit by $1 billion by 2014. But don't be deceived by the stated goal of reducing the deficit. The House language, in my opinion, is a Trojan horse.

The fact is, this language opens the door to cap-and-trade legislation at some point in the budget process. It could be set up to bring in $900 billion in fees and spend only $899 billion, for example. Authors could claim to have reduced the deficit by $1 billion, but in reality every American family will have to pay thousands of dollars per year in increased energy costs. The use of such language would clearly serve one purpose: to slip through a piece of legislation that could literally change the economic landscape of this country under the cloak of the budget process.

To be very clear, my comments today are not meant to address the general merits of climate change. I am simply saying no to shortchanging the legislative process and supporting instead a very careful, deliberate, and meaningful review of the legislation. It is troubling that leadership would even consider trying to put it in under the mask of another bill.

When the Senate considered climate legislation last year, the bill set caps on U.S. greenhouse gas emissions through the year 2050. That is 40 years. The cost of such a cap is estimated to be $900 billion, according to the nonpartisan Congressional Budget Office. It would reportedly require 400 additional staff at the Environmental Protection Agency just to set up the program and write the rules. What does that mean? It means requiring almost $1 trillion in permits for the first 10 years, and according to the President's budget director, of course, this will cost consumers.

In Senate testimony last year, the CBO Director at the time noted:

> Firms would not ultimately bear most of the cost of the allowances, but instead would pass them along to customers in the form of higher prices.

Under the President's proposal, an average American family would pay $3,000 a year in increased energy bills. In this day and age, that is a very heavy burden. It simply is not right to contemplate imposing a tax of $3,000 per family in legislation that is passed under the cloak of another bill.

To summarize, Mr. President, cap and trade is complex. It is as difficult a piece of legislation as we will face this year. It will set limits on economic growth for the next 40 years, it will require a small army of additional Federal employees, and it will require every American family to pay a price. So I urge my colleagues to support a thoughtful, deliberate, transparent effort to address this country's energy challenges. I urge them to oppose the use of the budget to pass cap and trade in any form or fashion.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of the two letters I referenced earlier in my remarks.

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

U.S. SENATE,
Washington, DC, March 12, 2009.

Hon. KENT CONRAD,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

Hon. JUDD GREGG,
Ranking Member, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR CHAIRMAN CONRAD AND RANKING MEMBER GREGG: We oppose using the budget reconciliation process to expedite passage of climate legislation.

Enactment of a cap-and-trade regime is likely to influence nearly every feature of the U.S. economy. Legislation so far-reaching should be fully vetted and given appropriate time for debate, something the budget reconciliation process does not allow. Using this procedure would circumvent normal Senate practice and would be inconsistent with the Administration's stated goals of bipartisanship, cooperation, and openness.

We commend you for holding the recent hearing, entitled ''Procedures for Consideration of the Budget Resolution/Reconciliation,'' which discussed important recommendations for the upcoming budget debate. Maintaining integrity in the budget process is critical to safeguarding the fiscal health of the United States in these challenging times.

Sincerely,

Mike Johanns; Robert C. Byrd; David Vitter; Blanche L. Lincoln; George V. Voinovich; Carl Levin; Johnny Isakson; Evan Bayh; Christopher S. Bond; Mary Landrieu; James E. Risch; E. Benjamin Nelson; Lamar Alexander; Robert P. Casey, Jr.; Michael B. Enzi; John McCain; Tom Coburn; Jim Bunning; John Barrasso; John Ensign; Bob Corker; James M. Inhofe; Chuck Grassley; Roger F. Wicker; Mike Crapo; Susan M. Collins; Thad Cochran; Kay Bailey Hutchison; Mark L. Pryor; Lisa Murkowski; Pat Roberts; Saxby Chambliss; Sam Brownback.

U.S. SENATE,
Washington, DC, March 13, 2009.

Hon. KENT CONRAD,
Chairman, Senate Budget Committee, Washington, DC.

Hon. JUDD GREGG,
Ranking Member, Senate Budget Committee, Washington, DC.

DEAR CHAIRMAN CONRAD AND RANKING MEMBER GREGG: Global climate change is a serious problem that demands the full attention of the Congress and the President. However, I believe that the budget reconciliation process is not an appropriate mechanism to expedite passage of climate change legislation. It unnecessarily short circuits Congress's ability to more fully debate this complex and multifaceted public policy issue.

I fully expect that the U.S. will enact mandatory legislation that will reduce greenhouse gas emissions in the near future, and we must do so in a way that balances our energy security, economic development and environmental integrity goals. The far reaching implications of this legislation affect all sectors of the economy and require appropriate time for debate in a number of key standing committees.

I look forward to working with you to review and respond to the Administration's budget request in a way that will allow us to enact innovative policy measures for the future of our nation.

Sincerely,

BYRON L. DORGAN,
U.S. Senator.

Mr. JOHANNS. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE BUDGET

Mr. CASEY. Mr. President, I rise today to speak about the budget that is before the Congress, before the Senate, and before the American people. Like many others in this Chamber, as well as people from across the country, we look forward to working with President Obama to get this budget passed.

When we consider what a budget is, I believe it is a lot of things, of course, but it is not just a series of proposals and policies and numbers and charts and data. I believe a budget is really a reflection of our values. It is a mirror into which we look—at least here in the Federal budget—once a year to make an assessment or a reassessment of our values and our priorities. I think President Obama understands that. His budget reflects that understanding; that a budget is a set of values and priorities, and in the end it is also about people. It is not just about data and programs, but a budget is about people.

I was thinking this morning about some people with whom I have had contact through correspondence—people who write to our office and talk about their lives—such as Trisha Urban, who wrote to our office not too long ago. She is from Berks County, the county that has the city of Redding in it, on the eastern side of our State.

Trisha has a story about her life, her family, and about health care. Imagine this happening, Mr. President, in the life of one family—in this case Trisha Urban's family. Trisha was pregnant and awaiting the birth of a child, and at the same time her husband dies, literally within the same timeframe. She wrote to me and said:

> We were anxiously awaiting the birth of our first child. A half hour later, two ambulances were in my driveway. As the paramedics were assessing the health of my baby and me, the paramedic from the other ambulance told me that my husband could not be revived.

This happened all in 1 day, all in 1 hour, literally.

She goes on to say in her letter:

> My husband's death may have been prevented. Like many other Americans, we have difficulty with our health insurance. My husband had to leave his job for 1 year to complete an internship requirement to complete his doctorate in psychology. The internship was unpaid; we could not afford COBRA.

COBRA is the extension of health insurance. Continuing to quote her letter:

> Because of preexisting conditions, neither my husband's health issues nor my pregnancy would be covered under private insurance.

And she goes on from there to talk about her own predicament. Mr. President, I ask unanimous consent to have printed in the RECORD the full text of this letter that I received from Trisha Urban.

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

> DEAR MR. CASEY, Exactly one week and 7 hours ago, I was frantically trying to revive my husband who was doing some last minute errands before taking me to the hospital. My water had broke the night before, we were anxiously awaiting the birth of our first child. A half-hour later, 2 ambulances were in my driveway. As the paramedics were assessing the health of my baby and me, the paramedic from the other ambulance told me that my husband could not be revived.
>
> My husband's death may have been prevented. Like many Americans, we have difficulty with our health insurance. My husband had to leave his job for one year to complete an internship requirement to complete his doctorate in psychology. The internship was unpaid; we could not afford cobra. Because of pre-existing conditions, neither my husband's health issues nor my pregnancy would be covered under private insurance. I worked 4 part-time jobs and was not eligible for any health benefits. We ended up with a second rate health insurance plan through my husband's university. When medical bills started to add up, the insurance company decided to drop our coverage stating the internship did not qualify us for the benefits. We were left with close to $100,000 worth of medical bills. Concerned with the upcoming financial responsibility of the birth of our daughter and the burden of current medical expenses, my husband missed his last doctor's appointment less than one month ago. I am a working class American and do not have the money or the insight to legally fight the health insurance company. We had no life insurance. I will probably lose my home, my car and everything we worked so hard to accumulate in our life will be gone in an instant.
>
> If my story is heard, if legislation can be changed to help other uninsured Americans in a similar situation, I am willing to pay the price of losing everything. I am asking you to share my story with others in congress and I am willing to speak on behalf of my husband so that his death will not be in vain.—Trisha Urban

Mr. CASEY. Mr. President, here is how Trisha Urban concluded her letter. She said:

> If my story is heard, if legislation could be changed to help other uninsured Americans in a similar situation, I am willing to pay the price of losing everything. I am asking you to share my story with others in Congress and I am willing to speak on behalf of my husband so that his death will not be in vain.

In this one single letter from a woman in Pennsylvania, a mother and now a widow, is contained all the challenges that we face in this budget, specifically with regard to health care. But I think it speaks to so many other challenges we face as well. So every budget we do, and especially at this time of economic crisis, is about people, and we all have to remember that.

I think President Obama understands this budget is about people—it is about people who are leading lives of struggle and sacrifice and setback. But at the same time he understands the American people, even at this difficult time in our Nation's history, understand we will overcome this. We will pass a budget, and we will get to work on these important priorities—priorities such as health care, the priority of education, and also of making progress on a whole range of energy issues.

As we are passing this budget, we should remind the American people that even as we work on health care, energy, and education, this budget contains plenty of middle-class tax relief, and it is important to talk about that.

Now, I don't want to look in the rearview mirror and talk about the past too much, but I think it is important to provide a brief assessment of where we are. We can't make progress ahead of us if we don't know where we are and where we have been. Here is where we have been the last couple of years.

The prior administration inherited a $236 billion surplus. When the prior administration ended, it was the exact opposite—record deficits at that time. The Congressional Budget Office projected the surplus—this is back in the early part of this decade—the projection was the surplus would grow at $710 billion—a surplus of $710 billion—by 2009. We know that is not the case today.

President Obama and the American people have inherited a deficit of almost $1.3 trillion. If you look at it in terms of gross debt, it is like looking at the side of a mountain. We went from $5.8 trillion up to over $12 trillion in debt. That is what we face. And I think it is important to understand that is where we start.

But President Obama didn't spend a lot of time talking about the problem he inherited, he focused on solutions. So he put before the Congress an open, honest, and accountable budget. This is a budget that will come about because of his work and his leadership as President but also the work that Chairman KENT CONRAD and others in Congress do. I want to commend Chairman CONRAD for the work he has done on this budget. He has a great array of charts we are going to be using in the next couple of days to highlight some of these issues.

But this is an honest budget. It is not perfect, but it is honest, and it focuses on those priorities I mentioned before—health care, energy, education, deficit reduction, and tax relief.

Let me take a couple of moments to talk about health care. The story I told before, encompassing the letter from Trisha Urban, is an unusual story, a graphic and difficult story to tell about tragic events in the life of one family. But the problems that families are having with health care are not all that unusual. For the first time in a decade, we have a budget that tackles one of the biggest problems in the country—the health care crisis. We can't put it off to 2010, 2011, or 2012. We have to deal with this now, this year, with a new President and a new Congress committed to doing that.

Across Pennsylvania this issue comes up all the time when I talk to people in our State. If you look at it in terms of the Nation, there are nearly seven times the number of Americans without health insurance today as there were in 2000. Families USA is an organization that analyzes health care in the country, and then they focus specifically on a particular State. The most recent report of Families USA finds that nearly 3 million Pennsylvanians under the age of 65 were uninsured for some period of time in 2007 and 2008. The overall number of Pennsylvanians without health insurance is growing faster than the nationwide average.

So we have a major challenge on our hands with regard to health care, and the President has been very focused on making sure health care is a major component of this budget. We are going to be talking about the specifics of that in the days ahead.

The President also made a strong commitment to energy independence. We all know it is important. We know it is an urgent priority, and we have talked a lot about it—year after year of talking and not acting, year after year of explaining the problem instead of putting the solutions into law, into the budget, into the programs we know can work.

Energy independence is not just a nice thing to do, it is not just another way to go about heating our homes and powering our economy. Energy independence is essential for our national security. The more we ignore it, the less safe we are. The more we ignore energy independence, the more the terrorists have an increasing advantage over us. We have to deal with this this year as well. We are dependent for oil on some of the most politically unstable areas of the world. We know that, but we can't just acknowledge that, we have to act on it.

This budget addresses the need for investments in clean energy that will help us combat global warming and create the new green jobs of the future—not just any jobs, the green jobs that will pay wages on which you can sustain a family.

This budget, with regard to energy, builds on the investment we made through the recovery and reinvestment bill we passed not too long ago, for renewable energy, energy efficiency and conservation, electric grid modernization, and low-carbon coal technology, which is so important for our transition to this new energy economy.

I wish to conclude today by addressing the issue of education. We know that the challenge we have with regard to education is a lifetime of challenges, and we have to think about education as a continuum, a continuing series of challenges we have to face as Americans.

We cannot say we want a growing economy or higher GNP growth or a skilled workforce to compete in the world economy—we cannot really say that with any degree of truth or integrity unless we are willing to make investment in children in the dawn of their lives. As Hubert Humphrey said a long time ago—he talked about how the test of government is how we treat those in the dawn of life, the shadows of life, and those in the twilight of life. When he spoke of the dawn of life, of course he was speaking of our children.

The United States of America today has no prekindergarten education policy beyond the important program of Head Start. But we have to not just make the funding commitment to Head Start, which has been so important to our economy and to our children and our families, we have to do more than Head Start. We need a full commitment to prekindergarten education—early learning. President Obama understands that. He campaigned on it. He promised the American people he was going to work on it, and he put it in his budget. It is so critically important to make this a priority in our budget. But he knows that making sure a child has access to early education and health care and the promise of a bright future will not reach fulfillment unless we invest in higher education as well. Access to higher education and the opportunities it affords is one of the fundamentals of what makes this country strong. I really believe his commitment on higher education is a seminal part of his budget.

But I really believe also that when President Obama talks about education, he is not just talking about it in some abstract form. When he focuses on the needs of our children, it is not an abstraction—not only because he is a husband and a father but because President Obama believes, as I believe, that every child in America, no matter where they live, no matter who they are, no matter who their parents are, every child in America is born with a bright, scintillating light inside them. It is up to us, those of us who are elected officials, who are given power to help people, who are given power to get things right in this country as best we can, it is up to us to make sure that whatever that light is inside a child, it burns ever brighter, that that child's full potential—if it is unlimited or if it is much more limited—whatever that potential is, whatever the brightness of that light is, we have an obligation here to make sure that potential, that light burns brightly. I really believe what President Obama has tried to do on education speaks directly to that obligation we have as Members of the Senate or Members of Congress.

We have a lot more to talk about in the days ahead. We have a lot more challenges to face as we face the challenge not only of passing a budget but of making sure these programs work for people. But in the end, this is about people. It is about Trisha Urban and families who face the impossible challenge of having health care for their family. It is also about a lot of families in Pennsylvania and across the country who lost their homes, may have lost their jobs, and have lost their hopes and their dreams.

I believe with all my heart that this budget is one of the ways we speak to their concerns, one of the ways we do our best to speak to the worries they have about their own future, one of the ways we give integrity to the promise we have when we say we are working here to make sure the families of America can reach their potential: that children's lives will be better than their parents' lives. There are many people worried about that basic feature of American life.

This budget is not perfect. We will continue to work on it. I and others will have amendments, but President Obama has put us on a path to make the investments in health care, education, and energy; to cut the deficit in half; to provide tax relief; and also by making those investments to put us on a path not just to getting our economy out of the ditch and back on the road but making sure we are making the investments to grow our economy in the future—to create jobs, to create opportunity, and to create a future for our families and especially for our children.

We have a long way to go, but I really believe President Obama—working with leaders such as Chairman CONRAD here in the Senate and others in the House as well to make sure we are on that path to fiscal responsibility—is on the path to investing in priorities such as health care, education, and energy. If we work together, we can reestablish the kind of economy we used to have and reestablish and reenergize the priorities the American people elected us to work on. I know we can do that together, but it is not going to be easy. We look forward to the challenge. We look forward to working with President Obama.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call roll.

Mr. ENZI. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. GILLIBRAND). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL SERVICE REAUTHORIZATION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 1388, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1388) to reauthorize and reform the national service laws.

Pending:

Mikulski amendment No. 687, in the nature of a substitute.

Thune amendment No. 716 (to amendment No. 687), to express the sense of the Senate regarding the Federal income tax deduction for charitable giving.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Madam President, I rise in support of the Serve America Act. I haven't been here for the debate. Wyoming has been under snow, particularly the part of Wyoming I happened to be in. I thank the people who made it possible for me to get back as soon as I have. It has kept me from this very important legislation. I am grateful for the leadership of Senator HATCH in the management of this bill and keeping the process moving. He has played a tremendous role in the drafting of this bill, and it is appropriate that he manage the bill and continue to do so.

I also thank Senator MIKULSKI for defending the bipartisan process. I know it has not been easy. I am sorry I missed my friend Senator KENNEDY's appearance on Tuesday evening. I look forward to his quick return to the day-to-day business of the Senate.

Let me turn to the issue of the national service reauthorization before us. My mother always told me service to others is the rent we pay for the space we take up. This bill will help millions of Americans fulfill that rent payment. After 16 years, we finally have the opportunity to take a hard look at the law surrounding national service and making necessary changes to improve accountability, reduce bureaucracy, and ensure we get the maximum return on the investment we are making.

Although the process we took to reach this point was rushed, it was bipartisan throughout. It is not a perfect agreement, but it includes key Republican concepts such as eliminating waste, and it addresses serious concerns about the management and operations of the AmeriCorps program. Senators HATCH and MCCAIN have been stalwarts in keeping us focused on the importance of national service. Each of them has given back to their communities and country through their individual sacrifices and commitment to service. Without their leadership, we would not be here today.

I also congratulate Senator MIKULSKI on the work she has done to ensure this bipartisan process and her willingness to focus on the 80 percent we can agree on to get this bill done. We do need to get it done.

Finally, I cannot proceed without acknowledging our friend and colleague, Senator KENNEDY, and his lifelong commitment to the issue of national service. He is dedicated to making sure everyone who is called to national service has the opportunity to serve in programs that address the needs of their communities. We look forward to his speedy recovery and return to the Senate.

A comprehensive reauthorization of our national service programs is long overdue. Congress has not given these programs a hard look for 16 years. Working across the aisle and with our colleagues in the House, we have been able to identify areas where we can enact reforms, eliminate waste, and expand our national service efforts responsibly. This bill strengthens the management, oversight, and fiscal accountability of these Federal programs while it expands accessibility and streamlines bureaucracy, which is particularly critical for smaller and rural programs.

As the Senate's only accountant, I am particularly concerned about how these programs have struggled to get their financial house in order. I am pleased that the bill before us strengthens the role of the chief financial officer and the inspector general at the Corporation for National and Community Service and moves to fixed price grants that will streamline these programs. This bill now requires the Corporation's board of directors to review the national service budget submission before it goes to OMB.

Additionally, when the inspector general recovers misspent national service funds, the bill requires that those funds go back into the national service trust. With these changes, I believe we are creating tools that will allow the corporation to better safeguard taxpayer dollars.

I hear from Wyoming constituents about the need to make these programs more responsive to the challenges facing small grantees and rural communities. In this bill, we have taken steps to reduce Federal bureaucracy and improve access for small grantees. By giving the corporation the flexibility to use fixed price grants, we are reducing the significant paperwork and administrative burdens that have plagued these programs in the past. We will really see the impact of streamlining access to these programs as the corporation reaches out to more effectively help Native American communities and tribal governments.

In the past, a significant portion of the 1 percent set-aside for programs serving Native American communities has not been used. Too often, these are communities that experience the most extreme needs for education, health, and workforce services. I am encouraged that the corporation has recently brought on board a strategic adviser for Native American affairs. They are bringing to the table the kind of focused expertise that can help improve the ability of tribes to access the programs in the National and Community Service Act and the Domestic Volunteer Service Act.

These opportunities are critically important. One of the ways youth in Wyoming engage in service is through the Congressional Award Council which connects them to service opportunities and sponsors an award ceremony. In Cheyenne, young people are conducting CPR and first aid classes, improving disaster preparedness training in the community. That is all on a completely volunteer basis. They get a little medal for doing a lot of hours of service. Each year the council sponsors an award ceremony where members of the congressional delegation award certificates and bronze and silver medals. Gold medal recipients have a special opportunity to travel to Washington, DC, in June to receive their medals.

I am also pleased this bill creates a veterans corps that provides veterans with an opportunity to use their skills and leadership abilities after they leave the military. Participating in this corps is a way for Americans to provide the essential support that military families need while their husbands, wives, sons, and daughters are deployed.

An opportunity corps has been included to address challenges in disadvantaged low-income communities, which is particularly fitting in this time of economic uncertainty. As part of this corps, we have emphasized the need many Americans have for financial literacy education and job placement assistance. I am very supportive of provisions in this bill that build connections to the needs of our workforce.

I thank Senator MIKULSKI for working with me to find a third way to resolve the issue of how best to introduce competition into the senior corps program. In Wyoming, over 1,000 people a year participate as senior companions, foster grandparents, or community volunteers. They perform services such as conducting safety patrols and participating in environmental cleanup projects. The original proposal around competition would have seriously disrupted the important services provided by these programs. In this bill, we have arrived at a workable solution that will improve the good work being done in these programs through technical assistance and responsible competition.

I also thank Dr. COBURN for his thoughtful contribution to the establishment of metrics to be used in evaluating the performance of our national service programs. We reached quick agreement around his proposal between committee markup and today, and we will be able to incorporate his suggestions into this bill.

I want to focus on that a little bit more because this is a committee that has been one of the most contentious and is now one of the most productive because of this working together, working through the process, and then working after the process. Dr. COBURN brought up these important changes that he thought the bill needed. We looked at them. They were good ideas. We were able to get the language right and get it incorporated into this bill so we will have a better idea of how each of these programs is working.

I understand the concern that we are going too far in expanding these programs. I agree it is not a perfect bill.

We took out a number of programs and put in some ideas that were important to Senator HATCH and to Senator KENNEDY. It has held the line and focused on what needs to be done.

By being at the table and working in a bipartisan way, we have been able to limit the number of new programs and control the proposed increases in discretionary spending. We have also added accountability and performance measures at every step of the way for each program.

I also would like to clarify further what this bill does. In exchange for an education award and small stipend, we are supporting Americans who have made a commitment to mobilize their neighbors to address the pressing needs of their communities. We are leveraging the efforts of a few to mobilize millions. I am pleased we have worked in a bipartisan way to negotiate a bill we can support in the Senate. It should receive strong support in the House. The 80 percent we have agreed upon is good policy. It reinforces both Democratic and Republican principles, and it will benefit disadvantaged communities across the country.

I am confident the House will concur with the bill ultimately passed off of the Senate floor. This bill will then reach the President's desk quickly. I do hope we can get finished in an expedited manner. I am pleased with the cooperation and the work that people who were not even on the committee have done. That will make a difference in getting this very important bill to the finish line.

As I mentioned, it has been 16 years since we took a hard look at these programs. The committee, particularly Senator HATCH and Senator MIKULSKI, worked through this bill, along with Senator KENNEDY and myself. We made some very strong improvements that will make this a very workable program and one that we will be proud to move forward.

I ask Members to restrain amendments and help us get this bill finished today.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Madam President, I believe we need to take a moment to recognize the support the Serve America Act has received from leaders and organizations throughout the country.

I actually have in my possession a copy of a letter to the Senate leadership signed by 21 Governors from around the country, including Gov. Haley Barbour from Mississippi, Gov. M. Jodi Rell from Connecticut, and Gov. Arnold Schwarzenegger from California. In the letter, these State leaders express their support for the Serve America Act and give solid testimony regarding the value of national service, particularly of the States' role in our national service programs.

Madam President, I ask unanimous consent to have the Governors' letter printed in the RECORD.

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

MARCH 23, 2009.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
Washington, DC.
Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.
Hon. JOHN BOEHNER,
Minority Leader, House of Representatives,
Washington, DC.

DEAR SENATOR REID, SENATOR MCCONNELL, SPEAKER PELOSI, AND REPRESENTATIVE BOEHNER: We write in support of reauthorizing and expanding AmeriCorps and other national service and volunteer programs that the Corporation for National and Community Service administers. Accordingly, we support the passage of the House Generations Invigorating Volunteerism and Education (GIVE) Act and the Senate Serve America Act. In this difficult time for our country, service remains an enduring American value that brings communities together and reminds us of the strength of our common bond.

As Governors, we witness firsthand the positive effects that national service and volunteerism have in communities throughout our states. Through outstanding state-federal partnerships, we have a unique opportunity to support service and volunteering through Corporation for National and Community Service programs. Additionally, Governor-appointed state commissions oversee and administer AmeriCorps, promote national service and volunteering, and develop innovative volunteer opportunities to meet the needs of our communities and our states.

As Governors, we recognize the value of national and community service as a tool in meeting important needs and addressing pressing challenges, and we request the following provisions in the final reauthorization legislation:

Increase administrative funding to enhance the capacity of state commissions' infrastructure. The proposed legislation will dramatically increase the programming commissions oversee, and additional administrative funding is critical in ensuring appropriate oversight and thoughtful program expansion.

Streamline the AmeriCorps funding allocation, and at the same time, allow Governors and state commissions to set priorities and indicators. Current legislation revises the program funding allocation model to ensure more effective distribution of funds and coordination at the local level. This revised model will assist our efforts to target national service resources to the most pressing needs of our communities,

Fully implement fixed amount grants to reduce the burden on programs. This provision will allow AmeriCorps to become more accessible to smaller organizations, especially small faith-based programs and those in rural parts of the country. Fixed amount grants will also focus resources on program development, delivery and quality, all while maintaining grantee accountability.

We strongly embrace the effort of both President Obama and a bi-partisan group of Congressional leaders to improve and expand national and community service opportunities. We support the effort to enhance the capacity of state service commissions and ensure that national service is mission-oriented, efficient, and effective. We therefore respectively request your support for the reauthorization and expansion of these vital national service programs.

Sincerely,

Governor Arnold Schwarzenegger, California; Governor David A. Paterson, New York; Governor Mike Beebe, Arkansas; Governor Bill Ritter, Colorado; Governor M. Jodi Rell, Connecticut; Governor Jack Markell, Delaware; Governor Pat Quinn, Illinois; Governor Chester J. Culver, Iowa; Governor Steven L. Beshear, Kentucky; Governor John E. Baldacci, Maine; Governor Martin O'Malley, Maryland.

Governor Deval Patrick, Massachusetts; Governor Jennifer M. Granholm, Michigan; Governor Jon Corzine, New Jersey; Governor Bill Richardson, New Mexico; Governor Ted Strickland, Ohio; Governor Donald Carcieri, Rhode Island; Governor Christine 0. Gregoire, Washington; Governor Joe Manchin III, West Virginia; Governor Jim Doyle, Wisconsin; Governor Haley Barbour, Mississippi.

Mr. HATCH. Madam President, I also have a copy of a letter sent by the ServiceNation coalition. It is signed by 441 nonprofit and charitable organizations—all of which support this legislation. They vary from faith-based groups such as Catholic Charities to local groups such as Volunteer Florida and the Volunteer Center of Kalamazoo. Local United Way and Boys & Girls Club chapters have also signed on, as have a number of colleges and universities. These are the kinds of groups we will be empowering with passage of this legislation. They have built-in connections to their communities and know the needs of the people they serve. The Serve America Act will help them put even more boots on the ground in order to provide much needed services to people all over the country.

Madam President, I ask unanimous consent to have the ServiceNation letter printed in the RECORD.

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

MARCH 9, 2009

Hon. HARRY REID,
Hart Senate Office Building,
Washington, DC.
Hon. MITCH MCCONNELL,
Russell Senate Office Building,
Washington, DC.

DEAR MAJORITY LEADER REID AND MINORITY LEADER MCCONNELL: Thank you for your leadership as our nation faces unprecedented economic challenges. We are convinced that as the current crisis deepens—intensifying needs in the nation's most economically vulnerable communities and forcing greater and greater numbers of Americans out of their jobs and homes—it is absolutely crucial that the nation invest in service, social innovation, and the non-profit sector. We strongly support the Serve America Act (S. 277) for precisely this reason.

The Serve America Act, introduced by Sen. Ted Kennedy (D–MA) and Sen. Orrin Hatch (R–UT), features a number of proposals for using service and social innovation to address pressing challenges in areas such as

education, public health, poverty, and energy efficiency. It also provides much-needed support for the non-profit sector at a time when the demand for the vital services it provides is rising sharply, even as shrinking revenues decrease capacity and threaten debilitating job losses.

The Act will strengthen the non-profit sector, empowering it to respond to rising needs in communities across the nation. The Serve America Act will:

Create four targeted problem-solving corps that will deploy Americans of all ages to increase access to job training and placement resources, help raise high school graduation and college-going rates, enhance energy efficiency and improve natural resources, and improve access to health care;

Establish Community Solutions Funds to invest in and scale the proven, innovative solutions that are having an impact in communities across our nation. The Fund will promote greater innovation in the social sector and evaluate performance based on results;

Found Youth Engagement Zones to involve in-school and out-of-school youth in high-quality service learning projects and recognize ''Campuses of Service,'' institutions of higher learning that engage students in service activities, integrate service and learning, and promote service careers;

Draw upon the unique insights and leadership skills of individuals who have completed military and civilian service through Innovation Fellowships. These fellowships will enable such individuals to establish non-profit organizations that respond to local and national needs. The Act will also call upon Baby Boomers to use their talents to address national challenges through Encore Fellowships;

Honor the long-standing tradition of community volunteering by creating a Volunteer Generation Fund to increase the number of Americans who are able to work with community and faith-based organizations to meet growing needs; and

Mobilize skilled Americans to serve in developing countries around the world to tackle urgent problems, such as HIV/AIDS and malaria through Volunteers for Prosperity.

Notably, the Act also emphasizes the importance of results, accountability and transparency, creates indicators of civic health, and requires that federal investments be matched with significant contributions from private, philanthropic, state, and local sources. In these ways, the Serve America Act ensures that the non-profit sector's response will be both effective and cost-efficient. Moreover, the Act promotes collaboration between the non-profit sector, local government actors, and the State Commissions, which have provided leadership with respect to service since their creation, thereby guaranteeing that programs are tailored to meet state and local needs.

Most importantly the Act will, as President Obama noted in his address before Congress, ''encourage a renewed spirit of national service for this and future generations.'' It will provide Americans of all ages and backgrounds—who are more eager than ever to help shape this nation's future—with opportunities to confront the challenges facing our country.

Thank you for your public service and your leadership in this time of crisis. We hope that you will enable greater numbers of Americans to serve with you to collectively strengthen our nation by supporting and fully funding the Serve America Act.

Sincerely,

Signed by 441 organizations.

Mr. HATCH. I also have a copy of a letter of support sent by the members of the Campus Compact, a group of 1,100 colleges and universities that promote efforts to create civically engaged campuses. The signees to the letter include the presidents from the great schools of my State, including Utah State University, Salt Lake Community College, Utah Valley University, College of Eastern Utah, Weber State University, Dixie State College, Snow College, Brigham Young University, and the University of Utah. I think the administrators of these schools recognize the value of engaging young people in community and volunteer service. I am proud to see so many schools from Utah on the list, and I am quite certain that when this legislation becomes law, many students from these schools will benefit from it and, in turn, help to benefit others in their communities.

Madam President, I ask unanimous consent to have the Campus Compact letter printed in the RECORD.

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

CAMPUS COMPACT,
Boston, MA, March 20, 2009.

DEAR MEMBERS OF CONGRESS, as Members of Campus Compact and leaders in higher education, we wish to express our support of the Serve America Act (S 277) introduced by Senator Edward Kennedy and Senator Orrin Hatch. We feel strongly that investment in community service, service-learning, social innovation and the non-profit sector is a winning strategy at this time.

Campus Compact is a 23 year-old coalition of over 1100 college and university presidents that promote the public purposes of higher education through the creation of civically engaged campuses. We have been involved in the evolution of the Serve America Act, serving as one of the original members of the organizing committee for ServiceNation.

We support the participation of Americans of all ages in innovative service programs that leverage federal funding wisely and bring much-needed relief to our country's most economically vulnerable communities. The Serve America Act strengthens existing national service programs as well as creating new initiatives. These programs include: four new volunteer corps, each focusing on a critical issue facing our nation; designation of up to 30 institutions of higher education as ''Campuses of Service,'' based on their records of student engagement in service and service-learning; and the creation of Youth Engagement Zones to support service-learning partnerships between higher education institutions and local education agencies.

As President Obama said in his speech before Congress on February 24th, the Serve America Act will ''encourage a renewed spirit of national service for this and future generations.'' We ask you to support the Serve America Act, and make it possible for millions of Americans to contribute to the rebuilding of our country in the spirit of service.

Sincerely,

National Campus Compact Board Members: John J. DeGioia, President, Georgetown University, Chair of National Campus Compact Board; Toni Murdock, President, Antioch University, Vice Chair of Campus Compact Board: Jane Karas, President, Flathead Valley Community College, Vice Chair of Campus Compact Board; Richard R. Rush, President, California State University Channel Islands, Vice Chair of Campus Compact Board; Louis Albert, President, Pima Community College—West Campus; Lawrence S. Bacow, President, Tufts University; Warrick L. Carter, President, Columbia College Chicago; James B. Dworkin, Chancellor, Purdue University—North Central; David Giunta, President and CEO, Natixis Global Associates; James T. Harris III, President, Widener University; JoAnn Haysbert, President, Langston University; Teresa Iannaconi, Partner, KPMG LLP; Alex Johnson, President, Community College of Allegheny County; John Keating, Chancellor Emeritus, University of Wisconsin—Parkside; Leo Lambert, President, Elon University; John Sirek, Citizenship Program Director, McCormick Foundation; James Votruba, President, Northern Kentucky University.

Campus Compact Members Stan A. Albrecht, President, Utah State University; Charles M. Ambrose, President, Pfeiffer University; Daniel Asquino, President, Mount Wachusett Community College; Carol Ballantyne, President, Garden City Community College; John Bassett, President, Clark University; Michael S. Bassis, President, Westminster College, Utah, Chair of Utah Campus Compact Board; Michael T. Benson, President, Southern Utah University; Carole M. Berotte Joseph, President, Massachusetts Bay Community College; Daniel Bingham, CEO, The University of Montana-Helena; Laura Bingham, President, Peace College; Cynthia A. Bioteau, President, Salt Lake Community College; Robert J. Birgeneau, Chancellor, University of California, Berkeley; Richard H. Brodhead, President, Duke University; Robert Bruininks, President, University of Minnesota; Jim W. Burnett, President, Western Piedmont Community College; Wayne M. Burton, President, North Shore Community College; Bob Caret, President, Towson University; Richard F. Celeste, President, Colorado College; Carol Christ, President, Smith College; Thomas B. Coburn, President, Naropa University; Joan Coley, President, McDaniel College; Robert Coombe, Chancellor, University of Denver; Robert A. Corrigan, President, San Francisco State University; Carol Cowin, President, Middlesex Community College; Steven Curtis, President, Community College of Philadelphia; George Dennison, President, The University of Montana, Chair of Montana Campus Compact Board; Ray Di Pasquale, President, Community College of Rhode Island, Chair of Rhode Island Campus Compact Board; Rick Dorman, President, Westminster College, Pennsylvania.

Lorna Edmundson, President, Wilson College; Tom Flynn, President, Alvernia University; Daniel Mark Fogel, President, University of Vermont; Geoff Gamble, President, Montana State University; Frank Gilmore, Chancellor, Montana Tech of the University of Montana; Alvin Goldfarb, President, Western Illinois University, Chair of Illinois Campus Compact Board; Mary K. Grant, President, Massachusetts College of Liberal Arts; Rolf Groseth, Chancellor, MSU-Northern; Karen Gross, President, Southern Vermont College; David Hartleb, President, Northern Essex Community College; Robert Hemenway, Chancellor, University of Kansas; Ralph J. Hexter, President, Hampshire College; Stefani Hicswa, President, Miles Community College; Garrett D. Hinshaw, President, Catawba Valley Community College; Elizabeth Hitch, Interim President, Utah Valley University; Jackie Jenkins-Scott, President, Wheelock College; Mike King, Interim President, College of Eastern Utah; Steve Knapp, President, The George Washington University; Karol LaCroix, President, Granite State College, Chair of Campus Compact for New Hampshire; Jay Lemons, President, Susquehanna University, Chair of Pennsylvania Campus Compact

Board; Jean MacCormack, Chancellor, University of Massachusetts Dartmouth; Patricia Maguire Meservey, President, Salem State College; Bette Matkowski, President, Johnson & Wales University—Denver Campus, Chair of Colorado Campus Compact Board; Gene McAllister, President, University of Great Falls; Joe McDonald, President, Salish Kootenai College; Allen C. Meadors, Chancellor, The University of North Carolina-Pembroke; W. Richard Merriman, President, Southwestern College, Chair of Kansas Campus Compact Board; William F. Messner, President, Holyoke Community College; Keith Miller, President, Lock Haven University; F. Ann Millner, President, Weber State University; C.D. Mote, Jr., President, University of Maryland.

Brian Murphy, President, De Anza College; Stephen D. Nadauld, Interim President, Dixie State College; Gloria Nemerowicz, President, Pine Manor College; Kay Norton, President, University of Northern Colorado; James L. Oblinger, Chancellor, North Carolina State University; J. Michael Ortiz, President, California State Polytechnic University, Pomona; Eduardo Padron, President, Miami Dade College; Kenneth E. Peacock, Chancellor, Appalachian State University, Chair of North Carolina Campus Compact Board; William S. Pfeiffer, President, Warren Wilson College; Tom Powell, President, Mount St. Mary's University; Stephen A. Privett, S.J., President, University of San Francisco; Nido R. Qubein, President, High Point University; Judith Ramaley, President, Winona State University, Chair of Minnesota Campus Compact Board; J. Lawrence Richards, President, LDS Business College; Rollin C. Richmond, President, Humboldt State University; Cecil O. Samuelson, President, Brigham Young University; John J. Sbrega, President, Bristol Community College; Joe Schaffer, CEO, MSU—Great Falls; Irving Schneider, President, Johnson & Wales University—Providence; Art Scott, President, Northampton Community College; Ronald Sexton, Chancellor MSU—Billings; Harold Shapiro, President, Emeritus Princeton University; Rev. Michael J. Sheeran, S.J., President, Regis University, Denver; Richard Storey, Chancellor, The University of Montana—Western; Michael Taylor, President, Stanly Community College; H. Holden Thorp, Chancellor, The University of North Carolina at Chapel Hill; Steven Timmermans, President, Trinity Christian College; Baird Tipson, President, Washington College; Tom Trebon, President, Carroll College; Sandy Ungar, President, Goucher College; Jeffrey von Arx, S.J., President, Fairfield University, Chair of Connecticut Campus Compact Board; Charles O. Warren, Interim President, Defiance College; Jon Wefald, President, Kansas State University; Richard L. White, President, Utah College of Applied Technology; A. Hope Williams, President, North Carolina Independent College and Universities; Scott L. Wyatt, President, Snow College; Michael K. Young, President, University of Utah; Tony Zeiss, President, Central Piedmont Community College.

Mr. HATCH. I think these letters show the type of thing we are dealing with here. It is truly a national movement that has gotten behind the bipartisan coalition here in Washington that has been pushing to move this bill forward. Once again, I am proud to be a part of this effort, and I continue to urge my colleagues to support the bill as well.

Madam President, I would like to take a moment to discuss what I think is one of the most important new programs contained in the Serve America Act, the ServeAmerica Fellowship program. The ServeAmerica Fellowships will basically be vouchers, enabling Americans of all ages and interests to work full or part time in service with nonprofit and faith-based groups.

The bill calls for the creation of up to 1,500 fellowships by 2014. Here is how it will work: The Corporation for National and Community Service will make grants to State Service Commissions to allow them to award the ServeAmerica Fellowships. Those receiving the fellowships will work with approved service organizations and nonprofits on projects directed at those areas of national need identified in the bill. Even with these fellowships, we want to make sure our national service efforts are aimed at addressing specific needs and solving specific problems. The ServeAmerica Fellowships will be administered almost entirely at the State level, allowing the States to continue to be 50 State laboratories of innovation for volunteer service programs. The fellowships will be funded by the corporation at 50 percent of the total average annual subsistence allowance provided to VISTA volunteers. The host organizations will contribute the additional funding so that the fellow receives between 70 and 100 percent of the VISTA annual subsistence allowance. Fellows will also receive an educational award identical to that which is awarded to other national service participants.

Now let me explain what we are trying to do with these fellowships. I believe that smaller nonprofit or faith-based organizations lacking large-scale capacity can nonetheless benefit from the efforts and presence of national servicemembers. Indeed, committed individual volunteers at startup nonprofits of faith-based charitable groups can provide the human capital needed to dramatically expand the charities' impact and help them recruit other volunteers. Again, this multiplying effect is the aim of almost every program under the bill. These fellowships will help ensure that faith-based, rural, grassroots, and other smaller nonprofits will benefit from this multiplying effect by having access to national servicemembers, even if they lack large-scale capacity.

In addition, this program will fulfill one of the main goals we had in drafting this legislation, which is allowing the people the flexibility to choose their own paths of service. The fellows under this program will be chosen for their commitment and ingenuity, and I believe we will see some outstanding new service approaches developed as a result of this program.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

AMENDMENT NO. 722 TO AMENDMENT NO. 687

Mr. BURR. Madam President, I send an amendment to the desk and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. BURR] proposes an amendment numbered 722 to amendment No. 687.

Mr. BURR. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strengthen criminal history checks for participants in national service programs working with vulnerable populations)

On page 213, line 21, strike ''Code.'.'' and insert the following: ''Code.

''(d) SPECIAL RULE FOR INDIVIDUALS WORKING WITH VULNERABLE POPULATIONS.—

''(1) IN GENERAL.—Notwithstanding subsection (b) or any other provision of law, on and after the date that is 2 years after the date of enactment of the Serve America Act, a criminal history check under subsection (a) for each individual described in paragraph (2) shall, except in a case approved for good cause by the Corporation, include—

''(A) a drug test for controlled substances, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802);

''(B) the searches described in subsection (b)(1) and subparagraph (A) of subsection (b)(2); and

''(C) the background check described in subsection (b)(2)(B).

''(2) INDIVIDUALS WITH ACCESS TO VULNERABLE POPULATIONS.—An individual described in this paragraph is an individual who—

''(A) serves in a position in which the individual receives a living allowance, stipend, national service educational award, or salary through a program receiving assistance under the national service laws; and

''(B) as a result of such individual's service in such position, has or will have access, on a recurring basis, to—

''(i) children age 17 years or younger;

''(ii) individuals age 60 years or older; or

''(iii) individuals with disabilities.''.

Mr. BURR. Madam President, I thank you, and I thank the managers of this legislation.

It was my hope I could come to the floor with another amendment that was acceptable on both sides, and I am still anxious and optimistic that we can do it because the spirit of this amendment is not for the purpose of a poison pill to the bill. It was the recognition that when we deal with an expansion of these volunteer efforts that we reach out in a much bigger way and cast a much bigger net to Americans.

Let me say this: To offer this amendment is not to imply that those who work in AmeriCorps today in any way are criminals or nefarious individuals; it is to recognize the fact that we are creating an architecture to take care of the American people, and that includes specifically children, individuals over the age of 60 who are in the senior years of their lives, and individuals who are classified as disabled and have some deficiencies, and we owe it to them and we owe it to the general population to take into consideration as

we, the Federal Government, allow a funding mechanism for people to come in and to participate.

So let me explain for my colleagues simply what this amendment does. What we do is apply this to individuals who, on a continual basis—a recurring basis; let me make that correction—on a recurring basis work with vulnerable populations: kids, the elderly, and the disabled. The amendment allows a 2-year period to ramp up this program before becoming effective. We understand rulemaking will most likely be needed, and we know it doesn't happen overnight in this town. Three, this legislation retains the good cause exemption language.

Now, let me explain. We are asking that individuals who work with vulnerable populations be fingerprinted. We would like them to go through the FBI check process. We would like to know there is no criminal history, that there is not a reason for us to be suspect if they are with our children, our parents, or with a vulnerable person who is disabled.

The good exception clause is there and very broadly written, and I might go to the language. It says ''shall except in a case approved for good cause by the Corporation''—''shall'' not ''will''; it is not mandatory—''shall go through a fingerprint process, good cause exception, for good cause,'' very loosely defined. That could be the size of the corporation, no access to FBI fingerprint check, it could be the size of the entity without the financial capabilities to go through it.

Now, I added something overnight to this bill. I didn't want to do it, but I did. I added drug testing. Drug testing is a very applicable thing, I say to my good friend, the manager on the majority side. This is not in stone for me. It wasn't in my original amendment. I think it shows my frustration that I went through last night, not being able to work out something that made unbelievable common sense to me.

I would think this would be a threshold we would set. I would prefer to do it in a bipartisan way versus just to have a vote because I know today the vote would be on a motion to table, I would lose, and this initiative would not be in place. Although my children aren't old enough, my father is. If, in fact, there was any volunteer who came into the facility he lives in and works with him, I would like to have the comfort of knowing at least somebody said: Let's make sure the individuals, in fact, don't have criminal backgrounds, that they have gone into this with a truly volunteer reason versus for some aspect of criminal intent.

Now, my chief concern and the reason for wanting this is kids, the elderly, and the disabled. It is no more than that. We know a vast majority of folks who work in these programs do it because they believe in it. They want to have an effect, a positive effect on somebody's life, and that is what they have chosen to do. I think it is important for us to realize that it doesn't matter whether it is AmeriCorps for title I schools or childcare centers or an entity that accepts CDBG subsidies. When parents leave their children in the hands of somebody every day while they are at work to look after their kids, they want to know the volunteers who are there meet the threshold, the standard they would expect. We really wouldn't have an investment except we are talking about Federal Government funding, and I think the American people expect us to uphold what their expectations are; and that is, people who shouldn't be there aren't there.

So I say to my colleagues on both sides, it is my hope we can come to an agreement. It is my hope this can be whittled down to FBI checks only. It is my hope we will all understand the full latitude of the clause for the exception and the word ''shall'' versus ''will.'' It is my hope we can pass the bigger bill with an amendment that resembles what I have offered so we can look at every American family and say: We have looked at those who are the most vulnerable, and to the best of our ability we have tried to make sure somebody who shouldn't be there isn't there.

Now, as every American realizes, even the FBI fingerprint check is not perfect. There is no way for us to look at the population and say nothing can ever happen. But I would suggest today that the standard America holds us to is that we should do something, not nothing; that we should attempt, not just roll over and play dead. If, in fact, we come to the tabling of this, we are going to roll over and play dead. We are not going to take it on. I don't think this requirement chases anybody away except the individuals who shouldn't be in the program to start with, who might not pass the threshold, who might be found to be in one of those databases, so that we certainly wouldn't want them to participate in this program.

So at this time, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Madam President, I wish to respond to the amendment of my colleague from North Carolina and reach out a hand to him as well in terms of seeing if we could come up with a consensus.

First of all, I support the goals of what the Senator from North Carolina wishes to achieve. There is no one from our side of the aisle who would want to expose anyone in a vulnerable population—children, the elderly, those with disabilities—to a sexual predator, to a druggie, to a pill head, whatever terms we want to use, because the whole idea of AmeriCorps is to have people who will volunteer their services, and out of that will be able to help to uplift these vulnerable populations. So we are on the same broadband in terms of that.

Actually, remember: This bill has not been reauthorized in more than a decade, and in reauthorizing the bill, we actually examined these situations. The bill before the Senate actually requires that national service programs to run a background check through either a State criminal registry or send fingerprints to the FBI for a background check. It does not deal with drug testing. That is a new concept introduced by our colleague.

I wish to reiterate that the new legislation, the Serve America Act, already requires a criminal background check for programs serving children, the elderly, disabled individuals, or any other vulnerable population. It requires that every employee and every volunteer undergo a criminal history check in order to participate in federally funded programs.

We also want to go the extra mile in our bill by prohibiting sex offenders from serving as volunteers. No registered sex offender can serve as either a foster grandparent, a senior companion, or participate in any activity involved in exposure to children as a school volunteer. Our approach is consistent with the comprehensive rules promulgated by the corporation in 2007 following extensive consultation with the Department of Justice and public comment. So we took what they did through rule-making and we have codified it in this bill exactly to deal with the deep and grave and authentic concerns voiced by the Senator from North Carolina.

So our comments to the Senator from North Carolina are, No. 1, we don't think the amendment is necessary because we think we have dealt with it in the bill. Also, I am going to suggest that he and I confer off the Senate floor so we can review the bill and see if it accomplishes his objectives and deal with the issue of drug testing which is in the amendment the Senator has offered today.

If staff on our side of the aisle did not respond to the Senator's inquiry, I apologize for that. We are going to have that staff here, supervised by my staff and Senator KENNEDY's staff, to see what we can work out.

I have worked with the Senator from North Carolina on so many issues, including on the Health Committee where he was a stalwart ally in moving the Higher Education Act. We have worked together in the area of intelligence. We do know about bad guys—bad guys and gals over there and possibly bad guys and gals here. We both want to accomplish the same policy objectives. Let's see if we can't have a conversation.

If our failure to respond in some way needlessly triggered an amendment, I again wish to apologize. So what I would like to do is leave the amendment pending, and let's have a conversation and see what we can work out. But I can assure my colleagues on both sides of the aisle that we want to make sure no vulnerable population is exposed to an AmeriCorps volunteer or any other volunteer receiving Federal

funds in this bill who in any way would jeopardize their health, their safety, and their well-being.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Madam President, I thank the Senator from Maryland for her remarks. She is right. I think we can come to a suitable agreement. I can assure her that if I did not think it was necessary to do an amendment, I would not have done it. It might not be the first time I have been wrong, my wife tells me that frequently. But in my understanding of it, the teeth that are in the bill are not the teeth I have in this amendment as it relates to the FBI background check.

Make no mistake about it. I am not married to the drug testing, though I will tell my colleague this: I think a lot of Americans listening to this would probably say: Why not? But I think in the spirit of how I started this negotiation, it is not an area I believe is important to make as a foundation of this amendment. So I accept the Senator's offer. I will bring my staff over immediately, even though I won't be able to stay, and we will both then be briefed by our staffs and know exactly what we are dealing with.

If, in fact, we have misinterpreted what the content of the bill says, and we believe the appropriate protections are in it, I will be the first to ask unanimous consent to withdraw my amendment.

Ms. MIKULSKI. I appreciate that, as we have engaged with each other on so many other occasions. Therefore, I think that is an excellent way to proceed.

I have only two concerns. One is already in the bill, and the other could be onerous costs to very small agencies. I think we can deal with it and approach it the way we always have—rationally, civilly, and with a commitment to get the job done.

Mr. BURR. I hope the Senator will interpret it the same way I have spelled out the exception clause, and that exception clause could be interpreted, and has been interpreted, to mean the lack of financial capability for a company to engage.

I thank the Senator and yield the floor.

Ms. MIKULSKI. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 716

Mr. BAUCUS. Madam President, the amendment offered by the Senator from South Dakota would state the sense of the Senate that the tax law should not be changed in any way that would discourage taxpayers from making charitable contributions and gifts.

This country has a proud tradition of charitable giving. We are proud of that tradition. We are proud that we give to those in need, and we should encourage people to keep on giving. One of the best ways to do that is through the itemized deduction for charitable giving.

We very much support the itemized deduction for charitable giving. But the Senator's amendment is overbroad. It would put the Senate on record as favoring the preservation of incentives for charitable giving over all other priorities.

Let me talk about a few other priorities the Senate might want to consider.

What about cracking down on tax cheats? What about balancing the budget? What about repealing the so-called death tax? The Senator's amendment could be read as conflicting with each of those other priorities.

Let me explain. Let's say a tax cheat sets up a charity that is really a scam. Should the IRS be able to crack down on that scam? Of course it should. But the Senator's amendment says we should preserve the full income tax deduction.

Let's say we want to repeal the estate tax—some call it the death tax. There is pretty wide agreement that it is a disagreeable tax. But studies have also shown that repeal of that death tax would decrease charitable giving. Should we not scale back the estate tax anyway? Of course we should. But the Senator's amendment would put the Senate on record that we always want to encourage charitable giving rather than discourage it, which would put a big limitation on reducing the death tax.

What if we reach a bipartisan budget agreement to limit the deficit and help balance the budget? Might we want to consider limiting the ability of upper income taxpayers to take their full deductions?

This is not so farfetched an idea. Under current law, itemized deductions are already limited for high-income givers—taxpayers with more than $166,800 in income. Congress enacted that change as part of a bipartisan budget agreement, negotiated by OMB Director Dick Darman, and signed into law by the first President Bush. Yet these Americans still give. Americans who itemize deductions, as well as those who don't itemize deductions, continue to give.

According to the CRS, only 30 percent of taxpayers claim a deduction for charitable giving. Yet we know many more give to charity. The group Independent Sector found that 70 percent of households give.

Thankfully, many taxpayers make charitable contributions, even though they are not getting any tax benefit at all. Indeed, one might say the greatest charity is when someone gives from the heart rather than just when it is tax deductible. So we do not need the extreme statement in the Senator's sense-of-the-Senate amendment.

I have offered a side-by-side amendment that emphasizes Congress's continued support of tax incentives for giving. Let's show our support for charitable giving without making the categorical statement in the Thune amendment.

I urge my colleagues to oppose the Thune amendment and support the Baucus amendment.

AMENDMENT NO. 721 TO AMENDMENT NO. 687

Mr. BAUCUS. Madam President, I ask unanimous consent that all pending amendments be temporarily laid aside so that I may call up amendment No. 721.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana (Mr. BAUCUS) proposes an amendment numbered 721 to amendment No. 687.

Mr. BAUCUS. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate regarding the Federal income tax deduction for charitable giving)

At the appropriate place, insert the following:

SEC. —. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds the following:

(1) President John F. Kennedy said, ''The raising of extraordinarily large sums of money, given voluntarily and freely by millions of our fellow Americans, is a unique American tradition . . . Philanthropy, charity, giving voluntarily and freely . . . call it what you like, but it is truly a jewel of an American tradition''.

(2) Americans gave more than $300,000,000,000 to charitable causes in 2007, an amount equal to roughly 2 percent of the gross domestic product.

(3) The vast majority of those donations, roughly 75 percent or $229,000,000,000, came from individuals.

(4) Studies have shown that Americans give far more to charity than the people of any other industrialized nation—more than twice as much, measured as a share of gross domestic product, than the citizens of Great Britain, and 10 times more than the citizens of France.

(5) 7 out of 10 American households donate to charities to support a wide range of religious, educational, cultural, health care, and environmental goals.

(6) These charities provide innumerable valuable public services to society's most vulnerable citizens during difficult economic times.

(7) Congress has provided incentives through the Internal Revenue Code of 1986 to encourage charitable giving by allowing individuals to deduct contributions made to tax-exempt charities.

(8) 41,000,000 American households, constituting 86 percent of taxpayers who itemize deductions, took advantage of this deduction to give to the charities of their choice.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should preserve the income tax deduction for charitable contributions through the Internal Revenue Code of 1986 and look for additional ways to encourage charitable giving.

Mr. BAUCUS. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. THUNE. Madam President, if I might, I will speak to the amendment I have filed, which is pending and to which the Senator has now offered a side-by-side.

I want to point out, in terms of the way charitable giving works in the country today, how the deduction applies, if you are in, say, a 35-percent tax bracket, a high-income-tax payer, and if you give $10,000 to a charity, it is actually only costing you $6,500. You are getting a 35-percent tax break.

What the administration's proposed budget would do is reduce the favorable tax treatment an individual who gives to a charitable organization would get in the 35-percent tax bracket down to 28 percent. In other words, if somebody gives $10,000 to a charity—say a religious organization or some university—the benefit they would derive, in terms of tax treatment, would go from $3,500 to $2,800. In other words, instead of costing them $6,500 for that charitable contribution of $10,000, it would cost them $7,200. So you would see an increase of 10.8 percent in the amount it would cost someone to make a $10,000 contribution. After the tax treatment is applied, it would cost them $7,200 under the proposed budget we have seen from the administration.

What my amendment simply does is say we ought to keep current law in place with regard to the tax treatment that is applied to charitable contributions. Here is why it is important—particularly now. We have an economy that is struggling. We have lots of charitable organizations that are noticing a dropoff in their contributions because of the economy. People are seeing a reduction in the values of many of the assets they have had, and people are losing jobs. There are a lot of reasons charitable giving is dropping off, and many of the organizations are faced now with a very difficult challenge in order to be able to keep up and meet the needs they are meeting out there across this great country.

We rely, as a nation, significantly on the good-heartedness of the American people when it comes to contributing to many of these fine organizations that are doing good work. I think we ought to keep that same incentive in place—particularly now more than ever. The timing is critical because you are talking about taking away a tax benefit from people who give to charitable organizations at a time when those organizations are already suffering from a drop off in giving.

So my argument would be—and there is a substantial body of evidence out there that suggests this—that when you reduce the tax benefits for charitable giving, say, by about 10 percent, you get about a 10-percent dropoff in giving. In other words, if you did take the 35 percent that currently would apply—if somebody is in the 30-percent tax bracket and makes a $10,000 contribution and deducts that on their income taxes, they get a 35-percent benefit on that, which means a $3,500 savings or, in other words, the actual $10,000 is only costing them $6,500.

But if you change the tax treatment, as is being proposed by the administration, and make that a 28-percent tax benefit, you then increase the amount the $10,000 contribution is costing the giver, the contributor, to $7,200, which is a 10.8-percent increase in the actual cost of that contribution.

As I said, if the data that is out there is accurate—and I believe it is because I think it is substantial—when you reduce that tax benefit by 10 percent, you also get a 10-percent reduction in the amount that individual would give. I think that is significant, particularly now when you look at the amount the American public gives to charitable organizations. You are talking about anywhere from $8 billion to $16 billion a year in reduced charitable giving in this country. Multiplied over a long period of time—5 to 10 years—you are talking about $160 billion, and potentially over 10, that would not be going into these charitable organizations that are serving great purposes across this country.

I think it is fitting right now to have this discussion. People say: Why don't you do this next week on the budget? We probably will because this is a part of the budget proposal. It is also important to talk about this now because we are talking about expanding programs that the government runs right now, which are designed to do good things out there, and to hire volunteers to do charitable work and perform tasks that are contributing to the greater good. Since that debate is focused on what the government can do, I think it is fitting to talk about what people in this country are already doing in the private sector—individuals who have been blessed by this country and are willing to give something back. I think we ought to encourage more of that not take away from the incentive to do that today.

As I said yesterday in my remarks when I offered this amendment, I don't believe anybody makes a charitable contribution simply because of tax policy. I think people give because they want to give. I do, however, believe tax policy influences the amount of giving an individual makes. The statistics bear that out.

If you have a 10-percent reduction in a tax benefit accorded to somebody who is making a charitable contribution, you are going to see about a 10-percent reduction in the amount of their contribution. That could cost charities significantly all across the country. That is why so many of them have weighed in and suggested that they think it would be a very bad time to go ahead and make this change in tax policy.

My amendment expresses the sense of the Senate—nothing more or less—that puts this body on record saying we ought to keep the full deductibility of charitable contributions as a matter of tax policy in this country.

I think that is a debate that, again, hopefully we will have next week as we debate the President's budget. But I think the President's goal in this is to try to find ways to generate revenue to do other things in their budget. I think this is a bad place to get it. I do not think the savings you are achieving as a result of taking away this tax benefit to charitable giving in the long run is going to in any way offset the decrease we are going to see from people across this country who might otherwise make charitable contributions who, because you take away that tax benefit, are going to see the actual cost of those contributions go up and therefore affect the amount they might otherwise give.

I hope the Senate will go on record. The side-by-side offered by my colleague from Montana affirms the deductibility of charitable contributions from income tax but takes out the word ''full.'' What my amendment does is retains what we have today in terms of tax law, tax policy in its treatment of charitable giving, charitable contributions, and retains the full deductibility of those charitable contributions.

It is important that the sense-of-the-Senate amendment I offered that expresses the view of this body about the deductibility of charitable contributions be the one that we vote on and that we reject the side-by-side that is being offered by the Senator from Montana because it does take away the word ''full,'' which opens the door for changes that will occur in the budget that is going to be offered next week and would reduce the amount—the tax benefit that is accorded to those who make charitable contributions.

I hope when we get to the vote—it does not sound as if it is going to occur until later this afternoon—the Senate will support the Thune amendment, the sense of the Senate affirming support of the Senate for the full deductibility of charitable contributions, and reject the side-by-side offered by the Senator from Montana which does not include the affirmation of full deductibility of that tax benefit. Bear in mind, this is a sense of the Senate. It is not binding, it is not law, but I do think it puts the Senate on record in terms of our full support of full deductibility of charitable contributions.

As I mentioned, timing is important. Right now, with what is happening in the economy and how it is impacting charitable giving to charitable organizations, this is the absolute worst time to be talking about taking away the tax benefit that has produced so much giving and added to the giving people might otherwise do by providing favorable tax treatment. It is an incentive that has worked. It has worked in spades if you look at the amount of giving that occurred in this country in

2007. The number I used in the amendment is $300 billion—2 percent of the GDP—American people contributed to causes greater than themselves. We ought to encourage it, not discourage it. Adopting my sense-of-the-Senate amendment would do that. I hope my colleagues will support it.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 705 TO AMENDMENT NO. 687

Mr. VITTER. Madam President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 705.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 705 to amendment No. 687.

Mr. VITTER. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit ACORN, or organizations affiliated or co-located with ACORN, from receiving assistance under this Act)

On page 128, strike line 6 and insert the following:

''(c) INELIGIBLE ORGANIZATIONS.—

''(1) IN GENERAL.—No assistance provided under this subtitle may be provided (including for the participation under this subtitle of a participant in an approved national service position in activities conducted by such an organization) to—

''(A) an organization described in paragraph (2); or

''(B) to an organization that is co-located on the same premises as an organization described in paragraph (2).

''(2) ORGANIZATIONS.—An organization referred to in paragraph (1) means—

''(A) the Association of Community Organizations for Reform Now (ACORN); or

''(B) an entity that is under the control of such Association, as demonstrated by—

''(i)(I) such Association directly owning or controlling, or holding with power to vote, 25 percent or more the voting shares of such other entity;

''(II) such other entity directly owning or controlling, or holding with power to vote, 25 percent of more of the voting shares of such Association; or

''(III) a third entity directly owning or controlling, or holding with power to vote, 25 percent or more of the voting shares of such Association and such other entity;

''(ii)(I) such Association controlling, in any manner, a majority of the board of directors of such other entity;

''(II) such other entity controlling, in any manner, a majority of the board of directors of such Association; or

''(III) a third entity controlling, in any manner, a majority of the board of directors of such Association and such other entity;

''(iii) individuals serving in a similar capacity as officers, executives, or staff of both such Association and such other entity;

''(iv) such Association and such other entity sharing office space, supplies, resources, or marketing materials, including communications through the Internet and other forms of public communication; or

''(v) such Association and such other entity exhibiting another indicia of control over, control by, or common control with, such other entity or such Association, respectively, as may be set forth in regulation by the Corporation.

''(d) NONDISPLACEMENT OF EMPLOYED WORKERS

Mr. VITTER. Madam President, my amendment is very simple and straightforward. While it may on the face of it appear narrow, it actually goes to the center of this debate and to a central concern a lot of folks sincerely have about this bill.

What does my amendment do? My amendment simply states that no money in this program can go to ACORN or any of its affiliate organizations in any way. As I say, on the face of it, that seems like a very specific, very focused amendment, and it is. We are talking about one organization that has done an enormous amount of suspect political activity in the past about which many people in this Chamber—more importantly, many people around the country—have deep reservations.

The amendment also goes to the heart of this debate, and the heart of this debate is whether this new Federal bureaucracy would, in effect, politicize charitable activity around the country, which we certainly do not want. I believe this is a very simple test about that central question, and I encourage all of my colleagues to vote for this amendment—Democrats and Republicans—to pass this simple test and to say: No, this is more proof that we are not going to allow this program to politicize charitable giving and charitable activity around the country.

As I say, this is a very simple, basic test of that question. The proponents of this bill say this is about furthering charitable activity, this is about leveraging charitable activity, expanding that, not politicizing it, not bringing it under Government control. Surely, if we are serious about that, if we are serious about having mainstream consensus support for that, surely ACORN cannot be part of the picture. Surely none of ACORN's affiliate organizations can be part of this funding given recent history.

Some proponents of this bill will immediately jump up and say we don't need this amendment because there cannot be political activity funded in this program. For me, just speaking for myself, that isn't good enough. That assurance does not nearly cover the waterfront of my concerns with regard to ACORN because ACORN has always done both hyperpolitical activity, such as their fraudulent voter registration drives last fall, and has also done what they characterize as pure charitable activity. To fund the latter, to pour millions or even tens of millions of dollars of taxpayer funding into ACORN so-called charitable activity is certainly to underwrite the organization and certainly to support indirectly, if not directly, their very politicized activity with which so many folks in this Chamber and around the country have deep problems.

This is not a theoretical concern. This is proven out in practice that it is a legitimate concern.

First of all, this bill authorizes major Federal spending—$5.7 billion over 5 years.

Second, we know from practice, from history, from clear concrete example that ACORN is in the business of trying to get lots of taxpayer money to underwrite its activity, including through so-called nonpolitical projects. ACORN has received significant funding directly from the Federal Government. Their so-called charitable affiliates have received conservatively over $31 million of taxpayer dollars from 1998 to 2007. In 2008 alone, the next year, ACORN affiliates received almost $10 million in Federal taxpayer funding. This includes numerous subgrants, indirect funding to ACORN from the Federal Government. Over $7 million was awarded to the ACORN Housing Corporation, AHC, in 2008, from the National Foreclosure Mitigation Program administered by NeighborWorks America. Almost $800,000 was awarded to ACORN by the Fannie Mae Foundation from 1992 to 2004. And, of course, these are just two examples. There are many more.

Just speaking for myself, for proponents of the bill to say this is not an issue, this is not a problem because we prohibit political activity in this pot of money, in this Federal program, that is not nearly enough reassurance for me. We have seen from actual practice, from actual history that ACORN can reap millions, tens of millions of taxpayer dollars through their so-called charitable affiliates.

Why do I have a problem with that? Because clearly that money underwrites ACORN in general and supports all of their activities, including their very political and, in many cases, fraudulent voter registration activities.

We all know the stories from the past campaign, the registering of thousands of voters who were either asked to register multiple times by ACORN or who were voters being registered without their knowledge or registering voters who outright did not exist. That was a common and documented practice of this organization. For instance, the St. Petersburg Times in Florida reported that ACORN tried to register Mickey Mouse in that jurisdiction. In July 2008, at least three ACORN workers were convicted of voter fraud in Kansas City. One is awaiting trial. These ACORN workers in Kansas City flooded voter registration rolls with over 35,000 false or questionable registration forms. In March 2008, an ACORN worker was sentenced in Berks County, PA, to 146 days to 23 months for making 29 phony voter registration forms in order to collect a cash bonus. And in Washington, felony charges were filed

against several paid employees and supervisors of ACORN. Over 1,700 fraudulent registrations turned in by the employees were revoked in one of the largest instances of voting fraud in the United States. This is documented. This happened. If we caught these instances, if we prevented these instances of fraud, how many more slipped through the cracks and proceeded on to the voter registration rolls?

The question is very simple: Are we going to create this new Federal program, $5.7 billion of authorization, that could either directly or indirectly fund organizations such as ACORN? Right now, under the current version of this bill, that could absolutely happen. If this bill passes into law, my prediction is it would absolutely happen.

My amendment with regard to ACORN would stop that because it is very simple, it is very direct. There are no ifs, ands, or buts. None of the money could go to ACORN or any of its affiliate organizations. None of the money could support ACORN activities directly or indirectly. That is the reassurance a lot of us need, that this is not an attempt to politicize volunteer activity, this is not an attempt to put the Federal Government and whoever its political masters are at the time in charge of directing volunteer activity across our Nation.

In the 19th century, a Frenchman visited America and wrote a very significant book about it. That was de Tocqueville, and the book was ''Democracy in America.'' The fundamental thing he observed in all of his travels, as documented in that important book, was that America is great because America is good. In saying that, he wasn't talking about Government and he wasn't talking about what we do in Congress or what any level of government does around the country. He was talking about individual citizens banding together in local communities across our land to address real needs to help neighbors, to help feed hungry people, to help meet important community priorities in a purely voluntary way, the civic-mindedness of individual Americans creating these purely voluntary organizations. He said that was the most significant reason for America's greatness, which had to do with the goodness of its people and that activity which is more vital here than in any other country in the world.

I am concerned about putting Government more in charge of that activity. I am concerned about politicizing that aspect of our country which is so fundamental to our historic greatness. My amendment is a very simple but I think important test about whether this bill could threaten that. If we are serious about avoiding that at all costs, then surely a large majority of this body—Democrats and Republicans—will come together, adopt this amendment, and take that threat with regard to ACORN off the table.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Madam President, I rise in objection to the Vitter amendment No. 705 to single out ACORN, and actually, inadvertently, target other organizations that have no involvement whatsoever with ACORN.

The Senator's amendment prohibits ACORN or organizations affiliated or which are colocated with ACORN from receiving assistance under this act. First, I want to address this colocating. For whatever you feel about ACORN—and I believe it is the one organization being singled out—this amendment would prohibit AmeriCorps funds to any organization simply because they rented space in the same building as ACORN.

Well, in my hometown, many nonprofits are often within the same buildings as other organizations. So there might be a building in Baltimore or Baton Rouge or Fargo, ND, or in New Orleans, where in the very same building that ACORN might be located St. Ambrose Housing Counseling Service might also rent a floor; or it might be the community law center renting another floor in that building; or it might also be the St. Franciscan nuns who might have office space for their outreach to the senior community. So when you are in the same building as ACORN, this amendment would mean you could not get AmeriCorps volunteers.

I am so sorry my rebuttal was considered so insignificant, so trivial, that the Senator didn't even stay to hear it, but maybe everybody listening will hear it. The fact is, in the examples I have given—St. Ambrose Housing Counseling Service might be giving very important financial service counseling to people on financial literacy, and also helping them screen what they can afford or not afford; and on another floor the community law center might be working with our new task force organized by the U.S. attorney to go after mortgage fraud; and the community law center might be working with that task force because so many of our poor, in my community, have been a victim of predatory lending, and we are trying to track down the scams and the schemes and the bums to get rid of them—those organizations might have some AmeriCorps volunteers working with the community to help accomplish our public policies. But simply because they share the same building, they are going to be penalized and not have access to AmeriCorps volunteers.

I think that is wrong, I think it is irrational, I think it is harsh, I think it is punitive, and I think this amendment should be defeated.

The other part of the amendment singles out ACORN for exclusion from AmeriCorps. We want to make it clear that the amendment prohibits funding for one single organization. Whatever you think about ACORN, know that they do work in 110 different cities, and they do a variety of other kinds of things—such as weatherization. The gentleman from Louisiana might be interested to know that after Hurricane Katrina, ACORN volunteers—hundreds of them—went to Louisiana to rehabilitate 3,500 homes.

Now, I know the Senator from Louisiana is concerned that money not go to organizations to conduct voter registration, and I understand that. But this is where the amendment is unnecessary: First, ACORN hasn't received any AmeriCorps funds in a decade. Let me repeat: ACORN hasn't received any AmeriCorps funds in a decade. Also, if ACORN does ever in the future participate in AmeriCorps, they will not be able to use AmeriCorps volunteers to conduct voter registration drives or legislative advocacy. But that is not only ACORN. None of our groups can do voter registration or legislative advocacy.

The other point is that ACORN and any other group would become ineligible if they were ever convicted of a Federal crime. As you know, in the last election, ACORN was viewed in a controversial way. There was an indictment against them. And, by the way, that indictment charge was dismissed, so, therefore, ACORN has never, to my knowledge, been convicted of a Federal crime.

So when we look at the amendment offered by the gentleman from Louisiana, it is punitive toward other organizations that might be in the same building as ACORN, even though it might be a totally different organization. It could be health care for the homeless, it could be a hot line for battered women dealing with violence against women. They would be prohibited from getting AmeriCorps volunteers simply because they are in that building.

As I said, this singles out ACORN, yet ACORN hasn't received any AmeriCorps funds in over a decade. And if AmeriCorps should ever get Federal funds, they would be prohibited from doing any of the activities that would give the other side of the aisle pause or concern. We would have that same pause or concern of, No. 1, no national service participants receiving funds can engage in legislative advocacy and, No. 2, an absolute red light would be if anyone applying for AmeriCorps volunteers—any organization applying for AmeriCorps support—would have been convicted of a Federal crime.

So I oppose the Vitter amendment. Later on today, we will be voting on the Vitter amendment. We expect that vote to occur around 2:30, and I ask my colleagues to reject that amendment.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. MIKULSKI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Madam President, I ask unanimous consent that at 2:30 p.m. today, the Senate resume consideration of amendment No. 721; that upon disposition of that amendment, the Senate resume amendment No. 716; that upon the disposition of that amendment, the Senate then resume amendment No. 705; that prior to a vote in relation to each amendment, there be 2 minutes of debate equally divided and controlled in the usual form; and that no amendments be in order to any of the amendments in this agreement, prior to a vote in relation thereto; that after the first vote in this sequence, the remaining votes be limited to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Ms. MIKULSKI. To put that in plain English, Madam President, it means that we will be voting on Senator THUNE's sense of the Senate on charitable giving. Senator BAUCUS has an alternative, or a side-by-side, and we will be voting on that. We will also be voting on the Vitter amendment related to ACORN. So those will be the three votes.

For the interest of our colleagues and others as to how this bill is progressing, we are doing very well, and we thank our colleagues for coming down and offering amendments and debating them. All amendments need to be filed by 1 p.m. today. Upon getting that list, we hope to then work down those that can be easily disposed of, but we will also be reaching out to colleagues for them to come and offer the amendments on the floor so at such time later on this afternoon we can have substantive votes.

We want to have substantive debate all afternoon. So if our colleagues could file their amendments by 1 p.m., on both sides of the aisle, we will be expeditiously dealing with them, and then we will be inviting colleagues to offer them and then voting on them later on today.

It would be our hope, and the hope, I believe, of the leaders on both sides of the aisle, that we could conclude the debate and the vote on final passage on this bill today. That would be my goal, and I know the goal of Senator KENNEDY. I know the goal is shared by Senators ENZI and HATCH. With the cooperation of colleagues, we will certainly be able to do it, and we thank them already for their excellent cooperation.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WEBB. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEBB. I ask consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. WEBB and Mr. SPECTER pertaining to the introduction of S. 714 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. WEBB. Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. SHAHEEN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas is recognized.

Mrs. HUTCHISON. I thank the Chair.

(The remarks of Mrs. HUTCHISON pertaining to the introduction of S. 717 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER (Mr. BENNET). The Senator from Arizona is recognized.

RECONCILIATION

Mr. KYL. Mr. President, I compliment my colleague from Texas for those remarks, but my reaction is, would that it were so, because I have in mind what is happening now in the Budget Committee—which we will all be focused on tomorrow—namely, the passage of a budget out of the committee that we will be taking up in this body next week.

I know it is usual for us to rotate between Republican and Democrat. If my colleague from New York was waiting to speak, I can advise here I will just be about 3 minutes. Let me just make this point.

There are a lot of Democratic colleagues who have said they oppose using the reconciliation process to enact an energy tax or nationalized health care because they rightly want to reach bipartisan agreement on big issues. They emphasize that the Senate version of the budget does not include reconciliation instructions—and that is correct. But all of those Senators and the American people need to know that the House version of the budget does include reconciliation and even includes a placeholder for Senate reconciliation instructions to be inserted in conference.

The House has only one reason to do this. It does not need reconciliation to pass its legislation because, of course, the House operates on a purely majority-rule principle. The only reason to include it is so that the House Speaker and the Senate Democratic leader can force a national energy tax through the Senate, a tax that could cost every household more than $3,000 a year.

Unlike the House, the Senate operates with a supermajority principle. That means anything controversial requires 60 votes. But reconciliation is a special rule, never intended to create new energy or health care policy for our country—issues that are so significant that our regular order should prevail. Indeed, that is the only way to have a bipartisan resolution of these issues. Reconciliation would turn these issues into purely partisan exercises.

If any kind of reconciliation instruction is given to either the Finance Committee or the Environment and Public Works Committee, we can be sure that a new national energy tax, a tax that will hit all American families, is the goal. Reconciliation instructions are, in effect, the Trojan horse for a national energy tax. You don't have to take my word for it. Senator REID said yesterday, in a conference call with reporters, that he would be willing to move a national energy tax through the Senate to pay for sweeping Government health care via reconciliation.

It is easy to say these are just arcane budget rules and technicalities, but we should all be crystal clear about the consequences of reconciliation. If the final budget includes reconciliation instructions for the Senate, Senate Republicans will have no recourse for stopping Democrats from enacting this national energy tax or nationalized health care system. We will be forced to deal with the Democratic majority in a partisan way that I thought the President wanted to avoid. The Senate Parliamentarian has confirmed that if the final budget includes the special budget reconciliation provision, it could be used for any tax increase, regardless of what Democratic leadership promises.

Senate Democrats who have expressed concerns about reconciliation should not take any comfort from statements that there is not reconciliation in the Senate budget. Now, after Senator REID's statement, they are on notice that the special rule will be used for a national energy tax.

I hope they would indicate that they would not support a conference report that included reconciliation.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mrs. GILLIBRAND. Mr. President, I rise today to speak in favor of the Serve America Act. This important legislation will engage hundreds of thousands of Americans, from our young people to our seniors, in a new era of public service. This act represents the best in the American tradition.

I have seen the wonderful work it has already done throughout New York. More than 76,000 New Yorkers are working to meet local needs, strengthen and repair communities, and increase civic involvement through 233 national service projects all across New York. These New Yorkers tutor and mentor children, manage and staff afterschool programs, patrol neighborhoods, provide disaster response, and work to protect our environment and

build nonprofit groups all around our communities.

Just yesterday, I met with 30 nuns who came from Long Island to visit with me, and the work they had done in our community was for those who really need the help the most. They were helping our seniors, and they were helping women who have English as a second language who need to learn English, and they were advocating for world peace.

What is so great about this act is it is for all of us who are not nuns. This act brings a new wave of community activism to bear on our country's needs. It inspires me when I think about all the wonderful diversity of people and projects this will deploy to all parts of our country.

The Serve America Act will provide more than 250,000 opportunities nationwide by investing approximately $6 billion in new service initiatives and existing service programs. These programs include a brandnew national service program to create Youth Engagement Zones to Strengthen Communities program, providing competitive grants to assist programs targeted at high-need, low-income communities and community-based or State entities to engage students and out-of-school youth in service learning and addressing the specific challenges of each of their communities.

The Learn and Serve America Program provides grants to schools, colleges, not-for-profit groups, and it currently engages more than 38,000 New York students in community services linked to academic achievement and the development of civic skills.

Third, we have the Summer of Service Program, which is a national coalition of major youth-serving organizations that is committed to engaging youth in service during summer months.

In this act, we would be allowing our veterans who still want to serve their country the chance to lend a hand in supporting our deployed troops and their families. We also give our seniors, our most experienced citizens, the chance to work with and teach our children. We will improve the opportunities for at-risk urban youth, giving them additional volunteer and educational programs to teach them skills and build their self-confidence. It also gives young people career paths in the professions where we really need their leadership and their time and talents—in math, science, engineering, and health care.

This bill starts a chain reaction of promise, service, achievement, knowledge, and advancement. It is the future of our country.

I have seen so many people in areas around New York where their options are limited. This legislation will provide paths to service and excellence for the young people in these neighborhoods.

Just last month, I was visiting students at Nazareth High School in Brooklyn, NY, and I met with parents who had lost their child to gun violence. I also met with students who lost their classmate. What the students said was: Senator, we have problems with gangs here in our community, and we need an answer to those gangs. We think the best thing you could do is help us with afterschool programming, giving us opportunities to learn new skills, help with our homework, to do arts and crafts, to do sports, to have opportunities to have job training, to learn about public service.

That is exactly what this act does. It authorizes the grants programs that help these kids in these low-income areas to do things after school until their parents come home from work. It gives them the opportunity to work with their seniors, to clean up their neighborhoods, to create new mentoring relationships, to work with YMCAs and girls clubs and faith-based groups. From our urban youth to our most experienced citizens, this legislation will help all of them give more back to their communities.

This legislation helps retirees who are willing to be involved in public service. It will enhance the incentives for our retirees to give a year of service and allow educational awards to be transferred to their children or their grandchildren. It also establishes Encore Fellowships to help our retirees transition to longer term service by helping them work in the not-for-profit sector as a second career.

Our veterans, who have so proudly served this country, also want to continue to give of themselves. This bill allows them to help support our deployed Armed Forces and their families, helping young people at risk, and assists our veterans in developing educational opportunities.

We also are going to fill the needs that are essential for our country's economic future. Everywhere I travel around my State, from Buffalo to Brooklyn, everyone is talking about the need for job creation. This bill allows us to invest in the new areas of renewable fuels, energy independence, technology, and medicine so we can begin to focus our youth on the math, science, engineering, and technology they need to be at the forefront of these new careers. What this act does is provide those opportunities for these students to participate in service projects that help them learn the skills they need in these green jobs and in the health care and technology arenas.

In this time of economic crisis and uncertainty, so many people feel the need to contribute to the greater good. We will harness these millions of hearts and minds to do exactly that, to allow America to reach its potential. It is a critical step in moving forward the promise of our citizens and of our country as embodied in the Serve America act. I encourage all Senators to support it fully.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 690, AS MODIFIED, TO AMENDMENT NO. 687

Ms. MIKULSKI. I now call up the Ensign amendment, No. 690, and I ask that the amendment be modified with the changes at the desk and that the amendment, as modified, be agreed to and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 690), as modified, was agreed to, as follows:

(Purpose: To improve the provisions relating to erroneous or incorrect certifications)

On page 145, strike lines 4 through 10 and insert the following:

shall assess against the national service program a charge for the amount of any associated payment or potential payment from the National Service Trust. In assessing the amount of the charge, the Corporation shall consider the full facts and circumstances surrounding the erroneous or incorrect certification.

Ms. MIKULSKI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 721

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate, equally divided, prior to a vote on amendment No. 721, offered by the Senator from Montana, Mr. BAUCUS.

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, the Senate is about to vote on two amendments on the tax treatment of charitable giving. The first is my amendment. My amendment would put the Senate on record supporting charities. It says Congress should look for ways to encourage charitable giving. I hope my colleagues can support it.

The second amendment is the Thune amendment. The Thune amendment favors preservation of full taxing incentives for charitable giving, over all other priorities. That is overbroad. That is extreme. I will have more to say about that in a few minutes.

But the first vote is now on my amendment to state that the Senate's strong support for charitable giving. I encourage my colleagues to support that amendment.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. BAUCUS. I encourage all time to be yielded back.

Mr. KYL. Mr. President, we will yield back the time on the Republican side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. DURBIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. DORGAN) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 41, as follows:

[Rollcall Vote No. 112 Leg.]

YEAS—56

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (FL)
Bayh	Harkin	Nelson (NE)
Begich	Inouye	Pryor
Bennet	Johnson	Reed
Bingaman	Kaufman	Reid
Boxer	Kerry	Rockefeller
Brown	Klobuchar	Sanders
Burris	Kohl	Schumer
Byrd	Landrieu	Shaheen
Cantwell	Lautenberg	Stabenow
Cardin	Leahy	Tester
Carper	Levin	Udall (CO)
Casey	Lieberman	Udall (NM)
Conrad	Lincoln	Warner
Dodd	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden
Feinstein	Mikulski	

NAYS—41

Alexander	DeMint	McCain
Barrasso	Ensign	McConnell
Bennett	Enzi	Murkowski
Bond	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Chambliss	Hutchison	Snowe
Coburn	Inhofe	Specter
Cochran	Isakson	Thune
Collins	Johanns	Vitter
Corker	Kyl	Voinovich
Cornyn	Lugar	Wicker
Crapo	Martinez	

NOT VOTING—2

Dorgan	Kennedy

The amendment (No. 721) was agreed to.

AMENDMENT NO. 716

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote on amendment No. 716, offered by the Senator from South Dakota, Mr. THUNE.

The Senator from South Dakota.

Mr. THUNE. Mr. President, my amendment simply expresses the sense of the Senate that we maintain present law with regard to the deductibility of charitable contributions, that we allow or maintain the current tax treatment practice with regard to charitable contributions, and that is to allow full deductibility. The amendment we just voted on by the Senator from Montana opens the door to something less than full deductibility. I think it is important for the Senate to be on record, particularly in light of the challenges being faced by many charitable organizations these days to keep up with giving.

There was a story in the New York Times this morning that says only 12 percent of charitable organizations expect to end the year with an operating surplus.

Dianne Aviv, president of Independent Sector, a national membership organization of charities, said any decrease in charitable giving caused by Obama's proposal, no matter how small, would be ''seen as a stake in the heart.''

With all other means of income down, the idea that there will be another potential cut to the income of those nonprofit organizations feels catastrophic. It is utterly unacceptable.

We have an opportunity to make a statement here expressing the view of the Senate confirming the current tax treatment for charitable contributions, full deductibility.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, the Thune amendment says: Preserve full tax incentives for charitable giving, over all other priorities.

This is a shot at President Obama's proposal to limit deductions for those making more than a quarter of a million dollars a year.

But the Senator's amendment is broader than that. It is overbroad.

Should the tax law be able to crack down on charities that are actually scams? Of course, it should.

But the Thune amendment says: Preserve the full income tax deduction, no matter what.

Should we scale back the estate tax, even if it would decrease charitable giving? Of course, we should.

But the Thune amendment says: Don't discourage charitable giving.

This amendment is overbroad. I urge my colleagues to oppose the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. BAUCUS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. DORGAN) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

The PRESIDING OFFICER (Mrs. GILLIBRAND). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 49, as follows:

[Rollcall Vote No. 113 Leg.]

YEAS—48

Alexander	DeMint	Martinez
Barrasso	Ensign	McCain
Bayh	Enzi	McConnell
Bennett	Graham	Murkowski
Bond	Grassley	Nelson (NE)
Boxer	Gregg	Risch
Brownback	Hagan	Roberts
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Chambliss	Inhofe	Snowe
Coburn	Isakson	Specter
Cochran	Johanns	Thune
Collins	Kyl	Vitter
Corker	Lieberman	Voinovich
Cornyn	Lincoln	Webb
Crapo	Lugar	Wicker

NAYS—49

Akaka	Gillibrand	Nelson (FL)
Baucus	Harkin	Pryor
Begich	Inouye	Reed
Bennet	Johnson	Reid
Bingaman	Kaufman	Rockefeller
Brown	Kerry	Sanders
Burris	Klobuchar	Schumer
Byrd	Kohl	Shaheen
Cantwell	Landrieu	Stabenow
Cardin	Lautenberg	Tester
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Conrad	McCaskill	Warner
Dodd	Menendez	Whitehouse
Durbin	Merkley	Wyden
Feingold	Mikulski	
Feinstein	Murray	

NOT VOTING—2

Dorgan	Kennedy

The amendment (No. 716) was rejected.

Mr. DURBIN. Madam President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 705

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote on amendment No. 705, offered by the Senator from Louisiana, Mr. VITTER.

The Senator from Louisiana.

Mr. VITTER. Madam President, my amendment is very simple. It says no money under this program could go to ACORN or any of its affiliates. Although it is about that one organization, I think the amendment goes to the heart of this debate.

A lot of us are concerned this bill could politicize and put too much Government involvement in charitable work across the country. Some folks may like ACORN, other folks may not, but nobody can argue that ACORN isn't at its core political and ideological. It should not get money under this program. The language in the bill that says you can't do political activity with the money clearly isn't good enough, because ACORN and other very political and ideological groups would simply have charitable offshoots that could accept the money and be underwritten indirectly in that way.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Maryland.

Ms. MIKULSKI. Madam President, I vigorously, unabashedly, unreservedly

oppose this amendment. This amendment is absolutely not needed.

First, ACORN hasn't received AmeriCorps money in over a decade. Now, we would deny—deny—to groups who happen to be in the same building as ACORN access to AmeriCorps funds. It is harsh, punitive, and I believe makes no sense in terms of being able to deliver a service. It means if the Franciscan nuns had a floor in the building where ACORN operated, they couldn't do outreach to the poor. It means if there is a hotline for battered women to call, and they happen to be in the same building as ACORN, they couldn't get AmeriCorps funds.

I think this is an amendment that has no purpose and has Draconian consequences if passed. I therefore object to this amendment.

Madam President, I yield back my time, and I move to table this Vitter amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from Illinois (Mr. BURRIS), the Senator from North Dakota (Mr. DORGAN) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois (Mr. BURRIS) would vote ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 43, as follows:

[Rollcall Vote No. 114 Leg.]

YEAS—53

Akaka	Hagan	Murray
Baucus	Harkin	Nelson (FL)
Bayh	Inouye	Pryor
Begich	Johnson	Reed
Bennet	Kaufman	Reid
Bingaman	Kerry	Rockefeller
Boxer	Klobuchar	Sanders
Brown	Kohl	Schumer
Cantwell	Landrieu	Shaheen
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Dodd	Lincoln	Warner
Durbin	McCaskill	Webb
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Gillibrand	Mikulski	

NAYS—43

Alexander	DeMint	McConnell
Barrasso	Ensign	Murkowski
Bennett	Enzi	Nelson (NE)
Bond	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Byrd	Hutchison	Snowe
Chambliss	Inhofe	Specter
Coburn	Isakson	Thune
Cochran	Johanns	Vitter
Collins	Kyl	Voinovich
Corker	Lugar	Wicker
Cornyn	Martinez	
Crapo	McCain	

NOT VOTING—3

Burris	Dorgan	Kennedy

The motion was agreed to.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

AMENDMENT NO. 722 WITHDRAWN

Mr. BURR. Madam President, I ask unanimous consent to withdraw amendment No. 722.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is withdrawn.

AMENDMENT NO. 727 TO AMENDMENT NO. 687

Mr. BURR. Madam President, I send to the desk an amendment that I filed on behalf of myself and Senator MIKULSKI.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator in North Carolina [Mr. BURR], for himself and Ms. MIKULSKI, proposes an amendment numbered 727 to Amendment No. 687.

Mr. BURR. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strengthen criminal history checks for individuals working with vulnerable populations and for other purposes)

On page 213, after line 21, insert the following:

SEC. 1613. CRIMINAL HISTORY CHECKS FOR INDIVIDUALS WORKING WITH VULNERABLE POPULATIONS.

(a) AMENDMENT.—Section 189D, as added by section 1612, is further amended by adding at the end the following:

''(d) SPECIAL RULE FOR INDIVIDUALS WORKING WITH VULNERABLE POPULATIONS.—

''(1) IN GENERAL.—Notwithstanding subsection (b), on and after the date that is 2 years after the date of enactment of the Serve America Act, a criminal history check under subsection (a) for each individual described in paragraph (2) shall, except for an entity described in paragraph (3), include—

''(A) a name-based search of the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.);

''(B) a search of the State criminal registry or repository in the State in which the program is operating and the State in which the individual resides at the time of application; and

''(C) submitting fingerprints to the Federal Bureau of Investigation for a national criminal history background check.

''(2) INDIVIDUALS WITH ACCESS TO VULNERABLE POPULATIONS.—An individual described in this paragraph is an individual age 18 or older who—

''(A) serves in a position in which the individual receives a living allowance, stipend, national service educational award, or salary through a program receiving assistance under the national service laws; and

''(B) as a result of such individual's service in such position, has or will have access, on a recurring basis, to—

''(i) children age 17 years or younger;

''(ii) individuals age 60 years or older; or

''(iii) individuals with disabilities.

''(3) EXCEPTIONS.—The provisions of this subsection shall not apply to an entity—

''(A) where the service provided by individuals serving with the entity to a vulnerable population described in paragraph (2)(B) is episodic in nature or for a 1-day period;

''(B) where the cost to the entity of complying with this subsection is prohibitive;

''(C) where the entity is not authorized, or is otherwise unable, under State law, to access the national criminal history background check system of the Federal Bureau of Investigation;

''(D) where the entity is not authorized, or is otherwise unable, under Federal law, to access the national criminal history background check system of the Federal Bureau of Investigation; or

''(E) to which the Corporation otherwise provides an exemption from this subsection for good cause.''.

(b) FEASIBILITY STUDY FOR A SYSTEM OF CRIMINAL HISTORY CHECKS FOR EMPLOYEES AND VOLUNTEERS.—

(1) FEASIBILITY STUDY ON EFFICIENCY AND EFFECTIVENESS REGARDING CRIMINAL HISTORY CHECK.—The Attorney General of the United States shall conduct a study that shall examine, to the extent discernible and as of the date of the study, the following:

(A) The state of criminal history checks (including the use of fingerprint collection) at the State and local level, including—

(i) the available infrastructure for conducting criminal history checks;

(ii) the State system capacities to conduct such criminal history checks; and

(iii) the time required for each State to process an individual's fingerprints for a national criminal history background check through the Federal Bureau of Investigation, from the time of fingerprint collection to the submission to the Federal Bureau of Investigation.

(B) The likelihood that each State would participate in a nationwide system of criminal history checks to provide information regarding participants to entities receiving assistance under the national service laws.

(C) The number of participants that would require a fingerprint-based national criminal history background check under the national service laws.

(D) The impact of the national service laws on the Integrated Automated Fingerprint Identification System of the Federal Bureau of Investigation in terms of capacity and impact on other users of the system, including the effect on the work practices and staffing levels of the Federal Bureau of Investigation.

(E) The fees charged by the Federal Bureau of Investigation, States, local agencies, and private companies to collect and process fingerprints and conduct criminal history checks.

(F) The existence of model or best practice programs regarding conducting criminal history checks that could easily be expanded and duplicated in other States.

(G) The extent to which private companies are currently performing criminal history checks, and the possibility of using private companies in the future to perform any of the criminal history check process, including the collection and transmission of fingerprints and fitness determinations.

(H) The cost of development and operation of the technology and the infrastructure necessary to establish a nationwide fingerprint-based and other criminal background check system.

(I) The extent of State participation in the procedures for background checks under the National Child Protection Act of 1993 (42 U.S.C. 5119 et seq.).

(J) The extent to which States provide access to nationwide criminal history checks to organizations that serve children.

(K) The extent to which States permit volunteers and other individuals to appeal adverse fitness determinations, and whether similar procedures are required at the Federal level.

(L) Any privacy concerns that may arise from nationwide criminal background checks for participants.

(M) Any other information determined relevant by the Attorney General.

(2) INTERIM REPORT.—Based on the findings of the study under paragraph (1), the Attorney General shall, not later than 6 months after the date of the enactment of this Act, submit to the appropriate committees of Congress an interim report, which may include recommendations regarding criminal history checks for individuals that seek to volunteer with organizations that work with children, the elderly, or individuals with disabilities.

(3) FINAL REPORT.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary and the Committee on Health, Education, Labor, and Pensions of the Senate and to the Committee on the Judiciary and the Committee on Education and Labor of the House of Representatives, a final report including recommendations regarding criminal history checks for participants under the national service laws, which may include—

(A) a proposal for grants to States to develop or improve programs to collect fingerprints and perform criminal history checks for individuals that seek to volunteer with organizations that work with children, the elderly, or individuals with disabilities; and

(B) recommendations for amendments to the National Child Protection Act of 1993 and the Volunteers for Children Act so that entities receiving assistance under the national service laws can promptly and affordably conduct nationwide criminal history background checks on their employees and volunteers.

(4) DEFINITIONS.—In this subsection, the terms ''authorizing committees'', ''participants'', and ''national service laws'' have the meanings given such terms in section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511).

(c) EFFECTIVE DATE.—Notwithstanding section 6101, subsection (b) shall take effect on the date of enactment of this Act.

Mr. BURR. Madam President, again, I offer this amendment on behalf of Senator MIKULSKI and myself. We worked diligently over the last several hours to try to fix a previous amendment. We have come to that agreement.

I remind my colleagues that what we have done is clearly targeted at individuals who, on a recurring basis, deal with vulnerable populations, including children, the elderly, and the disabled. We have allowed the 2-year ramp-up to remain in the bill. In addition, we have left the ''for good cause'' exemption and added specific additional exemptions to the bill.

This is a good piece of legislation. It should give every Member a strong belief that we are doing everything we can to protect those individual populations by making sure those who volunteer, in fact, meet the threshold we think is appropriate.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Madam President, I rise as an enthusiastic cosponsor of the Burr-Mikulski amendment. I do so because I believe what we have been able to achieve is to ensure that our vulnerable populations will not ever be exposed to people who could jeopardize their health or well-being if they work in the service of America.

Our amendment affirms very clearly that our bill will require criminal history checks on all employees and volunteers participating in these programs. Volunteers will be checked through the national sex offender data base. No sexual predators will participate.

Also, we will be doing, where appropriate, FBI and State database criminal data checking. We agree with Senator BURR there should be mandatory FBI fingerprint background checks of all volunteers working with children, the elderly, and individuals with disabilities.

Our amendment makes our bill even tougher by adding Senator BURR's requirement that volunteer organizations check with that FBI data base so that no criminals are ever working around these populations. We are also making sure there is the opportunity for flexibility of these groups, particularly where the entity is not authorized or is unable under State law to access these national history background checks, and some other technicals.

We are going to go a step further and ask the Attorney General to report back within a year if we need to do more to strengthen these background checks. We will work to get whatever we need to get the job done.

I want to take this opportunity to thank Senator BURR for reaffirming a strong commitment in this area. I have worked with him on his Committee and on the Intelligence Committee. I thank him for his approach in protecting vulnerable populations. I am glad we can work together to find a sensible center so we can get the job done. It shows if we listen to each other, we can work and govern together and, at the end of the day, the bill is better because of our efforts.

I thank the Senator for his cooperation, his civility, and a very good idea. If the Senator from North Carolina would like, we could move to a voice vote on the amendment.

Mr. BURR. That would be fine.

Ms. MIKULSKI. Madam President, I ask that this amendment be adopted by a voice vote.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 727) was agreed to.

Ms. MIKULSKI. Madam President, I move to reconsider the vote.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Madam President, I want to report the status. We have concluded action on three amendments by a formal vote. We just completed another matter on a voice vote, as staff continues to iron out modest wrinkles on very few outstanding issues. Besides those issues, I am not aware of any other matter that needs to be considered.

I want Members to be aware the national service train will soon be leaving the station. If any Senator now wishes to offer an amendment or bring something to our attention, now is the time.

I am not in a position to ask unanimous consent for a time for final passage, but I alert our colleagues that after the national security briefings that all Senators will shortly be attending, we would like to be ready to move toward final passage.

Let's continue to work the way we are, and I think we can get the job done.

AMENDMENT NO. 714 TO AMENDMENT NO. 687

Ms. MIKULSKI. Madam President, on behalf of Senator WARNER of Virginia, I ask unanimous consent to call up amendment No. 714, and that once that is reported, the amendment be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for Mr. WARNER, proposes an amendment numbered 714 to amendment No. 687.

The amendment is as follows:

(Purpose: To conduct a study regarding the establishment of a Volunteer Management Corps program)

On page 235, between lines 9 and 10, insert the following:

SEC. 1713. VOLUNTEER MANAGEMENT CORPS STUDY.

(a) FINDINGS.—Congress finds the following:

(1) Many managers seek opportunities to give back to their communities and address the Nation's challenges.

(2) Managers possess business and technical skills that make them especially suited to help nonprofit organizations and State and local governments create efficiencies and cost savings and develop programs to serve communities in need.

(3) There are currently a large number of businesses and firms who are seeking to identify savings through sabbatical opportunities for senior employees.

(b) STUDY AND PLAN.—Not later than 6 months after the date of enactment of this Act, the Corporation shall—

(1) conduct a study on how best to establish and implement a Volunteer Management Corps program; and

(2) submit a plan regarding the establishment of such program to Congress and to the President.

(c) CONSULTATION.—In carrying out the study described in subsection (b)(1), the Corporation may consult with experts in the private and nonprofit sectors.

(d) EFFECTIVE DATE.—Notwithstanding section 6101, this section shall take effect on the date of enactment of this Act.

The PRESIDING OFFICER. Under the previous order, the amendment is agreed to, and the motion to reconsider is considered made and laid on the table.

The amendment (No. 714) was agreed to.

AMENDMENT NO. 728 TO AMENDMENT NO. 687

Ms. MIKULSKI. On behalf of myself and Senator ENZI, I call up an amendment of technical changes, which is at the desk, and I ask unanimous consent that it be considered and agreed to, and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for herself and Mr. ENZI, proposes an amendment numbered 728 to amendment No. 687.

Ms. MIKULSKI. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 26, line 25, strike ''for this part'' and insert ''for this subtitle''.

On page 60, line 11, strike ''the report'' and insert ''the report described in subsection (c)''.

On page 67, line 15, strike ''places'' and insert ''place''.

On page 81, line 4, insert before the semicolon the following: '', and sending care packages to Members of the Armed Forces who are deployed''.

On page 92, line 25, strike ''heath'' and insert ''health''.

On page 103, lines 16 and 17, strike ''subtitles B and C'' and insert ''subtitle B''.

On page 272, line 17, strike ''be focused'' and insert ''propose to focus''.

On page 272, line 21, strike ''be focused'' and insert ''propose to focus''.

On page 276, line 6, strike ''the highest'' and insert ''high''.

The PRESIDING OFFICER. Under the previous order, the amendment is agreed to, and the motion to reconsider is considered made and laid on the table.

The amendment (No. 728) was agreed to.

Ms. MIKULSKI. I thank the Chair.

TEACH FOR AMERICA

Mr. ALEXANDER. I would like to commend Senator MIKULSKI for all the hard work that you, Senator KENNEDY, Senator HATCH and Senator ENZI have put into crafting this bipartisan legislation. In a time when we are seeing record numbers of Americans looking to give their time and energy to service, I am pleased that we are strengthening and expanding national service programs to create more opportunities for those willing to serve. I thank the Senator for her work on this effort.

In particular, I am pleased with the creation of the new national service corps, which will address educational, health, veteran, and environmental needs. One professional education corps currently in operation, Teach For America, has been an AmeriCorps program since 1994 and is the Nation's largest professional service corps. Teach For America recruits top-college graduates of all backgrounds and career interests to commit to teach for at least 2 years in our Nation's most underserved classrooms. To date, 20,000 Teach For America corps members have enriched the lives of more than 3 million low income students at our Nation's lowest performing schools. I am very encouraged by the fact that while only 1 in 10 Teach For America corps members initially planned on a career in education, two-thirds of them remain in the field in some capacity. This demonstrates the life-changing impact that this kind of service can have on an individual.

Teach For America is also experiencing remarkable growth as more and more Americans look to give back to their communities. Applications were up 40 percent this year, with 35,000 people applying to serve through Teach For America alone.

However, I am concerned that there may be some confusion about the ability of Teach for America participants to serve in the Education Corps that we are creating with this bill. As I understand it, Teach For America will continue to be eligible under the national service corps description in section 122(c)(1)(D) and that because of that eligibility will be eligible as a program model for service corps for funding under the Education Corps and any of the newly created corps programs under section 122. Is this understanding correct?

Ms. MIKULSKI. I thank the Senator. I appreciate the Senator raising the issue of Teach For America. As the Senator knows, I am a very strong supporter of Teach For America and am very proud of the successes that its corps members have in the classroom. Teach For America has 240 corps members in Maryland this year, and by next year you will have 140 in Tennessee, which is very exciting. Nationally, over 6100 corps members are enriching the lives of more than 450,000 underserved students in our Nation's lowest performing schools. And with more than 14,000 alumni working in all fields to combat educational inequity, I am confident that the impact of this program and its corps members will only continue to grow.

I am proud to be a longtime supporter of this innovative and dynamic program, and I am pleased to say that they will continue to be eligible to participate in AmeriCorps through the newly created national service corps. Teach For America has demonstrated measurable effectiveness in the classroom, and it is exactly this type of measurable success that we are looking to scale up.

I would like to reiterate it as clearly and simply as I can so that there is no confusion:

Teach for America is eligible to receive funding under this legislation as a program model for service corps.

Participants in the national service corps program models are allowed to serve in the Education Corps—or any of the other corps—that we are allowing for the creation of with the passage of this law, as long as they are focused on improving the appropriate outcomes.

And Teach for America will be eligible to serve in the Education Corps.

RETIRED SENIOR VOLUNTEER PROGRAM

Mr. ENZI. I would like to thank Senator MIKULSKI for all the hard work that she, Senator KENNEDY and Senator HATCH have put into crafting this bipartisan legislation. After 16 years we finally have the opportunity to take a hard look at the laws surrounding national service, and we are making necessary changes to improve accountability, reduce bureaucracy, and ensure that we get maximum return on the taxpayer's investment.

Early in this process we recognized that an important challenge we would face in the reauthorization of the Domestic Volunteer Service Act was the desire of many to inject more competition into the SeniorCorps programs.

These programs provide important services in every one of our States. In Wyoming there are more than 1,300 older Americans who are working to meet the needs of their communities in one of three Senior Corps programs: Retired Senior Volunteers, Senior Companion, and Foster Grandparents. In the Retired and Senior Volunteer Program—RSVP—volunteers are working in Casper and Cheyenne to conduct safety patrols, participate in environmental projects, and provide tutoring and mentoring services.

We have included performance indicators throughout the bill that will help us to evaluate the work of these programs. In the RSVP program, we reached bipartisan agreement to phase in a competitive grant process that provides incentives for organizations to improve their coordination with other community-based organizations, to increase their compliance with program requirements, and to assess their strengths and areas in need of improvement.

We have included requirements that this new process put transparency first. The process by which the Corporation develops regulations and performance measures should be open and inclusive. As the Corporation for National Community Service moves through the regulatory process, we expect them to take seriously the public comments they receive for how best to move forward with greater competition in this program. There is a lot of on-the-ground expertise within the community of RSVP directors, and we expect the Corporation will listen to their recommendations, the recommendations of the National Association of RSVP Directors, and involve representatives from these communities in the peer review process.

Finally, I understand that this new process has the potential for creating some new paperwork and administrative burdens on grantees in the RSVP program. Does the Senator see a way for those concerns to be addressed?

Ms. MIKULSKI. I thank the Senator. I appreciate the Senator raising the issue of competition in the SeniorCorps programs. As the Senator knows, I am

a very strong supporter of the work that these programs perform in the communities in my State. More than 7,400 seniors participate in these programs. Our Foster Grandparents serving as tutors and mentors, our Senior Companions are providing services to homebound seniors, and our Retired and Senior Volunteers are working in hundreds of community-based organizations across Maryland.

I believe that the language we have agreed upon provides opportunities to address some of the additional administrative burdens that may present a challenge for some of our small and rural programs. While this bill requires that RSVP programs undergo evaluations to gauge their performance levels, it also includes requirements for the Corporation to provide technical assistance to those programs that are struggling. It is important that as these organizations work to improve their performance they are able to obtain the support that they need from the Corporation to be successful. We have built in sufficient time so that the process is not rushed, and the legislation also ensures that every effort be made to minimize disruption to the volunteers and the communities they serve.

And it is also important to note that we have directed the Corporation to make available an online resource guide. This resource guide will spell out the Corporation's expectations for high performing programs, provide examples of best practices, and help demystify the meaningful outcome measures that we expect to be applied to these programs. We are charting a path forward that will result in the RSVP volunteers providing better services to the communities in which they serve.

ROOSEVELT SCHOLARS

Mr. BINGAMAN. Madam President, I wish to join Senator KENNEDY and Senator VOINOVICH in a colloquy about the importance of government service and the potential of the Roosevelt Scholars program to bring more talented young Americans into the Federal workforce.

The important legislation before us today focuses its attention on volunteerism and community service. I commend Senators KENNEDY, HATCH and of course, my colleague Senator MIKULSKI, who has so ably guided the Senate's consideration of the Serve America Act. I suggest that it would be wise for this body to address the value of government service with the same resolve and bipartisanship with which we have engaged on the volunteer service legislation before us today.

Advancing service legislation without a government service component would be unfortunate in ordinary times, but it is doubly so given the extraordinary demands being placed on our government in a time of national crisis. It is incumbent upon all of us to ensure that we are building new pipelines of talent into the Federal workforce to ensure that our government is able to meet its responsibilities to the American people.

The Roosevelt Scholars Act is a smart and efficient way to add one of these new—and needed—pipelines. The proposal is to create a scholarship program in mission-critical fields in exchange for a Federal service commitment. The Roosevelt Scholars program would provide tuition, support for room and board and a stipend for study in occupations critical to our government's success, including engineering, public health, science, foreign languages, accounting and information technology, to name but a few. In exchange for this support, Roosevelt Scholars would complete an internship in a Federal agency and, upon graduation, would be expected to complete a minimum of three years of Federal service. A Roosevelt Scholars Foundation would be established to administer all aspects of the program.

Mr. VOINOVICH. I thank the Senator from New Mexico. Since my election to the Senate, I have made improving the Federal workforce a priority. I know from 18 years of experience as both a mayor and a Governor that you simply cannot have effective government without the right people to get the job done.

The Oversight of Government Management and the Federal Workforce Subcommittee, which I chaired and of which I am now the ranking member, has held dozens of hearings on issues related to attracting and retaining talented people in government service. Roughly one-third of government's top scientists, engineers, physicians, mathematicians, economists, and other highly specialized professionals will be leaving government service in the next 5 years. The labor needs of government are becoming more professional and specialized than ever before. Unfortunately, the same is true of the overall U.S. labor market and an insufficient number of citizens are pursuing study in high need areas. We need programs like Roosevelt Scholars to help address this shortage of skilled talent.

I am pleased to join the Senator as a cosponsor of the Roosevelt Scholars proposal so more of our talented young people who answer the call to service will have government service as an option.

Mr. BINGAMAN. I appreciate the remarks of my colleague and look to my colleague from the State of Massachusetts, Mr. KENNEDY, for some assurance that he regards government service as public service, as I do, and that the HELP Committee on which we both serve will pursue the Roosevelt Scholars Act as one way to enable more Americans to answer the call to national service.

Mr. KENNEDY. I thank my colleague from New Mexico and also my colleague from Ohio. I certainly agree that government service is public service. I also agree that we need to do more to encourage talented young men and women to serve in the government and make it financially possible for them to do so. We took a significant step to do so in the last Congress, with the public service loan forgiveness program in the College Cost Reduction and Access Act. I would be pleased to work with the Senator and our colleagues in the HELP Committee to see that the proposed Roosevelt Scholars Act and its emphasis on building new pipelines to bring talent into government service receive a full hearing and consideration by the committee.

Mr. LEAHY. Madam President, I am pleased that the Senate is moving forward to vote on final passage of the bipartisan Serve America Act. Practical participation in the goals and ideals of our country through service is a cornerstone of our success as the world's most enduring democracy, and we must continue to work together to promote such volunteerism on a national level. Senator KENNEDY has worked tirelessly to promote national service by authoring and passing the National and Community Service Trust Act, which created AmeriCorps. Senator KENNEDY's career of public service serves as an example to so many Americans, and I am proud to have joined alongside him as a cosponsor of this legislation.

For dozens of years, programs aimed at assisting Americans of all ages to participate in year-long service activities have thrived and national service applications are higher than they have ever been. This bill would expand the opportunities for Americans to serve by boosting AmeriCorps programs over 8 years to a goal of 250,000 volunteers, engaging youth and low-income individuals to participate in Summer of Service or Semester of Service programs, making expansions to programs for retirees, and authorizing a program for short-term international service opportunities. These programs have helped thousands engage in their communities and become involved in civic life and we should encourage even greater participation by passing this bill.

In this time of economic hardship, Americans are struggling to pay the high costs of tuition and those who do make it through school are struggling to find ways to pay the bills. Many that may be drawn toward year-of-service programs are unable to commit because they cannot afford to do so. The Serve America Act increases the education award for volunteers to $5,350 to keep up with education costs and to link it to Pell Grants in order to help it increase in the future.

The dedicated young people who have answered the honorable call to national service contribute enormously to the strength of our communities. Whether they are helping to house the homeless, feed the hungry, or keep disadvantaged youth safe in fun and educational after-school activities, they are often filling a sorely needed gap that the community cannot otherwise fill. Since AmeriCorps' inception in 1994, more than 2,900 Vermonters have

qualified for education loans through the program, allowing about 390 Vermont students to serve each year. Additionally, 2,800 Vermont seniors contribute their time to the Senior Corps program by becoming foster grandparents, senior companions for homebound seniors, or by serving in the Retired and Senior Volunteer Program. The expansion of the year-of-service opportunities this bill contains will greatly increase the capacity of Vermonters to join national service programs.

Last week, a large group of volunteers from YouthBuild came to Washington to participate in Green Building Service Day to build an energy efficient home on the National Mall. YouthBuild volunteers have been participating in similar projects for more than 20 years. Several members of YouthBuild Burlington came to Washington to participate in Green Building Service Day and described how the program turned around their lives and how they are inspired to continue public service after their time with YouthBuild is completed. National service programs such as YouthBuild are not merely volunteer programs, but programs that invigorate the spirit of national service that will influence volunteers for a lifetime.

We must work to make this vital part of our social safety net in Vermont and across the nation. Service to our country is not only noble, but it enriches the lives of those served as well as the volunteers who commit their time to helping others. I urge support of this bill as the Senate prepares to vote.

Mr. SCHUMER. Madam President, I rise today to express my support for this important bipartisan bill, the Serve America Act.

Voluntarism is at the core of the ''American'' spirit. It was something that impressed Alexis de Tocqueville when he first visited the new American democracy in the early nineteenth century, and it is a trait that continues to improve the world around us every second of every day.

Now, more than ever, we need to do what we can to keep the flame of public service burning bright in America to give our schools, our churches and temples, and our communities hope that prosperity and economic recovery for all is just around the corner.

This legislation that we are considering today does just that.

The Serve America Act reauthorizes and broadens our national service laws and creates a framework to develop national service programs that will improve American communities and enrich the lives of all of those who answer the call to serve.

Now is the time for us to come together to reach out a helping hand to one another. This is what makes our country great, it is our spirit of community, our willingness to hunker down and help one another.

The Serve America Act creates a continuum of service opportunities for Americans of all ages and walks of life—from middle school kids through seniors enjoying retirement.

Today, I want to highlight a particular provision in this bill, the 9/11 Day of Service and Remembrance.

I thank Senators KENNEDY, MIKULSKI, HATCH and ENZI for including this important provision at my urging.

This provision will create a new national campaign to promote public service and encourage Americans to observe September 11 as a National Day of Service and Remembrance.

This is important not only to all the families and loved ones affected by that terrible tragedy, but also to the next generation of Americans—so that we will never forget what happened on that day, and we will honor those who were killed with our own act of selflessness and public service.

I want to acknowledge several of my fellow New Yorkers who have worked tirelessly on this issue: Jay Winuk, cofounder and vice president of MyGoodDeed.org and the brother of attorney and 9/11 rescuer Glenn Winuk and David Paine, president and founder of MyGoodDeed.org.

Glenn Winuk is just one of many New Yorkers who this provision will honor. On September 11, 2001, Glenn was working in his law office near the World Trade Center when the first plane hit.

Glenn was a volunteer fire fighter and EMT and he helped evacuate his building, and then headed toward the chaos, grabbing a mask and a pair of gloves on the way. Tragically, Glenn died when the second tower collapsed.

The nonprofit My Good Deed, started by his brother and friend, was founded to transform the anniversary of the attacks of September 11, 2001 into an annually observed national day of service and good deeds.

In 2007, more than 300,000 good deeds were posted on the organization's website by participants from all 50 U.S. states and150 different countries and territories.

The good deeds come in all forms—large and small.

Giving a homeless woman a blanket on a cold night, donating blood regularly, sending care packages to our troops, and helping friends and neighbors by babysitting.

There is a tremendous story from 2007 of John Feal who founded the Feal Good Foundation. John donated a kidney to a stranger to help a seriously ill 9/11 rescue worker. What a wonderful act of selflessness.

We want to encourage more stories and acts of generosity like this.

Establishing 9/11 as a national service day also has the potential to inspire many people to consider community service for the first time—a key goal of President Obama's administration.

MyGoodDeed.org, the nonprofit that has been leading the eight year effort to designate 9/11 as a national day of service, found that two-thirds of those who have participated in the unofficial 9/11 day of service observance to date—more than three million people a year by its estimates—describe themselves as relatively new or new to volunteering.

Commemorating 9/11 with a good deed to help another American in need will honor great New Yorkers like John Sferazo and his organization ''Unsung Heroes Helping Heroes''—who have already stepped up to the plate and volunteered their time to help their fellow countrymen.

John was an ironworker who sacrificed his health at Ground Zero—and he and the Unsung Heroes have been helping out other first responders ever since.

September 11 should not only be a day for mourning—it should be a day to think about our neighbors, our community, and our country.

We can take a tragic day in our Nation's history and turn it into a force for good. We can make it a day on which we can give back in remembrance of those who lost their lives.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. DORGAN. Madam President, I am pleased to be a cosponsor of the Serve America Act, and I am glad the Senate is taking up this important bill this week. This legislation will provide better opportunities for all Americans to be involved in their communities. By engaging Americans of all ages in volunteer service opportunities, we can address some of our most pressing national challenges.

In North Dakota, people understand the importance of civic duty and lending a hand to help a neighbor or their community. In fact, as we are debating this legislation on the Senate floor, there is a major volunteer effort going on in North Dakota.

As I described in some detail yesterday, we are facing a major flood threat up and down the Red River Valley as well as in Bismarck and other communities around the state. The Red River is expected to rise to a record level in Fargo on Saturday. The community is working around the clock to fill sandbags, raise dikes and do their best to prepare. We are also facing several ice jams on the Missouri River that, if they break too fast, could flood our capital city of Bismarck in a matter of hours.

Yesterday I met with President Obama, along with Senator CONRAD, Congressman POMEROY, and our two colleagues from Minnesota, Senator KLOBUCHAR and Congressman PETERSON, to brief the President on the situation. The President pledged the full support of the Federal Government and signed an emergency disaster declaration to immediately deliver Federal aid to the region.

I am heading to North Dakota today to meet with Federal, State and local officials as we make the final push to prepare for the flood. I am sorry that I am going to miss the final series of votes on this bill, but I need to be on the ground in North Dakota.•

Mr. CARDIN. Madam President, I rise today in support of S. 277, the Serve America Act. First, let me thank Chairman KENNEDY, Senator MIKULSKI, and Senators HATCH and ENZI, for their leadership and their vision in crafting this bipartisan legislation. I am proud to be an original cosponsor of this bill, because it will foster the best of what it means to be an American—our sense of community and shared responsibility for one another.

This bill helps Americans respond to the call to national service. In the 63 days since President Obama took office, nowhere have we seen a more vibrant example than that set by the First Lady, Michelle Obama. Just last week, Mrs. Obama brought a diverse group of successful women to the White House—among them an astronaut, musicians, actors, businesswomen, scientists, authors—before dispersing them to Washington, DC, Maryland, and Virginia schools to meet with students and help them to aspire to greatness as well. Three weeks ago, on March 5, she served lunch to homeless men and women at a soup kitchen in downtown Washington. The menu for the day featured fruit salad made with donations from White House employees. Mrs. Obama's message was simple and eloquent—that times are tough and people need a helping hand. She said that those who could not donate food or money should try to donate time instead. These are but two examples of how Mrs. Obama has inspired civic interest and engagement in others. But one need not be First Lady or even a celebrity to serve the community and that is what S. 277, the Serve America Act, is all about.

The Serve America Act promotes public service as one avenue to address the most pressing challenges facing America. Who can help keep our children in school and out of gangs? Mentors provided through Education Corps. How can a single mother without insurance get her children basic dental care? Through oral health access programs offered through Healthy Futures Corps. How can a retiree better afford her heating bills? The Clean Energy Service Corps can weatherize her house to improve energy efficiency. How can a veteran recently returned from Afghanistan readjust to life at home? By working with volunteers at the Veterans Corps to pursue educational opportunities and professional certification. How can a recently laid-off father get gainful employment? Through the job-training and job-placement services and financial literacy programs offered through Opportunity Corps. These are just a few examples of how this legislation builds on the success of AmeriCorps to develop a volunteer base of civic engagement. It would reauthorize the basic AmeriCorps program with the goal of increasing the number of volunteers from 75,000 up to 250,000.

As our recession has spread and deepened, I have talked with many of Maryland's nonprofit service organizations, and the message is the same: our communities' need for services has increased, while donations have decreased. But true to the American spirit, the number of volunteers eager to serve has increased. People are willing to donate their time, even though they might be less able to afford monetary donations. And for many affected by layoffs and cutbacks, time is all they have to give. When I visit with high school and college students, I find they are more enthusiastic than ever about the notion of public service. S. 277 will harness that enthusiasm and help translate their interest into action.

By promoting the involvement of Americans of all ages, this bill supports a lifetime of service. It strengthens the current Learn and Serve America program to engage middle and high school students in meeting community needs. The bill establishes youth engagement zones—low-income, high-need districts where community based service learning projects can be coordinated for secondary school students. For college students, in addition to AmeriCorps service opportunities, the bill allows institutions of higher education to include service-learning as a component of other curriculae such as nursing and criminal justice. The bill also creates a ''Campuses of Service'' program, through which up to 25 colleges and universities can receive grants to provide service learning programs, or to share their programs with other institutions.

In addition, the bill provides opportunities for America's seniors. Our Nation can benefit from seniors' many years of experience as we confront today's problems. S. 277 will enhance current Senior Corps programs and offer incentives for service. It will also allow participants to transfer any earned educational benefits to their children or grandchildren.

I want to draw particular attention to the Healthy Futures Corps. This program will provide grants to the states and nonprofit organizations so they can fund national service in low-income communities. Healthy Futures Corps members will address certain health indicators, including chronic diseases, such as diabetes, and other conditions where we know there are socioeconomic, geographic, and racial and ethnic disparities. It will allow us to put into action tools that can help close the gaps in health status—prevention and health promotion. For too long, we have acknowledged health disparities, studied them, written reports about them. This bill will help us eliminate them through community-based interventions. I want to express my deep appreciation to the committee for adding language specifying oral health as an area of focus. Often overlooked when we consider health care, oral health is an essential component of health throughout life. No one can be truly considered healthy if they have untreated cavities, periodontal disease, or other dental problems. Maryland learned that lesson two years ago when 12 year old Prince George's County resident Deamonte Driver died of a brain infection brought on by an untreated tooth abscess. This measure will help recruit young people to work in the dental profession, where there are severe shortages of providers in many urban and rural areas. It will fund the work of individuals who can help parents find available oral health services for themselves and their children. It will make a difference in the lives of the Healthy Futures Corps members who work in underserved communities and in the lives and health of those who get access to care, and so I want to thank the committee for this addition to the bill.

I am proud to say that Maryland already has a great track record in public service. The Corporation for National and Community Service reports that more than 170,000 Marylanders now participate through 115 national service projects across our State. But there is always room for more. This legislation gives our State and the Nation additional tools to answer the call to service. I urge my colleagues to support this bill and it is my hope that it will receive the unanimous support of the Senate.

Mr. UDALL of New Mexico. Madam President, I rise today in strong support of the Serve America Act. This bill has broad, bipartisan support—and it should. One of my colleagues said earlier that it combines the best of liberal and conservative. I would say that it appeals to something that transcends political labels—a core belief that if citizens want to serve our country, we should help them.

But there are a few opponents of this bill, and I want to speak briefly to their concerns.

The basic argument against this legislation—as I understand it—is that government should not have to pay for voluntarism. I understand that argument. But I think it represents a basic misunderstanding of what public service is all about.

The AmeriCorps Web site says that that program offers young people an ''opportunity'' to serve.

And it is true. Community service is an opportunity. We could spend hours listing prominent public careers that started in the public service program. One of our colleagues got his start that way, and I know he appreciated that first opportunity to serve.

Alexis de Tocqueville—probably the most famous observer of American civil society—referred to our volunteer organizations as ''schools of democracy.'' And they are.

Volunteers learn to be citizens—in the fullest and truest sense of that word. A Teach for America volunteer in Gallup doesn't just teach his students. He learns a new culture. He learns compassion for a community that is not his own. And he learns how to take responsibility for himself and for others.

Imagine, briefly, if we accepted the idea that the Government should not pay for national service. Incoming AmeriCorps volunteers would be asked if they or their parents can afford to pay for a year's worth of food, clothes, and housing. Peace Corps volunteers would need enough money to spend a year abroad with no source of income. Our communities would not be served. And America's schools of democracy would be closed to all but the wealthiest Americans.

I do not want to live in a country where willing volunteers are denied the opportunity to serve because it is unaffordable.

The Serve America Act reflects the belief that we should encourage all our citizens to serve. We should give them more opportunities to be active citizens. Because a nation of volunteers does not just have better social services—it has a better citizenry and a stronger democracy.

I ask all of my colleagues to join me in supporting the Serve America Act.

Mr. ENZI. Madam President, I am pleased that the Serve America bill was considered through the regular legislative process. We held a hearing and a markup in the HELP Committee and reported it to the floor. Amendments have been offered, debated and dealt with, and we are about to vote to pass the bill. Although we have had to work faster than most of us would have preferred, it has been a bipartisan process every step of the way. While this is not a perfect bill, it is a better bill because we have followed regular order. The result is good policy with bipartisan support.

We have finally taken a hard look at the laws surrounding national service, and made necessary changes to improve accountability, reduce bureaucracy, and ensure that we get maximum return on the investment we're making. The bill includes key Republican concepts such as eliminating waste, and addressing serious concerns about the management and operations of the AmeriCorps programs. It strengthens the oversight and fiscal accountability of these Federal programs, while it expands accessibility and streamlines bureaucracy, which is particularly critical for smaller and rural programs.

The role of the chief financial officer and the inspector general at the Corporation for National and Community Service are strengthened. Additionally, the Corporation's board of directors is required to review the national service budget submission before it goes to OMB, and recovered misspent funds must go back to the national service trust.

As the only accountant in the Senate I wanted to make sure that we provided the Corporation with the tools it needs to be on sound financial ground as it moves forward. I believe that with the changes we have made, the Corporation for National and Community Service will be a better steward of the taxpayers' money, and we will see ever increasing numbers of Americans serving in their communities to address locally determined needs and challenges.

This bill is good for Wyoming because it makes programs more responsive to rural needs. It reduces paperwork and administrative burdens through fixed price grants so that so that programs can work better for small and rural communities.

The impact of streamlining access to these programs will allow the Corporation to reach out more effectively to Native American communities and tribal governments, particularly now that it has brought on board a strategic adviser for Native American Affairs. Often these communities are the ones experiencing the most extreme needs for education, health and workforce services. With these changes I am hopeful that the increased set-aside for programs serving Native American communities will not be underutilized and used more efficiently.

During the course of this debate we have heard about the many other important changes and improvements that we have made to the national service programs. I am glad that we have been able to improve the bill even more through the amendment process.

This bill represents a landmark bipartisan achievement in a time of fierce partisanship. By working in a bipartisan way we have limited the number of new programs and controlled increases in discretionary spending. We have also added accountability and performance measures at every step of the way for each program. This bill will mobilize millions of faith-based organizations, church groups, nonprofits, and individuals to volunteer their time and energy freely to serve their communities. It does not include any mandates of any kind for individuals or groups to volunteer.

I am pleased that this bill creates a Veterans Corps that provides services so important for returning veterans and their families. The bill establishes an Opportunity Corps to address issues in disadvantaged, low income communities, emphasizing financial literacy, education and job placement assistance, which are particularly fitting in this time of economic uncertainty. I am very supportive of provisions in this bill that build connections to the needs of our workforce.

With Senator MIKULSKI I believe that we have found a way to introduce responsible competition into the SeniorCorps programs. The original proposal around competition would have seriously disrupted the important services provided by these programs. Finding a solution was particularly important in Wyoming as over 1,000 people a year participate as senior companions, foster grandparents or community volunteers.

This is a bill that deserves our support, and I encourage my colleagues to vote for it. What we have agreed upon is good policy that reinforces Republican principles and will benefit disadvantaged communities across the country. I am confident that the House will concur with what we have done, pass the bill quickly, and send it to the President for his signature.

As debate on this legislation comes to a close it is necessary to thank those who have worked long and hard on this bill. First and foremost I would like to thank Chairman KENNEDY and Senator HATCH for agreeing to work together on designing the Serve America Act. It is a fine example of the importance of working together. I want to further acknowledge our friend and colleague Senator KENNEDY. His is a life of dedication to national service and commitment to the issue of national service. I am sorry that I missed him when he was here earlier this week. However, I know that we all look forward to his complete recovery and return to the Senate.

I also want to thank Senator HATCH for his management and leadership in shepherding this bill over the past few days. He has kept us focused on the importance of national service through his actions and dedication.

And I want to congratulate Senator MIKULSKI for the work she has done to ensure a bipartisan process and her willingness to work round the clock to get this bill done.

I would like to thank everyone on my staff who has worked tirelessly to get us to this point. In particular I would like to thank Frank Macchiarola, Greg Dean, Adam Briddell and Beth Buehlmann. I would also like to thank members of Senator KENNEDY's and Senator MIKULSKI's staff for their hard work—Michael Myers, Portia Wu and Emma Vadehra, and Mario Cardona and Ben Gruenbaum. Thank you also to Senator HATCH's staff, Chris Campbell and Bryan Hickman. I also want to thank Liz King and Kristin Romero, the excellent legislative counsels who worked many long hours to carefully draft bill language. Finally, I thank all of the members of the HELP Committee and their staffs for their hard work.

VOTE EXPLANATION

Mr. ENZI. Madam President, I would like to state my position on four votes I missed in the Senate on March 23 to 25, 2009.

I was unable to vote due to being in Gillette, WY, during blizzard conditions.

If in attendance, I would have voted as follows: March 23, 2009—''yea'' on vote 108, motion to invoke cloture on the motion to proceed to H.R. 1388; and March 25, 2009—''yea'' on vote 109, confirmation of David S. Kris, of Maryland, to be Assistant Attorney General; ''yea'' on vote 110, motion to waive Congressional Budget Act on the Crapo amendment No. 688; and ''nay'' on vote 111, motion to table Ensign amendment No. 715.

Mr. KENNEDY. Madam President, today the Senate has taken a significant step toward engaging many more

Americans in national and community service. Imagine how much stronger America will be if millions more people of all ages answer this legislation's—and our President's—call to serve.

The challenges facing the Nation are among the most serious in our history. Our families, our businesses, and our communities are suffering from unparalleled economic challenges. Jobs are disappearing. Homes are being foreclosed. Debts are soaring. Our health care system is in crisis. Our schools are in trouble. State and local budgets are being forced to make severe cutbacks.

Each of these challenges is daunting, but all of them can be met more effectively if we devote ourselves to the task together. We must overcome the illusion that America's problems are the responsibilities of others to solve.

Fortunately, there are signs of hope. The excitement generated on both sides of the aisle by last year's Presidential campaign showed that Americans young and old want to be more involved in the world in which they live. President Obama's call to service has inspired new interest in doing so. And if there is any silver lining to the economic crisis, it is the fact that the crisis, for all its harsh effects, has also strengthened Americans' desire to do their part.

The greed and selfishness displayed on Wall Street in recent weeks is not America. This desire to help is America.

Applications to City Year are up 180 percent. Teach for America received 35,000 applications for just 4,000 positions. Online AmeriCorps applications—which don't represent all AmeriCorps applications—are three to four times what they were last year.

As they always do, the American people are stepping up just when we need them most, and this legislation will help them do even more.

For the past year, there has been little to agree on in Washington. Last year's political campaigns led to partisan bickering in Congress and beyond. But throughout the year, Senator HATCH felt it was essential to work on this legislation. We heard from Americans old and young. We received ideas from across the ideological spectrum. It wasn't easy, but we were able to reach agreement on the need to make room for more full-time volunteers to give a year of service, and to help small organizations use more part-time volunteers who are the lifeblood of the service army.

I know some of my colleagues are concerned about any increase in spending because of the growing budget deficits. But at a time when all our communities are struggling, this bill is a responsible investment that will pay itself back many times over—in service, in volunteer hours, in private and local investments. The cornerstone of our success as a Nation has always been the drive of the American people. Their ingenuity in mastering any challenge; their compassion for those around them; their strength to see us through the hard times. This bill relies on all of these qualities.

The Serve America Act is fundamentally about strengthening our future, but it draws on lessons from the past. In the past two decades, we have learned a great deal about the power of service. We have learned that it can make a dramatic difference in meeting complex challenges—from improving our schools to conserving our precious natural resources. We have learned that it contributes both to the communities in which individuals serve and to the individuals themselves. We have learned that even skilled professionals with established careers and retiring senior citizens with a lifetime of experience are eager to dedicate their skills to giving back to others. They are more than willing to take their skills and their experience and turn them into something useful for our country.

Most of all, we have learned that Americans want to serve and that all we have to do is ask.

Our bill draws on these lessons to establish the next generation of service. It increases the number of AmeriCorps members from the current level of 75,000 to 250,000 over the next 8 years. We know the demand exists among participants and organizations, and we need to make this investment to increase the supply of opportunities. The bill will also focus existing AmeriCorps programs on areas which its members are best equipped to handle, so we can measure the impact these members are having.

An Education Corps will serve disadvantaged youth through tutoring, mentoring, and connecting schools and parents. A Clean Energy Corps will weatherize homes to increase energy efficiency, teach the Nation's youth about energy use, and serve in our national parks. A Healthy Futures Corps will give low-income Americans greater access to health care and improve their health literacy.

As the cost of college has skyrocketed, the Eli Segal Educational Award has remained stagnant for 16 years, at $4,725. Our bill will finally change that by increasing the award to the same as the maximum Pell grant, $5,350, and link it to that grant in the future to ensure that it never becomes stagnant again.

For younger Americans, the legislation expands the existing Learn and Serve program, which supports service-learning activities for students that place them on a path to a lifetime of service. Learn and Serve was one of the most important experiments we have undertaken in service in the past, and it is still an important investment. Last year, 1.1 million students served through Learn and Serve. This legislation will do more, creating Summer of Service positions for middle and high school students, in return for an education award that will remind them of their own ability to go to college. It will also create Youth Engagement Zones to bring more service-learning to low-income communities with high dropout rates, so that more students will stay in school.

As we focus on the very young through Learn and Serve, and on our youth through AmeriCorps, the next generation of service must do more for adults as well. The largest generation in American history—the baby boom generation—is retiring, with the energy and desire to do more for their communities and more for the Nation. This legislation will draw on that desire and on their skills and experience, and direct them to the nonprofit sector through Encore Fellowships to help them make the transition into long term public service.

Further, since the AmeriCorps education award is not a realistic incentive for adults who have completed their education, the bill makes the award transferable to a child or a grandchild. With the cost of college rising, and the award finally increasing, this provision will make a major difference to these families.

In addition, the bill expands and updates the three existing Senior Corps programs—RSVP, Senior Companions, and Foster Grandparents. These programs have been successful for decades, and will continue to be the backbone for service by persons who are 55 or older.

The bill also creates a social innovation fund, to invest in outcome-focused, effective nonprofit organizations. We should never underestimate the power of a committed young person with a good idea. Social entrepreneurs like those who started City Year, Citizen Schools, and YouthBuild are doing remarkable work, and we should help them expand. It is our role to do so.

To help organizations manage the influx of new volunteers and provide a better experience for occasional volunteers, the legislation creates a Volunteer Generation Fund to improve volunteer management and increase capacity in organizations that rely on volunteers.

Finally, the bill authorizes and focuses the Volunteers for Prosperity program created under President Bush in 2003. For decades, the Peace Corps has been demonstrating the potential of international volunteering for solving practical problems and developing the human ties that are the building blocks of diplomacy. Volunteers for Prosperity offers opportunities for skilled professionals to engage in short-term international service in developing countries to address specific areas of need, from clean water to girls' education.

Much of this bill—and much of what we know about service more broadly—draws on the lessons we have learned from leaders in Massachusetts. City Year began in Boston. Its volunteers show us that they can focus on a specific problem, such as the dropout rate in our schools, and make a real difference.

Last year, almost 2,200 AmeriCorps members served in Massachusetts, in schools, communities, and health centers. This legislation will triple their numbers. It will also support the work of the Massachusetts Service Alliance, which has been an effective leader in coordinating service opportunities across our State.

Service is a cause with champions too numerous to count in Congress and beyond. Invoking the power of service isn't a partisan issue. It is a way to help our country in the current crisis. Leaders on both sides of the aisle agree that part of solving our greatest challenges is to rely on the strength, ingenuity, and compassion of our people to serve their fellow Americans. Nineteen years ago, the original National and Community Service Act was a bipartisan bill, and so is this one.

I commend all of those who have worked on this legislation. We all owe our colleague Senator MIKULSKI immense gratitude for steering this bill across the finish line.

Senator ENZI, as always, has been an amazing partner. His input made the bill stronger, and it made the Corporation for National and Community Service stronger as well, and better able to carry out the new responsibilities we are placing on it.

We also owe an immense debt to Senator HATCH, whose idea this legislation was. I know when we work together, our friends on both sides of the aisle get suspicious, but as always, we came up with a bipartisan product the Senate can be proud of, and we made it stronger by working through our disagreements.

I particularly commend President Obama as well. From his own experiences over the years, he knows the power of service both to the individual and to the community. He has made clear that his own path in life has been shaped by his early service, and for that we can all be grateful.

There are also many staff members who made this legislation possible. Senator HATCH's staff—Chris Campbell, Bryan Hickman, and Jace Johnson—has been invaluable. On Senator ENZI's staff, I particularly thank Beth Buehlmann, Adam Briddell, and Frank Macchiarola. On Senator MIKULSKI's staff, Julia Frifield, Ben Gruenbaum, and Mario Cardona have worked hard to bring this legislation to the Senate and get it through.

I also thank Senate Legislative Counsel Liz King, Kristin Romero, and Amy Gaynor, and for his technical assistance, the Corporation's General Counsel, Frank Trinity.

Finally, I thank the members of my staff who worked so long and hard and well on this legislation—Sarah Whitton, Thomas Showalter, Brian Carter, Christine Leonard, Charlotte Burrows, Janice Kaguyutan, Melissa Wagoner, Jay McCarthy, Portia Wu and Michael Myers. Most of all, I thank Emma Vadehra, my senior education counsel, who has worked skillfully and tirelessly on this bill since the beginning. Her leadership was indispensable in bringing us to this successful conclusion.

Now the real work begins: to implement this new vision of service and make it as effective as it can be in the years ahead.

It has been 16 long years since Congress last looked fully at these programs. More and more of us believe that the time has come to do much more. And now we will. President Kennedy's call to service still echoes today, and I am proud we have renewed that call for our day and generation by passing this important legislation.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Madam President, I thank the Senator from Maryland for the wonderful leadership she has provided on this bill for and on behalf of the majority and, I think, all of us. She is a terrific Senator and somebody for whom I have a great deal of respect. It has been a privilege to stand side by side with her and her staff and work together on this monumental piece of legislation. This is landmark legislation, and it will make a real difference in all of our lives.

As we close out this debate, I can't help but think about the road that has led us here. I know that I have said that this bill is 2 years in the making, but, given the work that many of our colleagues have done in national service, it is probably been longer than that. I am proud to have played a role in this effort and I believe that, with this as we close out this legislation, we are bringing something of real value to the American people.

Once again, my interest in volunteer service began long ago when, as a 20-year-old young man, I spent 2 full years serving as Mormon missionary. That experience was, for me, a pivotal time in my life. It altered my world view and gave a greater understanding of people and of the world around me. I have said numerous times I would not trade my time as a missionary those 2 years with being a Senator. It was that meaningful.

I have to say I learned a great deal from that mission—how to deal with people, how to work with people, how to work with people who had problems, how to consult with people, how to counsel people. I can tell story after story the ways I grew in those 2 years and the respect I have for my fellow human beings.

Other Members of this Chamber have similar stories to tell about times in their lives when they were able to set aside their own desires to help others in need. We heard many of those stories this week on the Senate floor, including Senator MIKULSKI's experience as a social worker and Senator DODD's time in the Peace Corps. The common thread among all these stories is that each of us was left with a lifelong desire to serve.

As I mentioned, Senator KENNEDY and I have been working on this legislation for nearly 2 years trying to find the right balance of new programs and the best way to expand upon the existing national service system. I have to be honest, I consider him to be among one of my dearest friends. Senator KENNEDY and I do not agree on much. We have found ourselves on opposing sides of some of the toughest battles in modern Senate history, oftentimes in fierce disagreement. But throughout our time together in the Senate, we have also been able to come together on a number of efforts that, in the end, have improved the lives of our fellow citizens. Although there have been numerous legislative efforts to bear the Kennedy-Hatch, Hatch-Kennedy label, depending on who is in the majority, I have never been more pleased with a bill than I am with this one. I know he feels much the same way. I am grateful to have had this opportunity to lock arms with the senior Senator from Massachusetts once again on the Serve America Act. What has made this particularly wonderful for me is being able to lock arms with my distinguished friend from Maryland, Senator MIKULSKI, Senator ENZI, and others who on this floor have expressed how important this legislation is.

There has been a lot of good will on this floor this week. Most of the floor speeches have been supportive, and I have appreciated this. As I have been managing this bill on the floor, I have been directing many of my comments toward those who are not as supportive because, from the outset, it has been my hope that whatever bill we end up passing receives broad, bipartisan support. I think we are going to get that in the vote today—at least I hope so. But I wish to make a few final pitches anyway in case any of my colleagues are still on the fence.

This is a bill that will address many of our Nation's needs during these difficult economic times, but it will do so not by growing the Federal bureaucracy but by powering individuals and private organizations to work in their communities and to recruit others to join in their efforts. All the programs in this bill have been designed with that purpose in mind.

We are not paying people to volunteer, and we are not creating new positions in Government employment. Over the next 8 years, the bill will expand national service participation to 250,000 participants. That is a significant number to be sure, but in a country of 300 million, it cannot be the measure of our efforts. What matters is what these people will do as they participate in national service.

The participants in these programs will serve as leaders or as anchors for community efforts driven by faith-based and nonprofit organizations. They will recruit, train, and supervise the efforts of millions of traditional volunteers. The model has a proven multiplying effect, leveraging 30 traditional volunteers for every national service participant.

This bill will provide opportunities for people to take the lead in these efforts at all stages of their lives. Everyone from the young adult who wants to make a difference in his or her community and receive some college assistance to the baby boomers and senior citizens wanting to put their skills and experience to good use in all our neighborhoods.

What do these participants receive in return? They get a small living stipend; that is, those who are the 250,000, that puts them below the poverty level, and a modest educational award that will pay only some of the costs of higher education. These are not jobs or careers. People do not go into national service because the pay is good. They do it because they have a desire to give back to their country and to their communities. With this bill, we will be giving more Americans the opportunity to do so.

I have said it many times this week, but I believe it bears repeating, I believe this is a bill that every Member of the Senate can support without reservation. This is not a Democratic bill or a Republican bill, but it is both. The Serve America Act speaks to the best instincts and ideals of both parties. It is a landmark piece of legislation and, once again, I am proud to have been part of this effort.

As we close debate on this legislation, I must express my gratitude to a number of people. Foremost, I wish to, once again, thank Senator KENNEDY. His leadership on this bill has been instrumental. Indeed, the Serve America Act basically embodies everything we know about Senator KENNEDY.

I also thank Senator ENZI, who worked with Senator KENNEDY to make sure that along with the new programs in the Kennedy-Hatch bill, we have reauthorized and reformed the existing national service infrastructure. The Corporation for National and Community Service has not been authorized for over 16 years. It is high time we got around to it. Senator ENZI's efforts have ensured that this, too, was a bipartisan effort.

Of course, we all need to thank Senator MIKULSKI who has been an advocate and architect for national service for more than a decade. She is, indeed, the godmother of national service, and she has led us through the final stages of this effort at the negotiating table, in the HELP Committee, and on the Senate floor. All things considered, the floor debate has gone pretty smoothly this week, and that is because of Senator MIKULSKI's tireless encouragement to keep things moving.

I also wish to pay tribute to the President. President Obama is certainly a very brilliant man. He immediately recognized the importance of this bill. I was pleased he mentioned it during his State of the Union Address. He did not have to mention our names, but the fact of the matter is he did because he knows Senator KENNEDY played a major role.

A number of our staff members need to be mentioned as well. From my own staff, I thank Chris Campbell and Bryan Hickman for their work on this bill. They worked a lot of late nights and early mornings on this legislation. I know about this because they let me hear about it all the time.

Senator KENNEDY's staff has had to pull double and sometimes triple duty in this effort. I wish to single out the efforts of Emma Vadehra, Portia Wu, and Michael Myers—three great staffers. They have carried the breadth of the Herculean load in getting this legislation introduced in committee and ready for passage.

From Senator ENZI's staff, I need to recognize the work of Adam Briddell, Beth Buehlmann, Greg Dean, and Frank Macchiarola. From working on the reauthorization provisions and carrying much of the load on the floor for the Republican side, they have been indispensable.

Of course, Senator MIKULSKI's staff has been wonderful as well, particularly the work of Mario Cardona and Ben Gruenbaum.

I wish to say, again, I am grateful to be part of this legislation, and I am thankful to my colleagues for their support. I know there are many other staff members who deserve credit. I hope they realize what they have done is very important.

I have a feeling we will see a pretty sizable margin in favor of final passage. I hope so. This bill is worth it. I think we can all walk away feeling like we have done something good, in the most bipartisan way we possibly can, at a time when it is difficult to develop bipartisanship and in a time when our Nation needs it the most.

I thank everybody involved who has helped and even those who oppose this bill. I know they have done so out of sincerity. I think they are sincerely wrong but, nevertheless, I respect them for their particular viewpoints.

This is an important body. It is the most important legislative body in the world today. This body has more freedoms in it than any other body in the world. Even the filibuster rule, which many decry, is a rule for freedom. It protects the minority. We all know when we were in the majority on the Republican side, it was a great protection to Democrats so they could not get run over on everything we wanted to do. And it protects us as Republicans so we cannot get run over on everything the Democrats want to do. Even though sometimes people say: Why do you have all these problems, stopping all these things, sometimes it is good to stop things. Sometimes it is good to stop bad stuff. Sometimes it is just good to see real debate on the floor of the Senate.

In that regard, with this bill, we have had real debate. I think they have been fruitful, they have been helpful, and they have been honest. I thank everybody concerned. I hope that when we vote at approximately 5 o'clock tonight—is what I understand—everybody will consider voting for this bill. It is worth it. It is something that will do an immense amount of good in our society, and it is something we can all walk away and feel pretty good about.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I ask unanimous consent that no further amendments be in order; that the Mikulski and others substitute amendment, as amended, be agreed to, the motion to reconsider be laid upon the table; that the bill be read a third time and the vote on passage of the bill occur at 5 p.m. today, notwithstanding rule XII, paragraph 4; that the vote on passage require an affirmative 60-vote threshold, and if that threshold is achieved, the motion to reconsider be considered made and laid upon the table; that the Hatch title amendment which is at the desk be considered and agreed to, the motion to reconsider be laid on the table; further, that the cloture motions on the substitute amendment and the bill be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I now ask consent that the time until 5 p.m. be equally divided and controlled between the leaders or their designees, that the 10 minutes prior to the vote at 5 p.m. be equally divided and controlled between Senators MIKULSKI and HATCH or their designees, and that Senator DEMINT control 5 minutes prior to the time specified above.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, this will be the last vote for today and this week. We are going to come back Monday. We don't know the time we are going to start. There is a statutory 50 hours on the budget resolution. I would lay on the record, Senator CONRAD has had an extremely difficult time this week, with the burden he has trying to get this bill out of the committee. He is faced with a very difficult situation in the State of North Dakota. They have record snow. The Red River, as I understand it, is 20 feet over crest. That is hard to comprehend. As you know, it is a pretty flat area and that water will run for miles. He is hopefully going to, with the help of Senator GREGG, complete the budget out of the committee today so he can go back to his State. Because of that we don't know exactly what time he can get back. It took Senator ENZI 2 days to get out of Wyoming with the snows that have been occurring there in the last 2 days.

We will start Monday. If Senator CONRAD for some reason can't be here,

we will make sure we are able to proceed with that legislation until he can return. But we do have to start using up the time on Monday.

I would further say that I appreciate very much Senator CONRAD's persistence and willingness to be here. He has worked on these budgets for a long time. I don't know what I would do without him. He is very good.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the call of the quorum be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. When I asked for the quorum to begin, I should have asked the time be divided equally between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. LANDRIEU. I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana is recognized.

Ms. LANDRIEU. I thank the Chair.

(The remarks of Ms. LANDRIEU pertaining to the introduction of S. 727 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Ms. LANDRIEU. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. KLOBUCHAR.) Without objection, it is so ordered.

MIDWEST FLOODS

Ms. LANDRIEU. Madam President, I thought I would take a minute while I was on the floor to speak about a subject you are well aware of, because in North Dakota and Minnesota, people are struggling right now and have been now for several days. There is a lot of fear that is gripping the community, and I wanted to come and show solidarity to the delegation that represents this area.

This picture was quite gripping in the paper this morning and brought back horrible memories of what we in Louisiana experienced almost 4 years ago, with water up to the rooftops of people's homes. The only difference is that the temperature was 105 degrees in Louisiana; here it looks like it is 5 degrees below zero or worse. I do not know whether it is worse to be sweltering from the heat or freezing from the cold. But, in any case, it is not pleasant at all to have your home and everything you own under 14 or 15 or 20 feet of water, it looks like in this case. It is horrible. I wanted to come to the floor to say I hope the work that the Homeland Security Committee has done over the last 2 years—and particularly the work our subcommittee has put into place—provides sharper tools so that when this delegation goes to work with the Governors and mayors and local officials, as that work is going on now with the sandbags, and the sheriffs, and the communication, the strain on the communications system, about where this water is going to go and how people need to evacuate and what shelters are available for them, and what insurance might be available for them, they will know how these communities will be rebuilt, whether they can get a $2,000 authorized loan or a $50,000 loan on their home, or what their community is entitled to by virtue of community loans, and when those loans have to be paid back, and whether the SBA can grant them quick access.

I hope a lot of the work we have done will go to help this community. And it may be more rural in nature, it may not be the kind of urban setting that affected literally hundreds of thousands before, but it still is catastrophic and devastating to rural communities. In some cases, I understand it potentially could threaten a town that had not too long ago been completely destroyed or in large measure destroyed.

So let's hope that the system will work better. And if it does not, I wanted to say publicly that I am willing to continue to work through our subcommittee and many other subcommittees to make sure the people of North Dakota and Minnesota have what they need to recover in a swift way and to be a great help. Because, in my view, and I will conclude with this, the Federal Government should never again be absent or anemic in situations such as this. And they were in some cases absent and anemic. They need to be bold and muscular and aggressive and work with local governments to get this job done.

These are hard-working, taxpaying American citizens who deserve to have their Government step up. We are not a third world nation. We are not a developing nation. We are a sophisticated nation of governments and law, where people pay insurance, they pay their taxes. This is something beyond the wildest imagination or completely out of control, like ice getting stuck in the river where the ice is—I understand there may be chunks that are as big as an automobile or a truck.

Madam President, this is your area, and the water is backed up because of these ice packs. Again, I would just get this off my chest too. People sometimes on the other side of the aisle say: Let individuals find their own way. Well, there are times when individuals, even collectively, are not strong enough to do what needs to be done and the Government needs to come in and blow up this ice and provide help for these victims of the flooding, along with the private sector, properly, and the nonprofit groups.

So I wanted to come to the floor to speak and to say to you, Madam President, if I or my office can be of any assistance to you, please let me know.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KAUFMAN). Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I am excited that we are wrapping up this historic legislation.

We all know that our Nation is facing many challenges. But times of crisis are times of great opportunity. They are the times in which our Nation's character is forged and in which Americans show their mettle. We are a nation of believers. We believe in ourselves, and we believe in our country's ability.

And at such a time of national need, we here in the Congress also know how to come together.

This bill is the result of extensive bipartisan work by Senators KENNEDY and HATCH who have worked for more than a year on this legislation. They have lived lives that are a testament to the values expressed in this legislation. Thus, it is more than just a bipartisan bill, it is an American bill, and exemplifies everything that is good about our country.

It exemplifies not only their great friendship but their shared passion for service and for giving back and working across the aisle to do get things done. This really shows the Senate acting at its best.

I am no stranger to National Service. In 1989 I introduced the National and Community Service Act with Senators KENNEDY, NUNN, and MCCAIN to establish the Commission on National and Community Service, to oversee and coordinate our national volunteer efforts.

That legislation also created a demonstration program that evolved into AmeriCorps. That program provided vouchers for full and part-time service, to pay for education, job training, and homeownership

In 1993, we took national service to the next level, by enacting the National and Community Service Trust Act. We worked on that landmark legislation with President Clinton. It created the framework for the programs we are strengthening and expanding today.

National service is not just another social program. We created national service as a social invention. It was

created to address two critical questions, a practical question and an idealistic one:

How would young people pay for their education?

How could we reinstall the habits of the heart that made our country great?

And it worked. As our economy struggles, these American habits of the heart are shining through. Americans across the country are also doing their best by signing up to serve their communities and their country. City Year applications are up 180 percent. AmeriCorps applications are up as much as three to four times over last year's levels. Teach for America received 35,000 applications for just 4,000 slots. The help they get with student loans through the educational award is a real incentive for these young people. That worked as well.

This legislation will help us to harness a renewed energy for service to our communities and our country. It increases the number of AmeriCorps volunteers to 250,000 a year over 8 years, from 75,000. This will provide opportunities for more Americans to serve while ensuring the Corporation has time to handle the growth.

This bill isn't just about growth. It is about focusing AmeriCorps on areas of the most pressing national need, and where service can do the most good. That is why we include an education corps, a health futures corps, a clean energy corps, a veterans corps, and an opportunity corps focusing on poverty. This is why we are focusing our service efforts.

If we are going to do more in service we need to be sure it is done right. That is why this bill contains many vital accountability measures, to measure outcomes for specific service grantees and outcomes for the Corporation itself. And for this we can truly thank our colleague, Senator ENZI, the Ranking Member of the HELP Committee and a vital partner in this bill. He has once again brought his very sound accounting skills to the table, and we came up with a way to, again, ensure value for the taxpayer, value for the community.

One of the things that is so exciting about this bill is what it does to encourage service among young people. We all know that our future lies with the next generation, with America's youth. And we know that young people who learn to serve take those lessons with them for a lifetime. I look at my colleagues—Senator HATCH, Senator DODD, and Senator ROCKEFELLER. Many of them had important service experiences when they were young that encouraged them to embark on a career of public service. Indeed, working on this bill has reminded me of many things that I did in my own life.

When I started my career as a social worker, I wasn't just working in the jobs that paid. I was volunteering with nuns to help women get their lives back on track after getting out of prison. I was working with foster children and children with special needs—our most vulnerable population—to help them get the services and the care they needed. I was a trainer at the very first VISTA training center in Baltimore, making sure that those VISTA members weren't just working to build President Johnson's ''Great Society,'' but that they were doing great work in their communities.

I didn't do all of this because anyone asked me to, I did it because *nobody* asked me to. I saw the compelling human need, and I used my skills as a community organizer to do the best I could in my neighborhood, and my hometown of Baltimore. It led to me fighting to stop a highway, which led to the city council in Baltimore, then to the House of Representatives and, now, to the floor of the U.S. Senate. I didn't know that I would be here when I started my career, but I know that what I did in those early years as a social worker, and volunteer has impacted everything that I've done since.

These experiences that we have when we are young truly shape the habits of a lifetime. That is why it is so important that this legislation makes key investments in our Nation's young people.

The bill will increase service-learning opportunities for students. Working with Senator DODD, who has been such a leader on these issues, we create ''summer of service'' opportunities for middle and high school students. In return for spending the summer doing service, students will receive an educational award—which will not only help them pay for college, but will send them a signal that college is within reach. It will also create ''youth engagement zones,'' which provide for coordinated community-wide service learning programs in areas with high dropout rates. Both of these programs provide students with meaningful service experiences and put them on a path to a lifetime of service.

College is where so much of our young people's character and experiences are shaped, and our colleges must do a good job instilling the virtues of service. This bill recognizes those that are going the extra mile by allowing for the designation of 25 ''Campuses of Service'' across the country, schools which are undertaking activities to help their students engage in service, service-learning, and go on to public service careers.

As I mentioned, this bill will also help students pay for college and decrease student debt for those who serve in AmeriCorps. This was something we thought about very carefully when we created this program. And with college costs rising, it is more important than ever that we reaffirm this commitment. Across AmeriCorps, it will increase the Eli Segal Education Award to $5,350 for the first time since its creation. We also pegged the award to the Pell grant, to ensure it does not get stuck once again in the future.

This bill also recognizes we must to do more to appreciate what older Americans have to give back and more to ask them to do them. The largest generation in American history is retiring, but in many cases they have more to give. Recent surveys show that many older Americans are interested in continuing to do more to help the greater good, and a full 58 percent of the first wave of baby boomers reported that they would consider entering ''encore'' careers in service.

To help them help us, this bill makes AmeriCorps work better for adults. It allows adults over the age of 55 to transfer their educational award to a child or grandchild, to help such a young person go to college. This keeps the tie between service and educational benefit, but makes it work better for adults.

The legislation also creates encore fellowships to help adults transition to longer-term public service. This is a way to bring in people who have retired and who have incredible skills, such as that retired accountant who can help a nonprofit get its books together and maybe find new grant opportunities.

Finally, the bill updates and expands the Senior Corps programs, RSVP, Senior Companions, and Foster Grandparents. These programs have been providing opportunities for seniors across the country for decades, and this bill will ensure they continue to do so.

Some of the most important work this bill does is around supporting social innovation. We don't know ahead of time what these will be, but every generation comes up with a social invention that shapes our nation for years to come.

Often, these ideas come from a young social entrepreneur who has the courage to think they have a new way to solve a tough problem—and they're right. From Teach for America to the Community Health Corps to New Song Urban Ministries' Youth Mentoring Program in Baltimore, they have so much to teach us.

The Social Innovation Fund in this bill will do just that, by creating public-private funds to support the expansion of effective, outcomes-based nonprofits that are meeting real needs.

One of the things that is truly a hallmark of the American character is our willingness to help each other. There is an overwhelming majority of Americans that donate a few hours of their time each week to do just that. Particularly in this time of need, we must continue to focus on these part-time volunteers. To help organizations better recruit and manage these volunteers, this legislation creates a Volunteer Generation Fund to improve volunteer management and increase capacity at small organizations that rely on volunteers.

From part-time volunteers to full-time volunteers, from students to retirees, this bill will help every American at every stage of life give back.

By doing so, it will draw on some of our best attributes as a nation—our strength, our compassion, our ingenuity—to address the challenges we are

facing. We all agree there is nothing about our country's current situation that is easy. But there are some easy steps on the path to getting back on our feet. This legislation is one such step.

In a very short time, we will vote on final passage of the Serve America Act. This is going to be a great day for the Senate and a great day for people everywhere who wish to give back to their country. The content of the bill is outstanding. The way the process has worked has been amazing. What is so wonderful about this bill is, it showed that the Congress and the Senate can work together. We can check our party hats at the door and then concentrate on what we need to do to help the American people.

This legislation passed in the House. In the Senate, we have been deliberating on it this week. This bill is the result of extensive bipartisan work by Senators KENNEDY and HATCH who have worked for more than a year on the legislation. They, too, have devoted their lives to service. Senator KENNEDY's role is well known. For more than 40 years, his steadfast commitment to the Peace Corps, to the VISTA volunteers, to being a founding father of AmeriCorps, he has been there every single time benchmark legislation has passed that has led to the opportunity for greater service.

Senator HATCH brings his wonderful background, his Mormon commitment to service, where he himself went on a service mission and to know how it would change their lives. They have brought extensive work on the bill, and they brought a lifetime of experience.

I am no stranger to national service because in 1989, I introduced the National Community Service Act with Senators KENNEDY, Nunn and MCCAIN to establish a commission and a demonstration project to look at national service. We actually wanted to test out ideas.

Then, in 1993, working with President Clinton, we took national service to the next level by enacting the National and Community Service Trust Act. We worked on that landmark legislation with President Clinton. It created the framework for the programs we are strengthening and expanding today.

When we did this in 1993, we did not want national service to be just another social program. We wanted to see this as a social invention that would spark a social movement. At that time in the 1990s, everyone was worried about the me generation, where young people were forgetting the legacy of what this country is, the habits of the heart, of neighbor helping neighbor. We wanted to stimulate a movement from the me generation to the we generation. At the same time we faced the hard reality that access to the American dream, particularly higher education, was slipping away from many young people.

It worked. We found that the framework for AmeriCorps and other important programs that are in the Corporation for National Service did generate exactly what we wanted. Thousands and thousands of people stepped forward to volunteer, people of all ages, young people and not so young people, in AmeriCorps, the foster grandparent corps, the RSVP, and Senior Companions Programs. It absolutely changed their lives.

What is it that we see now? What we see now, as we come into the new century, those habits of the heart continue to burn brightly among our population. We are seeing that as the economy struggles, the American habits of the heart are shining through.

All across America, people want to volunteer, if they have the opportunity to do so. City Year applications are up 180 percent. Teach for America has received 35,000 applicants for 4,000 slots. AmeriCorps applications are three or four times last year's level. That is not because they don't have a job and they see AmeriCorps or Teach for America as a substitute for a job. They see it as a calling. They see it as an opportunity to take all this talent and put it to work for our society.

We are going to do that. This legislation helps us to harness a renewed energy for service to our communities and our country. It increases the number of AmeriCorps volunteers to 250,000 volunteers a year. But we do it in a well paced way and also in an affordable way. It increases the number of AmeriCorps volunteers to 250,000 a year over 8 years. We will get the job done. It will provide opportunities for more Americans to serve while we ensure that the corporation has time to handle the growth.

Also, we wanted to reform, reinvigorate, and refocus AmeriCorps. In AmeriCorps now we are refocusing it on the areas of the most pressing national need and where service can do the most good. That is why we have included the permissible use of establishing an education corps to work at improving school outcomes for young people, more literacy, more math skills, better attendance. We also have a healthy futures corps which will work to make sure people who are eligible for benefits can get them but also to go into schools to be able to help develop those new healthy habits that will last over a lifetime. We have a clean energy corps that will work on weatherization and helping clean our parks and neighborhoods. We have an opportunity corps to focus on poverty, and a veterans corps to help those families where men and women are deployed. That is why we are focusing our service efforts.

This bill also includes many accountability measures to ensure to not only measure outcomes but to ensure fiscal stewardship. I thank Senator ENZI, the ranking member of the HELP Committee, a vital partner on this bill. He brought his very sound accounting skills to the table. Working together, we found a way to ensure value for the taxpayer and value for the community. That is what I mean about working together, taking the time to listen to one another, to recognize there is not only talent out there in the community, there is talent right here in the Senate.

If we take the time to listen to one another and the ideas we have, sort them through, pay attention to one another, talk with one another—first of all, talk with one another, and do it in a civil way, wow, we can really do some very special things. That is what we did in this bill.

We know our future lies with the next generation. We know young people who learn to serve take those lessons with them for a lifetime. My colleagues HATCH, DODD, and ROCKEFELLER did a year of service. My own work as a social worker had a profound impact on me. My work as a foster care worker and a child abuse worker will stay with me all of my life, when I think about vulnerable populations and what we need to do. The work I was able to do in my own community, working with women who were in jail, who had no programs to assist them when they came out, to the work in the church I belonged to in the African American community, where they did not have access to credit except to the gougers and scammers and schemers, to work to establish a credit union. And then, of course, as a grassroots volunteer, I helped fight a highway that saved neighborhoods in Baltimore and took me into politics.

In our country, sometimes those of us who are active in those activities raise the dickens, or in dissent, end up in jail. I ended up in the city council, the House of Representatives, and the Senate. I turned my protest signs into amendment and legislative signs. This is what we see today.

Habits last a long time. When we look at what is happening in the healthy futures corps where young people are already working in their community health centers and so on, when they finish their year of service, many of them are going into health careers. They go into medicine, nursing, allied health, or in the great area of public health. Eighty five percent of the people who volunteer in this area want to go into some kind of career that produces improvements in health outcomes. So this is what AmeriCorps is all about.

When I worked in the community, I didn't do this because somebody asked me. I did it because it needed to be done. It is not only about what I did as a young volunteer. It is about what young volunteers are doing now. Sure, President Obama is inviting them to participate. But a lot of young people out there see compelling human need, and they want to make a difference. These experiences are going to shape them for a lifetime. We cannot minimize the impact this will have on communities. In its decade and a half of existence, AmeriCorps has already changed lives and communities.

When we talk to people where our young people have volunteered in public schools, we know that attendance went up, behavioral problems went down, motivation increased. Working with those volunteers, they even took the time to look at what were the opportunities for scholarships and loans and grants that they could go on to higher education.

They make a difference.

When we take a look at what they were able to do working in response to disaster assistance, weren't we proud of what our volunteers were able to do—working side-by-side-down there dealing with Katrina where they helped New Orleans dig out? But not only dig out, they dug in to help Louisiana and New Orleans move to a better future. Those AmeriCorps young men and women helped clean up after the debris, clean up after the terrible hurricane that hit. They are working with Habitat for Humanity to build housing or to repair housing and also working side-by-side with public school leadership to create a new New Orleans public school system.

This is fantastic. Every community that has been hard hit in many ways enjoys the benefits of these programs. There were other programs we were able to do. One of the things we are especially pleased with was that we were able to increase the education award named after its first founder, Eli Segal, and increased it to $5,300. There are other programs in here.

When we talk about programs, it sounds so bloodless, so ''there they go again.'' But that is right; here we go again. We are creating an opportunity ladder for people to be able to participate in our society. There is no other country in the world that does this. I am not just talking about bragging rights for the United States, but it is a lesson learned that in our society, we have a public sector and a private sector. But we have a vibrant sector that is really in the nonprofit field where people can get involved and get engaged. It is what we call the intermediary institutions. It is what de Tocqueville called the habits of the heart. It is what sociologists called the little platoons of neighbor helping neighbor. It is what George Bush the elder called the Thousand Points of Light. But whatever you call it, it is called serving America.

Shortly, we will be voting on this bill. I think we have done a very good job. We have created opportunity. We have done it in a way that is affordable. We have built-in, sound accountability measures, and we have governed on a truly bipartisan basis.

I thank Senator KENNEDY and Senator HATCH for being the lead architects on this bill. I also thank Senator ENZI and Senator DODD for their very important contributions in improving this bill.

I thank all of the staff who have participated in this effort: from Senator HATCH's staff, Chris Campbell, Bryan Hickman, and Jace Johnson; from Senator KENNEDY's staff, Christine Leonard, Charlotte Burrows, Janice Kaguyutan, Portia Wu, Michael Myers, and Emma Vadehra; from Senator ENZI's staff, Beth Buehlmann, Adam Briddell, Frank Macchiarola, and Greg Dean; from my own staff, Julia Frifield, Ben Gruenbaum, and Mario Cardona. And the Corporation's general counsel was available to us all the time through Frank Trinity.

So I thank the staff who put in so many hours in helping design the bill but also working with other Senators to get the best ideas and the best thinking on how we could get the bill done, but to do it in a way that has accountability and outcome measurements.

But also, when the American people hear about what we have done this week, it is such an antidote to last week, when we were talking about AIG and bonuses and ''ain't I greedy,'' and all of those things. What we are talking about here today is about the very best of the American people and how we can draw upon it, and also the very best of the Senate. We do govern best when we work together.

So today we were not a red State, we were not a blue State, we were the United States of America States, and we will be ready to vote on it.

Mr. President, at the appropriate time—or even now—I urge passage of this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, Senators are trying to catch planes, so I am just going to say this much: Thanks. Thanks to those who vote for this. Thanks to this wonderful Senator from Maryland, without whom we could not be this far along. Thanks to Senator KENNEDY, Senator ENZI. There are so many people whom I would like to thank, and all the staffers who have worked so hard.

This is going to be a very monumental, landmark bill that should really help this country and help people to get in the mood of being volunteers. I am very pleased we have come this far.

Thank you, Mr. President. I yield the floor, and I hope we can go to a vote.

AMENDMENT NO. 687, AS AMENDED

The PRESIDING OFFICER. Under the previous order, amendment No. 687, as amended, is agreed to, and the motion to reconsider is considered made and laid upon the table.

The question is on the engrossment of the amendment, as amended, and third reading of the bill.

The amendment, as amended, was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Ms. MIKULSKI. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. DORGAN) is necessarily absent.

The result was announced—yeas 79, nays 19, as follows:

[Rollcall Vote No. 115 Leg.]

YEAS—79

Akaka	Gillibrand	Merkley
Alexander	Grassley	Mikulski
Baucus	Gregg	Murkowski
Bayh	Hagan	Murray
Begich	Harkin	Nelson (FL)
Bennet	Hatch	Nelson (NE)
Bennett	Hutchison	Pryor
Bingaman	Inouye	Reed
Bond	Isakson	Reid
Boxer	Johanns	Rockefeller
Brown	Johnson	Sanders
Burr	Kaufman	Schumer
Burris	Kennedy	Shaheen
Byrd	Kerry	Snowe
Cantwell	Klobuchar	Specter
Cardin	Kohl	Stabenow
Carper	Landrieu	Tester
Casey	Lautenberg	Udall (CO)
Chambliss	Leahy	Udall (NM)
Cochran	Levin	Voinovich
Collins	Lieberman	Warner
Conrad	Lincoln	Webb
Dodd	Lugar	Whitehouse
Durbin	Martinez	Wicker
Enzi	McCain	Wyden
Feingold	McCaskill	
Feinstein	Menendez	

NAYS—19

Barrasso	DeMint	Roberts
Brownback	Ensign	Sessions
Bunning	Graham	Shelby
Coburn	Inhofe	Thune
Corker	Kyl	Vitter
Cornyn	McConnell	
Crapo	Risch	

NOT VOTING—1

Dorgan

The bill (H.R. 1388), as amended, was passed, as follows:

H.R. 1388

Resolved, That the bill from the House of Representatives (H.R. 1388) entitled ''An Act to reauthorize and reform the national service laws.'', do pass with the following amendments:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Serve America Act''.

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

Sec. 1. Short title; table of contents.

TITLE I—AMENDMENTS TO NATIONAL AND COMMUNITY SERVICE ACT OF 1990

Sec. 1001. References.

Subtitle A—Amendments to Subtitle A (General Provisions)

Sec. 1101. Purposes.
Sec. 1102. Definitions.

Subtitle B—Amendments to Subtitle B (Learn and Serve America)

Sec. 1201. School-based allotments.
Sec. 1202. Higher education provisions.
Sec. 1203. Campuses of Service.
Sec. 1204. Innovative programs and research.
Sec. 1205. Service-learning impact study.

Subtitle C—Amendments to Subtitle C (National Service Trust Program)

Sec. 1301. Prohibition on grants to Federal agencies; limits on Corporation costs.
Sec. 1302. Eligible national service programs.
Sec. 1303. Types of positions.
Sec. 1304. Conforming repeal relating to training and technical assistance.

Sec. 1305. Assistance to State Commissions; challenge grants.
Sec. 1306. Allocation of assistance to States and other eligible entities.
Sec. 1307. Additional authority.
Sec. 1308. State selection of programs.
Sec. 1309. National service program assistance requirements.
Sec. 1310. Prohibited activities and ineligible organizations.
Sec. 1311. Consideration of applications.
Sec. 1312. Description of participants.
Sec. 1313. Selection of national service participants.
Sec. 1314. Terms of service.
Sec. 1315. Adjustments to living allowance.

Subtitle D—Amendments to Subtitle D (National Service Trust and Provision of National Service Educational Awards)

Sec. 1401. Availability of funds in the National Service Trust.
Sec. 1402. Individuals eligible to receive an educational award from the Trust.
Sec. 1403. Certifications.
Sec. 1404. Determination of the amount of the educational award.
Sec. 1405. Disbursement of educational awards.
Sec. 1406. Approval process for approved positions.

Subtitle E—Amendments to Subtitle E (National Civilian Community Corps)

Sec. 1501. Purpose.
Sec. 1502. Program components.
Sec. 1503. Eligible participants.
Sec. 1504. Summer national service program.
Sec. 1505. National Civilian Community Corps.
Sec. 1506. Training.
Sec. 1507. Consultation with State Commissions.
Sec. 1508. Authorized benefits for Corps members.
Sec. 1509. Permanent cadre.
Sec. 1510. Status of Corps members and Corps personnel under Federal law.
Sec. 1511. Contract and grant authority.
Sec. 1512. Other departments.
Sec. 1513. Advisory Board.
Sec. 1514. Evaluations.
Sec. 1515. Repeal of funding limitation.
Sec. 1516. Definitions.
Sec. 1517. Terminology.

Subtitle F—Amendments to Subtitle F (Administrative Provisions)

Sec. 1601. Family and medical leave.
Sec. 1602. Reports.
Sec. 1603. Use of funds.
Sec. 1604. Notice, hearing, and grievance procedures.
Sec. 1605. Resolution of displacement complaints.
Sec. 1606. State Commissions on National and Community Service.
Sec. 1607. Evaluation and accountability.
Sec. 1608. Civic Health Assessment.
Sec. 1609. Contingent extension.
Sec. 1610. Partnerships with schools.
Sec. 1611. Rights of access, examination, and copying.
Sec. 1612. Additional administrative provisions.
Sec. 1613. Availability of assistance.
Sec. 1614. Criminal history checks for individuals working with vulnerable populations.

Subtitle G—Amendments to Subtitle G (Corporation for National and Community Service)

Sec. 1701. Terms of office.
Sec. 1702. Board of Directors authorities and duties.
Sec. 1703. Chief Executive Officer compensation.
Sec. 1704. Authorities and duties of the Chief Executive Officer.
Sec. 1705. Chief Financial Officer status.
Sec. 1706. Nonvoting members; personal services contracts.
Sec. 1707. Donated services.
Sec. 1708. Assignment to State Commissions.
Sec. 1709. Study of involvement of veterans.
Sec. 1710. Study to examine and increase service programs for displaced workers in services corps and community service and to develop pilot program planning study.
Sec. 1711. Study to evaluate the effectiveness of agency coordination.
Sec. 1712. Study of program effectiveness.
Sec. 1713. Volunteer Management Corps study.

Subtitle H—Amendments to Subtitle H (Investment for Quality and Innovation)

Sec. 1801. Technical amendment to subtitle H.
Sec. 1802. Additional Corporation activities to support national service.
Sec. 1803. Repeals.
Sec. 1804. Presidential awards.
Sec. 1805. New fellowships.
Sec. 1806. National Service Reserve Corps.
Sec. 1807. Social Innovation Funds pilot program.
Sec. 1808. Clearinghouses.
Sec. 1809. Nonprofit Capacity Building Program.

Subtitle I—Training and Technical Assistance

Sec. 1821. Training and technical assistance.

Subtitle J—Repeal of Title III (Points of Light Foundation)

Sec. 1831. Repeal.

Subtitle K—Amendments to Title V (Authorization of Appropriations)

Sec. 1841. Authorization of appropriations.

TITLE II—DOMESTIC VOLUNTEER SERVICE ACT OF 1973

Sec. 2001. References.
Sec. 2002. Volunteerism policy.

Subtitle A—National Volunteer Antipoverty Programs

CHAPTER 1—VOLUNTEERS IN SERVICE TO AMERICA

Sec. 2101. Statement of purpose.
Sec. 2102. Selection and assignment of volunteers.
Sec. 2103. Support service.
Sec. 2104. Repeal.
Sec. 2105. Redesignation.

CHAPTER 2—UNIVERSITY YEAR FOR VISTA

Sec. 2121. University year for VISTA.

CHAPTER 3—SPECIAL VOLUNTEER PROGRAMS

Sec. 2131. Statement of purpose.
Sec. 2132. Literacy challenge grants.

Subtitle B—National Senior Service Corps

Sec. 2141. Title.
Sec. 2142. Statement of purpose.
Sec. 2143. Retired and Senior Volunteer Program.
Sec. 2144. Foster grandparent program.
Sec. 2145. Senior companion program.
Sec. 2146. General provisions.

Subtitle C—Administration and Coordination

Sec. 2151. Special limitations.
Sec. 2152. Application of Federal law.
Sec. 2153. Evaluation.
Sec. 2154. Definitions.
Sec. 2155. Protection against improper use.
Sec. 2156. Provisions under the National and Community Service Act of 1990.

Subtitle D—Authorization of Appropriations

Sec. 2161. Authorizations of appropriations.

TITLE III—TECHNICAL AMENDMENTS TO TABLES OF CONTENTS

Sec. 3101. Table of contents of the National and Community Service Act of 1990.
Sec. 3102. Table of contents of the Domestic Volunteer Service Act of 1973.

TITLE IV—AMENDMENTS TO OTHER LAWS

Sec. 4101. Inspector General Act of 1978.

TITLE V—VOLUNTEERS FOR PROSPERITY PROGRAM

Sec. 5101. Findings.
Sec. 5102. Definitions.
Sec. 5103. Office of Volunteers for Prosperity.
Sec. 5104. Authorization of appropriations.

TITLE VI—EFFECTIVE DATE

Sec. 6101. Effective date.
Sec. 6102. Sense of the Senate.

TITLE I—AMENDMENTS TO NATIONAL AND COMMUNITY SERVICE ACT OF 1990

SEC. 1001. REFERENCES.

Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a provision, the amendment or repeal shall be considered to be made to a provision of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.).

Subtitle A—Amendments to Subtitle A (General Provisions)

SEC. 1101. PURPOSES.

Section 2(b) (42 U.S.C. 12501(b)) is amended—

(1) in paragraph (2), by striking ''community throughout'' and inserting ''community and service throughout the varied and diverse communities of'';

(2) in paragraph (4), by inserting after ''income,'' the following: ''geographic location,'';

(3) in paragraph (6), by inserting after ''existing'' the following: ''national'';

(4) in paragraph (7)—

(A) by striking ''programs and agencies'' and inserting ''programs, agencies, and communities''; and

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

(5) in paragraph (8), by striking the period and inserting a semicolon; and

(6) by adding at the end the following:

''(9) expand and strengthen service-learning programs through year-round opportunities, including opportunities during the summer months, to improve the education of children and youth and to maximize the benefits of national and community service, in order to renew the ethic of civic responsibility and the spirit of community for children and youth throughout the United States;

''(10) assist in coordinating and strengthening Federal and other service opportunities, including opportunities for participation in emergency and disaster preparedness, relief, and recovery;

''(11) increase service opportunities for the Nation's retiring professionals, including such opportunities for those retiring from the science, technical, engineering, and mathematics professions, to improve the education of the Nation's youth and keep America competitive in the global knowledge economy, and to further utilize the experience, knowledge, and skills of older individuals;

''(12) encourage the continued service of the alumni of the national service programs, including service in times of national need;

''(13) encourage individuals age 55 or older to partake of service opportunities;

''(14) focus national service on the areas of national need such service has the capacity to address, such as improving education, increasing energy conservation, improving the health status of economically disadvantaged individuals, and improving economic opportunity for economically disadvantaged individuals;

''(15) recognize and increase the impact of social entrepreneurs and other nonprofit community organizations in addressing national and local challenges;

''(16) increase public and private investment in nonprofit community organizations that are effectively addressing national and local challenges and encourage such organizations to replicate and expand successful initiatives;

''(17) leverage Federal investments to increase State, local, business, and philanthropic resources to address national and local challenges;

''(18) support institutions of higher education that engage students in community service activities and provide high-quality service-learning opportunities; and

''(19) recognize the expertise veterans can offer to national service programs, expand the participation of the veterans in the national service programs, and assist the families of veterans and members of the Armed Forces on active duty.''.

SEC. 1102. DEFINITIONS.

(a) IN GENERAL.—Section 101 (42 U.S.C. 12511) is amended—

(1) in paragraph (3), by striking ''described in section 122'';

(2) in paragraph (13), by striking ''section 101(a) of the Higher Education Act of 1965'' and inserting ''sections 101(a) and 102(a)(1) of the Higher Education Act of 1965'';

(3) in paragraph (17)(B), by striking ''program in which the participant is enrolled'' and inserting ''organization receiving assistance under the national service laws through which the participant is engaging in service'';

(4) in paragraph (19)—

(A) by striking ''section 111(a)'' and inserting ''section 112(a)'';

(B) by striking ''117A(a),'';

(C) by striking ''119(b)(1), or 122(a),'' and inserting ''118A, or 118(b)(1), or subsection (a), (b), or (c) of section 122,'';

(D) by inserting ''section 198B, 198C, 198G, 198H, or 198K,'' after ''section 152(b),''; and

(E) by striking ''198, 198C, or 198D'' and inserting ''179A, 198, 198O, 198P, or 199N'';

(5) in paragraph (21)(B)—

(A) by striking ''602'' and inserting ''602(3)''; and

(B) by striking ''1401'' and inserting ''1401(3)'';

(6) in paragraph (24), by striking ''section 111'' and inserting ''section 112'';

(7) in paragraph (26), by striking the second sentence; and

(8) by adding at the end the following:

''(30) ALASKA NATIVE-SERVING INSTITUTION.—The term 'Alaska Native-serving institution' has the meaning given the term in section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)).

''(31) APPROVED SILVER SCHOLAR POSITION.—The term 'approved silver scholar position' means a position, in a program described in section 198C(a), for which the Corporation has approved the provision of a silver scholarship educational award as one of the benefits to be provided for successful service in the position.

''(32) APPROVED SUMMER OF SERVICE POSITION.—The term 'approved summer of service position' means a position, in a program described in section 119(c)(8), for which the Corporation has approved the provision of a summer of service educational award as one of the benefits to be provided for successful service in the position.

''(33) ASIAN AMERICAN AND NATIVE AMERICAN PACIFIC ISLANDER-SERVING INSTITUTION.—The term 'Asian American and Native American Pacific Islander-serving institution' has the meaning given the term in section 320(b) of the Higher Education Act of 1965 (20 U.S.C. 1059g(b)).

''(34) AUTHORIZING COMMITTEES.—The term 'authorizing committees' means the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

''(35) COMMUNITY-BASED ENTITY.—The term 'community-based entity' means a public or private nonprofit organization that—

''(A) has experience with meeting unmet human, educational, environmental, or public safety needs; and

''(B) meets other such criteria as the Chief Executive Officer may establish.

''(36) DISADVANTAGED YOUTH.—The term 'disadvantaged youth' includes those youth who are economically disadvantaged and 1 or more of the following:

''(A) Who are out-of-school youth, including out-of-school youth who are unemployed.

''(B) Who are in or aging out of foster care.

''(C) Who have limited English proficiency.

''(D) Who are homeless or who have run away from home.

''(E) Who are at-risk to leave secondary school without a diploma.

''(F) Who are former juvenile offenders or at risk of delinquency.

''(G) Who are individuals with disabilities.

''(37) ENCORE SERVICE PROGRAM.—The term 'encore service program' means a program, carried out by an eligible entity as described in subsection (a), (b), or (c) of section 122, that—

''(A) involves a significant number of participants age 55 or older in the program; and

''(B) takes advantage of the skills and experience that such participants offer in the design and implementation of the program.

''(38) HISPANIC-SERVING INSTITUTION.—The term 'Hispanic-serving institution' has the meaning given such term in section 502(a) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)).

''(39) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term 'historically black college or university' means a part B institution, as defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

''(40) MEDICALLY UNDERSERVED POPULATION.—The term 'medically underserved population' has the meaning given that term in section 330(b)(3) of the Public Health Service Act (42 U.S.C. 254b(b)(3)).

''(41) NATIVE AMERICAN-SERVING, NONTRIBAL INSTITUTION.—The term 'Native American-serving, nontribal institution' has the meaning given the term in section 319(b) of the Higher Education Act of 1965 (20 U.S.C. 1059f(b)).

''(42) NATIVE HAWAIIAN-SERVING INSTITUTION.—The term 'Native Hawaiian-serving institution' has the meaning given the term in section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)).

''(43) PREDOMINANTLY BLACK INSTITUTION.—The term 'Predominantly Black Institution' has the meaning given the term in section 318 of the Higher Education Act of 1965 (20 U.S.C. 1059e).

''(44) PRINCIPLES OF SCIENTIFIC RESEARCH.—The term 'principles of scientific research' means principles of research that—

''(A) apply rigorous, systematic, and objective methodology to obtain reliable and valid knowledge relevant to the subject matter involved;

''(B) present findings and make claims that are appropriate to, and supported by, the methods that have been employed; and

''(C) include, appropriate to the research being conducted—

''(i) use of systematic, empirical methods that draw on observation or experiment;

''(ii) use of data analyses that are adequate to support the general findings;

''(iii) reliance on measurements or observational methods that provide reliable and generalizable findings;

''(iv) strong claims of causal relationships, only with research designs that eliminate plausible competing explanations for observed results, such as, but not limited to, random-assignment experiments;

''(v) presentation of studies and methods in sufficient detail and clarity to allow for replication or, at a minimum, to offer the opportunity to build systematically on the findings of the research;

''(vi) acceptance by a peer-reviewed journal or critique by a panel of independent experts through a comparably rigorous, objective, and scientific review; and

''(vii) consistency of findings across multiple studies or sites to support the generality of results and conclusions.

''(45) QUALIFIED ORGANIZATION.—The term 'qualified organization' means a public or private nonprofit organization with experience working with school-age youth that meets such criteria as the Chief Executive Officer may establish.

''(46) SCIENTIFICALLY VALID RESEARCH.—The term 'scientifically valid research' includes applied research, basic research, and field-initiated research in which the rationale, design, and interpretation are soundly developed in accordance with principles of scientific research.

''(47) TERRITORY.—The term 'territory' means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

''(48) TRIBALLY CONTROLLED COLLEGE OR UNIVERSITY.—The term 'tribally controlled college or university' has the meaning given such term in section 2 of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1801).

''(49) VETERAN.—The term 'veteran' has the meaning given the term in section 101 of title 38, United States Code.''.

(b) REDESIGNATION.—Section 101 (42 U.S.C. 12511) is amended—

(1) by redesignating paragraphs (1) through (49) as paragraphs (1), (3), (8), (9), (10), (12), (14), (15), (19), (20), (21), (22), (23), (24), (26), (29), (30), (31), (34), (35), (37), (39), (40), (41), (42), (43), (44), (45), (46), (2), (4), (5), (6), (7), (11), (13), (16), (17), (18), (25), (27), (28), (32), (33), (36), (38), (47), (48), and (49); and

(2) so that paragraphs (1) through (49), as so redesignated in paragraph (1), appear in numerical order.

Subtitle B—Amendments to Subtitle B (Learn and Serve America)

SEC. 1201. SCHOOL-BASED ALLOTMENTS.

Part I of subtitle B of title I (42 U.S.C. 12521 et seq.) is amended to read as follows:

''PART I—PROGRAMS FOR ELEMENTARY AND SECONDARY SCHOOL STUDENTS

''SEC. 111. PURPOSE.

''The purpose of this part is to promote service-learning as a strategy to—

''(1) support high-quality service-learning projects that engage students in meeting community needs with demonstrable results, while enhancing students' academic and civic learning; and

''(2) support efforts to build institutional capacity, including the training of educators, and to strengthen the service infrastructure to expand service opportunities.

''SEC. 111A. DEFINITIONS.

''In this part:

''(1) STATE.—The term 'State' means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

''(2) STATE EDUCATIONAL AGENCY.—The term 'State educational agency' means—

''(A) a State educational agency (as defined in section 101) of a State; or

''(B) for a State in which a State educational agency described in subparagraph (A) has designated a statewide entity under section 112(e), that designated statewide entity.

''SEC. 112. ASSISTANCE TO STATES, TERRITORIES, AND INDIAN TRIBES.

''(a) ALLOTMENTS TO STATES, TERRITORIES, AND INDIAN TRIBES.—The Corporation, in consultation with the Secretary of Education, may make allotments to State educational agencies, territories, and Indian tribes to pay for the Federal share of—

''(1) planning and building the capacity within the State, territory, or Indian tribe involved to implement service-learning programs that are based principally in elementary schools and secondary schools, including—

''(A) providing training and professional development for teachers, supervisors, personnel from community-based entities (particularly with regard to the recruitment, utilization, and management of participants), and trainers, to be conducted by qualified individuals or organizations that have experience with service-learning;

''(B) developing service-learning curricula, consistent with State or local academic content standards, to be integrated into academic programs, including curricula for an age-appropriate learning component that provides participants an opportunity to analyze and apply their service experiences;

''(C) forming local partnerships described in paragraph (2) or (4)(D) to develop school-based service-learning programs in accordance with this part;

''(D) devising appropriate methods for research on and evaluation of the educational value of service-learning and the effect of service-learning activities on communities;

''(E) establishing effective outreach and dissemination of information to ensure the broadest possible involvement of community-based entities with demonstrated effectiveness in working with school-age youth in their communities; and

''(F) establishing effective outreach and dissemination of information to ensure the broadest possible participation of schools throughout the State, throughout the territory, or serving the Indian tribe involved with particular attention to schools not making adequate yearly progress for two or more consecutive years under section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

''(2) implementing, operating, or expanding school-based service-learning programs, which may include paying for the cost of the recruitment, training, supervision, placement, salaries, and benefits of service-learning coordinators, through distribution by State educational agencies, territories, and Indian tribes of Federal funds made available under this part to projects operated by local partnerships among—

''(A) local educational agencies; and

''(B) 1 or more community partners that—

''(i) shall include a public or private nonprofit organization that—

''(I) has a demonstrated expertise in the provision of services to meet unmet human, education, environmental, or public safety needs;

''(II) will make projects available for participants, who shall be students; and

''(III) was in existence at least 1 year before the date on which the organization submitted an application under section 113; and

''(ii) may include a private for-profit business, private elementary school or secondary school, or Indian tribe (except that an Indian tribe distributing funds to a project under this paragraph is not eligible to be part of the partnership operating that project);

''(3) planning of school-based service-learning programs, through distribution by State educational agencies, territories, and Indian tribes of Federal funds made available under this part to local educational agencies and Indian tribes, which planning may include paying for the cost of—

''(A) the salaries and benefits of service-learning coordinators; or

''(B) the recruitment, training and professional development, supervision, and placement of service-learning coordinators who may be participants in a program under subtitle C or receive a national service educational award under subtitle D, who may be participants in a project under section 201 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5001), or who may participate in a Youthbuild program under section 173A of the Workforce Investment Act of 1998 (29 U.S.C. 2918a),

who will identify the community partners described in paragraph (2)(B) and assist in the design and implementation of a program described in paragraph (2);

''(4) implementing, operating, or expanding school-based service-learning programs to utilize adult volunteers in service-learning to improve the education of students, through distribution by State educational agencies, territories, and Indian tribes of Federal funds made available under this part to—

''(A) local educational agencies;

''(B) Indian tribes (except that an Indian tribe distributing funds under this paragraph is not eligible to be a recipient of those funds);

''(C) public or private nonprofit organizations; or

''(D) partnerships or combinations of local educational agencies, and entities described in subparagraph (B) or (C); and

''(5) developing, as service-learning programs, civic engagement programs that promote a better understanding of—

''(A) the principles of the Constitution, the heroes of United States history (including military heroes), and the meaning of the Pledge of Allegiance;

''(B) how the Nation's government functions; and

''(C) the importance of service in the Nation's character.

''(b) DUTIES OF SERVICE-LEARNING COORDINATOR.—A service-learning coordinator referred to in paragraph (2) or (3) of subsection (a) shall provide services to a local partnership described in subsection (a)(2) or entity described in subsection (a)(3), respectively, that may include—

''(1) providing technical assistance and information to, and facilitating the training of, teachers and assisting in the planning, development, execution, and evaluation of service-learning in their classrooms;

''(2) assisting local partnerships described in subsection (a)(2) in the planning, development, and execution of service-learning projects, including summer of service programs;

''(3) assisting schools and local educational agencies in developing school policies and practices that support the integration of service-learning into the curriculum; and

''(4) carrying out such other duties as the local partnership or entity, respectively, may determine to be appropriate.

''(c) RELATED EXPENSES.—An entity that receives financial assistance under this part from a State, territory, or Indian tribe may, in carrying out the activities described in subsection (a), use such assistance to pay for the Federal share of reasonable costs related to the supervision of participants, program administration, transportation, insurance, and evaluations and for other reasonable expenses related to the activities.

''(d) SPECIAL RULE.—A State educational agency described in section 111A(2)(A) may designate a statewide entity (which may be a community-based entity) with demonstrated experience in supporting or implementing service-learning programs, to receive the State educational agency's allotment under this part, and carry out the functions of the agency under this part.

''(e) CONSULTATION WITH SECRETARY OF EDUCATION.—The Corporation is authorized to enter into agreements with the Secretary of Education for initiatives (and may use funds authorized under section 501(a)(6) to enter into the agreements if the additional costs of the initiatives are warranted) that may include—

''(1) identification and dissemination of research findings on service-learning and scientifically valid research based practices for service-learning; and

''(2) provision of professional development opportunities that—

''(A) improve the quality of service-learning instruction and delivery for teachers both preservice and in-service, personnel from community-based entities and youth workers; and

''(B) create and sustain effective partnerships for service-learning programs between local educational agencies, community-based entities, businesses, and other stakeholders.

"SEC. 112A. ALLOTMENTS.

''(a) INDIAN TRIBES AND TERRITORIES.—Of the amounts appropriated to carry out this part for any fiscal year, the Corporation shall reserve an amount of not less than 2 percent and not more than 3 percent for payments to Indian tribes, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be allotted in accordance with their respective needs.

''(b) ALLOTMENTS THROUGH STATES.—

''(1) IN GENERAL.—After reserving an amount under subsection (a), the Corporation shall use the remainder of the funds appropriated to carry out this part for the fiscal year as follows:

''(A) ALLOTMENTS BASED ON SCHOOL-AGE YOUTH.—From 50 percent of such remainder, the Corporation shall allot to each State an amount that bears the same ratio to 50 percent of such remainder as the number of school-age youth in the State bears to the total number of school-age youth in all States.

''(B) ALLOTMENTS BASED ON ALLOCATIONS UNDER ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—From 50 percent of such remainder, the Corporation shall allot to each State an amount that bears the same ratio to 50 percent of such remainder as the allocation to the State for the previous fiscal year under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) bears to the total of such allocations to all States.

''(2) MINIMUM AMOUNT.—For any fiscal year for which amounts appropriated for this subtitle exceed $50,000,000, the minimum allotment to each State under paragraph (1) shall be $75,000.

''(c) REALLOTMENT.—If the Corporation determines that the allotment of a State, territory, or Indian tribe under this section will not be required for a fiscal year because the State, territory, or Indian tribe did not submit and receive approval of an application for the allotment under section 113, the Corporation shall make the allotment for such State, territory, or Indian tribe available for grants to community-based entities to carry out service-learning programs as described in section 112(b) in such State, in such territory, or for such Indian tribe. After community-based entities apply for grants from the allotment, by submitting an application at such time and in such manner as the Corporation requires, and receive approval, the remainder of such allotment shall be available for reallotment to such other States, territories, or Indian tribes with approved applications submitted under section 113 as the Corporation may determine to be appropriate.

"SEC. 113. APPLICATIONS.

''(a) APPLICATIONS TO CORPORATION FOR ALLOTMENTS.—

''(1) IN GENERAL.—To be eligible to receive an allotment under section 112A, a State, acting through the State educational agency, territory, or Indian tribe shall prepare and submit to the Corporation an application at such time and in such manner as the Chief Executive Officer may reasonably require, and obtain approval of the application.

''(2) CONTENTS.—An application for an allotment under section 112 shall include—

''(A) a proposal for a 3-year plan promoting service-learning, which shall contain such information as the Chief Executive Officer may reasonably require, including how the applicant will integrate service opportunities into the academic program of the participants;

''(B) information about the criteria the State educational agency, territory, or Indian tribe will use to evaluate and grant approval to applications submitted under subsection (b), including an assurance that the State educational agency, territory, or Indian tribe will comply with the requirement in section 114(a);

''(C) assurances about the applicant's efforts to—

''(i) ensure that students of different ages, races, sexes, ethnic groups, disabilities, and economic backgrounds have opportunities to serve together;

''(ii) include any opportunities for students, enrolled in schools or programs of education providing elementary or secondary education, to participate in service-learning programs and ensure that such service-learning programs include opportunities for such students to serve together;

''(iii) involve participants in the design and operation of the programs;

''(iv) promote service-learning in areas of greatest need, including low-income or rural areas; and

''(v) otherwise integrate service opportunities into the academic program of the participants; and

''(D) assurances that the applicant will comply with the nonduplication and nondisplacement requirements of section 177 and the notice, hearing, and grievance procedures required by section 176.

''(b) APPLICATION TO STATE, TERRITORY, OR INDIAN TRIBE FOR ASSISTANCE TO CARRY OUT SCHOOL-BASED SERVICE-LEARNING PROGRAMS.—

''(1) IN GENERAL.—Any—

''(A) qualified organization, Indian tribe, territory, local educational agency, for-profit business, private elementary school or secondary school, or institution of higher education that desires to receive financial assistance under this subpart from a State, territory, or Indian tribe for an activity described in section 112(a)(1);

''(B) partnership described in section 112(a)(2) that desires to receive such assistance from a State, territory, or Indian tribe for an activity described in section 112(a)(2);

''(C) entity described in section 112(a)(3) that desires to receive such assistance from a State, territory, or Indian tribe for an activity described in such section;

''(D) entity or partnership described in section 112(a)(4) that desires to receive such assistance from a State, territory, or Indian tribe for an activity described in such section; and

''(E) entity that desires to receive such assistance from a State, territory, or Indian tribe for an activity described in section 111(a)(5),

shall prepare, submit to the State educational agency for the State, territory, or Indian tribe, and obtain approval of, an application for the program.

''(2) SUBMISSION.—Such application shall be submitted at such time and in such manner, and shall contain such information, as the agency, territory, or Indian tribe may reasonably require.

''SEC. 114. CONSIDERATION OF APPLICATIONS.

''(a) CRITERIA FOR LOCAL APPLICATIONS.—In providing assistance under this part, a State educational agency, territory, or Indian tribe (or the Corporation if section 112A(c) applies) shall consider criteria with respect to sustainability, replicability, innovation, and quality of programs.

''(b) PRIORITY FOR LOCAL APPLICATIONS.—In providing assistance under this part, a State educational agency, territory, or Indian tribe (or the Corporation if section 112A(c) applies) shall give priority to entities that submit applications under section 113 with respect to service-learning programs described in section 111 that are in the greatest need of assistance, such as programs targeting low-income areas or serving economically disadvantaged youth.

''(c) REJECTION OF APPLICATIONS TO CORPORATION.—If the Corporation rejects an application submitted by a State, territory, or Indian tribe under section 113 for an allotment, the Corporation shall promptly notify the State, territory, or Indian tribe of the reasons for the rejection of the application. The Corporation shall provide the State, territory, or Indian tribe with a reasonable opportunity to revise and resubmit the application and shall provide technical assistance, if needed, to the State, territory, or Indian tribe as part of the resubmission process. The Corporation shall promptly reconsider such resubmitted application.

''SEC. 115. PARTICIPATION OF STUDENTS AND TEACHERS FROM PRIVATE SCHOOLS.

''(a) IN GENERAL.—To the extent consistent with the number of students in the State, in the territory, or served by the Indian tribe or in the school district of the local educational agency involved who are enrolled in private nonprofit elementary schools and secondary schools, such State, territory, or Indian tribe, or agency shall (after consultation with appropriate private school representatives) make provision—

''(1) for the inclusion of services and arrangements for the benefit of such students so as to allow for the equitable participation of such students in the programs implemented to carry out the objectives and provide the benefits described in this part; and

''(2) for the training of the teachers of such students so as to allow for the equitable participation of such teachers in the programs implemented to carry out the objectives and provide the benefits described in this part.

''(b) WAIVER.—If a State, territory, Indian tribe, or local educational agency is prohibited by law from providing for the participation of students or teachers from private nonprofit schools as required by subsection (a), or if the Corporation determines that a State, territory, Indian tribe, or local educational agency substantially fails or is unwilling to provide for such participation on an equitable basis, the Chief Executive Officer shall waive such requirements and shall arrange for the provision of services to such students and teachers.

''SEC. 116. FEDERAL, STATE, AND LOCAL CONTRIBUTIONS.

''(a) CORPORATION SHARE.—

''(1) IN GENERAL.—The Corporation share of the cost of carrying out a program for which a grant is made from an allotment under this part—

''(A) for new grants may not exceed 80 percent of the total cost of the program for the first year of the grant period, 65 percent for the second year, and 50 percent for each remaining year; and

''(B) for continuing grants, may not exceed 50 percent of the total cost of the program.

''(2) NONCORPORATION CONTRIBUTION.—In providing for the remaining share of the cost of carrying out such a program, each recipient of such a grant under this part—

''(A) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services;

''(B) except as provided in subparagraph (C), may provide for such share through Federal, State, or local sources, including private funds or donated services; and

''(C) may not provide for such share through Federal funds made available under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) or the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

''(b) WAIVER.—The Chief Executive Officer may waive the requirements of subsection (a) in whole or in part with respect to any such program for any fiscal year, on a determination that such a waiver would be equitable due to a lack of resources at the local level.

''SEC. 117. LIMITATIONS ON USES OF FUNDS.

''Not more than 6 percent of the amount of assistance received by a State, territory, or Indian tribe that is the original recipient of an allotment under this part for a fiscal year may be used to pay, in accordance with such standards as the Corporation may issue, for administrative costs, incurred by that recipient.''.

SEC. 1202. HIGHER EDUCATION PROVISIONS.

(a) REDESIGNATION.—Section 119 (42 U.S.C. 12561) is redesignated as section 118.

(b) HIGHER EDUCATION INNOVATIVE PROGRAMS.—Section 118 (as so redesignated) is amended—

(1) in subsection (a), by inserting after ''community service programs'' the following: ''through service-learning'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''combination'' and inserting ''consortium'';

(B) in paragraph (1)—

(i) in subparagraph (A), by striking ''and'' at the end;

(ii) in subparagraph (B), by adding ''and'' at the end; and

(iii) by adding at the end the following:

''(C) the institution or partnership may coordinate with service-learning curricula being offered in the academic curricula at the institution of higher education or at 1 or more members of the partnership;''; and

(C) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by striking ''teachers at the elementary, secondary, and postsecondary levels'' and inserting ''institutions of higher education and their faculty'';

(ii) in subparagraph (A), by striking ''education of the institution; and'' and inserting ''curricula of the institution to strengthen the instructional capacity of teachers to provide service-learning at the elementary and secondary levels;'';

(iii) by redesignating subparagraph (B) as subparagraph (C); and

(iv) by inserting after subparagraph (A) the following:

''(B) including service-learning as a component of other curricula or academic programs (other than education curricula or programs), such as curricula or programs relating to nursing, medicine, criminal justice, or public policy; and'';

(3) by striking subsections (c), (d), (e), and (g);

(4) by redesignating subsection (f) as subsection (i); and

(5) by inserting after subsection (b) the following:

''(c) FEDERAL, STATE, AND LOCAL CONTRIBUTIONS.—

''(1) FEDERAL SHARE.—

''(A) IN GENERAL.—The Federal share of the cost of carrying out a program for which assistance is provided under this part may not exceed 50 percent of the total cost of the program.

''(B) NON-FEDERAL CONTRIBUTION.—In providing for the remaining share of the cost of carrying out such a program, each recipient of a grant or contract under this part—

''(i) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services; and

''(ii) may provide for such share through State sources or local sources, including private funds or donated services.

''(2) WAIVER.—The Chief Executive Officer may waive the requirements of paragraph (1) in whole or in part with respect to any such program for any fiscal year if the Corporation determines that such a waiver would be equitable due to a lack of available financial resources at the local level.

''(d) APPLICATION FOR GRANT.—

''(1) SUBMISSION.—To receive a grant or enter into a contract under this part, an institution or partnership shall prepare and submit to the Corporation, an application at such time, in such manner, and containing such information and assurances as the Corporation may reasonably require, and obtain approval of the application. In requesting applications for assistance under this part, the Corporation shall specify such required information and assurances.

''(2) CONTENTS.—An application submitted under paragraph (1) shall contain, at a minimum—

''(A) assurances that—

''(i) prior to the placement of a participant, the applicant will consult with the appropriate local labor organization, if any, representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such program, to prevent the displacement and protect the rights of such employees; and

''(ii) the applicant will comply with the nonduplication and nondisplacement provisions of section 177 and the notice, hearing, and grievance procedures required by section 176; and

''(B) such other assurances as the Chief Executive Officer may reasonably require.

''(e) SPECIAL CONSIDERATION.—To the extent practicable, in making grants and entering into contracts under subsection (b), the Corporation shall give special consideration to applications submitted by, or applications from partnerships including, institutions serving primarily low-income populations, including—

''(1) Alaska Native-serving institutions;

''(2) Asian American and Native American Pacific Islander-serving institutions;

''(3) Hispanic-serving institutions;

''(4) historically black colleges and universities;

''(5) Native American-serving, nontribal institutions;

''(6) Native Hawaiian-serving institutions;

''(7) Predominantly Black Institutions;

''(8) tribally controlled colleges and universities; and

''(9) community colleges serving predominantly minority populations.

''(f) CONSIDERATIONS.—In making grants and entering into contracts under subsection (b), the Corporation shall take into consideration whether the applicants submit applications containing proposals that—

''(1) demonstrate the commitment of the institution of higher education involved, other than by demonstrating the commitment of the students, to supporting the community service projects carried out under the program;

''(2) specify the manner in which the institution will promote faculty, administration, and staff participation in the community service projects;

''(3) specify the manner in which the institution will provide service to the community through organized programs, including, where appropriate, clinical programs for students in professional schools and colleges;

''(4) describe any partnership that will participate in the community service projects, such as a partnership comprised of—

''(A) the institution;

''(B)(i) a community-based agency;

''(ii) a local government agency; or

''(iii) a nonprofit entity that serves or involves school-age youth, older adults, or low-income communities; and

''(C)(i) a student organization;

''(ii) a department of the institution; or

''(iii) a group of faculty comprised of different departments, schools, or colleges at the institution;

''(5) demonstrate community involvement in the development of the proposal and the extent to which the proposal will contribute to the goals of the involved community members;

''(6) demonstrate a commitment to perform community service projects in underserved urban and rural communities;

''(7) describe research on effective strategies and methods to improve service utilized in the design of the projects;

''(8) specify that the institution or partnership will use the assistance provided through the grant or contract to strengthen the service infrastructure in institutions of higher education;

''(9) with respect to projects involving delivery of services, specify projects that involve leadership development of school-age youth; or

''(10) describe the needs that the proposed projects are designed to address, such as housing, economic development, infrastructure, health care, job training, education, crime prevention, urban planning, transportation, information technology, or child welfare.

''(g) FEDERAL WORK-STUDY.—To be eligible for assistance under this part, an institution of higher education shall demonstrate that it meets the minimum requirements under section 443(b)(2)(A) of the Higher Education Act of 1965 (42 U.S.C. 2753(b)(2)(A)) relating to the participation of students employed under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.) (relating to Federal Work-Study programs) in community service activities, or has received a waiver of those requirements from the Secretary of Education.

''(h) DEFINITION.—Notwithstanding section 101, as used in this part, the term 'student' means an individual who is enrolled in an institution of higher education on a full- or part-time basis.''.

SEC. 1203. CAMPUSES OF SERVICE.

Subtitle B of title I (42 U.S.C. 12521 et seq.) is amended by inserting after section 118 (as redesignated by section 1202) the following:

''SEC. 118A. CAMPUSES OF SERVICE.

''(a) IN GENERAL.—The Corporation, after consultation with the Secretary of Education, may annually designate not more than 25 institutions of higher education as Campuses of Service, from among institutions nominated by State Commissions.

''(b) APPLICATIONS FOR NOMINATION.—

''(1) IN GENERAL.—To be eligible for a nomination to receive designation under subsection (a), and have an opportunity to apply for funds under subsection (d) for a fiscal year, an institution of higher education in a State shall submit an application to the State Commission at such time, in such manner, and containing such information as the State Commission may require.

''(2) CONTENTS.—At a minimum, the application shall include information specifying—

''(A)(i) the number of undergraduate and, if applicable, graduate service-learning courses offered at such institution for the most recent full academic year preceding the fiscal year for which designation is sought; and

''(ii) the number and percentage of undergraduate students and, if applicable, the number and percentage of graduate students at such institution who were enrolled in the corresponding courses described in clause (i), for such preceding academic year;

''(B) the percentage of undergraduate students engaging in and, if applicable, the percentage of graduate students engaging in activities providing community services, as defined in section 441(c) of the Higher Education Act of 1965 (42 U.S.C. 2751(c)), during such preceding academic year, the quality of such activities, and the average amount of time spent, per student, engaged in such activities;

''(C) for such preceding academic year, the percentage of Federal work-study funds made available to the institution under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.) that is used to compensate students employed in providing community services, as so defined, and a description of the efforts the institution undertakes to make available to students opportunities to provide such community services and be compensated through such work-study funds;

''(D) at the discretion of the institution, information demonstrating the degree to which recent graduates of the institution, and all graduates of the institution, have obtained full-time public service employment in the nonprofit sector or government, with a private nonprofit organization or a Federal, State, or local public agency; and

''(E) any programs the institution has in place to encourage or assist graduates of the institution to pursue careers in public service in the nonprofit sector or government.

''(c) NOMINATIONS AND DESIGNATION.—

''(1) NOMINATION.—

''(A) IN GENERAL.—A State Commission that receives applications from institutions of higher education under subsection (b) may nominate, for designation under subsection (a), not more than 3 such institutions of higher education, consisting of—

''(i) not more than one 4-year public institution of higher education;

''(ii) not more than one 4-year private institution of higher education; and

''(iii) not more than one 2-year institution of higher education.

''(B) SUBMISSION.—The State Commission shall submit to the Corporation the name and application of each institution nominated by the State Commission under subparagraph (A).

''(2) DESIGNATION.—The Corporation shall designate, under subsection (a), not more than 25 institutions of higher education from among the institutions nominated under paragraph (1). In making the designations, the Corporation shall, if feasible, designate various types of institutions, including institutions from each of the categories of institutions described in clauses (i), (ii), and (iii) of paragraph (1)(A).

''(d) AWARDS.—

''(1) IN GENERAL.—Using sums reserved under section 501(a)(1)(C) for Campuses of Service, the Corporation shall provide an award of funds to institutions designated under subsection (c), to be used by the institutions to develop or disseminate service-learning models and information on best practices regarding service-learning to other institutions of higher education.

''(2) PLAN.—To be eligible to receive funds under this subsection, an institution designated under subsection (c) shall submit a plan to the Corporation describing how the institution intends to use the funds to develop or disseminate service-learning models and information on best practices regarding service-learning to other institutions of higher education.

''(3) ALLOCATION.—The Corporation shall determine how the funds reserved under section 501(a)(1)(C) for Campuses of Service for a fiscal year will be allocated among the institutions submitting acceptable plans under paragraph (2). In determining the amount of funds to be allocated to such an institution, the Corporation shall consider the number of students at the institution, the quality and scope of the plan submitted by the institution under paragraph (2), and the institution's current (as of the date of submission of the plan) strategies to encourage or assist students to pursue public service careers in the nonprofit sector or government.''.

SEC. 1204. INNOVATIVE PROGRAMS AND RESEARCH.

Subtitle B of title I (42 U.S.C. 12521 et seq.), as amended by section 1203, is further amended by adding at the end the following:

''PART III—INNOVATIVE AND COMMUNITY-BASED SERVICE–LEARNING PROGRAMS AND RESEARCH

''SEC. 119. INNOVATIVE AND COMMUNITY-BASED SERVICE-LEARNING PROGRAMS AND RESEARCH.

''(a) DEFINITIONS.—In this part:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means a State educational agency, a State Commission, a territory, an Indian tribe, an institution of higher education, or a public or private nonprofit organization (including community-based entities), a public or private elementary school or secondary school, a local educational agency, a consortium of such entities, or a consortium of 2 or more such entities and a for-profit organization.

''(2) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means a partnership that—

''(A) shall include—

''(i) 1 or more community-based entities that have demonstrated records of success in carrying out service-learning programs with economically disadvantaged students, and that meet such criteria as the Chief Executive Officer may establish; and

''(ii) a local educational agency for which—

''(I) a high number or percentage, as determined by the Corporation, of the students served by the agency are economically disadvantaged students; and

''(II) the graduation rate (as defined in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)) and as clarified in applicable regulations promulgated by the Department of Education for the secondary school students served by the agency is less than 70 percent; and

''(B) may also include—

''(i) a local government agency that is not described in subparagraph (A);

''(ii) the office of the chief executive officer of a unit of general local government;

''(iii) an institution of higher education;

''(iv) a State Commission or State educational agency; or

''(v) more than 1 local educational agency described in subclause (I).

''(3) YOUTH ENGAGEMENT ZONE.—The term 'youth engagement zone' means the area in which a youth engagement zone program is carried out.

''(4) YOUTH ENGAGEMENT ZONE PROGRAM.—The term 'youth engagement zone program' means a service-learning program in which members of an eligible partnership collaborate to provide coordinated school-based or community-based service-learning opportunities—

''(A) in order to address a specific community challenge;

''(B) for an increasing percentage of out-of-school youth and secondary school students served by a local educational agency; and

''(C) in circumstances under which—

''(i) not less than 90 percent of such students participate in service-learning activities as part of the program; or

''(ii) service-learning is a part of the curriculum in all of the secondary schools served by the local educational agency.

''(b) GENERAL AUTHORITY.—From the amounts appropriated to carry out this part for a fiscal year, the Corporation may make grants (which may include approved summer of service positions in the case of a grant for a program described in subsection (c)(8)) and fixed-amount grants (in accordance with section 129(l)) to eligible entities or eligible partnerships, as appropriate, for programs and activities described in subsection (c).

''(c) AUTHORIZED ACTIVITIES.—Funds under this part may be used to—

''(1) integrate service-learning programs into the science, technology, engineering, and mathematics (referred to in this part as 'STEM') curricula at the elementary, secondary, postsecondary, or postbaccalaureate levels in coordination with practicing or retired STEM professionals;

''(2) involve students in service-learning programs focusing on energy conservation in their community, including conducting educational outreach on energy conservation and working to improve energy efficiency in low-income housing and in public spaces;

''(3) involve students in service-learning programs in emergency and disaster preparedness;

''(4) involve students in service-learning programs aimed at improving access to and obtaining the benefits from computers and other emerging technologies, including improving such access for individuals with disabilities, in low-income or rural communities, in senior centers and communities, in schools, in libraries, and in other public spaces;

''(5) involve high school age youth in the mentoring of middle school youth while involving all participants in service-learning to seek to meet unmet human, educational, environmental, public safety, or emergency and disaster preparedness needs in their community;

''(6) conduct research and evaluations on service-learning, including service-learning in middle schools, and disseminate such research and evaluations widely;

''(7) conduct innovative and creative activities as described in section 112(a);

''(8) establish or implement summer of service programs (giving priority to programs that enroll youth who will be enrolled in any of grades 6 through 9 at the end of the summer concerned) during the summer months (including recruiting, training, and placing service-learning coordinators)—

''(A) for youth who will be enrolled in any of grades 6 through 12 at the end of the summer concerned; and

''(B) for community-based service-learning projects—

''(i) that shall—

''(I) meet unmet human, educational, environmental (including energy conservation and stewardship), and emergency and disaster preparedness and other public safety needs; and

''(II) be intensive, structured, supervised, and designed to produce identifiable improvements to the community;

''(ii) that may include the extension of academic year service-learning programs into the summer months; and

''(iii) under which a student who completes 100 hours of service as described in section 146(b)(2), shall be eligible for a summer of service educational award of $500 or $750 as described in sections 146(a)(2)(C) and 147(d);

''(9) establish or implement youth engagement zone programs in youth engagement zones, for students in secondary schools served by local educational agencies for which a majority of such students do not participate in service-learning activities that are—

''(A) carried out by eligible partnerships; and

''(B) designed to—

''(i) involve all students in secondary schools served by the local educational agency in service-learning to address a specific community challenge;

''(ii) improve student engagement, including student attendance and student behavior, and student achievement, graduation rates, and college-going rates at secondary schools; and

''(iii) involve an increasing percentage of students in secondary school and out-of-school youth in the community in school-based or community-based service-learning activities each year, with the goal of involving all students in secondary schools served by the local educational agency and involving an increasing percentage of the out-of-school youth in service-learning activities; and

''(10) conduct semester of service programs that—

''(A) provide opportunities for secondary school students to participate in a semester of coordinated school-based or community-based service-learning opportunities for a minimum of 70 hours (of which at least a third will be spent participating in field-based activities) over a semester, to address specific community challenges;

''(B) engage as participants high percentages or numbers of economically disadvantaged students;

''(C) allow participants to receive academic credit, for the time spent in the classroom and in the field for the program, that is equivalent to the academic credit for any class of equivalent length and with an equivalent time commitment; and

''(D) ensure that the classroom-based instruction component of the program is integrated into the academic program of the local educational agency involved; and

''(11) carry out any other innovative service-learning programs or research that the Corporation considers appropriate.

''(d) APPLICATIONS.—To be eligible to receive a grant to carry out a program or activity under this part, an entity or partnership, as appropriate, shall prepare and submit to the Corporation an application at such time and in such manner as the Chief Executive Officer may reasonably require, and obtain approval of the application.

''(e) PRIORITY.—In making grants under this part, the Corporation shall give priority to applicants proposing to—

''(1) involve students and community stakeholders in the design and implementation of service-learning programs carried out using funds received under this part;

''(2) implement service-learning programs in low-income or rural communities; and

''(3) utilize adult volunteers, including tapping the resources of retired and retiring adults, in the planning and implementation of service-learning programs.

''(f) REQUIREMENTS.—

''(1) TERM.—Each program or activity funded under this part shall be carried out over a period of 3 years, which may include 1 planning year. In the case of a program funded under this part, the 3-year period may be extended by 1 year, if the program meets performance levels established in accordance with section 179(k) and any other criteria determined by the Corporation.

''(2) COLLABORATION ENCOURAGED.—Each entity carrying out a program or activity funded under this part shall, to the extent practicable, collaborate with entities carrying out programs under this subtitle, subtitle C, and titles I and II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq., 5001 et seq.).

''(3) EVALUATION.—Not later than 4 years after the effective date of the Serve America Act, the Corporation shall conduct an independent evaluation of the programs and activities carried out using funds made available under this part, and determine best practices relating to service-learning and recommendations for improvement of those programs and activities. The Corporation shall widely disseminate the results of the evaluations, and information on the best practices and recommendations to the service community through multiple channels, including the Corporation's Resource Center or a clearinghouse of effective strategies.''.

SEC. 1205. SERVICE-LEARNING IMPACT STUDY.

Subtitle B of title I (42 U.S.C. 12521 et seq.), as amended by section 1204, is further amended by adding at the end the following:

''PART IV—SERVICE-LEARNING IMPACT STUDY

''SEC. 120. STUDY AND REPORT.

''(a) STUDY.—

''(1) IN GENERAL.—From the sums reserved under section 501(a)(1)(B) for this section, the Corporation shall enter into a contract with an entity that is not otherwise a recipient of financial assistance under this subtitle, to conduct a 10-year longitudinal study on the impact of the activities carried out under this subtitle.

''(2) CONTENTS.—In conducting the study, the entity shall consider the impact of service-learning activities carried out under this subtitle on students participating in such activities, including in particular examining the degree to which the activities—

''(A) improved student academic achievement;

''(B) improved student engagement;

''(C) improved graduation rates, as defined in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)) and as clarified in applicable regulations promulgated by the Department of Education; and

''(D) improved the degree to which the participants in the activities engaged in subsequent national service, volunteering, or other service activities, or pursued careers in public service, in the nonprofit sector or government.

''(3) ANALYSIS.—In carrying out such study, the entity shall examine the impact of the service-learning activities on the 4 factors described in subparagraphs (A) through (D) of paragraph (2), analyzed in terms of how much time participants were engaged in service-learning activities.

''(4) BEST PRACTICES.—The entity shall collect information on best practices concerning using service-learning activities to improve the 4 factors.

''(b) INTERIM REPORTS.—The entity shall periodically submit reports to the Corporation containing the interim results of the study and the information on best practices. The Corporation shall submit such reports to the authorizing committees.

''(c) FINAL REPORT.—The entity shall submit a report to the Corporation containing the results of the study and the information on best practices. The Corporation shall submit such report to the authorizing committees, and shall make such report available to the public on the Corporation's website.

''(d) CONSULTATION AND DISSEMINATION.—On receiving the report described in subsection (c), the Corporation shall consult with the Secretary of Education to review the results of the study, and to identify best practices concerning using service-learning activities to improve the 4 factors described in subparagraphs (A) through (D) of subsection (a)(2). The Corporation shall disseminate information on the identified best practices.''.

Subtitle C—Amendments to Subtitle C (National Service Trust Program)

SEC. 1301. PROHIBITION ON GRANTS TO FEDERAL AGENCIES; LIMITS ON CORPORATION COSTS.

Section 121 (42 U.S.C. 12571) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting after ''subdivisions of States,'' the following: ''territories,''; and

(B) in paragraphs (1) and (2), by striking ''section 122(a)'' and inserting ''subsection (a), (b), or (c) of section 122'';

(2) in subsection (b)—

(A) in the heading, by striking ''AGREEMENTS WITH FEDERAL AGENCIES'' and inserting ''RESTRICTIONS ON AGREEMENTS WITH FEDERAL AGENCIES'';

(B) by striking paragraph (1) and inserting the following:

''(1) AGREEMENTS AUTHORIZED.—The Corporation may enter into an interagency agreement (other than a grant agreement) with another Federal agency to support a national service program carried out or otherwise supported by the agency. The Corporation, in entering into the interagency agreement may approve positions as approved national service positions for a program carried out or otherwise supported by the agency.'';

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

''(2) PROHIBITION ON GRANTS.—The Corporation may not provide a grant under this section to a Federal agency.'';

(D) in paragraph (3)—

(i) by striking ''receiving assistance under this subsection'' and inserting ''carrying out or supporting a national service program''; and

(ii) by striking ''using such assistance'' and inserting ''through that program'';

(E) in paragraph (4), by striking ''a contract or cooperative agreement'' the first place it appears and inserting ''an interagency agreement''; and

(F) by adding at the end the following:

''(5) APPLICATION OF REQUIREMENTS.—A requirement under this Act that applies to an entity receiving assistance under section 121 (other than a requirement limited to an entity receiving assistance under section 121(a)) shall be considered to apply to a Federal agency that enters into an interagency agreement under this subsection, even though no Federal agency may receive financial assistance under such an agreement.'';

(3) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking ''subsections (a) and (b),'' and inserting ''subsection (a), and in providing approved national service positions under subsection (b),''; and

(B) in paragraph (2)(B), by striking ''to be provided'' and inserting ''to be provided or otherwise approved'';

(4) in paragraphs (1) and (2) of subsection (d), by striking ''or (b)'';

(5) in subsection (e)—

(A) in paragraph (1), by striking ''Federal share of the cost'' and inserting ''Corporation share of the cost (including the costs of member living allowances, employment-related taxes, health care coverage, and workers' compensation and other necessary operation costs)''; and

(B) by adding at the end the following:

''(5) OTHER FEDERAL FUNDS.—

''(A) RECIPIENT REPORT.—A recipient of assistance under this section (other than a recipient of assistance through a fixed-amount grant in accordance with section 129(l)) shall report to the Corporation the amount and source of any Federal funds used to carry out the program for which the assistance is made available other than those provided by the Corporation.

''(B) CORPORATION REPORT.—The Corporation shall report to the authorizing committees on an annual basis information regarding each recipient of such assistance that uses Federal funds other than those provided by the Corporation to carry out such a program, including the amounts and sources of the other Federal funds.''; and

(6) by adding at the end the following:

''(f) PLAN FOR APPROVED NATIONAL SERVICE POSITIONS.—The Corporation shall—

''(1) develop a plan to—

''(A) establish the number of the approved national service positions as 88,000 for fiscal year 2010;

''(B) increase the number of the approved positions to—

''(i) 115,000 for fiscal year 2011;

''(ii) 140,000 for fiscal year 2012;

''(iii) 170,000 for fiscal year 2013;

''(iv) 200,000 for fiscal year 2014;

''(v) 210,000 for fiscal year 2015;

''(vi) 235,000 for fiscal year 2016; and

''(vii) 250,000 for fiscal year 2017;

''(C) ensure that the increases described in subparagraph (B) are achieved through an appropriate balance of full- and part-time service positions;

''(2) not later than 1 year after the date of enactment of the Serve America Act, submit a report to the authorizing committees on the status of the plan described in paragraph (1); and

''(3) subject to the availability of appropriations and quality service opportunities, implement the plan described in paragraph (1).''.

SEC. 1302. ELIGIBLE NATIONAL SERVICE PROGRAMS.

Section 122 is amended to read as follows:

''SEC. 122. NATIONAL SERVICE PROGRAMS ELIGIBLE FOR PROGRAM ASSISTANCE.

''(a) NATIONAL SERVICE CORPS.—The recipient of a grant under section 121(a) and a Federal agency operating or supporting a national service program under section 121(b) shall use a portion of the financial assistance or positions involved, directly or through subgrants to other entities, to support or carry out the following national service corps or programs, as full- or part-time corps or programs, to address unmet needs:

''(1) EDUCATION CORPS.—

''(A) IN GENERAL.—The recipient may carry out national service programs through an Education Corps that identifies and meets unmet educational needs within communities through activities such as those described in subparagraph (B) and improves performance on the indicators described in subparagraph (C).

''(B) ACTIVITIES.—An Education Corps described in this paragraph may carry out activities such as—

''(i) tutoring, or providing other academic support to elementary school and secondary school students;

''(ii) improving school climate;

''(iii) mentoring students, including adult or peer mentoring;

''(iv) linking needed integrated services and comprehensive supports with students, their families, and their public schools;

''(v) providing assistance to a school in expanding the school day by strengthening the quality of staff and expanding the academic programming offered in an expanded learning time initiative, a program of a 21st century community learning center (as defined in section 4201 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7171)), or a high-quality after-school program;

''(vi) assisting schools and local educational agencies in improving and expanding high-quality service-learning programs that keep students engaged in schools by carrying out programs that provide specialized training to individuals in service-learning, and place the individuals (after such training) in positions as service-learning coordinators, to facilitate service-learning in programs eligible for funding under part I of subtitle B;

''(vii) assisting students in being prepared for college-level work;

''(viii) involving family members of students in supporting teachers and students;

''(ix) conducting a preprofessional training program in which students enrolled in an institution of higher education—

''(I) receive training (which may include classes containing service-learning) in specified fields including early childhood education and care, elementary and secondary education, and other fields such as those relating to health services, criminal justice, environmental stewardship and conservation, or public safety;

''(II) perform service related to such training outside the classroom during the school term and during summer or other vacation periods; and

''(III) agree to provide service upon graduation to meet unmet human, educational, environmental, or public safety needs related to such training;

''(x) assisting economically disadvantaged students in navigating the college admissions process;

''(xi) providing other activities, addressing unmet educational needs, that the Corporation may designate; or

''(xii) providing skilled musicians and artists to promote greater community unity through the use of music and arts education and engagement through work in low-income communities, and education, health care, and therapeutic settings, and other work in the public domain with citizens of all ages.

''(C) EDUCATION CORPS INDICATORS.—The indicators for a corps program described in this paragraph are—

''(i) student engagement, including student attendance and student behavior;

''(ii) student academic achievement;

''(iii) secondary school graduation rates as defined in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)) and as clarified in applicable regulations promulgated by the Department of Education;

''(iv) rate of college enrollment and continued college enrollment for recipients of a high school diploma;

''(v) any additional indicator relating to improving education for students that the Corporation, in consultation (as appropriate) with the Secretary of Education, establishes; or

''(vi) any additional local indicator (applicable to a particular recipient and on which an improvement in performance is needed) relating to improving education for students, that is approved by the Corporation or a State Commission.

''(2) HEALTHY FUTURES CORPS.—

''(A) IN GENERAL.—The recipient may carry out national service programs through a Healthy Futures Corps that identifies and meets unmet health needs within communities through activities such as those described in subparagraph (B) and improves performance on the indicators described in subparagraph (C).

''(B) ACTIVITIES.—A Healthy Futures Corps described in this paragraph may carry out activities such as—

''(i) assisting economically disadvantaged individuals in navigating the health services system;

''(ii) assisting individuals in obtaining access to health services, including oral health services, for themselves or their children;

''(iii) educating economically disadvantaged individuals and individuals who are members of medically underserved populations about, and engaging individuals described in this clause in, initiatives regarding navigating the health services system and regarding disease prevention and health promotion, with a particular focus on common health conditions, chronic diseases, and conditions, for which disease prevention and health promotion measures exist and for which socioeconomic, geographic, and racial and ethnic health disparities exist;

''(iv) improving the literacy of patients regarding health, including oral health;

''(v) providing translation services at clinics and in emergency rooms to improve health services;

''(vi) providing services designed to meet the health needs of rural communities, including the recruitment of youth to work in health professions in such communities;

''(vii) assisting in health promotion interventions that improve health status, and helping people adopt and maintain healthy lifestyles and habits to improve health status;

''(viii) addressing childhood obesity through in-school and after-school physical activities, and providing nutrition education to students, in elementary schools and secondary schools; or

''(ix) providing activities, addressing unmet health needs, that the Corporation may designate.

''(C) HEALTHY FUTURES CORPS INDICATORS.—The indicators for a corps program described in this paragraph are—

''(i) access to health services among economically disadvantaged individuals and individuals who are members of medically underserved populations;

''(ii) access to health services for uninsured individuals, including such individuals who are economically disadvantaged children;

''(iii) participation, among economically disadvantaged individuals and individuals who are members of medically underserved populations, in disease prevention and health promotion initiatives, particularly those with a focus on addressing common health conditions, addressing chronic diseases, and decreasing health disparities;

''(iv) literacy of patients regarding health;

''(v) any additional indicator, relating to improving or protecting the health of economically disadvantaged individuals and individuals who are members of medically underserved populations, that the Corporation, in consultation (as appropriate) with the Secretary of Health and Human Services and the Director of the Centers for Disease Control and Prevention, establishes; or

''(vi) any additional local indicator (applicable to a particular recipient and on which an improvement in performance is needed) relating to improving or protecting the health of economically disadvantaged individuals and individuals who are members of medically underserved populations, that is approved by the Corporation or a State Commission.

''(3) CLEAN ENERGY SERVICE CORPS.—

''(A) IN GENERAL.—The recipient may carry out national service projects through a Clean Energy Service Corps that identifies and meets unmet environmental needs within communities through activities such as those described in subparagraph (B) and improves performance on the indicators described in subparagraph (C).

''(B) ACTIVITIES.—A Clean Energy Service Corps described in this paragraph may carry out activities such as—

''(i) weatherizing and retrofitting housing units for low-income households to significantly improve the energy efficiency and reduce carbon emissions of such housing units;

''(ii) building energy-efficient housing units in low-income communities;

''(iii) conducting energy audits for low-income households and recommending ways for the households to improve energy efficiency;

''(iv) providing clean energy-related services designed to meet the needs of rural communities;

''(v) working with schools and youth programs to educate students and youth about ways to reduce home energy use and improve the environment, including conducting service-learning projects to provide such education;

''(vi) assisting in the development of local recycling programs;

''(vii) renewing and rehabilitating national and State parks and forests, city parks, county parks and other public lands, and trails owned or maintained by the Federal Government or a State, including planting trees, carrying out reforestation, carrying out forest health restoration measures, carrying out erosion control measures, fire hazard reduction measures, and rehabilitation and maintenance of historic sites and structures throughout the national park system, and providing trail enhancements, rehabilitation, and repairs;

''(viii) cleaning and improving rivers maintained by the Federal Government or a State;

''(ix) carrying out projects in partnership with the National Park Service, designed to renew and rehabilitate national park resources and enhance services and learning opportunities for national park visitors, and nearby communities and schools;

''(x) providing service through a full-time, year-round youth corps program or full-time summer youth corps program, such as a conservation corps or youth service corps program that—

''(I) undertakes meaningful service projects with visible public benefits, including projects involving urban renewal, sustaining natural resources, or improving human services;

''(II) includes as participants youths and young adults who are age 16 through 25, including out-of-school youth and other disadvantaged youth (such as youth who are aging out of foster care, youth who have limited English proficiency, homeless youth, and youth who are individuals with disabilities), who are age 16 through 25; and

''(III) provides those participants who are youth and young adults with—

''(aa) team-based, highly structured, and adult-supervised work experience, life skills, education, career guidance and counseling, employment training, and support services including mentoring; and

''(bb) the opportunity to develop citizenship values and skills through service to their community and the United States;

''(xi) carrying out other activities, addressing unmet environmental and workforce needs, that the Corporation may designate.

''(C) CLEAN ENERGY SERVICE CORPS INDICATORS.—The indicators for a corps program described in this paragraph are—

''(i) the number of housing units of low-income households weatherized or retrofitted to significantly improve energy efficiency and reduce carbon emissions;

''(ii) annual energy costs (to determine savings in those costs) at facilities where participants have provided service;

''(iii) the number of students and youth receiving education or training in energy-efficient and environmentally conscious practices;

''(iv)(I) the number of acres of national parks, State parks, city parks, county parks, or other public lands, that are cleaned or improved; and

''(II) the number of acres of forest preserves, or miles of trails or rivers, owned or maintained by the Federal Government or a State, that are cleaned or improved;

''(v) any additional indicator relating to clean energy, the reduction of greenhouse gas emissions, or education and skill attainment for clean energy jobs, that the Corporation, in consultation (as appropriate) with the Administrator of the Environmental Protection Agency, the Secretary of Energy, the Secretary of the Interior, or the Secretary of Labor, as appropriate, establishes; or

''(vi) any additional local indicator (applicable to a particular recipient and on which an improvement in performance is needed) relating to clean energy, the reduction of greenhouse gas emissions, or education or skill attainment for clean energy jobs, that is approved by the Corporation or a State Commission.

''(4) VETERANS CORPS.—

''(A) IN GENERAL.—The recipient may carry out national service programs through a Veterans Corps that identifies and meets unmet needs of veterans and members of the Armed Forces who are on active duty through activities such as those described in subparagraph (B) and improves performance on the indicators described in subparagraph (C).

''(B) ACTIVITIES.—A Veterans Corps described in this paragraph may carry out activities such as—

''(i) promoting community-based efforts to meet the unique needs of military families while a family member is deployed and upon that family member's return home;

''(ii) recruiting veterans, particularly returning veterans, into service opportunities, including opportunities that utilize their military experience;

''(iii) assisting veterans in developing their educational opportunities (including opportunities for professional certification, licensure, or credentials), coordinating activities with and assisting State and local agencies administering veterans education benefits, and coordinating activities with and assisting entities administering veterans programs with internships and fellowships that could lead to employment in the private and public sectors;

''(iv) promoting efforts within a community to serve the needs of veterans and members of the Armed Forces who are on active duty, including helping veterans file benefits claims and assisting Federal agencies in providing services to veterans, and sending care packages to Members of the Armed Forces who are deployed;

''(v) assisting veterans in developing mentoring relationships with economically disadvantaged students;

''(vi) developing projects to assist veterans with disabilities, veterans who are unemployed, older veterans, and veterans in rural communities, including assisting veterans described in this clause with transportation; or

''(vii) other activities, addressing unmet needs of veterans, that the Corporation may designate.

''(C) VETERANS' CORPS INDICATORS.—The indicators for a corps program described in this paragraph are—

''(i) the number of housing units created for veterans;

''(ii) the number of veterans who pursue educational opportunities;

''(iii) the number of veterans receiving professional certification, licensure, or credentials;

''(iv) the number of veterans engaged in service opportunities;

''(v) the number of military families assisted by organizations while a family member is deployed and upon that family member's return home;

''(vi) the number of economically disadvantaged students engaged in mentoring relationships with veterans;

''(vii) the number of projects designed to meet identifiable public needs of veterans, especially veterans with disabilities, veterans who are unemployed, older veterans, and veterans in rural communities;

''(viii) any additional indicator that relates to education or skill attainment that assists in providing veterans with the skills to address identifiable public needs, or that relates to improving the lives of veterans, of members of the Armed Forces on active duty, and of families of the veterans and the members on active duty, and that the Corporation, in consultation (as appropriate) with the Secretary of Veterans Affairs, establishes; or

''(ix) any additional local indicator (applicable to a particular recipient and on which an improvement in performance is needed) relating to the education or skill attainment, or the improvement, described in clause (viii), that is approved by the Corporation or a State Commission.

''(5) OPPORTUNITY CORPS.—

''(A) IN GENERAL.—The recipient may carry out national service programs through an Opportunity Corps that identifies and meets unmet needs relating to economic opportunity for economically disadvantaged individuals within communities, through activities such as those

described in subparagraph (B) and improves performance on the indicators described in subparagraph (C).

''(B) ACTIVITIES.—An Opportunity Corps described in this paragraph may carry out activities such as—

''(i) providing financial literacy education to economically disadvantaged individuals, including financial literacy education with regard to credit management, financial institutions including banks and credit unions, and utilization of savings plans;

''(ii) assisting in the construction, rehabilitation, or preservation of housing units, including energy efficient homes, for economically disadvantaged individuals;

''(iii) assisting economically disadvantaged individuals, including homeless individuals, in finding placement in and maintaining housing;

''(iv) assisting economically disadvantaged individuals in obtaining access to health services for themselves or their children;

''(v) assisting individuals in obtaining information about Federal, State, local, or private programs or benefits focused on assisting economically disadvantaged individuals, economically disadvantaged children, or low-income families;

''(vi) facilitating enrollment in and completion of job training for economically disadvantaged individuals;

''(vii) assisting economically disadvantaged individuals in obtaining access to job placement assistance;

''(viii) carrying out a program that seeks to eliminate hunger in low-income communities and rural areas through service in projects—

''(I) involving food banks, food pantries, and nonprofit organizations that provide food during emergencies;

''(II) seeking to address the long-term causes of hunger through education and the delivery of appropriate services;

''(III) providing training in basic health, nutrition, and life skills necessary to alleviate hunger in communities and rural areas; or

''(IV) assisting individuals in obtaining information about federally supported nutrition programs;

''(ix) addressing issues faced by homebound citizens, such as needs for food deliveries, legal and medical services, nutrition information, and transportation;

''(x) implementing an E–Corps program that involves participants who provide services in a community by developing and assisting in carrying out technology programs that seek to increase access to technology and the benefits of technology in such community; and

''(xi) carrying out other activities, addressing unmet needs relating to economic opportunity for economically disadvantaged individuals, that the Corporation may designate.

''(C) OPPORTUNITY CORPS INDICATORS.—The indicators for a corps program described in this paragraph are—

''(i) the degree of financial literacy among economically disadvantaged individuals;

''(ii) the number of housing units built or improved for economically disadvantaged individuals or low-income families;

''(iii) the number of economically disadvantaged individuals with access to job training and other skill enhancement;

''(iv) the number of economically disadvantaged individuals with access to information about job placement services;

''(v) any additional indicator relating to improving economic opportunity for economically disadvantaged individuals that the Corporation, in consultation (as appropriate) with the Secretary of Health and Human Services, the Secretary of Labor, the Secretary of Housing and Urban Development, and the Secretary of the Treasury, establishes; or

''(vi) any additional local indicator (applicable to a particular recipient and on which an improvement in performance is needed) that is approved by the Corporation or a State Commission.

''(b) NATIONAL SERVICE PROGRAMS.—

''(1) IN GENERAL.—The recipient of a grant under section 121(a) and a Federal agency operating or supporting a national service program under section 121(b) may use the financial assistance or positions involved, directly or through subgrants to other entities, to carry out national service programs and model programs under this subsection that are focused on meeting community needs and improve performance on the indicators described in paragraph (3).

''(2) PROGRAMS.—The programs may include the following types of national service programs:

''(A) A community service program designed to meet the needs of rural communities, using teams or individual placements to address the development needs of rural communities, including addressing rural poverty, or the need for health services, education, or job training.

''(B) A program—

''(i) that engages participants in public health, emergency and disaster preparedness, and other public safety activities;

''(ii) that may include the recruitment of qualified participants for, and placement of the participants in, positions to be trainees as law enforcement officers, firefighters, search and rescue personnel, and emergency medical service workers; and

''(iii) that may engage Federal, State, and local stakeholders, in collaboration, to organize more effective responses to issues of public health, emergencies and disasters, and other public safety issues.

''(C) A program that seeks to expand the number of mentors for disadvantaged youths and other youths (including by recruiting high school-, and college-age individuals to enter into mentoring relationships), either through—

''(i) provision of direct mentoring services;

''(ii) provision of supportive services to direct mentoring service organizations (in the case of a partnership);

''(iii) the creative utilization of current and emerging technologies to connect youth with mentors; or

''(iv) supporting mentoring partnerships (including statewide and local mentoring partnerships that strengthen direct service mentoring programs) by—

''(I) increasing State resources dedicated to mentoring;

''(II) supporting the creation of statewide and local mentoring partnerships and programs of national scope through collaborative efforts between entities such as local or direct service mentoring partnerships, or units of State or local government; and

''(III) assisting direct service mentoring programs.

''(D) A program—

''(i) in which not less than 75 percent of the participants are disadvantaged youth;

''(ii) that may provide life skills training, employment training, educational counseling, assistance to complete a secondary school diploma or its recognized equivalent, counseling, or a mentoring relationship with an adult volunteer; and

''(iii) for which, in awarding financial assistance and approved national service positions, the Corporation shall give priority to programs that engage retirees to serve as mentors.

''(E) A program—

''(i) that reengages court-involved youth and adults with the goal of reducing recidivism;

''(ii) that may create support systems beginning in correctional facilities; and

''(iii) that may have life skills training, employment training, an education program (including a program to complete a secondary school diploma or its recognized equivalent), educational and career counseling, and post-program placement services.

''(F) A demonstration program—

''(i) that has as 1 of its primary purposes the recruitment and acceptance of court-involved youth and adults as participants, volunteers, or members; and

''(ii) that may serve any purpose otherwise permitted under this Act.

''(G) A program that provides education or job training services that are designed to meet the needs of rural communities.

''(H) A program that seeks to expand the number of mentors for youth in foster care through—

''(i) the provision of direct academic mentoring services for youth in foster care;

''(ii) the provision of supportive services to mentoring service organizations that directly provide mentoring to youth in foster care, including providing training of mentors in child development, domestic violence, foster care, confidentiality requirements, and other matters related to working with youth in foster care; or

''(iii) supporting foster care mentoring partnerships, including statewide and local mentoring partnerships that strengthen direct service mentoring programs.

''(I) Such other national service programs addressing unmet human, educational, environmental, or public safety needs as the Corporation may designate.

''(3) INDICATORS.—The indicators for a program described in this subsection are the indicators described in subparagraph (C) of paragraphs (1), (2), (3), (4), or (5) of subsection (a) or any additional local indicator (applicable to a participant or recipient and on which an improvement in performance is needed) relating to meeting unmet community needs, that is approved by the Corporation or a State Commission.

''(c) PROGRAM MODELS FOR SERVICE CORPS.—

''(1) IN GENERAL.—In addition to any activities described in subparagraph (B) of paragraphs (1) through (5) of subsection (a), and subsection (b)(2), a recipient of a grant under section 121(a) and a Federal agency operating or supporting a national service program under section 121(b) may directly or through grants or subgrants to other entities carry out a national service corps program through the following program models:

''(A) A community corps program that meets unmet health, veteran, and other human, educational, environmental, or public safety needs and promotes greater community unity through the use of organized teams of participants of varied social and economic backgrounds, skill levels, physical and developmental capabilities, ages, ethnic backgrounds, or genders.

''(B) A service program that—

''(i) recruits individuals with special skills or provides specialized preservice training to enable participants to be placed individually or in teams in positions in which the participants can meet such unmet needs; and

''(ii) if consistent with the purposes of the program, brings participants together for additional training and other activities designed to foster civic responsibility, increase the skills of participants, and improve the quality of the service provided.

''(C) A campus-based program that is designed to provide substantial service in a community during the school term and during summer or other vacation periods through the use of—

''(i) students who are attending an institution of higher education, including students participating in a work-study program assisted under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.);

''(ii) teams composed of students described in clause (i); or

''(iii) teams composed of a combination of such students and community residents.

''(D) A professional corps program that recruits and places qualified participants in positions—

''(i) as teachers, nurses and other health care providers, police officers, early childhood development staff, engineers, or other professionals providing service to meet human, educational,

environmental, or public safety needs in communities with an inadequate number of such professionals;

''(ii) for which the salary may exceed the maximum living allowance authorized in subsection (a)(2) of section 140, as provided in subsection (c) of such section; and

''(iii) that are sponsored by public or private employers who agree to pay 100 percent of the salaries and benefits (other than any national service educational award under subtitle D) of the participants.

''(E) A program that provides opportunities for veterans to participate in service projects.

''(F) A program carried out by an intermediary that builds the capacity of local nonprofit and faith-based organizations to expand and enhance services to meet local or national needs.

''(G) Such other program models as may be approved by the Corporation or a State Commission, as appropriate.

''(2) PROGRAM MODELS WITHIN CORPS.—A recipient of financial assistance or approved national service positions for a corps program described in subsection (a) may use the assistance or positions to carry out the corps program, in whole or in part, using a program model described in this subsection. The corps program shall meet the applicable requirements of subsection (a) and this subsection.

''(d) QUALIFICATION CRITERIA TO DETERMINE ELIGIBILITY.—

''(1) ESTABLISHMENT BY CORPORATION.—The Corporation shall establish qualification criteria for different types of national service programs for the purpose of determining whether a particular national service program should be considered to be a national service program eligible to receive assistance or approved national service positions under this subtitle.

''(2) CONSULTATION.—In establishing qualification criteria under paragraph (1), the Corporation shall consult with organizations and individuals with extensive experience in developing and administering effective national service programs or regarding the delivery of veteran services, and other human, educational, environmental, or public safety services, to communities or persons.

''(3) APPLICATION TO SUBGRANTS.—The qualification criteria established by the Corporation under paragraph (1) shall also be used by each recipient of assistance under section 121(a) that uses any portion of the assistance to conduct a grant program to support other national service programs.

''(4) ENCOURAGEMENT OF INTERGENERATIONAL COMPONENTS OF PROGRAMS.—The Corporation shall encourage national service programs eligible to receive assistance or approved national service positions under this subtitle to establish, if consistent with the purposes of the program, an intergenerational component of the program that combines students, out-of-school youths, disadvantaged youth, and older adults as participants to provide services to address unmet human, educational, environmental, or public safety needs.

''(e) PRIORITIES FOR CERTAIN CORPS.—In awarding financial assistance and approved national service positions to eligible entities proposed to carry out the corps described in subsection (a)—

''(1) in the case of a corps described in subsection (a)(2)—

''(A) the Corporation may give priority to eligible entities that propose to provide support for participants who, after completing service under this section, will undertake careers to improve performance on health indicators described in subsection (a)(2)(C); and

''(B) the Corporation shall give priority to eligible entities that propose to carry out national service programs in medically underserved areas (as designated individually, by the Secretary of Health and Human Services as an area with a shortage of personal health services); and

''(2) in the case of a corps described in subsection (a)(3), the Corporation shall give priority to eligible entities that propose to recruit individuals for the Clean Energy Service Corps so that significant percentages of participants in the Corps are economically disadvantaged individuals, and provide to such individuals support services and education and training to develop skills needed for clean energy jobs for which there is current demand or projected future demand.

''(f) NATIONAL SERVICE PRIORITIES.—

''(1) ESTABLISHMENT.—

''(A) BY CORPORATION.—In order to concentrate national efforts on meeting human, educational, environmental, or public safety needs and to achieve the other purposes of this Act, the Corporation, after reviewing the strategic plan approved under section 192A(g)(1,) shall establish, and may periodically alter, priorities regarding the types of national service programs and corps to be assisted under section 129 and the purposes for which such assistance may be used.

''(B) BY STATES.—Consistent with paragraph (4), States shall establish, and through the national service plan process described in section 178(e)(1), periodically alter priorities as appropriate regarding the national service programs to be assisted under section 129(e). The State priorities shall be subject to Corporation review as part of the application process under section 130.

''(2) NOTICE TO APPLICANTS.—The Corporation shall provide advance notice to potential applicants of any national service priorities to be in effect under this subsection for a fiscal year. The notice shall specifically include—

''(A) a description of any alteration made in the priorities since the previous notice; and

''(B) a description of the national service programs that are designated by the Corporation under section 133(d)(2) as eligible for priority consideration in the next competitive distribution of assistance under section 121(a).

''(3) REGULATIONS.—The Corporation shall by regulation establish procedures to ensure the equitable treatment of national service programs that—

''(A) receive funding under this subtitle for multiple years; and

''(B) would be adversely affected by annual revisions in such national service priorities.

''(4) APPLICATION TO SUBGRANTS.—Any national service priorities established by the Corporation under this subsection shall also be used by each recipient of funds under section 121(a) that uses any portion of the assistance to conduct a grant program to support other national service programs.

''(g) CONSULTATION ON INDICATORS.—The Corporation shall consult with the Secretary of Education, the Secretary of Health and Human Services, the Director of the Centers for Disease Control and Prevention, the Secretary of Energy, the Secretary of Veterans Affairs, the Secretary of the Interior, the Administrator of the Environmental Protection Agency, the Secretary of Labor, the Secretary of Housing and Urban Development, and the Secretary of the Treasury, as appropriate, in developing additional indicators for the corps and programs described in subsections (a) and (b).

''(h) REQUIREMENTS FOR TUTORS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Corporation shall require that each recipient of assistance under the national service laws that operates a tutoring program involving elementary school or secondary school students certifies that individuals serving in approved national service positions as tutors in such program have—

''(A) obtained their high school diplomas; and

''(B) successfully completed pre- and in-service training for tutors.

''(2) EXCEPTION.—The requirements in paragraph (1) do not apply to an individual serving in an approved national service position who is enrolled in an elementary school or secondary school and is providing tutoring services through a structured, school-managed cross-grade tutoring program.

''(i) REQUIREMENTS FOR TUTORING PROGRAMS.—Each tutoring program that receives assistance under the national service laws shall—

''(1) offer a curriculum that is high quality, research-based, and consistent with the State academic content standards required by section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311) and the instructional program of the local educational agency; and

''(2) offer high quality, research-based pre- and in-service training for tutors.

''(j) CITIZENSHIP TRAINING.—The Corporation shall establish guidelines for recipients of assistance under the national service laws, that are consistent with the principles on which citizenship programs administered by U.S. Citizenship and Immigration Services are based, relating to the promotion of citizenship and civic engagement among participants in approved national service positions and approved summer of service positions, and appropriate to the age, education, and experience of the participants.

''(k) REPORT.—Not later than 60 days after the end of each fiscal year for which the Corporation makes grants under section 121(a), the Corporation shall prepare and submit to the authorizing committees a report containing—

''(1) information describing how the Corporation allocated financial assistance and approved national service positions among eligible entities proposed to carry out corps and national service programs described in this section for that fiscal year;

''(2) information describing the amount of financial assistance and the number of approved national service positions the Corporation provided to each corps and national service program described in this section for that fiscal year;

''(3) a measure of the extent to which the corps and national service programs improved performance on the corresponding indicators; and

''(4) information describing how the Corporation is coordinating—

''(A) the national service programs funded under this section; with

''(B) applicable programs, as determined by the Corporation, carried out under subtitle B of this title, and part A of title I and parts A and B of title II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq., 5001, 5011) that improve performance on those indicators or otherwise address identified community needs.''.

SEC. 1303. TYPES OF POSITIONS.

Section 123 (42 U.S.C. 12573) is amended—

(1) in paragraph (1)—

(A) by striking ''section 122(a)'' and inserting ''subsection (a), (b), or (c) of section 122''; and

(B) by striking ''or (b)'';

(2) in paragraph (2)(A)—

(A) by inserting after ''subdivision of a State,'' the following: ''a territory,''; and

(B) by striking ''Federal agency'' and inserting ''Federal agency (under an interagency agreement described in section 121(b))'';

(3) in paragraph (4), by striking ''section 122(a)(3)'' and inserting ''section 122(a)(1)(B)(vi)'';

(4) in paragraph (5), by inserting ''National'' before ''Civilian Community Corps'';

(5) by redesignating paragraph (7) as paragraph (8); and

(6) by inserting after paragraph (6) the following:

''(7) A position involving service in the ServeAmerica Fellowship program carried out under section 198B.''.

SEC. 1304. CONFORMING REPEAL RELATING TO TRAINING AND TECHNICAL ASSISTANCE.

Section 125 (42 U.S.C. 12575) is repealed.

SEC. 1305. ASSISTANCE TO STATE COMMISSIONS; CHALLENGE GRANTS.

Section 126 (42 U.S.C. 12576) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''$125,000 and $750,000'' and inserting ''$250,000 and $1,000,000''; and

(ii) by striking ''501(a)(4)'' and inserting ''501(a)(5)''; and

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

''(2) MATCHING REQUIREMENT.—In making a grant to a State under this subsection, the Corporation shall require the State to agree to provide matching funds from non-Federal sources of not less than $1 for every $1 provided by the Corporation through the grant.

''(3) ALTERNATIVE.—Notwithstanding paragraph (2), the Chief Executive Officer may permit a State that demonstrates hardship or a new State Commission to meet alternative matching requirements for such a grant as follows:

''(A) FIRST $100,000.—For the first $100,000 of grant funds provided by the Corporation, the State involved shall not be required to provide matching funds.

''(B) AMOUNTS GREATER THAN $100,000.—For grant amounts of more than $100,000 and not more than $250,000 provided by the Corporation, the State shall agree to provide matching funds from non-Federal sources of not less than $1 for every $2 provided by the Corporation, in excess of $100,000.

''(C) AMOUNTS GREATER THAN $250,000.—For grant amounts of more than $250,000 provided by the Corporation, the State shall agree to provide matching funds from non-Federal sources of not less than $1 for every $1 provided by the Corporation, in excess of $250,000.'';

(2) by striking subsection (b) and inserting the following:

''(b) DISASTER SERVICE.—The Corporation may undertake activities, including activities carried out through part A of title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.), to involve programs that receive assistance under the national service laws in disaster relief efforts, and to support, including through mission assignments under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), nonprofit organizations and public agencies responding to the needs of communities experiencing disasters.''; and

(3) in subsection (c)—

(A) in paragraph (1), by striking ''to national service programs that receive assistance under section 121'' and inserting ''to programs supported under the national service laws''; and

(B) by striking paragraph (3) and inserting the following:

''(3) AMOUNT OF ASSISTANCE.—A challenge grant under this subsection may provide, for an initial 3-year grant period, not more than $1 of assistance under this subsection for each $1 in cash raised from private sources by the program supported under the national service laws in excess of amounts required to be provided by the program to satisfy matching funds requirements. After an initial 3-year grant period, a grant under this subsection may provide not more than $1 of assistance under this subsection for each $2 in cash raised from private sources by the program in excess of amounts required to be provided by the program to satisfy matching funds requirements. The Corporation may permit the use of local or State funds under this paragraph in lieu of cash raised from private sources if the Corporation determines that such use would be equitable due to a lack of available private funds at the local level. The Corporation shall establish a ceiling on the amount of assistance that may be provided to a national service program under this subsection.''.

SEC. 1306. ALLOCATION OF ASSISTANCE TO STATES AND OTHER ELIGIBLE ENTITIES.

Section 129 (42 U.S.C. 12581) is amended to read as follows:

''SEC. 129. PROVISION OF ASSISTANCE AND APPROVED NATIONAL SERVICE POSITIONS.

''(a) ONE PERCENT ALLOTMENT FOR CERTAIN TERRITORIES.—Of the funds allocated by the Corporation for provision of assistance under section 121(a) for a fiscal year, the Corporation shall reserve 1 percent for grants to the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands upon approval by the Corporation of an application submitted under section 130. The Corporation shall allot for a grant to each such territory under this subsection for a fiscal year an amount that bears the same ratio to 1 percent of the allocated funds for that fiscal year as the population of the territory bears to the total population of all such territories.

''(b) ALLOTMENT FOR INDIAN TRIBES.—Of the funds allocated by the Corporation for provision of assistance under section 121(a) for a fiscal year, the Corporation shall reserve at least 1 percent for grants to Indian tribes to be allotted by the Corporation on a competitive basis.

''(c) RESERVATION OF APPROVED POSITIONS.—The Corporation shall ensure that each individual selected during a fiscal year for assignment as a VISTA volunteer under title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.) or as a participant in the National Civilian Community Corps Program under subtitle E shall receive the national service educational award described in subtitle D if the individual satisfies the eligibility requirements for the award. Funds for approved national service positions required by this paragraph for a fiscal year shall be deducted from the total funding for approved national service positions to be available for distribution under subsections (d) and (e) for that fiscal year.

''(d) ALLOTMENT FOR COMPETITIVE GRANTS.—

''(1) IN GENERAL.—Of the funds allocated by the Corporation for provision of assistance under section 121(a) for a fiscal year and subject to section 133(d)(3), the Corporation shall reserve not more than 62.7 percent for grants awarded on a competitive basis to States specified in subsection (e)(1) for national service programs, to nonprofit organizations seeking to operate a national service program in 2 or more of those States, and to Indian tribes.

''(2) EQUITABLE TREATMENT.—In the consideration of applications for such grants, the Corporation shall ensure the equitable treatment of applicants from urban areas, applicants from rural areas, applicants of diverse sizes (as measured by the number of participants served), applicants from States, and applicants from national nonprofit organizations.

''(3) ENCORE SERVICE PROGRAMS.—In making grants under this subsection for a fiscal year, the Corporation shall make an effort to allocate not less than 10 percent of the financial assistance and approved national service positions provided through the grants for that fiscal year to eligible entities proposing to carry out encore service programs, unless the Corporation does not receive a sufficient number of applications of adequate quality to justify making that percentage available to those eligible entities.

''(4) CORPS PROGRAMS.—In making grants under this subsection for a fiscal year, the Corporation—

''(A) shall select 2 or more of the national service corps described in section 122(a) to receive grants under this subsection; and

''(B) may select national service programs described in section 122(b) to receive such grants.

''(e) ALLOTMENT TO CERTAIN STATES ON FORMULA BASIS.—

''(1) GRANTS.—Of the funds allocated by the Corporation for provision of assistance under section 121(a) for a fiscal year, the Corporation shall make a grant to each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico that submits an application under section 130 that is approved by the Corporation.

''(2) ALLOTMENTS.—The Corporation shall allot for a grant to each such State under this subsection for a fiscal year an amount that bears the same ratio to 35.3 percent of the allocated funds for that fiscal year as the population of the State bears to the total population of the several States, the District of Columbia, and the Commonwealth of Puerto Rico, in compliance with paragraph (3).

''(3) MINIMUM AMOUNT.—Notwithstanding paragraph (2), the minimum grant made available to each State approved by the Corporation under paragraph (1) for each fiscal year shall be at least $600,000, or 0.5 percent of the amount allocated for the State formula under this subsection for the fiscal year, whichever is greater.

''(f) EFFECT OF FAILURE TO APPLY.—If a State or territory fails to apply for, or fails to give notice to the Corporation of its intent to apply for, an allotment under this section, or the Corporation does not approve the application consistent with section 133, the Corporation may use the amount that would have been allotted under this section to the State or territory to—

''(1) make grants (and provide approved national service positions in connection with such grants) to other community-based entities under section 121 that propose to carry out national service programs in such State or territory; and

''(2) make reallotments to other States or territories with approved applications submitted under section 130, from the allotment funds not used to make grants as described in paragraph (1).

''(g) APPLICATION REQUIRED.—The Corporation shall make an allotment of assistance (including the provision of approved national service positions) to a recipient under this section only pursuant to an application submitted by a State or other applicant under section 130.

''(h) APPROVAL OF POSITIONS SUBJECT TO AVAILABLE FUNDS.—The Corporation may not approve positions as approved national service positions under this subtitle for a fiscal year in excess of the number of such positions for which the Corporation has sufficient available funds in the National Service Trust for that fiscal year, taking into consideration funding needs for national service educational awards under subtitle D based on completed service. If appropriations are insufficient to provide the maximum allowable national service educational awards under subtitle D for all eligible participants, the Corporation is authorized to make necessary and reasonable adjustments to program rules.

''(i) SPONSORSHIP OF APPROVED NATIONAL SERVICE POSITIONS.—

''(1) SPONSORSHIP AUTHORIZED.—The Corporation may enter into agreements with persons or entities who offer to sponsor national service positions for which the person or entity will be responsible for supplying the funds necessary to provide a national service educational award. The distribution of those approved national service positions shall be made pursuant to the agreement, and the creation of those positions shall not be taken into consideration in determining the number of approved national service positions to be available for distribution under this section.

''(2) DEPOSIT OF CONTRIBUTION.—Funds provided pursuant to an agreement under paragraph (1) shall be deposited in the National Service Trust established in section 145 until such time as the funds are needed.

''(j) RESERVATION OF FUNDS FOR SPECIAL ASSISTANCE.—

''(1) RESERVATION.—From amounts appropriated for a fiscal year pursuant to the authorization of appropriations in section 501(a)(2) and allocated to carry out subtitle C and subject to the limitation in such section, the Corporation may reserve such amount as the Corporation considers to be appropriate for the purpose of making assistance available under subsections (b) and (c) of section 126.

''(2) LIMITATION.—The amount reserved under paragraph (1) for a fiscal year may not exceed $10,000,000.

''(3) TIMING.—The Corporation shall reserve such amount, and any amount reserved under subsection (k) from funds appropriated and allocated to carry out subtitle C, before allocating funds for the provision of assistance under any other provision of this subtitle.

''(k) RESERVATION OF FUNDS TO INCREASE THE PARTICIPATION OF INDIVIDUALS WITH DISABILITIES.—

''(1) RESERVATION.—To make grants to public or private nonprofit organizations to increase the participation of individuals with disabilities in national service and for demonstration activities in furtherance of this purpose, and subject to the limitation in paragraph (2), the Chief Executive Officer shall reserve not less than 2 percent from the amounts, appropriated to carry out subtitles C, D, E, and H for each fiscal year.

''(2) LIMITATION.—The amount reserved under paragraph (1) for a fiscal year may not exceed $20,000,000.

''(3) REMAINDER.—The Chief Executive Officer may use the funds reserved under paragraph (1), and not distributed to make grants under this subsection for other activities described in section 501(a)(2).

''(l) AUTHORITY FOR FIXED-AMOUNT GRANTS.—

''(1) IN GENERAL.—

''(A) AUTHORITY.—From amounts appropriated for a fiscal year to provide financial assistance under the national service laws, the Corporation may provide assistance in the form of fixed-amount grants in an amount determined by the Corporation under paragraph (2) rather than on the basis of actual costs incurred by a program.

''(B) LIMITATION.—Other than fixed-amount grants to support programs described in section 129A, for the 1-year period beginning on the effective date of the Serve America Act, the Corporation may provide assistance in the form of fixed-amount grants to programs that only offer full-time positions.

''(2) DETERMINATION OF AMOUNT OF FIXED-AMOUNT GRANTS.—A fixed-amount grant authorized by this subsection shall be in an amount determined by the Corporation that is—

''(A) significantly less than the reasonable and necessary costs of administering the program supported by the grant; and

''(B) based on an amount per individual enrolled in the program receiving the grant, taking into account—

''(i) the capacity of the entity carrying out the program to manage funds and achieve programmatic results;

''(ii) the number of approved national service positions, approved silver scholar positions, or approved summer of service positions for the program, if applicable;

''(iii) the proposed design of the program;

''(iv) whether the program provides service to, or involves the participation of, disadvantaged youth or otherwise would reasonably incur a relatively higher level of costs; and

''(v) such other factors as the Corporation may consider under section 133 in considering applications for assistance.

''(3) REQUIREMENTS FOR GRANT RECIPIENTS.—In awarding a fixed-amount grant under this subsection, the Corporation—

''(A) shall require the grant recipient—

''(i) to return a pro rata amount of the grant funds based upon the difference between the number of hours served by a participant and the minimum number of hours for completion of a term of service (as established by the Corporation);

''(ii) to report on the program's performance on standardized measures and performance levels established by the Corporation;

''(iii) to cooperate with any evaluation activities undertaken by the Corporation; and

''(iv) to provide assurances that additional funds will be raised in support of the program, in addition to those received under the national service laws; and

''(B) may adopt other terms and conditions that the Corporation considers necessary or appropriate based on the relative risks (as determined by the Corporation) associated with any application for a fixed-amount grant.

''(4) OTHER REQUIREMENTS NOT APPLICABLE.—Limitations on administrative costs and matching fund documentation requirements shall not apply to fixed-amount grants provided in accordance with this subsection.

''(5) RULE OF CONSTRUCTION.—Nothing in this subsection shall relieve a grant recipient of the responsibility to comply with the requirements of chapter 75 of title 31, United States Code, or other requirements of Office of Management and Budget Circular A–133.''.

SEC. 1307. ADDITIONAL AUTHORITY.

Part II of subtitle C of title I is amended by inserting after section 129 (42 U.S.C. 12581) the following:

''SEC. 129A. EDUCATIONAL AWARDS ONLY PROGRAM.

''(a) IN GENERAL.—From amounts appropriated for a fiscal year to provide financial assistance under this subtitle and consistent with the restriction in subsection (b), the Corporation may, through fixed-amount grants (in accordance with section 129(l)), provide operational support to programs that receive approved national service positions but do not receive funds under section 121(a).

''(b) LIMIT ON CORPORATION GRANT FUNDS.—The Corporation may provide the operational support under this section for a program in an amount that is not more than $800 per individual enrolled in an approved national service position, or not more than $1,000 per such individual if at least 50 percent of the persons enrolled in the program are disadvantaged youth.

''(c) INAPPLICABLE PROVISIONS.—The following provisions shall not apply to programs funded under this section:

''(1) The limitation on administrative costs under section 121(d).

''(2) The matching funds requirements under section 121(e).

''(3) The living allowance and other benefits under sections 131(e) and 140 (other than individualized support services for participants with disabilities under section 140(f)).''.

SEC. 1308. STATE SELECTION OF PROGRAMS.

Section 130 (42 U.S.C. 12582) is amended—

(1) in subsection (a)—

(A) by striking ''section 121'' and inserting ''section 121(a)'';

(B) by inserting after ''assistance, a State,'' the following: ''territory,''; and

(C) by striking ''institution of higher education, or Federal agency'' and inserting ''or institution of higher education'';

(2) in subsection (b)—

(A) in paragraph (9), by striking ''section 122(c)'' and inserting ''section 122(f)''; and

(B) in paragraph (12), by inserting ''municipalities and governments of counties in which such a community is located,'' after ''providing services,'';

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''jobs or positions'' and inserting ''proposed positions''; and

(ii) by striking '', including'' and all that follows through the period at the end and inserting a period;

(B) in paragraph (2), by inserting ''proposed'' before ''minimum''; and

(C) by adding at the end the following:

''(3) In the case of a nonprofit organization intending to operate programs in 2 or more States, a description of the manner in which and extent to which the organization consulted with the State Commissions of each State in which the organization intends to operate and the nature of the consultation.'';

(4) in subsection (d)(1)—

(A) in subparagraphs (A) and (B), by striking ''subsection (a) or (b) of section 121'' and inserting ''section 121(a)'';

(B) in subparagraph (B), by striking ''section 122(a)'' and inserting ''subsection (a), (b), or (c) of section 122'';

(5) by redesignating subsections (d) through (g) as subsections (e) through (h), respectively and inserting after subsection (c) the following:

''(d) ADDITIONAL REQUIRED APPLICATION INFORMATION.—An application submitted under subsection (a) for programs described in 122(a) shall also contain—

''(1) measurable goals, to be used for annual measurements of the program's performance on 1 or more of the corresponding indicators described in section 122;

''(2) information describing how the applicant proposes to utilize funds to improve performance on the corresponding indicators utilizing participants, including describing the activities in which such participants will engage to improve performance on those indicators;

''(3) information identifying the geographical area in which the eligible entity proposing to carry out the program proposes to use funds to improve performance on the corresponding indicators, and demographic information on the students or individuals, as appropriate, in such area, and statistics demonstrating the need to improve such indicators in such area; and

''(4) if applicable, information on how the eligible entity will work with other community-based entities to carry out activities to improve performance on the corresponding indicators using such funds.'';

(6) in paragraph (2)(A) of subsection (f) (as so redesignated), by striking ''were selected'' and inserting ''were or will be selected'';

(7) in subsection (g) (as so redesignated)—

(A) in paragraph (1), by striking ''a program applicant'' and inserting ''an applicant''; and

(B) in paragraph (2)—

(i) in the heading, by striking ''PROGRAM APPLICANT'' and inserting ''APPLICANT'';

(ii) in the matter preceding subparagraph (A), by striking ''program applicant'' and inserting ''applicant'';

(iii) in subparagraph (A)—

(I) by inserting after ''subdivision of a State,'' the following: ''territory,''; and

(II) by striking ''institution of higher education, or Federal agency'' and inserting ''or institution of higher education''; and

(iv) in subparagraph (B)—

(I) by inserting after ''subdivision of a State,'' the following: ''territory,''; and

(II) by striking ''institution of higher education, or Federal agency'' and inserting ''or institution of higher education''; and

(8) by amending subsection (h) (as so redesignated) to read as follows:

''(h) LIMITATION ON SAME PROJECT RECEIVING MULTIPLE GRANTS.—Unless specifically authorized by law, the Corporation may not provide more than 1 grant under the national service laws for a fiscal year to support the same project under the national service laws.''.

SEC. 1309. NATIONAL SERVICE PROGRAM ASSISTANCE REQUIREMENTS.

Section 131(c) (42 U.S.C. 12583(c)) is amended—

(1) in paragraph (1), by striking subparagraph (A) and inserting the following:

''(A) the community served, the municipality and government of the county (if appropriate) in which the community is located, and potential participants in the program; and''; and

(2) by striking paragraph (3) and inserting the following:

''(3) in the case of a program that is not funded through a State (including a national service program that a nonprofit organization seeks to operate in 2 or more States), consult with and coordinate activities with the State Commission for each State in which the program will operate, and the Corporation shall obtain confirmation from the State Commission that the applicant seeking assistance under this Act has consulted with and coordinated with the State

Commission when seeking to operate the program in that State.''.

SEC. 1310. PROHIBITED ACTIVITIES AND INELIGIBLE ORGANIZATIONS.

Subtitle C of title I (42 U.S.C. 12571 et seq.) is amended by inserting after section 132 the following:

''SEC. 132A. PROHIBITED ACTIVITIES AND INELIGIBLE ORGANIZATIONS.

''(a) PROHIBITED ACTIVITIES.—An approved national service position under this subtitle may not be used for the following activities:

''(1) Attempting to influence legislation.

''(2) Organizing or engaging in protests, petitions, boycotts, or strikes.

''(3) Assisting, promoting, or deterring union organizing.

''(4) Impairing existing contracts for services or collective bargaining agreements.

''(5) Engaging in partisan political activities, or other activities designed to influence the outcome of an election to Federal office or the outcome of an election to a State or local public office.

''(6) Participating in, or endorsing, events or activities that are likely to include advocacy for or against political parties, political platforms, political candidates, proposed legislation, or elected officials.

''(7) Engaging in religious instruction, conducting worship services, providing instruction as part of a program that includes mandatory religious instruction or worship, constructing or operating facilities devoted to religious instruction or worship, maintaining facilities primarily or inherently devoted to religious instruction or worship, or engaging in any form of proselytization, consistent with section 132.

''(8) Consistent with section 132, providing a direct benefit to any—

''(A) business organized for profit;

''(B) labor union;

''(C) partisan political organization;

''(D) nonprofit organization that fails to comply with the restrictions contained in section 501(c) of the Internal Revenue Code of 1986, except that nothing in this paragraph shall be construed to prevent participants from engaging in advocacy activities undertaken at their own initiative; and

''(E) organization engaged in the religious activities described in paragraph (7), unless the position is not used to support those religious activities.

''(9) Providing abortion services or referrals for receipt of such services.

''(10) Conducting a voter registration drive or using Corporation funds to conduct a voter registration drive.

''(11) Carrying out such other activities as the Corporation may prohibit.

''(b) INELIGIBILITY.—No assistance provided under this subtitle may be provided to any organization that has violated a Federal criminal statute.

''(c) NONDISPLACEMENT OF EMPLOYED WORKERS OR OTHER VOLUNTEERS.—A participant in an approved national service position under this subtitle may not be directed to perform any services or duties, or to engage in any activities, prohibited under the nonduplication, nondisplacement, or nonsupplantation requirements relating to employees and volunteers in section 177.''.

SEC. 1311. CONSIDERATION OF APPLICATIONS.

Section 133 (42 U.S.C. 12585) is amended—

(1) in subsection (b)(2)(B), by striking ''jobs or'';

(2) in subsection (d)—

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A)—

(I) by striking ''section 122(a)'' and inserting ''subsection (a), (b), or (c) of section 122''; and

(II) by striking ''section 129(d)(2)'' and inserting ''section 129(d)'';

(ii) by striking subparagraphs (A) through (G) and inserting the following:

''(A) national service programs that—

''(i) conform to the national service priorities in effect under section 122(f);

''(ii) are innovative; and

''(iii) are well established in 1 or more States at the time of the application and are proposed to be expanded to additional States using assistance provided under section 121;

''(B) grant programs in support of other national service programs if the grant programs are to be conducted by nonprofit organizations with demonstrated and extensive expertise in the provision of services to meet human, educational, environmental, or public safety needs; and

''(C) professional corps programs described in section 122(c)(1)(D).''; and

(B) in paragraph (3), by striking ''section 129(d)(2)'' and inserting ''section 129(d)'';

(3) in subsection (e), by striking ''subsections (a) and (d)(1) of section 129'' and inserting ''subsections (d) and (e) of section 129'';

(4) in subsection (f)—

(A) in paragraph (1), by striking ''section 129(a)(1)'' and inserting ''section 129(e)''; and

(B) in paragraph (3)—

(i) by striking ''section 129(a)'' and inserting ''section 129(e)''; and

(ii) by striking ''paragraph (3) of such subsection'' and inserting ''section 129(f)'';

(5) by redesignating subsection (f) as subsection (g); and

(6) by inserting after subsection (e) the following:

''(f) VIEWS OF STATE COMMISSION.—In making competitive awards under section 129(d), the Corporation shall solicit and consider the views of a State Commission regarding any application for assistance to carry out a national service program within the State.''.

SEC. 1312. DESCRIPTION OF PARTICIPANTS.

Section 137 (42 U.S.C. 12591) is amended—

(1) in subsection (a)—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively;

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''section 122(a)(2) or a program described in section 122(a)(9)'' and inserting ''section 122(a)(3)(B)(x)''; and

(B) in paragraph (1), by striking ''paragraph (4)'' and inserting ''paragraph (3)''; and

(3) in subsection (c), by striking ''(a)(5)'' and inserting ''(a)(4)''.

SEC. 1313. SELECTION OF NATIONAL SERVICE PARTICIPANTS.

Section 138 (42 U.S.C. 12592) is amended—

(1) in subsection (a), by striking ''conducted by the State'' and all that follows through ''or other entity'' and inserting ''conducted by the entity''; and

(2) in subsection (e)(2)(C), by inserting before the semicolon at the end the following: '', particularly those who were considered, at the time of their service, disadvantaged youth''.

SEC. 1314. TERMS OF SERVICE.

Section 139 (42 U.S.C. 12593) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''not less than 9 months and'';

(B) in paragraph (2), by striking ''during a period of—'' and all that follows through the period at the end and inserting ''during a period of not more than 2 years.''; and

(C) by adding at the end the following:

''(4) EXTENSION OF TERM FOR DISASTER PURPOSES.—

''(A) EXTENSION.—An individual in an approved national service position performing service directly related to disaster relief efforts may continue in a term of service for a period of 90 days beyond the period otherwise specified in, as appropriate, this subsection or section 153(d) or in section 104 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4954).

''(B) SINGLE TERM OF SERVICE.—A period of service performed by an individual in an originally-agreed to term of service and service performed under this paragraph shall constitute a single term of service for purposes of subsections (b)(1) and (c) of section 146.

''(C) BENEFITS.—An individual performing service under this paragraph may continue to receive a living allowance and other benefits under section 140 but may not receive an additional national service educational award under section 141.''; and

(2) in subsection (c)—

(A) in paragraph (1)(A), by striking ''as demonstrated by the participant'' and inserting ''as determined by the organization responsible for granting the release, if the participant has otherwise performed satisfactorily and has completed at least 15 percent of the term of service''; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''provide to the participant that portion of the national service educational award'' and inserting ''certify the participant's eligibility for that portion of the national service educational award''; and

(ii) in subparagraph (B), by striking ''to allow return to the program with which the individual was serving in order''.

SEC. 1315. ADJUSTMENTS TO LIVING ALLOWANCE.

Section 140 (42 U.S.C. 12594) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''paragraph (3)'' and inserting ''paragraphs (2) and (3)'';

(B) by striking paragraph (2);

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

(D) by inserting after paragraph (2) (as so redesignated) the following:

''(3) FEDERAL WORK-STUDY STUDENTS.—The living allowance that may be provided under paragraph (1) to an individual whose term of service includes hours for which the individual receives a Federal work-study award under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.) shall be reduced by the amount of the individual's Federal work study award.''; and

(E) in paragraph (4), by striking ''a reduced term of service under section 139(b)(3)'' and inserting ''a term of service that is less than 12 months'';

(2) in subsection (b), by striking ''shall include an amount sufficient to cover 85 percent of such taxes'' and all that follows through the period at the end and inserting ''may be used to pay the taxes described in this subsection.'';

(3) in subsection (c)—

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

(i) by striking ''section 122(a)(8)'' and inserting ''section 122(c)(1)(D)''; and

(ii) by striking ''subsection (a)(3)'' and inserting ''subsection (a)(2)'';

(B) in paragraph (1), by adding ''and'' at the end;

(C) by striking paragraph (2); and

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

(4) in subsection (d)—

(A) in paragraph (1)—

(i) by striking ''shall provide'' and inserting ''shall provide or make available''; and

(ii) by striking the second sentence; and

(B) in paragraph (2), by striking ''provide from its own funds'' and inserting ''provide from its own funds or make available''; and

(5) by striking subsections (g) and (h).

Subtitle D—Amendments to Subtitle D (National Service Trust and Provision of National Service Educational Awards)

SEC. 1401. AVAILABILITY OF FUNDS IN THE NATIONAL SERVICE TRUST.

(a) SUBTITLE HEADING.—The subtitle heading for subtitle D of title I is amended to read as follows:

''Subtitle D—National Service Trust and Provision of Educational Awards''.

(b) ESTABLISHMENT OF TRUST.—Section 145 (42 U.S.C. 12601) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''pursuant to section 501(a)(2)''; and

(ii) in subparagraph (A), by inserting after ''national service educational awards'' the following: '', summer of service educational awards, and silver scholar educational awards'';

(B) in paragraph (2)—

(i) by striking ''pursuant to section 196(a)(2)'' and inserting ''pursuant to section 196(a)(2), if the terms of such donations direct that the donated amounts be deposited in the National Service Trust''; and

(ii) by striking ''and'' at the end;

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

(D) by inserting after paragraph (2) the following:

''(3) any amounts recovered by the Corporation pursuant to section 146A; and'';

(2) in subsection (c), by striking ''for payments of national service educational awards in accordance with section 148.'' and inserting ''for—

''(1) payments of national service educational awards, summer of service educational awards, and silver scholar educational awards in accordance with section 148; and

''(2) payments of interest in accordance with section 148(e).''; and

(3) in subsection (d)—

(A) in the subsection heading, by striking ''CONGRESS'' and inserting ''THE AUTHORIZING COMMITTEES'';

(B) in the matter preceding paragraph (1), by striking ''the Congress'' and inserting ''the authorizing committees'';

(C) in paragraphs (2), (3), and (4), by inserting '', summer of service educational awards, or silver scholar awards'' after ''national service educational awards'' each place the term appears; and

(D) in paragraph (4)—

(i) by inserting '', additional approved summer of service positions, and additional approved silver scholar positions'' after ''additional approved national service positions''; and

(ii) by striking ''under subtitle C''.

SEC. 1402. INDIVIDUALS ELIGIBLE TO RECEIVE AN EDUCATIONAL AWARD FROM THE TRUST.

Section 146 (42 U.S.C. 12602) is amended—

(1) by striking the section heading and inserting the following:

''SEC. 146. INDIVIDUALS ELIGIBLE TO RECEIVE AN EDUCATIONAL AWARD FROM THE TRUST.''; and

(2) in subsection (a)—

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

(i) by inserting '', summer of service educational award, or silver scholar educational award'' after ''national service educational award''; and

(ii) by striking ''if the individual'' and inserting ''if the organization responsible for the individual's supervision in a national service program certifies that the individual'';

(B) by striking paragraphs (1), (2), and (3) and inserting the following:

''(1) met the applicable eligibility requirements for the approved national service position, approved silver scholar position, or approved summer of service position, as appropriate, in which the individual served;

''(2)(A) for a full-time or part-time national service educational award, successfully completed the required term of service described in subsection (b)(1) in the approved national service position;

''(B) for a partial educational award in accordance with section 139(c)—

''(i) satisfactorily performed prior to being granted a release for compelling personal circumstances under such section; and

''(ii) completed at least 15 percent of the required term of service described in subsection (b) for the approved national service position;

''(C) for a summer of service educational award, successfully completed the required term of service described in subsection (b)(2) in an approved summer of service position, as certified through a process determined by the Corporation through regulations consistent with section 138(f); or

''(D) for a silver scholar educational award, successfully completed the required term of service described in subsection (b)(3) in an approved silver scholar position, as certified through a process determined by the Corporation through regulations consistent with section 138(f); and''.

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

(3) in subsection (b)—

(A) by striking ''The term'' and inserting the following:

''(1) APPROVED NATIONAL SERVICE POSITION.—The term''; and

(B) by adding at the end the following:

''(2) APPROVED SUMMER OF SERVICE POSITION.—The term of service for an approved summer of service position shall not be less than 100 hours of service during the summer months.

''(3) APPROVED SILVER SCHOLAR POSITION.—The term of service for an approved silver scholar position shall be not less than 350 hours during a 1-year period.'';

(4) by striking subsection (c) and inserting the following:

''(c) LIMITATION ON RECEIPT OF NATIONAL SERVICE EDUCATIONAL AWARDS.—An individual may not receive, through national service educational awards and silver scholar educational awards, more than an amount equal to the aggregate value of 2 such awards for full-time service. The value of summer of service educational awards that an individual receives shall have no effect on the aggregate value of the national service educational awards the individual may receive.'';

(5) in subsection (d)—

(A) in paragraph (1)—

(i) by striking ''SEVEN-YEAR REQUIREMENT'' and inserting ''IN GENERAL'';

(ii) by striking ''An'' and inserting ''Subject to paragraph (2), an'';

(iii) by inserting ''or a silver scholar educational award'' after ''national service educational award'';

(iv) by inserting ''or an approved silver scholar position, as applicable,'' after ''approved national service position''; and

(v) by adding at the end the following: ''Subject to paragraph (2), an individual eligible to receive a summer of service educational award under this section may not use such award after the end of the 10-year period beginning on the date the individual completes the term of service in an approved summer of service position that is the basis of the award.'';

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A) and in subparagraph (A), by inserting '', summer of service educational award, or silver scholar educational award'' after ''national service educational award'';

(ii) in subparagraph (A), by inserting '', or 10-year period, as appropriate'' after ''7-year period''; and

(iii) in subparagraph (B), by inserting '', approved summer of service position, or approved silver scholar position'' after ''approved national service position''; and

(C) by adding at the end the following:

''(3) TERM FOR TRANSFERRED EDUCATIONAL AWARDS.—For purposes of applying paragraphs (1) and (2)(A) to an individual who is eligible to receive an educational award as a designated individual (as defined in section 148(f)(8)), references to a seven-year period shall be considered to be references to a 10-year period that begins on the date the individual who transferred the educational award to the designated individual completed the term of service in the approved national service position or approved silver scholar position that is the basis of the award.''; and

(6) in subsection (e)(1)—

(A) by inserting after ''qualifying under this section'' the following: ''or under section 119(c)(8)''; and

(B) by inserting after ''to receive a national service educational award'' the following: '', a summer of service educational award, or a silver scholar educational award''.

SEC. 1403. CERTIFICATIONS.

The Act is amended by adding after section 146 (42 U.S.C. 12602) the following:

''SEC. 146A. CERTIFICATIONS OF SUCCESSFUL COMPLETION OF TERMS OF SERVICE.

''(a) CERTIFICATIONS.—In making any authorized disbursement from the National Service Trust in regard to an eligible individual (including disbursement for a designated individual, as defined in section 148(f)(8), due to the service of an eligible individual) under section 146 who served in an approved national service position, an approved summer of service position, or an approved silver scholar position, the Corporation shall rely on a certification. The certification shall be made by the entity that selected the individual for and supervised the individual in the approved national service position in which such individual successfully completed a required term of service, in a national service program.

''(b) EFFECT OF ERRONEOUS CERTIFICATIONS.—If the Corporation determines that the certification under subsection (a) is erroneous or incorrect, the Corporation shall assess against the national service program a charge for the amount of any associated payment or potential payment from the National Service Trust. In assessing the amount of the charge, the Corporation shall consider the full facts and circumstances surrounding the erroneous or incorrect certification.''.

SEC. 1404. DETERMINATION OF THE AMOUNT OF THE EDUCATIONAL AWARD.

Section 147 (42 U.S.C. 12603) is amended—

(1) by striking the section heading and inserting the following:

''SEC. 147. DETERMINATION OF THE AMOUNT OF THE EDUCATIONAL AWARD.''; and

(2) by amending subsection (a) to read as follows:

''(a) AMOUNT FOR FULL-TIME NATIONAL SERVICE.—Except as provided in subsection (c), an individual described in section 146(a) who successfully completes a required term of full-time national service in an approved national service position shall receive a national service educational award having a value equal to the maximum amount of a Federal Pell Grant under section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a) that a student eligible for such Grant may receive in the aggregate (without regard to whether the funds are provided through discretionary or mandatory appropriations), for the award year for which the national service position is approved by the Corporation.'';

(3) in subsection (b), by striking '', for each of not more than 2 of such terms of service,''; and

(4) by adding at the end the following:

''(d) AMOUNT FOR SUMMER OF SERVICE.—An individual described in section 146(a) who successfully completes a required summer of service term shall receive a summer of service educational award having a value, for each of not more than 2 of such terms of service, equal to $500 (or, at the discretion of the Chief Executive Officer, equal to $750 in the case of a participant who is economically disadvantaged).

''(e) AMOUNT FOR SILVER SCHOLARS.—An individual described in section 146(a) who successfully completes a required silver scholar term shall receive a silver scholar educational award having a value of $1,000.''.

SEC. 1405. DISBURSEMENT OF EDUCATIONAL AWARDS.

Section 148 (42 U.S.C. 12604) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 148. DISBURSEMENT OF EDUCATIONAL AWARDS.";

(2) in subsection (a)—

(A) in paragraph (2), by striking ''cost of attendance'' and inserting ''cost of attendance or other educational expenses'';

(B) in paragraph (3), by striking ''and'';

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

(D) by inserting after paragraph (3) the following:

''(4) to pay expenses incurred in enrolling in an educational institution or training establishment that is approved under chapter 36 of title 38, United States Code, or other applicable provisions of law, for offering programs of education, apprenticeship, or on-job training for which educational assistance may be provided by the Secretary of Veterans Affairs; and'';

(3) in subsection (b)—

(A) in paragraph (1), by inserting after ''the national service educational award of the individual'' the following: '', an eligible individual under section 146(a) who served in a summer of service program and desires to apply that individual's summer of service educational award, or an eligible individual under section 146(a) who served in a silver scholar program and desires to apply that individual's silver scholar educational award,'';

(B) in paragraph (2), by inserting after ''the national service educational award'' the following: '', the summer of service educational award, or the silver scholar educational award, as applicable,'';

(C) in paragraph (5), by inserting after ''the national service educational award'' the following: '', the summer of service educational award, or the silver scholar educational award, as applicable''; and

(D) in paragraph (7)—

(i) in subparagraph (A), by striking ''and'' at the end;

(ii) in subparagraph (B), by striking the period and inserting ''; and''; and

(iii) by adding at the end the following:

''(C) any loan (other than a loan described in subparagraph (A) or (B)) determined by an institution of higher education to be necessary to cover a student's educational expenses and made, insured, or guaranteed by—

''(i) an eligible lender, as defined in section 435 of the Higher Education Act of 1965 (20 U.S.C. 1085);

''(ii) the direct student loan program under part D of title IV of such Act (20 U.S.C. 1087a et seq.);

''(iii) a State agency; or

''(iv) a lender otherwise determined by the Corporation to be eligible to receive disbursements from the National Service Trust.'';

(4) in subsection (c)—

(A) in paragraph (1), by inserting after ''national service educational award'' the following: '', an eligible individual under section 146(a) who desires to apply the individual's summer of service educational award, or an eligible individual under section 146(a) who served in a silver scholar program and desires to apply that individual's silver scholar educational award,'';

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting after ''national service educational award'' the following: '', summer of service educational award, or silver scholar educational award, as applicable,''; and

(ii) in subparagraph (C)(iii), by inserting after ''national service educational awards'' the following: '', summer of service educational awards, or silver scholar educational awards, as applicable,'';

(C) in paragraph (3), by inserting after ''national service educational awards'' the following: ''summer of service educational awards, or silver scholar educational awards'';

(D) in paragraph (5)—

(i) in the first sentence, by inserting after ''national service educational award'' the following: '', summer of service educational award, or silver scholar educational award, as applicable,''; and

(ii) in the third sentence, by inserting before the period the following: '', additional approved summer of service positions, and additional approved silver scholar positions''; and

(E) in paragraph (6)—

(i) in the matter preceding subparagraph (A), by inserting after ''national service educational award'' the following: '', summer of service educational award, or silver scholar educational award'';

(ii) in subparagraph (A), by inserting ''and other educational expenses'' after ''cost of attendance''; and

(iii) by striking subparagraph (B) and inserting the following:

''(B) the student's estimated financial assistance for such period under part A of title IV of such Act (20 U.S.C. 1070 et seq.).'';

(5) in subsection (d), by inserting after ''national service educational awards'' the following: '', summer of service educational awards, and silver scholar educational awards'';

(6) in subsection (e), by striking ''subsection (b)(6)'' and inserting ''subsection (b)(7)'';

(7) in subsection (f)—

(A) by striking ''Director'' and inserting ''Chief Executive Officer''; and

(B) by inserting '', summer of service educational award, or silver scholar educational award, as appropriate,'' after ''national service educational award'';

(8) by redesignating subsections (f) and (g) as subsections (g) and (h) respectively; and

(9) by inserting after subsection (e) the following:

''(f) TRANSFER OF EDUCATIONAL AWARDS.—

''(1) IN GENERAL.—An individual who is eligible to receive a national service educational award or silver scholar educational award due to service in a program described in paragraph (2) may elect to receive the award (in the amount described in the corresponding provision of section 147) and transfer the award to a designated individual. Subsections (b), (c), and (d) shall apply to the designated individual in lieu of the individual who is eligible to receive the national service educational award or silver scholar educational award, except that amounts refunded to the account under subsection (c)(5) on behalf of a designated individual may be used by the Corporation to fund additional placements in the national service program in which the eligible individual who transferred the national service educational award or silver scholar educational award participated for such award.

''(2) CONDITIONS FOR TRANSFER.—An educational award may be transferred under this subsection if—

''(A)(i) the award is a national service educational award for service in a national service program that receives a grant under subtitle C; and

''(ii) before beginning the term of service involved, the eligible individual is age 55 or older; or

''(B) the award is a silver scholarship educational award under section 198C(a).

''(3) MODIFICATION OR REVOCATION.—

''(A) IN GENERAL.—An individual transferring an educational award under this subsection may, on any date on which a portion of the educational award remains unused, modify or revoke the transfer of the educational award with respect to that portion.

''(B) NOTICE.—A modification or revocation of the transfer of an educational award under this paragraph shall be made by the submission of written notice to the Corporation.

''(4) PROHIBITION ON TREATMENT OF TRANSFERRED AWARD AS MARITAL PROPERTY.—An educational award transferred under this subsection may not be treated as marital property, or the asset of a marital estate, subject to division in a divorce or other civil proceeding.

''(5) DEATH OF TRANSFEROR.—The death of an individual transferring an educational award under this subsection shall not affect the use of the educational award by the child, foster child, or grandchild to whom the educational award is transferred if such educational award is transferred prior to the death of the individual.

''(6) PROCEDURES TO PREVENT WASTE, FRAUD, OR ABUSE.—The Corporation shall establish requirements to prevent waste, fraud, or abuse in connection with the transfer of an educational award and to protect the integrity of the educational award under this subsection.

''(7) TECHNICAL ASSISTANCE.—The Corporation may, as appropriate, provide technical assistance, to individuals and eligible entities carrying out national service programs, concerning carrying out this subsection.

''(8) DEFINITION OF A DESIGNATED INDIVIDUAL.—In this subsection, the term 'designated individual' is an individual—

''(A) whom an individual who is eligible to receive a national service educational award or silver scholar educational award due to service in a program described in paragraph (2) designates to receive the educational award;

''(B) who meets the eligibility requirements of paragraphs (3) and (4) of section 146(a); and

''(C) who is a child, foster child, or grandchild of the individual described in subparagraph (A).''.

SEC. 1406. APPROVAL PROCESS FOR APPROVED POSITIONS.

(a) IN GENERAL.—Subtitle D of title I (42 U.S.C. 12601 et seq.) is amended by adding at the end the following new section:

"SEC. 149. APPROVAL PROCESS FOR APPROVED POSITIONS.

''(a) TIMING AND RECORDING REQUIREMENTS.—

''(1) IN GENERAL.—Notwithstanding subtitles C, D, and H, and any other provision of law, in approving a position as an approved national service position, an approved summer of service position, or an approved silver scholar position, the Corporation—

''(A) shall approve the position at the time the Corporation—

''(i) enters into an enforceable agreement with an individual participant to serve in a program carried out under subtitle E of title I of this Act, section 198B or 198C(a), or under title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.), a summer of service program described in section 119(c)(8), or a silver scholarship program described in section 198C(a); or

''(ii) except as provided in clause (i), awards a grant to (or enters into a contract or cooperative agreement with) an entity to carry out a program for which such a position is approved under section 123; and

''(B) shall record as an obligation an estimate of the net present value of the national service educational award, summer of service educational award, or silver scholar educational award associated with the position, based on a formula that takes into consideration historical rates of enrollment in such a program, and of earning and using national service educational awards, summer of service educational awards, or silver scholar educational awards, as appropriate, for such a program and remain available.

''(2) FORMULA.—In determining the formula described in paragraph (1)(B), the Corporation shall consult with the Director of the Congressional Budget Office.

''(3) CERTIFICATION REPORT.—The Chief Executive Officer of the Corporation shall annually prepare and submit to the authorizing committees a report that contains a certification that the Corporation is in compliance with the requirements of paragraph (1).

''(4) APPROVAL.—The requirements of this subsection shall apply to each approved national service position, approved summer of service position, or approved silver scholarship position that the Corporation approves—

''(A) during fiscal year 2010; and

''(B) during any subsequent fiscal year.

''(b) RESERVE ACCOUNT.—

''(1) ESTABLISHMENT AND CONTENTS.—

''(A) ESTABLISHMENT.—Notwithstanding subtitles C, D, and H, and any other provision of law, within the National Service Trust established under section 145, the Corporation shall establish a reserve account.

''(B) CONTENTS.—To ensure the availability of adequate funds to support the awards of approved national service positions, approved summer of service positions, and approved silver scholar positions, for each fiscal year, the Corporation shall place in the account—

''(i) during fiscal year 2010, a portion of the funds that were appropriated for fiscal year 2010 or a previous fiscal year under section 501 of this Act or section 501 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5081), were made available to carry out subtitle C, D, or E of this title, section 198B or 198C(a), subtitle A of title I of the Domestic Volunteer Service Act of 1973, or summer of service programs described in section 119(c)(8), and remain available; and

''(ii) during fiscal year 2011 or a subsequent fiscal year, a portion of the funds that were appropriated for that fiscal year under section 501 of this Act or section 501 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5081), were made available to carry out subtitle C, D, or E of this title, section 198B or 198C(a), subtitle A of title I of the Domestic Volunteer Service Act of 1973, or summer of service programs described in section 119(c)(8), and remain available.

''(2) OBLIGATION.—The Corporation shall not obligate the funds in the reserve account until the Corporation—

''(A) determines that the funds will not be needed for the payment of national service educational awards associated with previously approved national service positions, summer of service educational awards associated with previously approved summer of service positions, and silver scholar educational awards associated with previously approved silver scholar positions; or

''(B) obligates the funds for the payment of national service educational awards for such previously approved national service positions, summer of service educational awards for such previously approved summer of service positions, or silver scholar educational awards for such previously approved silver scholar positions, as applicable.

''(c) AUDITS.—The accounts of the Corporation relating to the appropriated funds for approved national service positions, approved summer of service positions, and approved silver scholar positions, and the records demonstrating the manner in which the Corporation has recorded estimates described in subsection (a)(1)(B) as obligations, shall be audited annually by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States in accordance with generally accepted auditing standards. A report containing the results of each such independent audit shall be included in the annual report required by subsection (a)(3).

''(d) AVAILABILITY OF AMOUNTS.—Except as provided in subsection (b), all amounts included in the National Service Trust under paragraphs (1), (2), and (3) of section 145(a) shall be available for payments of national service educational awards, summer of service educational awards, or silver scholar educational awards under section 148.''.

(b) CONFORMING REPEAL.—The Strengthen AmeriCorps Program Act (42 U.S.C. 12605) is repealed.

Subtitle E—Amendments to Subtitle E (National Civilian Community Corps)

SEC. 1501. PURPOSE.

Section 151 (42 U.S.C. 12611) is amended to read as follows:

''SEC. 151. PURPOSE.

''It is the purpose of this subtitle to authorize the operation of, and support for, residential and other service programs that combine the best practices of civilian service with the best aspects of military service, including leadership and team building, to meet national and community needs. The needs to be met under such programs include those needs related to—

''(1) natural and other disasters;

''(2) infrastructure improvement;

''(3) environmental stewardship and conservation;

''(4) energy conservation; and

''(5) urban and rural development.''.

SEC. 1502. PROGRAM COMPONENTS.

Section 152 (42 U.S.C. 12612) is amended—

(1) by amending the section heading to read as follows:

''SEC. 152. ESTABLISHMENT OF NATIONAL CIVILIAN COMMUNITY CORPS PROGRAM.'';

(2) in subsection (a), by striking ''Civilian Community Corps Demonstration Program'' and inserting ''National Civilian Community Corps Program'';

(3) in the matter preceding paragraph (1) of subsection (b)—

(A) by striking ''Civilian Community Corps Demonstration Program'' and inserting ''National Civilian Community Corps Program''; and

(B) by striking ''a Civilian Community Corps'' and inserting ''a National Civilian Community Corps''; and

(4) by striking subsection (c) and inserting the following:

''(c) RESIDENTIAL COMPONENTS.—Both programs referred to in subsection (b) may include a residential component.''.

SEC. 1503. ELIGIBLE PARTICIPANTS.

Section 153 (42 U.S.C. 12613) is amended—

(1) in subsection (a)—

(A) by striking ''Civilian Community Corps Demonstration Program'' and inserting ''National Civilian Community Corps Program''; and

(B) by striking ''on Civilian Community Corps'' and inserting ''on National Civilian Community Corps'';

(2) in subsection (b), by striking paragraph (1) and inserting the following:

''(1) is, or will be, at least 18 years of age on or before December 31 of the calendar year in which the individual enrolls in the program, but is not more than 24 years of age as of the date the individual begins participating in the program; and'';

(3) in subsection (c)—

(A) in the subsection heading, by striking ''BACKROUNDS'' and inserting ''BACKGROUNDS''; and

(B) by adding at the end the following: ''The Director shall take appropriate steps, including through outreach and recruitment activities, to increase the percentage of participants in the program who are disadvantaged youth to 50 percent of all participants by year 2012. The Director shall report to the authorizing committees biennially on such steps, any challenges faced, and the annual participation rates of disadvantaged youth in the program.'';

(4) by striking subsection (d); and

(5) by redesignating subsection (e) as subsection (d).

SEC. 1504. SUMMER NATIONAL SERVICE PROGRAM.

Section 154 (42 U.S.C. 12614) is amended—

(1) in subsection (a)—

(A) by striking ''Civilian Community Corps Demonstration Program'' and inserting ''National Civilian Community Corps Program''; and

(B) by striking ''on Civilian Community Corps'' and inserting ''on National Civilian Community Corps''; and

(2) in subsection (b), by striking ''shall be'' and all that follows through the period at the end and inserting ''shall be from economically and ethnically diverse backgrounds, including youth who are in foster care.''.

SEC. 1505. NATIONAL CIVILIAN COMMUNITY CORPS.

Section 155 (42 U.S.C. 12615) is amended—

(1) by amending the section heading to read as follows:

''SEC. 155. NATIONAL CIVILIAN COMMUNITY CORPS.'';

(2) in subsection (a)—

(A) by striking ''Civilian Community Corps Demonstration Program'' and inserting ''National Civilian Community Corps Program''; and

(B) by striking ''the Civilian Community Corps shall'' and inserting ''the National Civilian Community Corps shall'';

(3) in subsection (b)—

(A) by amending the subsection heading to read as follows:

''(b) MEMBERSHIP IN NATIONAL CIVILIAN COMMUNITY CORPS.—'';

(B) in paragraph (1), by inserting ''National'' before ''Civilian Community Corps'';

(C) in paragraph (3)—

(i) by striking ''superintendent'' and inserting ''campus director''; and

(ii) by striking ''camp'' and inserting ''campus''; and

(D) by adding at the end the following:

''(4) TEAM LEADERS.—

''(A) IN GENERAL.—The Director may select individuals with prior supervisory or service experience to be team leaders within units in the National Civilian Community Corps, to perform service that includes leading and supervising teams of Corps members. Each team leader shall be selected without regard to the age limitation under section 153(b).

''(B) RIGHTS AND BENEFITS.—A team leader shall be provided the same rights and benefits applicable to other Corps members, except that the Director may increase the limitation on the amount of the living allowance under section 158(b) by not more than 10 percent for a team leader.'';

(4) in subsection (d)—

(A) by amending the subsection heading to read as follows:

''(d) CAMPUSES.—'';

(B) in paragraph (1)—

(i) by amending the paragraph heading to read as follows:

''(1) UNITS TO BE ASSIGNED TO CAMPUSES.—'';

(ii) by striking ''in camps'' and inserting ''in campuses'';

(iii) by striking ''Corps camp'' and inserting ''Corps campus''; and

(iv) by striking ''in the camps'' and inserting ''in the campuses'';

(C) by amending paragraphs (2) and (3) to read as follows:

''(2) CAMPUS DIRECTOR.—There shall be a campus director for each campus. The campus director is the head of the campus.

''(3) ELIGIBLE SITE FOR CAMPUS.—A campus shall be cost effective and may, upon the completion of a feasibility study, be located in a facility referred to in section 162(c).'';

(5) in subsection (e)—

(A) by amending the subsection heading to read as follows:

''(e) DISTRIBUTION OF UNITS AND CAMPUSES.—'';

(B) by striking ''camps are distributed'' and inserting ''campuses are cost effective and are distributed''; and

(C) by striking ''rural areas'' and all that follows through the period at the end and inserting ''rural areas such that each Corps unit in a region can be easily deployed for disaster and emergency response to such region.''; and

(6) in subsection (f)—

(A) in paragraph (1)—

(i) by striking ''superintendent'' and inserting ''campus director''; and

(ii) by striking ''camp'' both places such term appears and inserting ''campus'';

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''superintendent of a camp'' and inserting ''campus director of a campus'';

(ii) in subparagraph (A)—

(I) by striking ''superintendent'' and inserting ''campus director'';

(II) by striking ''superintendent's'' and inserting ''campus director's''; and

(III) by striking ''camp'' each place such term appears and inserting ''campus''; and

(iii) in subparagraph (B), by striking ''superintendent'' and inserting ''campus director''; and

(C) in paragraph (3), by striking ''camp superintendent'' and inserting ''campus director''.

SEC. 1506. TRAINING.

Section 156 (42 U.S.C. 12616) is amended—

(1) in subsection (a)—

(A) by inserting ''National'' before ''Civilian Community Corps''; and

(B) by adding at the end the following: ''The Director shall ensure that, to the extent practicable, each member of the Corps is trained in CPR, first aid, and other skills related to disaster preparedness and response.'';

(2) in subsection (b)(1), by inserting before the period at the end the following: '', including a focus on energy conservation, environmental stewardship or conservation, infrastructure improvement, urban and rural development, or disaster preparedness needs, as appropriate'';

(3) by amending subsection (c)(2) to read as follows:

''(2) COORDINATION WITH OTHER ENTITIES.—Members of the cadre may provide, either directly or through grants, contracts, or cooperative agreements, the advanced service training referred to in subsection (b)(1) in coordination with vocational or technical schools, other employment and training providers, existing youth service programs, other qualified individuals, or organizations with expertise in training youth, including disadvantaged youth, in the skills described in such subsection.''; and

(4) in subsection (d), by striking ''section 162(a)(3)'' and inserting ''section 162(c)''.

SEC. 1507. CONSULTATION WITH STATE COMMISSIONS.

Section 157 (42 U.S.C. 12617) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting ''National'' before ''Civilian Community Corps'';

(B) in paragraph (1), by inserting before the semicolon the following: '', with specific emphasis on projects in support of infrastructure improvement, energy conservation, and urban and rural development''; and

(C) in paragraph (2), by striking ''service learning'' and inserting ''service-learning'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''and the Secretary of Housing and Urban Development'' and inserting ''the Secretary of Housing and Urban Development, the Administrator of the Environmental Protection Agency, the Administrator of the Federal Emergency Management Agency, the Secretary of Energy, the Secretary of Transportation, and the Chief of the Forest Service''; and

(ii) in subparagraph (B)—

(I) by inserting ''community-based entities and'' before ''representatives of local communities''; and

(II) by striking ''camp'' both places such term appears and inserting ''campus''; and

(B) in paragraph (2), by inserting ''State Commissions,'' before ''and persons involved in other youth service programs.''; and

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''superintendent'' both places such term appears and inserting ''campus director''; and

(ii) by striking ''camp'' both places such term appears and inserting ''campus''; and

(B) in paragraph (2), by striking ''camp superintendents'' and inserting ''campus directors''.

SEC. 1508. AUTHORIZED BENEFITS FOR CORPS MEMBERS.

Section 158 (42 U.S.C. 12618) is amended—

(1) in subsection (a), by inserting ''National'' before ''Civilian Community Corps''; and

(2) in subsection (c)—

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

(i) by inserting ''National'' before ''Civilian Community Corps''; and

(ii) by inserting before the colon the following: '', as the Director determines appropriate'';

(B) in paragraph (6), by striking ''Clothing'' and inserting ''Uniforms''; and

(C) in paragraph (7), by striking ''Recreational services and supplies'' and inserting ''Supplies''.

SEC. 1509. PERMANENT CADRE.

Section 159 (42 U.S.C. 12619) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''Civilian Community Corps Demonstration Program'' and inserting ''National Civilian Community Corps Program''; and

(B) in paragraph (1)—

(i) by inserting ''including those'' before ''recommended''; and

(ii) by inserting ''National'' before ''Civilian Community Corps'';

(2) in subsection (b)(1), by inserting ''National'' before ''Civilian Community Corps'';

(3) in subsection (c)—

(A) in paragraph (1)(B)(i), by inserting ''National'' before ''Civilian Community Corps''; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''The Director shall establish a permanent cadre of'' and inserting ''The Chief Executive Officer shall establish a permanent cadre that includes the Director and other appointed''; and

(II) by inserting ''National'' before ''Civilian Community Corps'';

(ii) in subparagraph (B), by striking ''The Director shall appoint the members'' and inserting ''The Chief Executive Officer shall consider the recommendations of the Director in appointing the other members'';

(iii) in subparagraph (C)—

(I) in the matter preceding clause (i), by striking ''the Director'' and inserting ''the Chief Executive Officer'';

(II) in clause (i), by striking ''section 162(a)(2)'' and inserting ''section 162(b)'';

(III) in clause (iii), by striking ''and'' at the end;

(IV) by redesignating clause (iv) as clause (v); and

(V) by inserting after clause (iii) the following:

''(iv) give consideration to retired and other former law enforcement, fire, rescue, and emergency personnel, and other individuals with backgrounds in disaster preparedness, relief, and recovery; and''; and

(iv) in subparagraph (E)—

(I) by striking ''to members'' and inserting ''to other members'';

(II) by inserting after ''techniques'' the following: '', including techniques for working with and enhancing the development of disadvantaged youth,''; and

(III) by striking ''service learning'' and inserting ''service-learning''; and

(C) in paragraph (3)—

(i) in the first sentence, by striking ''the members'' and inserting ''other members''; and

(ii) in the third sentence, by striking ''section 162(a)(2)(A)'' and inserting ''162(b)(1)''.

SEC. 1510. STATUS OF CORPS MEMBERS AND CORPS PERSONNEL UNDER FEDERAL LAW.

Section 160(a) (42 U.S.C. 12620(a)) is amended by inserting ''National'' before ''Civilian Community Corps''.

SEC. 1511. CONTRACT AND GRANT AUTHORITY.

Section 161 (42 U.S.C. 12621) is amended—

(1) in subsection (a), by striking ''perform any program function under this subtitle'' and inserting ''carry out the National Civilian Community Corps program''; and

(2) in subsection (b)—

(A) in paragraph (1)(B), by striking ''section 162(a)(3)'' and inserting ''section 162(c)''; and

(B) in paragraph (2), by inserting ''National'' before ''Civilian Community Corps''.

SEC. 1512. OTHER DEPARTMENTS.

(a) IN GENERAL.—Section 162 (42 U.S.C. 12622) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting ''National'' before ''Civilian Community Corps''; and

(ii) in subparagraph (B)(i), by striking ''the registry established by'' and all that follows through the semicolon and inserting ''the registry established by section 1143a of title 10, United States Code;'';

(B) in paragraph (2)(A), by striking ''to be recommended for appointment'' and inserting ''from which individuals may be selected for appointment by the Director''; and

(C) in paragraph (3), by inserting ''National'' before ''Civilian Community Corps''; and

(2) by striking subsection (b).

(b) TECHNICAL AMENDMENTS.—Section 162 (42 U.S.C. 12622), as amended by subsection (a), is further amended—

*(1) in the section heading, by striking ''**OTHER DEPARTMENTS**'' and inserting ''**DEPARTMENT OF DEFENSE**'';*

(2) by redesignating paragraphs (2), (3), and (4) of subsection (a) as subsections (b), (c), and (d), respectively, and aligning the margins of such subsections with the margins of section 161(a) of the Act;

(3) by striking ''(a) SECRETARY'' and all that follows through ''OFFICE.—'' and inserting the following:

''(a) LIAISON OFFICE.—'';

(4) in subsection (a) (as amended by paragraph (3))—

(A) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and aligning the margins of such paragraphs with the margins of section 161(b)(1) of the Act; and

(B) by redesignating clauses (i) and (ii) of paragraph (2) (as redesignated by subparagraph (A)) as subparagraphs (A) and (B), respectively, and aligning the margins of such subparagraphs with the margins of section 161(b)(1)(A) of the Act;

(5) in subsection (b) (as redesignated by paragraph (2))—

(A) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively, and aligning the margins of such paragraphs with the margins of section 161(b)(1) of the Act;

(B) in paragraph (1) (as redesignated by subparagraph (A)), by striking ''paragraph (1)'' and inserting ''subsection (a)''; and

(C) in paragraph (2) (as redesignated by subparagraph (A)), by striking ''paragraph'' and inserting ''subsection''; and

(6) in subsection (c) (as redesignated by paragraph (2))—

(A) by striking ''this paragraph'' and inserting ''this subsection''; and

(B) by striking ''paragraph (1)'' and inserting ''subsection (a)''.

SEC. 1513. ADVISORY BOARD.

Section 163 (42 U.S.C. 12623) is amended—

(1) in subsection (a)—

(A) by striking ''Upon the establishment of the Program, there shall also be'' and inserting ''There shall be'';

(B) by inserting ''National'' before ''Civilian Community Corps Advisory Board''; and

(C) by striking ''to assist'' and all that follows through the period at the end and inserting ''to assist the Corps in responding rapidly and efficiently in times of natural and other disasters. The Advisory Board members shall help coordinate activities with the Corps as appropriate, including the mobilization of volunteers and coordination of volunteer centers to help local

communities recover from the effects of natural and other disasters.'';

(2) in subsection (b)—

(A) by redesignating paragraphs (8) and (9) as paragraphs (13) and (14), respectively;

(B) by inserting after paragraph (7) the following:

''(8) The Administrator of the Federal Emergency Management Agency.

''(9) The Secretary of Transportation.

''(10) The Chief of the Forest Service.

''(11) The Administrator of the Environmental Protection Agency.

''(12) The Secretary of Energy.''; and

(C) in paragraph (13), as so redesignated, by striking ''industry,'' and inserting ''public and private organizations,''.

SEC. 1514. EVALUATIONS.

Section 164 (42 U.S.C. 12624) is amended—

*(1) in the section heading, by striking ''**ANNUAL EVALUATION**'' and inserting ''**EVALUATIONS**'';*

(2) by striking ''an annual evaluation'' and inserting ''periodic evaluations'';

(3) by striking ''Civilian Community Corps programs'' and inserting ''National Civilian Community Corps Program''; and

(4) by adding at the end the following: ''Upon completing each such evaluation, the Corporation shall transmit to the authorizing committees a report on the evaluation.''.

SEC. 1515. REPEAL OF FUNDING LIMITATION.

Section 165 (42 U.S.C. 12625) is repealed.

SEC. 1516. DEFINITIONS.

Subtitle E of title I (42 U.S.C. 12611 et seq.), as amended by this subtitle, is further amended—

(1) by redesignating section 166 as 165; and

(2) in section 165 (as redesignated by paragraph (1))—

(A) by striking paragraphs (2), (3), and (9);

(B) by redesignating paragraphs (4) through (8) as paragraphs (5) through (9), respectively;

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

''(2) CAMPUS DIRECTOR.—The term 'campus director', with respect to a Corps campus, means the head of the campus under section 155(d).

''(3) CORPS.—The term 'Corps' means the National Civilian Community Corps required under section 155 as part of the National Civilian Community Corps Program.

''(4) CORPS CAMPUS.—The term 'Corps campus' means the facility or central location established as the operational headquarters and boarding place for particular Corps units.'';

(D) in paragraph (5) (as so redesignated), by striking ''Civilian Community Corps Demonstration Program'' and inserting ''National Civilian Community Corps Program'';

(E) in paragraph (6) (as so redesignated), by inserting ''National'' before ''Civilian Community Corps'';

(F) in paragraph (8) (as so redesignated), by striking ''The terms'' and all that follows through ''Demonstration Program'' and inserting ''The term 'Program' means the National Civilian Community Corps Program''; and

(G) in paragraph (9) (as so redesignated)—

(i) in the paragraph heading, by striking ''SERVICE LEARNING'' and inserting ''SERVICE-LEARNING''; and

(ii) in the matter preceding subparagraph (A), by striking ''service learning'' and inserting ''service-learning''.

SEC. 1517. TERMINOLOGY.

Subtitle E of title I (as so amended) (42 U.S.C. 12611 et seq.) is further amended by striking the subtitle heading and inserting the following:

''Subtitle E—National Civilian Community Corps''.

Subtitle F—Amendments to Subtitle F (Administrative Provisions)

SEC. 1601. FAMILY AND MEDICAL LEAVE.

Section 171(a)(1) (42 U.S.C. 12631(a)(1)) is amended by striking ''with respect to a project'' and inserting ''with respect to a project authorized under the national service laws''.

SEC. 1602. REPORTS.

Section 172 (42 U.S.C. 12632) is amended—

(1) in subsection (b)(1), by striking ''appropriate authorizing and appropriations Committees of Congress'' and inserting ''authorizing committees, the Committee on Appropriations of the House of Representatives, and the Committee on Appropriations of the Senate''; and

(2) in subsection (c)(2), by striking ''the appropriate committees of Congress'' and inserting ''the authorizing committees, the Committee on Armed Services of the House of Representatives, and the Committee on Armed Services of the Senate''.

SEC. 1603. USE OF FUNDS.

Section 174 (42 U.S.C. 12634) is amended by adding at the end the following:

''(d) REFERRALS FOR FEDERAL ASSISTANCE.—A program may not receive assistance under the national service laws for the sole purpose of referring individuals to Federal assistance programs or State assistance programs funded in part by the Federal Government.''.

SEC. 1604. NOTICE, HEARING, AND GRIEVANCE PROCEDURES.

Section 176 (42 U.S.C. 12636) is amended—

(1) in subsection (a)(2)(A), by striking ''30 days'' and inserting ''1 or more periods of 30 days not to exceed a total of 90 days''; and

(2) in subsection (f)—

(A) in paragraph (1), by striking ''A State or local applicant'' and inserting ''An entity''; and

(B) in paragraph (6)—

(i) in subparagraph (C), by striking ''and'';

(ii) by redesignating subparagraph (D) as subparagraph (E); and

(iii) by inserting after subparagraph (C) the following:

''(D) in a case in which the grievance is filed by an individual applicant or participant—

''(i) the applicant's selection or the participant's reinstatement, as the case may be; and

''(ii) other changes in the terms and conditions of service applicable to the individual; and''.

SEC. 1605. RESOLUTION OF DISPLACEMENT COMPLAINTS.

Section 177 (42 U.S.C. 12637) is amended—

(1) in subsections (a) and (b), by striking ''under this title'' each place it appears and inserting ''under the national service laws'';

(2) in subsection (b)(1), by striking ''employee or position'' and inserting ''employee, position, or volunteer (other than a participant under the national service laws)''; and

(3) by adding at the end the following:

''(f) PARENTAL INVOLVEMENT.—

''(1) IN GENERAL.—Programs that receive assistance under the national service laws shall consult with the parents or legal guardians of children in developing and operating programs that include and serve children.

''(2) PARENTAL PERMISSION.—Programs that receive assistance under the national service laws shall, before transporting minor children, provide the children's parents with the reason for the transportation and obtain the parents' written permission for such transportation, consistent with State law.''.

SEC. 1606. STATE COMMISSIONS ON NATIONAL AND COMMUNITY SERVICE.

Section 178 (42 U.S.C. 12638) is amended—

(1) in subsection (a)(2), by striking ''sections 117B and 130'' and inserting ''section 130'';

(2) in subsection (c)(1)—

(A) in subparagraph (I), by striking ''section 122(a)'' and all that follows through the period at the end and inserting ''subsection (a), (b), or (c) of section 122.''; and

(B) by adding at the end the following:

''(J) A representative of the volunteer sector.'';

(3) in subsection (c)(3), by striking '', unless the State permits the representative to serve as a voting member of the State Commission or alternative administrative entity'';

(4) in subsection (d)(6)(B), by striking ''section 193A(b)(11)'' and inserting ''section 193A(b)(12)'';

(5) in subsection (e)—

(A) by striking paragraph (1) and inserting the following:

''(1) Preparation of a national service plan for the State that—

''(A) is developed, through an open and public process (such as through regional forums, hearings, and other means) that provides for maximum participation and input from the private sector, organizations, and public agencies, using service and volunteerism as strategies to meet critical community needs, including service through programs funded under the national service laws;

''(B) covers a 3-year period, the beginning of which may be set by the State;

''(C) is subject to approval by the chief executive officer of the State;

''(D) includes measurable goals and outcomes for the State national service programs in the State consistent with the performance levels for national service programs as described in section 179(k);

''(E) ensures outreach to diverse community-based agencies that serve underrepresented populations, through established networks and registries at the State level, or through the development of such networks and registries;

''(F) provides for effective coordination of funding applications submitted by the State and other organizations within the State under the national service laws;

''(G) is updated annually, reflecting changes in practices and policies that will improve the coordination and effectiveness of Federal, State, and local resources for service and volunteerism within the State;

''(H) ensures outreach to, and coordination with, municipalities (including large cities) and county governments regarding the national service laws; and

''(I) contains such information as the State Commission considers to be appropriate or as the Corporation may require.''; and

(B) in paragraph (2), by striking ''sections 117B and 130'' and inserting ''section 130'';

(6) by redesignating subsections (f) through (j) as subsections (h) through (l), respectively; and

(7) by inserting after subsection (e) the following:

''(f) RELIEF FROM ADMINISTRATIVE REQUIREMENTS.—Upon approval of a State plan submitted under subsection (e)(1), the Chief Executive Officer may waive for the State, or specify alternatives for the State to, administrative requirements (other than statutory provisions) otherwise applicable to grants made to States under the national service laws, including those requirements identified by the State as impeding the coordination and effectiveness of Federal, State, and local resources for service and volunteerism within the State.

''(g) STATE SERVICE PLAN FOR ADULTS AGE 55 OR OLDER.—

''(1) IN GENERAL.—Notwithstanding any other provision of this section, to be eligible to receive a grant or allotment under subtitle B or C or to receive a distribution of approved national service positions under subtitle C, a State shall work with appropriate State agencies and private entities to develop a comprehensive State service plan for service by adults age 55 or older.

''(2) MATTERS INCLUDED.—The State service plan shall include—

''(A) recommendations for policies to increase service for adults age 55 or older, including how to best use such adults as sources of social capital, and how to utilize their skills and experience to address community needs;

''(B) recommendations to the State agency (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)) on—

''(i) a marketing outreach plan to businesses; and

''(ii) outreach to—

''(I) nonprofit organizations;

''(II) the State educational agency;

''(III) institutions of higher education; and

''(IV) other State agencies;

''(C) recommendations for civic engagement and multigenerational activities, such as—

''(i) early childhood education and care, family literacy, and after school programs;

''(ii) respite services for adults age 55 or older and caregivers; and

''(iii) transitions for older adults age 55 or older to purposeful work in their post-career lives; and

''(D) recommendations for encouraging the development of Encore service programs in the State.

''(3) KNOWLEDGE BASE.—The State service plan shall incorporate the current knowledge base (as of the time of the plan) regarding—

''(A) the economic impact of the roles of workers age 55 or older in the economy;

''(B) the social impact of the roles of such workers in the community; and

''(C) the health and social benefits of active engagement for adults age 55 or older.

''(4) PUBLICATION.—The State service plan shall be made available to the public and be transmitted to the Chief Executive Officer.''.

SEC. 1607. EVALUATION AND ACCOUNTABILITY.

Section 179 (42 U.S.C. 12639) is amended—

(1) by amending subsection (a) to read as follows:

''(a) IN GENERAL.—The Corporation shall provide, directly or through grants or contracts, for the continuing evaluation of programs that receive assistance under the national service laws, including evaluations that measure the impact of such programs, to determine—

''(1) the effectiveness of programs receiving assistance under the national service laws in achieving stated goals and the costs associated with such programs, including an evaluation of each such program's performance based on the performance levels established under subsection (k); and

''(2) the effectiveness of the structure and mechanisms for delivery of services, such as the effective utilization of the participants' time, the management of the participants, and the ease with which recipients were able to receive services, to maximize the cost effectiveness and the impact of such programs.'';

(2) in subsection (g)—

(A) in paragraph (3), by striking ''National Senior Volunteer Corps'' and inserting ''National Senior Service Corps''; and

(B) in paragraph (9), by striking ''to public service'' and all that follows through the period at the end and inserting ''to engage in service that benefits the community.'';

(3) in the matter preceding subparagraph (A) of subsection (i)(2), by striking ''Congress'' and inserting ''the authorizing committees''; and

(4) by adding at the end the following:

''(j) RESERVED PROGRAM FUNDS FOR ACCOUNTABILITY.—Notwithstanding any other provision of law, in addition to amounts appropriated to carry out this section, the Corporation may reserve not more than 1 percent of the total funds appropriated for a fiscal year under section 501 of this Act and sections 501 and 502 of the Domestic Volunteer Service Act of 1973 to support program accountability activities under this section.

''(k) PERFORMANCE LEVELS.—The Corporation shall, in consultation with each recipient of assistance under the national service laws, establish performance levels for such recipient to meet during the term of the assistance. The performance levels may include, for each national service program carried out by the recipient, performance levels based on the following performance measures:

''(1) Number of participants enrolled in the program and completing terms of service, as compared to the stated participation and retention goals of the program.

''(2) Number of volunteers recruited from the community in which the program was implemented.

''(3) If applicable based on the program design, the number of individuals receiving or benefitting from the service conducted.

''(4) Number of disadvantaged and underrepresented youth participants.

''(5) Measures of the sustainability of the program and the projects supported by the program, including measures to ascertain the level of community support for the program or projects.

''(6) Measures to ascertain the change in attitude toward civic engagement among the participants and the beneficiaries of the service.

''(7) Other quantitative and qualitative measures as determined to be appropriate by the recipient of assistance and the Corporation.

''(l) CORRECTIVE ACTION PLANS.—

''(1) IN GENERAL.—A recipient of assistance under the national service laws that fails, as determined by the Corporation, to meet or exceed the performance levels agreed upon under subsection (k) for a national service program, shall reach an agreement with the Corporation on a corrective action plan to meet such performance levels.

''(2) ASSISTANCE.—

''(A) NEW PROGRAM.—For a program that has received assistance under the national service laws for less than 3 years and for which the recipient is failing to meet or exceed the performance levels agreed upon under subsection (k), the Corporation shall—

''(i) provide technical assistance to the recipient to address targeted performance problems relating to the performance levels for the program; and

''(ii) require the recipient to submit quarterly reports on the program's progress toward meeting the performance levels for the program to the—

''(I) appropriate State, territory, or Indian tribe; and

''(II) the Corporation.

''(B) ESTABLISHED PROGRAMS.—For a program that has received assistance under the national service laws for 3 years or more and for which the recipient is failing to meet or exceed the performance levels agreed upon under subsection (k), the Corporation shall require the recipient to submit quarterly reports on the program's progress toward the performance levels for the program to—

''(i) the appropriate State, territory, or Indian tribe; and

''(ii) the Corporation.

''(m) FAILURE TO MEET PERFORMANCE LEVELS.—If, after a period for correction as approved by the Corporation in accordance with subsection (l), a recipient of assistance under the national service laws fails to meet or exceed the performance levels for a national service program, the Corporation shall—

''(1) reduce the annual amount of the assistance received by the underperforming recipient by at least 25 percent, for each remaining year of the grant period for that program; or

''(2) terminate assistance to the underperforming recipient for that program, in accordance with section 176(a).

''(n) REPORTS.—The Corporation shall submit to the authorizing committees not later than 2 years after the date of enactment of the Serve America Act, and annually thereafter, a report containing information on the number of—

''(1) recipients of assistance under the national service laws implementing corrective action plans under subsection (l)(1);

''(2) recipients for which the Corporation provides technical assistance for a program under subsection (l)(2)(A)(i);

''(3) recipients for which the Corporation terminates assistance for a program under subsection (m);

''(4) entities whose application for assistance under a national service law was rejected; and

''(5) recipients meeting or exceeding their performance levels under subsection (k).''.

SEC. 1608. CIVIC HEALTH ASSESSMENT.

(a) IN GENERAL.—Subtitle F of title I (42 U.S.C. 12631 et seq.), as amended by this subtitle, is further amended by inserting after section 179 the following:

''SEC. 179A. CIVIC HEALTH ASSESSMENT AND VOLUNTEERING RESEARCH AND EVALUATION.

''(a) DEFINITION OF PARTNERSHIP.—In this section, the term 'partnership' means the Corporation, acting in conjunction with (consistent with the terms of an agreement entered into between the Corporation and the National Conference) the National Conference on Citizenship referred to in section 150701 of title 36, United States Code, to carry out this section.

''(b) IN GENERAL.—The partnership shall facilitate the establishment of a Civic Health Assessment by—

''(1) after identifying public and private sources of civic health data, selecting a set of civic health indicators, in accordance with subsection (c), that shall comprise the Civic Health Assessment;

''(2) obtaining civic health data relating to the Civic Health Assessment, in accordance with subsection (d); and

''(3) conducting related analyses, and reporting the data and analyses, as described in paragraphs (4) and (5) of subsection (d) and subsections (e) and (f).

''(c) SELECTION OF INDICATORS FOR CIVIC HEALTH ASSESSMENT.—

''(1) IDENTIFYING SOURCES.—The partnership shall select a set of civic health indicators that shall comprise the Civic Health Assessment. In making such selection, the partnership—

''(A) shall identify public and private sources of civic health data;

''(B) shall explore collaborating with other similar efforts to develop national indicators in the civic health domain; and

''(C) may sponsor a panel of experts, such as one convened by the National Academy of Sciences, to recommend civic health indicators and data sources for the Civic Health Assessment.

''(2) TECHNICAL ADVICE.—At the request of the partnership, the Director of the Bureau of the Census and the Commissioner of Labor Statistics shall provide technical advice to the partnership on the selection of the indicators for the Civic Health Assessment.

''(3) UPDATES.—The partnership shall periodically evaluate and update the Civic Health Assessment, and may expand or modify the indicators described in subsection (d)(1) as necessary to carry out the purposes of this section.

''(d) DATA ON THE INDICATORS.—

''(1) SPONSORED DATA COLLECTION.—In identifying the civic health indicators for the Civic Health Assessment, and obtaining data for the Assessment, the partnership may sponsor the collection of data for the Assessment or for the various civic health indicators being considered for inclusion in the Assessment, including indicators related to—

''(A) volunteering and community service;

''(B) voting and other forms of political and civic engagement;

''(C) charitable giving;

''(D) connecting to civic groups and faith-based organizations;

''(E) interest in employment, and careers, in public service in the nonprofit sector or government;

''(F) understanding and obtaining knowledge of United States history and government; and

''(G) social enterprise and innovation.

''(2) DATA FROM STATISTICAL AGENCIES.—The Director of the Bureau of the Census and the Commissioner of Labor Statistics shall collect annually, to the extent practicable, data to inform the Civic Health Assessment, and shall report data from such collection to the partnership. In determining the data to be collected, the Director and the Commissioner shall examine privacy issues, response rates, and other relevant issues.

''(3) SOURCES OF DATA.—To obtain data for the Civic Health Assessment, the partnership shall consider—

''(A) data collected through public and private sources; and

''(B) data collected by the Bureau of the Census, through the Current Population Survey, or by the Bureau of Labor Statistics, in accordance with paragraph (2).

''(4) DEMOGRAPHIC CHARACTERISTICS.—The partnership shall seek to obtain data for the Civic Health Assessment that will permit the partnership to analyze the data by age group, race and ethnicity, education level, and other demographic characteristics of the individuals involved.

''(5) OTHER ISSUES.—In obtaining data for the Civic Health Assessment, the partnership may also obtain such information as may be necessary to analyze—

''(A) the role of Internet technology in strengthening and inhibiting civic activities;

''(B) the role of specific programs in strengthening civic activities;

''(C) the civic attitudes and activities of new citizens and immigrants; and

''(D) other areas related to civic activities.

''(e) REPORTING OF DATA.—

''(1) IN GENERAL.—The partnership shall, not less often than once each year, prepare a report containing—

''(A) detailed data obtained under subsection (d), including data on the indicators comprising the Civic Health Assessment; and

''(B) the analyses described in paragraphs (4) and (5) of subsection (d), to the extent practicable based on the data the partnership is able to obtain.

''(2) AGGREGATION AND PRESENTATION.—The partnership shall, to the extent practicable, aggregate the data on the civic health indicators comprising the Civic Health Assessment by community, by State, and nationally. The report described in paragraph (1) shall present the aggregated data in a form that enables communities and States to assess their civic health, as measured on each of the indicators comprising the Civic Health Assessment, and compare those measures with comparable measures of other communities and States.

''(3) SUBMISSION.—The partnership shall submit the report to the authorizing committees, and make the report available to the general public on the Corporation's website.

''(f) PUBLIC INPUT.—The partnership shall—

''(1) identify opportunities for public dialogue and input on the Civic Health Assessment; and

''(2) hold conferences and forums to discuss the implications of the data and analyses reported under subsection (e).

''(g) VOLUNTEERING RESEARCH AND EVALUATION.—

''(1) RESEARCH.—The partnership shall provide for baseline research and tracking of domestic and international volunteering, and baseline research and tracking related to relevant data on the indicators described in subsection (d). In providing for the research and tracking under this subsection, the partnership shall consider data from the Supplements to the Current Populations Surveys conducted by the Bureau of the Census for the Bureau of Labor Statistics, and data from other public and private sources, including other data collected by the Bureau of the Census and the Bureau of Labor Statistics.

''(2) IMPACT RESEARCH AND EVALUATION.—The partnership shall sponsor an independent evaluation of the impact of domestic and international volunteering, including an assessment of best practices for such volunteering, and methods of improving such volunteering through enhanced collaboration among—

''(A) entities that recruit, manage, support, and utilize volunteers;

''(B) institutions of higher education; and

''(C) research institutions.

''(h) DATABASE PROHIBITION.—Nothing in this Act shall be construed to authorize the development, implementation, or maintenance of a Federal database of personally identifiable information on individuals participating in data collection for sources of information under this section.''.

SEC. 1609. CONTINGENT EXTENSION.

Section 181 (42 U.S.C. 12641) is amended by striking ''Section 414'' and inserting ''Section 422''.

SEC. 1610. PARTNERSHIPS WITH SCHOOLS.

Section 182(b) (42 U.S.C. 12642(b)) is amended to read as follows:

''(b) REPORT.—

''(1) FEDERAL AGENCY SUBMISSION.—The head of each Federal agency and department shall prepare and submit to the Corporation a report concerning the implementation of this section, including an evaluation of the agency or department's performance on performance goals and benchmarks for each partnership program of the agency or department.

''(2) REPORT TO CONGRESS.—The Corporation shall prepare and submit to the authorizing committees a compilation of the information received under paragraph (1).''.

SEC. 1611. RIGHTS OF ACCESS, EXAMINATION, AND COPYING.

Section 183 (42 U.S.C. 12643) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''The'' and inserting ''Consistent with otherwise applicable law, the''; and

(B) in paragraph (1), by inserting ''territory,'' after ''local government,'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''The'' and inserting ''Consistent with otherwise applicable law, the''; and

(B) in paragraph (1), by inserting ''territory'' after ''local government,''; and

(3) by adding at the end the following:

''(c) INSPECTOR GENERAL.—Consistent with otherwise applicable law, the Inspector General of the Corporation shall have access to, and the right to examine and copy, any books, documents, papers, records, and other recorded information in any form—

''(1) within the possession or control of the Corporation or any State or local government, territory, Indian tribe, or public or private nonprofit organization receiving assistance directly or indirectly under the national service laws; and

''(2) that relates to—

''(A) such assistance; and

''(B) the duties of the Inspector General under the Inspector General Act of 1978 (5 U.S.C. App.).''.

SEC. 1612. ADDITIONAL ADMINISTRATIVE PROVISIONS.

Subtitle F of title I (42 U.S.C. 12631 et seq.) is amended by adding at the end the following:

''SEC. 185. CONSOLIDATED APPLICATION AND REPORTING REQUIREMENTS.

''(a) IN GENERAL.—To promote efficiency and eliminate duplicative requirements, the Corporation shall consolidate or modify application procedures and reporting requirements for programs, projects, and activities funded under the national service laws.

''(b) REPORT TO CONGRESS.—Not later than 18 months after the effective date of the Serve America Act, the Corporation shall submit to the authorizing committees a report containing information on the actions taken to consolidate or modify the application procedures and reporting requirements for programs, projects, and activities funded under the national service laws, including a description of the procedures for consultation with recipients of the funding.

''SEC. 186. SUSTAINABILITY.

''The Corporation, after consultation with State Commissions and recipients of assistance, may set sustainability goals for projects or programs under the national service laws, so that recipients of assistance under the national service laws are carrying out sustainable projects or programs. Such sustainability goals shall be in writing and shall be used—

''(1) to build the capacity of the projects or programs that receive assistance under the national service laws to meet community needs;

''(2) in providing technical assistance to recipients of assistance under the national service laws regarding acquiring and leveraging non-Federal funds for support of the projects or programs that receive such assistance; and

''(3) to determine whether the projects or programs, receiving such assistance, are generating sufficient community support.

''SEC. 187. GRANT PERIODS.

''Unless otherwise specifically provided, the Corporation has authority to award a grant or contract, or enter into a cooperative agreement, under the national service laws for a period of 3 years.

''SEC. 188. GENERATION OF VOLUNTEERS.

''In making decisions on applications for assistance or approved national service positions under the national service laws, the Corporation shall take into consideration the extent to which the applicant's proposal will increase the involvement of volunteers in meeting community needs. In reviewing the application for this purpose, the Corporation may take into account the mission of the applicant.

''SEC. 189. LIMITATION ON PROGRAM GRANT COSTS.

''(a) LIMITATION ON GRANT AMOUNTS.—Except as otherwise provided by this section, the amount of funds approved by the Corporation for a grant to operate a program authorized under the national service laws, for supporting individuals serving in approved national service positions, may not exceed $18,000 per full-time equivalent position.

''(b) COSTS SUBJECT TO LIMITATION.—The limitation under subsection (a), and the increased limitation under subsection (e)(1), shall apply to the Corporation's share of the member support costs, staff costs, and other costs to operate a program authorized under the national service laws incurred, by the recipient of the grant.

''(c) COSTS NOT SUBJECT TO LIMITATION.—The limitation under subsection (a), and the increased limitation under subsection (e)(1), shall not apply to expenses under a grant authorized under the national service laws to operate a program that are not included in the grant award for operating the program.

''(d) ADJUSTMENTS FOR INFLATION.—The amounts specified in subsections (a) and (e)(1) shall be adjusted each year after 2008 for inflation as measured by the Consumer Price Index for All Urban Consumers published by the Secretary of Labor.

''(e) WAIVER AUTHORITY AND REPORTING REQUIREMENT.—

''(1) WAIVER.—The Chief Executive Officer may increase the limitation under subsection (a) to not more than $19,500 per full-time equivalent position if necessary to meet the compelling needs of a particular program, such as—

''(A) exceptional training needs for a program serving disadvantaged youth;

''(B) the need to pay for increased costs relating to the participation of individuals with disabilities;

''(C) the needs of tribal programs or programs located in the territories; and

''(D) the need to pay for start-up costs associated with a first-time recipient of assistance under a program of the national service laws.

''(2) REPORTS.—The Chief Executive Officer shall report to the authorizing committees annually on all limitations increased under this subsection, with an explanation of the compelling needs justifying such increases.

''SEC. 189A. MATCHING FUNDS FOR SEVERELY ECONOMICALLY DISTRESSED COMMUNITIES.

''(a) IN GENERAL.—Notwithstanding any other provision of law, a severely economically distressed community that receives assistance from the Corporation for any program under the national service laws shall not be subject to any

requirements to provide matching funds for any such program, and the Federal share of such assistance for such a community may be 100 percent.

''(b) SEVERELY ECONOMICALLY DISTRESSED COMMUNITY.—For the purposes of this section, the term 'severely economically distressed community' means—

''(1) an area that has a mortgage foreclosure rate, home price decline, and unemployment rate all of which are above the national average for such rates or level, for the most recent 12 months for which satisfactory data are available; or

''(2) a residential area that lacks basic living necessities, such as water and sewer systems, electricity, paved roads, and safe, sanitary housing.

''SEC. 189B. AUDITS AND REPORTS.

''The Corporation shall comply with applicable audit and reporting requirements as provided in the Chief Financial Officers Act of 1990 (31 U.S.C. 901 note; Public Law 101–576) and chapter 91 of title 31, United States Code (commonly known as the 'Government Corporation Control Act'). The Corporation shall report to the authorizing committees any failure to comply with such requirements.

''SEC. 189C. RESTRICTIONS ON FEDERAL GOVERNMENT AND USE OF FEDERAL FUNDS.

''(a) GENERAL PROHIBITION.—Nothing in the national service laws shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's curriculum, program of instruction, or allocation of State or local resources, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act.

''(b) PROHIBITION ON ENDORSEMENT OF CURRICULUM.—Notwithstanding any other prohibition of Federal law, no funds provided to the Corporation under this Act may be used by the Corporation to endorse, approve, or sanction any curriculum designed to be used in an elementary school or secondary school.

''(c) PROHIBITION ON REQUIRING FEDERAL APPROVAL OR CERTIFICATION STANDARDS.—Notwithstanding any other provision of Federal law, not State shall be required to have academic content or student academic achievement standards approved or certified by the Federal Government, in order to receive assistance under this Act.

''SEC. 189D. CRIMINAL HISTORY CHECKS.

''(a) IN GENERAL.—Each entity selecting individuals to serve in a position in which the individuals receive a living allowance, stipend, national service educational award, or salary through a program receiving assistance under the national service laws, shall, subject to regulations and requirements established by the Corporation, conduct criminal history checks for such individuals.

''(b) REQUIREMENTS.—A criminal history check under subsection (a) shall, except in cases approved for good cause by the Corporation, include—

''(1) a name-based search of the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.); and

''(2)(A) a search of the State criminal registry or repository in the State in which the program is operating and the State in which the individual resides at the time of application; or

''(B) submitting fingerprints to the Federal Bureau of Investigation for a national criminal history background check.

''(c) ELIGIBILITY PROHIBITION.—An individual shall be ineligible to serve in a position described under subsection (a) if such individual—

''(1) refuses to consent to the criminal history check described in subsection (b);

''(2) makes a false statement in connection with such criminal history check;

''(3) is registered, or is required to be registered, on a State sex offender registry or the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.); or

''(4) has been convicted of murder, as described in section 1111 of title 18, United States Code.''.

SEC. 1613. AVAILABILITY OF ASSISTANCE.

(a) AMENDMENT.—Subtitle F of title I is further amended by inserting after section 184 the following:

''SEC. 184A. AVAILABILITY OF ASSISTANCE.

''A reference in subtitle C, D, E, or H of title I regarding an entity eligible to receive direct or indirect assistance to carry out a national service program shall include a non-profit organization promoting competitive and non-competitive sporting events involving individuals with disabilities (including the Special Olympics), which enhance the quality of life for individuals with disabilities.''.

SEC. 1614. CRIMINAL HISTORY CHECKS FOR INDIVIDUALS WORKING WITH VULNERABLE POPULATIONS.

(a) AMENDMENT.—Section 189D, as added by section 1612, is further amended by adding at the end the following:

''(d) SPECIAL RULE FOR INDIVIDUALS WORKING WITH VULNERABLE POPULATIONS.—

''(1) IN GENERAL.—Notwithstanding subsection (b), on and after the date that is 2 years after the date of enactment of the Serve America Act, a criminal history check under subsection (a) for each individual described in paragraph (2) shall, except for an entity described in paragraph (3), include—

''(A) a name-based search of the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.);

''(B) a search of the State criminal registry or repository in the State in which the program is operating and the State in which the individual resides at the time of application; and

''(C) submitting fingerprints to the Federal Bureau of Investigation for a national criminal history background check.

''(2) INDIVIDUALS WITH ACCESS TO VULNERABLE POPULATIONS.—An individual described in this paragraph is an individual age 18 or older who—

''(A) serves in a position in which the individual receives a living allowance, stipend, national service educational award, or salary through a program receiving assistance under the national service laws; and

''(B) as a result of such individual's service in such position, has or will have access, on a recurring basis, to—

''(i) children age 17 years or younger;

''(ii) individuals age 60 years or older; or

''(iii) individuals with disabilities.

''(3) EXCEPTIONS.—The provisions of this subsection shall not apply to an entity—

''(A) where the service provided by individuals serving with the entity to a vulnerable population described in paragraph (2)(B) is episodic in nature or for a 1-day period;

''(B) where the cost to the entity of complying with this subsection is prohibitive;

''(C) where the entity is not authorized, or is otherwise unable, under State law, to access the national criminal history background check system of the Federal Bureau of Investigation;

''(D) where the entity is not authorized, or is otherwise unable, under Federal law, to access the national criminal history background check system of the Federal Bureau of Investigation; or

''(E) to which the Corporation otherwise provides an exemption from this subsection for good cause.''.

(b) FEASIBILITY STUDY FOR A SYSTEM OF CRIMINAL HISTORY CHECKS FOR EMPLOYEES AND VOLUNTEERS.—

(1) FEASIBILITY STUDY ON EFFICIENCY AND EFFECTIVENESS REGARDING CRIMINAL HISTORY CHECK.—The Attorney General of the United States shall conduct a study that shall examine, to the extent discernible and as of the date of the study, the following:

(A) The state of criminal history checks (including the use of fingerprint collection) at the State and local level, including—

(i) the available infrastructure for conducting criminal history checks;

(ii) the State system capacities to conduct such criminal history checks; and

(iii) the time required for each State to process an individual's fingerprints for a national criminal history background check through the Federal Bureau of Investigation, from the time of fingerprint collection to the submission to the Federal Bureau of Investigation.

(B) The likelihood that each State would participate in a nationwide system of criminal history checks to provide information regarding participants to entities receiving assistance under the national service laws.

(C) The number of participants that would require a fingerprint-based national criminal history background check under the national service laws.

(D) The impact of the national service laws on the Integrated Automated Fingerprint Identification System of the Federal Bureau of Investigation in terms of capacity and impact on other users of the system, including the effect on the work practices and staffing levels of the Federal Bureau of Investigation.

(E) The fees charged by the Federal Bureau of Investigation, States, local agencies, and private companies to collect and process fingerprints and conduct criminal history checks.

(F) The existence of model or best practice programs regarding conducting criminal history checks that could easily be expanded and duplicated in other States.

(G) The extent to which private companies are currently performing criminal history checks, and the possibility of using private companies in the future to perform any of the criminal history check process, including the collection and transmission of fingerprints and fitness determinations.

(H) The cost of development and operation of the technology and the infrastructure necessary to establish a nationwide fingerprint-based and other criminal background check system.

(I) The extent of State participation in the procedures for background checks under the National Child Protection Act of 1993 (42 U.S.C. 5119 et seq.).

(J) The extent to which States provide access to nationwide criminal history checks to organizations that serve children.

(K) The extent to which States permit volunteers and other individuals to appeal adverse fitness determinations, and whether similar procedures are required at the Federal level.

(L) Any privacy concerns that may arise from nationwide criminal background checks for participants.

(M) Any other information determined relevant by the Attorney General.

(2) INTERIM REPORT.—Based on the findings of the study under paragraph (1), the Attorney General shall, not later than 6 months after the date of the enactment of this Act, submit to the appropriate committees of Congress an interim report, which may include recommendations regarding criminal history checks for individuals that seek to volunteer with organizations that work with children, the elderly, or individuals with disabilities.

(3) FINAL REPORT.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary and the Committee on Health, Education, Labor, and Pensions of the Senate and to the Committee on the Judiciary and the Committee on Education and Labor of the House of Representatives, a final report including recommendations regarding criminal history checks for participants under the national service laws, which may include—

(A) a proposal for grants to States to develop or improve programs to collect fingerprints and perform criminal history checks for individuals that seek to volunteer with organizations that work with children, the elderly, or individuals with disabilities; and

(B) recommendations for amendments to the National Child Protection Act of 1993 and the Volunteers for Children Act so that entities receiving assistance under the national service laws can promptly and affordably conduct nationwide criminal history background checks on their employees and volunteers.

(4) DEFINITIONS.—In this subsection, the terms ''authorizing committees'', ''participants'', and ''national service laws'' have the meanings given such terms in section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511).

(c) EFFECTIVE DATE.—Notwithstanding section 6101, subsection (b) shall take effect on the date of enactment of this Act.

Subtitle G—Amendments to Subtitle G (Corporation for National and Community Service)

SEC. 1701. TERMS OF OFFICE.

Section 192 (42 U.S.C. 12651a) is amended—

(1) by striking subsection (c) and inserting the following:

''(c) TERMS.—Subject to subsection (e), each appointed member shall serve for a term of 5 years.''; and

(2) by adding at the end the following:

''(e) SERVICE UNTIL APPOINTMENT OF SUCCESSOR.—A voting member of the Board whose term has expired may continue to serve on the Board until the date on which the member's successor takes office, which period shall not exceed 1 year.''.

SEC. 1702. BOARD OF DIRECTORS AUTHORITIES AND DUTIES.

Section 192A(g) (42 U.S.C. 12651b(g)) is amended—

(1) in the matter preceding paragraph (1), by striking ''shall—'' and inserting ''shall have responsibility for setting overall policy for the Corporation and shall—'';

(2) in paragraph (1), by inserting before the semicolon at the end the following: '', and review the budget proposal in advance of submission to the Office of Management and Budget'';

(3) in paragraph (5)—

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

(B) in subparagraph (B), by inserting ''and'' after the semicolon; and

(C) by adding at the end the following:

''(C) review the performance of the Chief Executive Officer annually and forward a report on that review to the President;'';

(4) in paragraph (8), by striking ''the Congress'' each place it appears and inserting ''the authorizing committees'';

(5) by striking paragraph (10) and inserting the following:

''(10) notwithstanding any other provision of law—

''(A) make grants to or contracts with Federal and other public departments or agencies, and private nonprofit organizations, for the assignment or referral of volunteers under the provisions of title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.) (except as provided in section 108 of such Act), which may provide that the agency or organization shall pay all or a part of the costs of the program; and

''(B) enter into agreements with other Federal agencies or private nonprofit organizations for the support of programs under the national service laws, which—

''(i) may provide that the agency or organization shall pay all or a part of the costs of the program, except as is provided in section 121(b); and

''(ii) shall provide that the program (including any program operated by another Federal agency) will comply with all requirements related to evaluation, performance, and other goals applicable to similar programs under the national service laws, as determined by the Corporation,''; and

(6) in paragraph (11)—

(A) by striking ''Congress'' each place it appears and inserting ''authorizing committees'';

(B) by striking ''section 193A(b)(10)'' and inserting ''section 193A(b)(11)''; and

(C) by striking ''September 30, 1995'' and inserting ''January 1, 2012''.

SEC. 1703. CHIEF EXECUTIVE OFFICER COMPENSATION.

Section 193(b) (42 U.S.C. 12651c(b)) is amended by striking the period and inserting '', plus 3 percent.''.

SEC. 1704. AUTHORITIES AND DUTIES OF THE CHIEF EXECUTIVE OFFICER.

Section 193A (42 U.S.C. 12651d) is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''shall—'' and inserting '', in collaboration with the State Commissions, shall—'';

(B) in paragraph (1), by inserting after ''a strategic plan'' the following: '', including a plan for having 50 percent of all approved national service positions be full-time positions by 2012,'';

(C) in paragraph (2)(B), by inserting '', approved summer of service positions, and approved silver scholar positions'' after ''approved national service positions'';

(D) by redesignating paragraphs (7) through (11) as paragraphs (8) through (12), respectively;

(E) by inserting after paragraph (6) the following:

''(7) prepare and submit to the authorizing committees and the Board an annual report on actions taken to achieve the goal of having 50 percent of all approved national service positions be full-time positions by 2012 as described in paragraph (1), including an assessment of the progress made toward achieving that goal and the actions to be taken in the coming year toward achieving that goal;'';

(F) in the matter preceding subparagraph (A) of paragraph (10) (as so redesignated), by striking ''appropriate committees of Congress'' and inserting ''authorizing committees'';

(G) in paragraph (11) (as so redesignated)—

(i) in the matter preceding subparagraph (A), by striking ''by June 30, 1995,'' and inserting ''periodically,'';

(ii) in subparagraph (A)(i)—

(I) by striking ''described in section 122(c)(1)''; and

(II) by striking ''national priorities designed to meet the'' and inserting ''national priorities, as described in section 122(f)(1), designed to meet''; and

(iii) in subparagraph (B), by striking ''and'' after a semicolon;

(H) in paragraph (12) (as so redesignated), by striking the period at the end and inserting a semicolon; and

(I) by adding at the end the following:

''(13) bolster the public awareness of and recruitment efforts for the wide range of service opportunities for citizens of all ages, regardless of socioeconomic status or geographic location, through a variety of methods, including—

''(A) print media;

''(B) the Internet and related emerging technologies;

''(C) television;

''(D) radio;

''(E) presentations at public or private forums;

''(F) other innovative methods of communication; and

''(G) outreach to offices of economic development, State employment security agencies, labor organizations and trade associations, local educational agencies, institutions of higher education, agencies and organizations serving veterans and individuals with disabilities, and other institutions or organizations from which participants for programs receiving assistance from the national service laws can be recruited;

''(14) identify and implement methods of recruitment to—

''(A) increase the diversity of participants in the programs receiving assistance under the national service laws; and

''(B) increase the diversity of service sponsors of programs desiring to receive assistance under the national service laws;

''(15) coordinate with organizations of former participants of national service programs for service opportunities that may include capacity building, outreach, and recruitment for programs receiving assistance under the national service laws;

''(16) collaborate with organizations with demonstrated expertise in supporting and accommodating individuals with disabilities, including institutions of higher education, to identify and implement methods of recruitment to increase the number of participants who are individuals with disabilities in the programs receiving assistance under the national service laws;

''(17) identify and implement recruitment strategies and training programs for bilingual volunteers in the National Senior Service Corps under title II of the Domestic Volunteer Service Act of 1973;

''(18) collaborate with organizations that have established volunteer recruitment programs to increase the recruitment capacity of the Corporation;

''(19) where practicable, provide application materials in languages other than English for individuals with limited English proficiency who wish to participate in a national service program;

''(20) collaborate with the training and technical assistance programs described in subtitle J with respect to the activities described in section 199N(b));

''(21) coordinate the clearinghouses described in section 198O;

''(22) coordinate with entities receiving funds under subtitle C in establishing the National Service Reserve Corps under section 198H, through which alumni of the national service programs and veterans can serve in disasters and emergencies (as such terms are defined in section 198H(a));

''(23) identify and implement strategies to increase awareness among Indian tribes of the types and availability of assistance under the national service laws, increase Native American participation in programs under the national service laws, collect information on challenges facing Native American communities, and designate a Strategic Advisor for Native American Affairs to be responsible for the execution of those activities under the national service laws;

''(24) conduct outreach to ensure the inclusion of economically disadvantaged individuals in national service programs and activities authorized under the national service laws; and

''(25) ensure that outreach, awareness, and recruitment efforts are consistent with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).'';

(2) in subsection (c)—

(A) in paragraph (9)—

(i) by striking ''Congress'' each place the term occurs and inserting ''the authorizing committees''; and

(ii) by striking ''and'' at the end;

(B) by redesignating paragraph (10) as paragraph (11); and

(C) by inserting after paragraph (9) the following:

''(10) obtain the opinions of peer reviewers in evaluating applications to the Corporation for assistance under this title; and'';

(3) in subsection (f)(2)(B), by striking ''date specified in subsection (b)(10)'' and inserting ''the first date that a report is submitted under subsection (b)(11) after the effective date of the Serve America Act''; and

(4) by adding at the end the following:

''(h) AUTHORITY TO CONTRACT WITH BUSINESSES.—The Chief Executive Officer may, through contracts or cooperative agreements, carry out the marketing duties described in subsection (b)(13), with priority given to those entities that have established expertise in the recruitment of disadvantaged youth, members of Indian tribes, and older adults.

''(i) CAMPAIGN TO SOLICIT FUNDS.—The Chief Executive Officer may conduct a campaign to solicit funds to conduct outreach and recruitment campaigns to recruit a diverse population of service sponsors of, and participants in, programs and projects receiving assistance under the national service laws.''.

SEC. 1705. CHIEF FINANCIAL OFFICER STATUS.

Section 194(c) (42 U.S.C. 12651e(c)) is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

''(1) IN GENERAL.—There shall be in the Corporation a Chief Financial Officer, who shall be appointed by the Chief Executive Officer pursuant to subsections (a) and (b) of section 195.''; and

(2) by redesignating paragraph (3) as paragraph (2).

SEC. 1706. NONVOTING MEMBERS; PERSONAL SERVICES CONTRACTS.

Section 195 (42 U.S.C. 12651f) is amended—

(1) in subsection (c)—

(A) in paragraph (2)(B), by inserting after ''subdivision of a State,'' the following: ''territory,''; and

(B) in paragraph (3)—

(i) in the heading, by striking ''MEMBER'' and inserting ''NONVOTING MEMBER''; and

(ii) by inserting ''nonvoting'' before ''member''; and

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

''(g) PERSONAL SERVICES CONTRACTS.—The Corporation may enter into personal services contracts to carry out research, evaluation, and public awareness related to the national service laws.''.

SEC. 1707. DONATED SERVICES.

Section 196(a) (42 U.S.C. 12651g(a)) is amended—

(1) in paragraph (1)—

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

''(A) ORGANIZATIONS AND INDIVIDUALS.—Notwithstanding section 1342 of title 31, United States Code, the Corporation may solicit and accept the services of organizations and individuals (other than participants) to assist the Corporation in carrying out the duties of the Corporation under the national service laws, and may provide to such individuals the travel expenses described in section 192A(d).'';

(B) in subparagraph (B)—

(i) in the matter preceding clause (i), by striking ''Such a volunteer'' and inserting ''A person who provides assistance, either individually or as a member of an organization, in accordance with subparagraph (A)'';

(ii) in clause (i), by striking ''a volunteer under this subtitle'' and inserting ''such a person'';

(iii) in clause (ii), by striking ''volunteers under this subtitle'' and inserting ''such persons''; and

(iv) in clause (iii), by striking ''such a volunteer'' and inserting ''such a person''; and

(C) in subparagraph (C)(i), by striking ''Such a volunteer'' and inserting ''Such a person''; and

(2) by striking paragraph (3).

SEC. 1708. ASSIGNMENT TO STATE COMMISSIONS.

Subtitle G of title I (42 U.S.C. 12651 et seq.) is further amended by adding at the end the following:

''SEC. 196B. ASSIGNMENT TO STATE COMMISSIONS.

''(a) ASSIGNMENT.—In accordance with section 193A(c)(1), the Chief Executive Officer may assign to State Commissions specific programmatic functions upon a determination that such an assignment will increase efficiency in the operation or oversight of a program under the national service laws. In carrying out this section, and before executing any assignment of authority, the Corporation shall seek input from and consult Corporation employees, State Commissions, State educational agencies, and other interested stakeholders.

''(b) REPORT.—Not later than 2 years after the effective date of the Serve America Act, the Corporation shall submit a report to the authorizing committees describing the consultation process described in subsection (a), including the stakeholders consulted, the recommendation of stakeholders, and any actions taken by the Corporation under this section.''.

SEC. 1709. STUDY OF INVOLVEMENT OF VETERANS.

Subtitle G of title I (42 U.S.C. 12651 et seq.) is further amended by adding at the end the following:

''SEC. 196C. STUDY OF INVOLVEMENT OF VETERANS.

''(a) STUDY AND REPORT.—The Corporation shall conduct a study and submit a report to the authorizing committees, not later than 3 years after the effective date of the Serve America Act, on—

''(1) the number of veterans serving in national service programs historically by year;

''(2) strategies being undertaken to identify the specific areas of need of veterans, including any goals set by the Corporation for veterans participating in the service programs;

''(3) the impact of the strategies described in paragraph (2) and the Veterans Corps on enabling greater participation by veterans in the national service programs carried out under the national service laws;

''(4) how existing programs and activities carried out under the national service laws could be improved to serve veterans, veterans service organizations, families of active-duty military, including gaps in services to veterans;

''(5) the extent to which existing programs and activities carried out under the national service laws are coordinated and recommendations to improve such coordination including the methods for ensuring the efficient financial organization of services directed towards veterans; and

''(6) how to improve utilization of veterans as resources and volunteers.

''(b) CONSULTATION.—In conducting the studies and preparing the reports required under this subsection, the Corporation shall consult with veterans' service organizations, the Secretary of Veterans Affairs, State veterans agencies, the Secretary of Defense, as appropriate, and other individuals and entities the Corporation considers appropriate.''.

SEC. 1710. STUDY TO EXAMINE AND INCREASE SERVICE PROGRAMS FOR DISPLACED WORKERS IN SERVICES CORPS AND COMMUNITY SERVICE AND TO DEVELOP PILOT PROGRAM PLANNING STUDY.

(a) PLANNING STUDY.—The Corporation shall conduct a study to identify—

(1) specific areas of need for displaced workers;

(2) how existing programs and activities (as of the time of the study) carried out under the national service laws could better serve displaced workers and communities that have been adversely affected by plant closings and job losses;

(3) prospects for better utilization of displaced workers as resources and volunteers; and

(4) methods for ensuring the efficient financial organization of services directed towards displaced workers.

(b) CONSULTATION.—The study shall be carried out in consultation with the Secretary of Labor, State labor agencies, and other individuals and entities the Corporation considers appropriate.

(c) REPORT.—Not later than 1 year after the effective date of this Act, the Corporation shall submit to the authorizing committees a report on the results of the planning study required by subsection (a), together with a plan for implementation of a pilot program using promising strategies and approaches for better targeting and serving displaced workers.

(d) PILOT PROGRAM.—From amounts made available to carry out this section, the Corporation shall develop and carry out a pilot program based on the findings and plan in the report submitted under subsection (c).

(e) DEFINITIONS.—In this section, the terms ''Corporation'', ''authorizing committees'', and ''national service laws'' have the meanings given the terms in section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2010 through 2014.

SEC. 1711. STUDY TO EVALUATE THE EFFECTIVENESS OF AGENCY COORDINATION.

(a) STUDY.—In order to reduce administrative burdens and lower costs for national service programs carried out under the national service laws, the Corporation shall conduct a study to determine the feasibility and effectiveness of implementing a data matching system under which the statements of an individual declaring that such individual is in compliance with the requirements of section 146(a)(3) of the National and Community Service Act of 1990 (42 U.S.C. 12602(a)(3)) shall be verified by the Corporation by comparing information provided by the individual with information relevant to such a declaration in the possession of other Federal agencies. Such study shall—

(1) review the feasibility of—

(A) expanding, and participating in, the data matching conducted by the Department of Education with the Social Security Administration and the Department of Homeland Security, pursuant to section 484(g) of the Higher Education Act of 1965 (20 U.S.C. 1091(g)); or

(B) establishing a comparable system of data matching with the Social Security Administration and the Department of Homeland Security; and

(2) identify—

(A) the costs, for both the Corporation and the other Federal agencies identified in paragraph (1), associated with expanding or establishing such a system of data matching;

(B) the benefits or detriments of such an expanded or comparable system both for the Corporation and for the other Federal agencies so identified;

(C) strategies for ensuring the privacy and security of participant information that is shared between Federal agencies and organizations receiving assistance under the national service laws;

(D) the information that needs to be shared in order to fulfill the eligibility requirements of section 146(a)(3) of the National and Community Service Act of 1990 (42 U.S.C. 12602(a)(3));

(E) an alternative system through which an individual's compliance with section 146(a)(3) of such Act may be verified, should such an expanded or comparable system fail to verify the individual's declaration of compliance; and

(F) recommendations for implementation of such an expanded or comparable system.

(b) CONSULTATION.—The Corporation shall carry out the study in consultation with the Secretary of Education, the Commissioner of the Social Security Administration, the Secretary of Homeland Security, and other Federal agencies, entities, and individuals that the Corporation considers appropriate.

(c) REPORT.—Not later than 9 months after the effective date of this Act, the Corporation shall submit to the authorizing committees a report on the results of the study required by subsection (a) and a plan for implementation of a

pilot data matching program using promising strategies and approaches identified in such study, if the Corporation determines such program to be feasible.

(d) PILOT PROGRAM.—From amounts made available to carry out this section, the Corporation may develop and carry out a pilot data matching program based on the report submitted under subsection (c).

(e) DEFINITIONS.—In this section, the terms ''Corporation'', ''authorizing committees'', and ''national service laws'' have the meanings given the terms in section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511).

SEC. 1712. STUDY OF PROGRAM EFFECTIVENESS.

(a) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Comptroller General of the United States shall develop performance measures for each program receiving Federal assistance under the national service laws.

(b) CONTENTS.—The performance measures developed under subsection (a) shall—

(1) to the maximum extent practicable draw on research-based, quantitative data;

(2) take into account program purpose and program design;

(3) include criteria to evaluate the cost effectiveness of programs receiving assistance under the national service laws;

(4) include criteria to evaluate the administration and management of programs receiving Federal assistance under the national service laws; and

(5) include criteria to evaluate oversight and accountability of recipients of assistance through such programs under the national service laws.

(c) REPORT.—Not later than 2 years after the development of the performance measures under subsection (a), and every 5 years thereafter, the Comptroller General of the United States shall prepare and submit to the authorizing committees and the Corporation's Board of Directors a report containing an assessment of each such program with respect to the performance measures developed under subsection (a).

(d) DEFINITIONS.—In this section:

(1) IN GENERAL.—The terms ''authorizing committees'', ''Corporation'', and ''national service laws'' have the meanings given the terms in section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511).

(2) PROGRAM.—The term ''program'' means an entire program carried out by the Corporation under the national service laws, such as the entire AmeriCorps program carried out under subtitle C.

SEC. 1713. VOLUNTEER MANAGEMENT CORPS STUDY.

(a) FINDINGS.—Congress finds the following:

(1) Many managers seek opportunities to give back to their communities and address the Nation's challenges.

(2) Managers possess business and technical skills that make them especially suited to help nonprofit organizations and State and local governments create efficiencies and cost savings and develop programs to serve communities in need.

(3) There are currently a large number of businesses and firms who are seeking to identify savings through sabbatical opportunities for senior employees.

(b) STUDY AND PLAN.—Not later than 6 months after the date of enactment of this Act, the Corporation shall—

(1) conduct a study on how best to establish and implement a Volunteer Management Corps program; and

(2) submit a plan regarding the establishment of such program to Congress and to the President.

(c) CONSULTATION.—In carrying out the study described in subsection (b)(1), the Corporation may consult with experts in the private and nonprofit sectors.

(d) EFFECTIVE DATE.—Notwithstanding section 6101, this section shall take effect on the date of enactment of this Act.

Subtitle H—Amendments to Subtitle H (Investment for Quality and Innovation)

SEC. 1801. TECHNICAL AMENDMENT TO SUBTITLE H.

Subtitle H of title I (42 U.S.C. 12653 et seq.) is amended by inserting after the subtitle heading and before section 198 the following:

"PART I—ADDITIONAL CORPORATION ACTIVITIES TO SUPPORT NATIONAL SERVICE".

SEC. 1802. ADDITIONAL CORPORATION ACTIVITIES TO SUPPORT NATIONAL SERVICE.

(a) TECHNICAL AMENDMENTS.—Section 198 (42 U.S.C. 12653) is amended—

(1) in subsection (a), by striking ''subsection (r)'' and inserting ''subsection (g)'';

(2) in the matter preceding paragraph (1) of subsection (b), by striking ''to improve the quality'' and all that follows through ''including—'' and inserting ''to address emergent needs through summer programs and other activities, and to support service-learning programs and national service programs, including—'';

(3) by striking subsections (c), (d), (e), (f), (h), (i), (j), (l), (m), and (p) and redesignating subsections (g), (k), (n), (o), (q), (r), and (s) as subsections (c), (d), (e), (f), (g), (h), and (i), respectively.

(b) GLOBAL YOUTH SERVICE DAYS.—Section 198 (42 U.S.C. 12653), as amended in subsection (a), is further amended—

(1) in subsection (g) (as redesignated by subsection (a)(3))—

(A) in the subsection heading, by striking ''NATIONAL'' and inserting ''GLOBAL'';

(B) by striking ''National Youth'' each place it appears and inserting ''Global Youth'';

(C) in paragraph (1)—

(i) by striking the first sentence and inserting ''April 24, 2009, and April 23, 2010, are each designated as 'Global Youth Service Days'.''; and

(ii) in the second sentence, by striking ''appropriate ceremonies and activities'' and inserting ''appropriate youth-led community improvement and service-learning activities'';

(D) in paragraph (2)—

(i) by inserting ''and other Federal departments and agencies'' after ''Corporation''; and

(ii) by striking ''ceremonies and activities'' and inserting ''youth-led community improvement and service-learning activities''; and

(E) in paragraph (3), by inserting ''and other Federal departments and agencies'' after ''Corporation''.

(c) CALL TO SERVICE CAMPAIGN AND SEPTEMBER 11TH DAY OF SERVICE.—Section 198 (42 U.S.C. 12653), as amended by subsection (a), is further amended by adding at the end the following:

''(j) CALL TO SERVICE CAMPAIGN.—Not later than 180 days after the date of enactment of the Serve America Act, the Corporation shall conduct a nationwide 'Call To Service' campaign, to encourage all people of the United States, regardless of age, race, ethnicity, religion, or economic status, to engage in full- or part-time national service, long- or short-term public service in the nonprofit sector or government, or volunteering. In conducting the campaign, the Corporation may collaborate with other Federal agencies and entities, State Commissions, Governors, nonprofit and faith-based organizations, businesses, institutions of higher education, elementary schools, and secondary schools.

''(k) SEPTEMBER 11TH DAY OF SERVICE.—

''(1) FEDERAL ACTIVITIES.—The Corporation may organize and carry out appropriate ceremonies and activities, which may include activities that are part of the broader Call to Service Campaign under subsection (j), in order to observe the September 11th National Day of Service and Remembrance at the Federal level.

''(2) ACTIVITIES.—The Corporation may make grants and provide other support to community-based organizations to assist in planning and carrying out appropriate service, charity, and remembrance opportunities in conjunction with the September 11th National Day of Service and Remembrance.

''(3) CONSULTATION.—The Corporation may consult with and make grants or provide other forms of support to nonprofit organizations with expertise in representing families of victims of the September 11, 2001 terrorist attacks and other impacted constituencies, and in promoting the establishment of September 11 as an annually recognized National Day of Service and Remembrance.''.

SEC. 1803. REPEALS.

(a) REPEALS.—The following provisions are repealed:

(1) CLEARINGHOUSES.—Section 198A (42 U.S.C. 12653a).

(2) MILITARY INSTALLATION CONVERSION DEMONSTRATION PROGRAMS.—Section 198C (42 U.S.C. 12653c).

(3) SPECIAL DEMONSTRATION PROJECT.—Section 198D (42 U.S.C. 12653d).

(b) REDESIGNATION.—Section 198B (42 U.S.C. 12653b) is redesignated as section 198A.

SEC. 1804. PRESIDENTIAL AWARDS.

Section 198A(a)(2) (as redesignated by section 1803(b)) (42 U.S.C. 12653b(a)(2)) is further amended by striking ''section 101(19)'' and inserting ''section 101''.

SEC. 1805. NEW FELLOWSHIPS.

Part I of subtitle H of title I (42 U.S.C. 12653 et seq.) is further amended by adding at the end the following new sections:

"SEC. 198B. SERVEAMERICA FELLOWSHIPS.

''(a) DEFINITIONS.—In this section:

''(1) AREA OF NATIONAL NEED.—The term 'area of national need' means an area involved in efforts to—

''(A) improve education in schools for economically disadvantaged students;

''(B) expand and improve access to health care;

''(C) improve energy efficiency and conserve natural resources;

''(D) improve economic opportunities for economically disadvantaged individuals; or

''(E) improve disaster preparedness and response.

''(2) ELIGIBLE FELLOWSHIP RECIPIENT.—The term 'eligible fellowship recipient' means an individual who is selected by a State Commission under subsection (c) and, as a result of such selection, is eligible for a ServeAmerica Fellowship.

''(3) FELLOW.—The term 'fellow' means an eligible fellowship recipient who is awarded a ServeAmerica Fellowship and is designated a fellow under subsection (e)(2).

''(4) SMALL SERVICE SPONSOR ORGANIZATION.—The term 'small service sponsor organization' means a service sponsor organization described in subsection (d)(1) that has not more than 10 full-time employees and 10 part-time employees.

''(b) GRANTS.—

''(1) IN GENERAL.—From the amounts appropriated under section 501(a)(4)(B) and allotted under paragraph (2)(A), the Corporation shall make grants (including financial assistance and a corresponding allotment of approved national service positions), to the State Commission of each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico with an application approved under this section, to enable such State Commissions to award ServeAmerica Fellowships under subsection (e).

''(2) ALLOTMENT; ADMINISTRATIVE COSTS.—

''(A) ALLOTMENT.—The amount allotted to a State Commission for a fiscal year shall be equal to an amount that bears the same ratio to the amount appropriated under section 501(a)(4)(B), as the population of the State bears to the total population of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

''(B) REALLOTMENT.—If a State Commission does not apply for an allotment under this subsection for any fiscal year, or if the State Commission's application is not approved, the Corporation shall reallot the amount of the State Commission's allotment to the remaining State Commissions in accordance with subparagraph (A).

''(C) ADMINISTRATIVE COSTS.—Of the amount allotted to a State Commission under subparagraph (A), not more than 1.5 percent of such amount may be used for administrative costs.

''(3) NUMBER OF POSITIONS.—The Corporation shall—

''(A) establish or increase the number of approved national service positions under this subsection during each of fiscal years 2010 through 2014;

''(B) establish the number of approved positions at 500 for fiscal year 2010; and

''(C) increase the number of the approved positions to—

''(i) 750 for fiscal year 2011;

''(ii) 1,000 for fiscal year 2012;

''(iii) 1,250 for fiscal year 2013; and

''(iv) 1,500 for fiscal year 2014.

''(4) USES OF GRANT FUNDS.—

''(A) REQUIRED USES.—A grant awarded under this subsection shall be used to enable fellows to carry out service projects in areas of national need.

''(B) PERMITTED USES.—A grant awarded under this subsection may be used for—

''(i) oversight activities and mechanisms for the service sites of the fellows, as determined necessary by the State Commission or the Corporation, which may include site visits;

''(ii) activities to augment the experience of fellows, including activities to engage the fellows in networking opportunities with other national service participants; and

''(iii) recruitment or training activities for fellows.

''(5) APPLICATIONS.—To be eligible to receive a grant under this subsection, a State Commission shall submit an application to the Corporation at such time, in such manner, and containing such information as the Corporation may require, including information on the criteria and procedures that the State Commission will use for overseeing ServeAmerica Fellowship placements for service projects, under subsection (e).

''(c) ELIGIBLE FELLOWSHIP RECIPIENTS.—

''(1) APPLICATION.—

''(A) IN GENERAL.—An applicant desiring to become an eligible fellowship recipient shall submit an application to a State Commission that has elected to participate in the program authorized under this section, at such time and in such manner as the Commission may require, and containing the information described in subparagraph (B) and such additional information as the Commission may require. An applicant may submit such application to only 1 State Commission for a fiscal year.

''(B) CONTENTS.—The Corporation shall specify information to be provided in an application submitted under this subsection, which—

''(i) shall include—

''(I) a description of the area of national need that the applicant intends to address in the service project;

''(II) a description of the skills and experience the applicant has to address the area of national need;

''(III) a description of the type of service the applicant plans to provide as a fellow; and

''(IV) information identifying the local area within the State served by the Commission in which the applicant plans to serve for the service project; and

''(ii) may include, if the applicant chooses, the size of the registered service sponsor organization with which the applicant hopes to serve.

''(2) SELECTION.—Each State Commission shall—

''(A) select, from the applications received by the State Commission for a fiscal year, the number of eligible fellowship recipients that may be supported for that fiscal year based on the amount of the grant received by the State Commission under subsection (b); and

''(B) make an effort to award one-third of the fellowships available to the State Commission for a fiscal year, based on the amount of the grant received under subsection (b), to applicants who propose to serve the fellowship with small service sponsor organizations registered under subsection (d).

''(d) SERVICE SPONSOR ORGANIZATIONS.—

''(1) IN GENERAL.—Each service sponsor organization shall—

''(A) be a nonprofit organization;

''(B) satisfy qualification criteria established by the Corporation or the State Commission, including standards relating to organizational capacity, financial management, and programmatic oversight;

''(C) not be a recipient of other assistance, approved national service positions, or approved summer of service positions under the national service laws; and

''(D) at the time of registration with a State Commission, enter into an agreement providing that the service sponsor organization shall—

''(i) abide by all program requirements;

''(ii) provide an amount described in subsection (e)(3)(b) for each fellow serving with the organization through the ServeAmerica Fellowship;

''(iii) be responsible for certifying whether each fellow serving with the organization successfully completed the ServeAmerica Fellowship, and record and certify in a manner specified by the Corporation the number of hours served by a fellow for purposes of determining the fellow's eligibility for benefits; and

''(iv) provide timely access to records relating to the ServeAmerica Fellowship to the State Commission, the Corporation, and the Inspector General of the Corporation.

''(2) REGISTRATION.—

''(A) REQUIREMENT.—No service sponsor organization may receive a fellow under this section until the organization registers with the State Commission.

''(B) CLEARINGHOUSE.—The State Commission shall maintain a list of registered service sponsor organizations on a public website.

''(C) REVOCATION.—If a State Commission determines that a service sponsor organization is in violation of any of the applicable provisions of this section—

''(i) the State Commission shall revoke the registration of the organization;

''(ii) the organization shall not be eligible to receive assistance, approved national service positions, or approved summer of service positions under this title for not less than 5 years; and

''(iii) the State Commission shall have the right to remove a fellow from the organization and relocate the fellow to another site.

''(e) FELLOWS.—

''(1) IN GENERAL.—To be eligible to participate in a service project as a fellow and receive a ServeAmerica Fellowship, an eligible fellowship recipient shall—

''(A) within 3 months after being selected as an eligible fellowship recipient by a State Commission, select a registered service sponsor organization described in subsection (d)—

''(i) with which the recipient is interested in serving under this section; and

''(ii) that is located in the State served by the State Commission;

''(B) enter into an agreement with the organization—

''(i) that specifies the service the recipient will provide if the placement is approved; and

''(ii) in which the recipient agrees to serve for 1 year on a full-time or part-time basis (as determined by the Corporation); and

''(C) submit such agreement to the State Commission.

''(2) AWARD.—Upon receiving the eligible fellowship recipient's agreement under paragraph (1), the State Commission shall award a ServeAmerica Fellowship to the recipient and designate the recipient as a fellow.

''(3) FELLOWSHIP AMOUNT.—

''(A) IN GENERAL.—From amounts received under subsection (b), each State Commission shall award each of the State's fellows a ServeAmerica Fellowship amount that is equal to 50 percent of the amount of the average annual VISTA subsistence allowance.

''(B) AMOUNT FROM SERVICE SPONSOR ORGANIZATION.—

''(i) IN GENERAL.—Except as provided in clause (ii) and subparagraph (E), the service sponsor organization shall award to the fellow serving such organization an amount that will ensure that the total award received by the fellow for service in the service project (consisting of such amount and the ServeAmerica Fellowship amount the fellow receives under subparagraph (A)) is equal to or greater than 70 percent of the average annual VISTA subsistence allowance.

''(ii) SMALL SERVICE SPONSOR ORGANIZATIONS.—In the case of a small service sponsor organization, the small service sponsor organization may decrease the amount of the service sponsor organization award required under clause (i) to not less than an amount that will ensure that the total award received by the fellow for service in the service project (as calculated in clause (i)) is equal to or greater than 60 percent of the average annual VISTA subsistence allowance.

''(C) MAXIMUM LIVING ALLOWANCE.—The total amount that may be provided to a fellow under this subparagraph shall not exceed 100 percent of the average annual VISTA subsistence allowance.

''(D) PRORATION OF AMOUNT.—In the case of a fellow who is authorized to serve a part-time term of service under the agreement described in paragraph (1)(B)(ii), the amount provided to a fellow under this paragraph shall be prorated accordingly.

''(E) WAIVER.—The Corporation may allow a State Commission to waive the amount required under subparagraph (B) from the service sponsor organization for a fellow serving the organization if—

''(i) such requirement is inconsistent with the objectives of the ServeAmerica Fellowship program; and

''(ii) the amount provided to the fellow under subparagraph (A) is sufficient to meet the necessary costs of living (including food, housing, and transportation) in the area in which the ServeAmerica Fellowship program is located.

''(F) DEFINITION.—In this paragraph, the term 'average annual VISTA subsistence allowance' means the total average annual subsistence allowance provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955).

''(f) COMPLIANCE WITH INELIGIBLE SERVICE CATEGORIES.—Service under a ServeAmerica Fellowship shall comply with section 132(a). For purposes of applying that section to this subsection, a reference to assistance shall be considered to be a reference to assistance provided under this section.

''(g) REPORTS.—Each service sponsor organization that receives a fellow under this section shall, on a biweekly basis, report to the Corporation on the number of hours served and the services provided by that fellow. The Corporation shall establish a web portal for the organizations to use in reporting the information.

''(h) EDUCATIONAL AWARDS.—A fellow who serves in a service project under this section shall be considered to have served in an approved national service position and, upon meeting the requirements of section 147 for full-time or part-time national service, shall be eligible for a national service educational award described in such section. The Corporation shall transfer an appropriate amount of funds to the

National Service Trust to provide for the national service educational award for such fellow.

"SEC. 198C. SILVER SCHOLARSHIPS AND ENCORE FELLOWSHIPS.

''(a) SILVER SCHOLARSHIP GRANT PROGRAM.—

''(1) ESTABLISHMENT.—The Corporation may award fixed-amount grants (in accordance with section 129(l)) to community-based entities to carry out a Silver Scholarship Grant Program for individuals age 55 or older, in which such individuals complete not less than 350 hours of service in a year carrying out projects of national need and receive a Silver Scholarship in the form of a $1,000 national service educational award. Under such a program, the Corporation shall establish criteria for the types of the service required to be performed to receive such award.

''(2) TERM.—Each program funded under this subsection shall be carried out over a period of 3 years (which may include 1 planning year), with a 1-year extension possible, if the program meets performance levels developed in accordance with section 179(k) and any other criteria determined by the Corporation.

''(3) APPLICATIONS.—To be eligible for a grant under this subsection, a community-based entity shall—

''(A) submit to the Corporation an application at such time and in such manner as the Chief Executive Officer may reasonably require; and

''(B) be a listed organization as described in subsection (b)(4).

''(4) COLLABORATION ENCOURAGED.—A community-based entity awarded a grant under this subsection is encouraged to collaborate with programs funded under title II of the Domestic Volunteer Service Act of 1973 in carrying out this program.

''(5) ELIGIBILITY FOR FELLOWSHIP.—An individual is eligible to receive a Silver Scholarship if the community-based entity certifies to the Corporation that the individual has completed not less than 350 hours of service under this section in a 1-year period.

''(6) TRANSFER TO TRUST.—The Corporation shall transfer an appropriate amount of funds to the National Service Trust to provide for the national service educational award for each silver scholar under this subsection.

''(7) SUPPORT SERVICES.—A community-based entity receiving a fixed-amount grant under this subsection may use a portion of the grant to provide transportation services to an eligible individual to allow such individual to participate in a service project.

''(b) ENCORE FELLOWSHIPS.—

''(1) ESTABLISHMENT.—The Corporation may award 1-year Encore Fellowships to enable individuals age 55 or older to—

''(A) carry out service projects in areas of national need; and

''(B) receive training and development in order to transition to full- or part-time public service in the nonprofit sector or government.

''(2) PROGRAM.—In carrying out the program, the Corporation shall—

''(A) maintain a list of eligible organizations for which Encore Fellows may be placed to carry out service projects through the program and shall provide the list to all Fellowship recipients; and

''(B) at the request of a Fellowship recipient—

''(i) determine whether the requesting recipient is able to meet the service needs of a listed organization, or another organization that the recipient requests in accordance with paragraph (5)(B), for a service project; and

''(ii) upon making a favorable determination under clause (i), award the recipient with an Encore Fellowship, and place the recipient with the organization as an Encore Fellow under paragraph (5)(C).

''(3) ELIGIBLE RECIPIENTS.—

''(A) IN GENERAL.—An individual desiring to be selected as a Fellowship recipient shall—

''(i) be an individual who—

''(I) is age 55 or older as of the time the individual applies for the program; and

''(II) is not engaged in, but who wishes to engage in, full- or part-time public service in the nonprofit sector or government; and

''(ii) submit an application to the Corporation, at such time, in such manner, and containing such information as the Corporation may require, including—

''(I) a description of the area of national need that the applicant hopes to address through the service project;

''(II) a description of the skills and experience the applicant has to address an area of national need; and

''(III) information identifying the region of the United States in which the applicant wishes to serve.

''(B) SELECTION BASIS.—In determining which individuals to select as Fellowship recipients, the Corporation shall—

''(i) select not more than 10 individuals from each State; and

''(ii) give priority to individuals with skills and experience for which there is an ongoing high demand in the nonprofit sector and government.

''(4) LISTED ORGANIZATIONS.—To be listed under paragraph (2)(A), an organization shall—

''(A) be a nonprofit organization; and

''(B) submit an application to the Corporation at such time, in such manner, and containing such information as the Corporation may require, including—

''(i) a description of—

''(I) the services and activities the organization carries out generally;

''(II) the area of national need that the organization seeks to address through a service project; and

''(III) the services and activities the organization seeks to carry out through the proposed service project;

''(ii) a description of the skills and experience that an eligible Encore Fellowship recipient needs to be placed with the organization as an Encore Fellow for the service project;

''(iii) a description of the training and leadership development the organization shall provide an Encore Fellow placed with the organization to assist the Encore Fellow in obtaining a public service job in the nonprofit sector or government after the period of the Encore Fellowship; and

''(iv) evidence of the organization's financial stability.

''(5) PLACEMENT.—

''(A) REQUEST FOR PLACEMENT WITH LISTED ORGANIZATIONS.—To be placed with a listed organization in accordance with paragraph (2)(B) for a service project, an eligible Encore Fellowship recipient shall submit an application for such placement to the Corporation at such time, in such manner, and containing such information as the Corporation may require.

''(B) REQUEST FOR PLACEMENT WITH OTHER ORGANIZATION.—An eligible Encore Fellowship recipient may apply to the Corporation to serve the recipient's Encore Fellowship year with a nonprofit organization that is not a listed organization. Such application shall be submitted to the Corporation at such time, in such manner, and containing such information as the Corporation shall require, and shall include—

''(i) an identification and description of—

''(I) the organization;

''(II) the area of national need the organization seeks to address; and

''(III) the services or activities the organization carries out to address such area of national need;

''(ii) a description of the services the eligible Encore Fellowship recipient shall provide for the organization as an Encore Fellow; and

''(iii) a letter of support from the leader of the organization, including—

''(I) a description of the organization's need for the eligible Encore Fellowship recipient's services;

''(II) evidence that the organization is financially sound;

''(III) an assurance that the organization will provide training and leadership development to the eligible Encore Fellowship recipient if placed with the organization as an Encore Fellow, to assist the Encore Fellow in obtaining a public service job in the nonprofit sector or government after the period of the Encore Fellowship; and

''(IV) a description of the training and leadership development to be provided to the Encore Fellowship recipient if so placed.

''(C) PLACEMENT AND AWARD OF FELLOWSHIP.—If the Corporation determines that the eligible Encore Fellowship recipient is able to meet the service needs (including skills and experience to address an area of national need) of the organization that the eligible fellowship recipient requests under subparagraph (A) or (B), the Corporation shall—

''(i) approve the placement of the eligible Encore Fellowship recipient with the organization;

''(ii) award the eligible Encore Fellowship recipient an Encore Fellowship for a period of 1 year and designate the eligible Encore Fellowship recipient as an Encore Fellow; and

''(iii) in awarding the Encore Fellowship, make a payment, in the amount of $11,000, to the organization to enable the organization to provide living expenses to the Encore Fellow for the year in which the Encore Fellow agrees to serve.

''(6) MATCHING FUNDS.—An organization that receives an Encore Fellow under this subsection shall agree to provide, for the living expenses of the Encore Fellow during the year of service, non-Federal contributions in an amount equal to not less than $1 for every $1 of Federal funds provided to the organization for the Encore Fellow through the Encore Fellowship.

''(7) TRAINING AND ASSISTANCE.—Each organization that receives an Encore Fellow under this subsection shall provide training, leadership development, and assistance to the Encore Fellow, and conduct oversight of the service provided by the Encore Fellow.

''(8) LEADERSHIP DEVELOPMENT.—Each year, the Corporation shall convene current and former Encore Fellows to discuss the Encore Fellows' experiences related to service under this subsection and discuss strategies for increasing leadership and careers in public service in the nonprofit sector or government.

''(c) EVALUATIONS.—The Corporation shall conduct an independent evaluation of the programs authorized under subsections (a) and (b) and widely disseminate the results, including recommendations for improvement, to the service community through multiple channels, including the Corporation's Resource Center or a clearinghouse of effective strategies.''.

SEC. 1806. NATIONAL SERVICE RESERVE CORPS.

Subtitle H of title I (42 U.S.C. 12653 et seq.) is further amended by adding at the end the following:

"PART II—NATIONAL SERVICE RESERVE CORPS

"SEC. 198H. NATIONAL SERVICE RESERVE CORPS.

''(a) DEFINITIONS.—In this section—

''(1) the term 'National Service Reserve Corps member' means an individual who—

''(A) has completed a term of national service or is a veteran;

''(B) has successfully completed training described in subsection (c) within the previous 2 years;

''(C) completes not less than 10 hours of volunteering each year (which may include the training session described in subparagraph (B)); and

''(D) has indicated interest to the Corporation in responding to disasters and emergencies in a timely manner through the National Service Reserve Corps; and

''(2) the term 'term of national service' means a term or period of service under section 123.

''(b) ESTABLISHMENT OF NATIONAL SERVICE RESERVE CORPS.—

''(1) IN GENERAL.—In consultation with the Federal Emergency Management Agency, the Corporation shall establish a National Service Reserve Corps to prepare and deploy National Service Reserve Corps members to respond to disasters and emergencies in support of national service programs and other requesting programs and agencies.

''(2) GRANTS OR CONTRACTS.—In carrying out this section, the Corporation may enter into a grant or contract with an organization experienced in responding to disasters or in coordinating individuals who have completed a term of national service or are veterans, or may directly deploy National Service Reserve Corps members, as the Corporation determines necessary.

''(c) ANNUAL TRAINING.—The Corporation shall conduct or coordinate annual training sessions, consistent with the training requirements of the Federal Emergency Management Agency, for individuals who have completed a term of national service or are veterans, and who wish to join the National Service Reserve Corps.

''(d) DESIGNATION OF ORGANIZATIONS.—

''(1) IN GENERAL.—The Corporation shall designate organizations with demonstrated experience in responding to disasters or emergencies, including through using volunteers, for participation in the program under this section.

''(2) REQUIREMENTS.—The Corporation shall ensure that every designated organization is—

''(A) prepared to respond to disasters or emergencies;

''(B) prepared and able to utilize National Service Reserve Corps members in responding to disasters or emergencies; and

''(C) willing to respond in a timely manner when notified by the Corporation of a disaster or emergency.

''(e) DATABASES.—The Corporation shall develop or contract with an outside organization to develop—

''(1) a database of all National Service Reserve Corps members; and

''(2) a database of all nonprofit organizations that have been designated by the Corporation under subsection (d).

''(f) DEPLOYMENT OF NATIONAL SERVICE RESERVE CORPS.—

''(1) MAJOR DISASTERS OR EMERGENCIES.—If a major disaster or emergency is declared by the President pursuant to section 102 of the Robert T. Stafford Disaster Relief and Assistance Act (42 U.S.C. 5122), the Administrator of the Federal Emergency Management Agency, in consultation with the Corporation, may task the National Service Reserve Corps to assist in response.

''(2) OTHER DISASTERS OR EMERGENCIES.—For a disaster or emergency that is not declared a major disaster or emergency under section 102 of the Robert T. Stafford Disaster Relief and Assistance Act (42 U.S.C. 5122), the Corporation may directly, or through a grant or contract, deploy the National Service Reserve Corps.

''(3) DEPLOYMENT.—Under paragraph (1) or (2), the Corporation may—

''(A) deploy interested National Service Reserve Corps members on assignments of not more than 30 days to assist with local needs related to preparing or recovering from the incident in the affected area, either directly or through organizations designated under subsection (d);

''(B) make travel arrangements for the deployed National Service Reserve Corps members to the site of the incident; and

''(C) provide funds to those organizations that are responding to the incident with deployed National Service Reserve Corps members, to enable the organizations to coordinate and provide housing, living stipends, and insurance for those deployed members.

''(4) ALLOWANCE.—Any amounts that are utilized by the Corporation from funds appropriated under section 501(a)(4)(D) to carry out paragraph (1) for a fiscal year shall be kept in a separate fund. Any amounts in such fund that are not used during a fiscal year shall remain available to use to pay National Service Reserve Corps members an allowance, determined by the Corporation, for out-of-pocket expenses.

''(5) INFORMATION.—

''(A) NATIONAL SERVICE PARTICIPANTS.—The Corporation, the State Commissions, and entities receiving financial assistance for programs under subtitle C of this Act, or under part A of title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.), shall inform participants about the National Service Reserve Corps upon the participants' completion of their term of national service.

''(B) VETERANS.—The Secretary of Veterans Affairs, in consultation with the Secretary of Defense, shall inform veterans who are recently discharged, released, or separated from the Armed Forces about the National Service Reserve Corps.

''(6) COORDINATION.—In deploying National Service Reserve Corps members under this subsection, the Corporation shall—

''(A) avoid duplication of activities directed by the Federal Emergency Management Agency; and

''(B) consult and, as appropriate, partner with Citizen Corps programs and other local disaster agencies, including State and local emergency management agencies, voluntary organizations active in disaster, State Commissions, and similar organizations, in the affected area.''.

SEC. 1807. SOCIAL INNOVATION FUNDS PILOT PROGRAM.

Subtitle H of title I (42 U.S.C. 12653 et seq.) is further amended by adding at the end the following:

''PART III—SOCIAL INNOVATION FUNDS PILOT PROGRAM

''SEC. 198K. FUNDS.

''(a) FINDINGS.—Congress finds the following:

''(1) Social entrepreneurs and other nonprofit community organizations are developing innovative and effective solutions to national and local challenges.

''(2) Increased public and private investment in replicating and expanding proven effective solutions, and supporting new solutions, developed by social entrepreneurs and other nonprofit community organizations could allow those entrepreneurs and organizations to replicate and expand proven initiatives, and support new initiatives, in communities.

''(3) A network of Social Innovation Funds could leverage Federal investments to increase State, local, business, and philanthropic resources to replicate and expand proven solutions and invest in supporting new innovations to tackle specific identified community challenges.

''(b) PURPOSES.—The purposes of this section are—

''(1) to recognize and increase the impact of social entrepreneurs and other nonprofit community organizations in tackling national and local challenges;

''(2) to stimulate the development of a network of Social Innovation Funds that will increase private and public investment in nonprofit community organizations that are effectively addressing national and local challenges to allow such organizations to replicate and expand proven initiatives or support new initiatives;

''(3) to assess the effectiveness of such Funds in—

''(A) leveraging Federal investments to increase State, local, business, and philanthropic resources to address national and local challenges;

''(B) providing resources to replicate and expand effective initiatives; and

''(C) seeding experimental initiatives focused on improving outcomes in the areas described in subsection (f)(3); and

''(4) to strengthen the infrastructure to identify, invest in, replicate, and expand initiatives with effective solutions to national and local challenges.

''(c) DEFINITIONS.—In this section:

''(1) COMMUNITY ORGANIZATION.—The term 'community organization' means a nonprofit organization that carries out innovative, effective initiatives to address community challenges.

''(2) COVERED ENTITY.—The term 'covered entity' means—

''(A) an existing grantmaking institution (existing as of the date on which the institution applies for a grant under this section); or

''(B) a partnership between—

''(i) such an existing grantmaking institution; and

''(ii) an additional grantmaking institution, a State Commission, or a chief executive officer of a unit of general local government.

''(3) ISSUE AREA.—The term 'issue area' means an area described in subsection (f)(3).

''(d) PROGRAM.—From the amounts appropriated to carry out this section that are not reserved under subsections (l) and (m), the Corporation shall establish a Social Innovation Funds grant program to make grants on a competitive basis to eligible entities for Social Innovation Funds.

''(e) PERIODS; AMOUNTS.—The Corporation shall make such grants for periods of 5 years, and may renew the grants for additional periods of 5 years, in amounts of not less than $1,000,000 and not more than $10,000,000 per year.

''(f) ELIGIBILITY.—To be eligible to receive a grant under subsection (d), an entity shall—

''(1) be a covered entity;

''(2) propose to focus on—

''(A) serving a specific local geographical area; or

''(B) addressing a specific issue area;

''(3) propose to focus on improving measurable outcomes relating to—

''(A) education for economically disadvantaged elementary or secondary school students;

''(B) child and youth development;

''(C) reductions in poverty or increases in economic opportunity for economically disadvantaged individuals;

''(D) health, including access to health services and health education;

''(E) resource conservation and local environmental quality;

''(F) individual or community energy efficiency;

''(G) civic engagement; or

''(H) reductions in crime;

''(4) have an evidence-based decisionmaking strategy, including—

''(A) use of evidence produced by prior rigorous evaluations of program effectiveness including, where available, well-implemented randomized controlled trials; and

''(B) a well-articulated plan to—

''(i)(I) replicate and expand research-proven initiatives that have been shown to produce sizeable, sustained benefits to participants or society; or

''(II) support new initiatives with a substantial likelihood of significant impact; or

''(ii) partner with a research organization to carry out rigorous evaluations to assess the effectiveness of such initiatives; and

''(5) have appropriate policies, as determined by the Corporation, that protect against conflict of interest, self-dealing, and other improper practices.

''(g) APPLICATION.—To be eligible to receive a grant under subsection (d) for national leveraging capital, an eligible entity shall submit an application to the Corporation at such time, in such manner, and containing such information as the Corporation may specify, including, at a minimum—

''(1) an assurance that the eligible entity will—

''(A) use the funds received through that capital in order to make subgrants to community organizations that will use the funds to replicate or expand proven initiatives, or support new initiatives, in low-income communities;

''(B) in making decisions about subgrants for communities, consult with a diverse cross section of community representatives in the decisions, including individuals from the public,

nonprofit private, and for-profit private sectors; and

''(C) make subgrants of a sufficient size and scope to enable the community organizations to build their capacity to manage initiatives, and sustain replication or expansion of the initiatives;

''(2) an assurance that the eligible entity will not make any subgrants to the parent organizations of the eligible entity, a subsidiary organization of the parent organization, or, if the eligible entity applied for funds under this section as a partnership, any member of the partnership;

''(3) an identification of, as appropriate—

''(A) the specific local geographical area referred to in subsection (f)(2)(A) that the eligible entity is proposing to serve; or

''(B) the issue area referred to in subsection (f)(2)(B) that the eligible entity will address, and the geographical areas that the eligible entity is likely to serve in addressing such issue area;

''(4)(A) information identifying the issue areas in which the eligible entity will work to improve measurable outcomes;

''(B) statistics on the needs related to those issue areas in, as appropriate—

''(i) the specific local geographical area described in paragraph (3)(A); or

''(ii) the geographical areas described in paragraph (3)(B), including statistics demonstrating that those geographical areas have high need in the specific issue area that the eligible entity is proposing to address; and

''(C) information on the specific measurable outcomes related to the issue areas involved that the eligible entity will seek to improve;

''(5) information describing the process by which the eligible entity selected, or will select, community organizations to receive the subgrants, to ensure that the community organizations—

''(A) are institutions—

''(i) with proven initiatives and a demonstrated track record of achieving specific outcomes related to the measurable outcomes for the eligible entity; or

''(ii) that articulate a new solution with a significant likelihood for substantial impact;

''(B) articulate measurable outcomes for the use of the subgrant funds that are connected to the measurable outcomes for the eligible entity;

''(C) will use the funds to replicate, expand, or support their initiatives;

''(D) provide a well-defined plan for replicating, expanding, or supporting the initiatives funded;

''(E) can sustain the initiatives after the subgrant period concludes through reliable public revenues, earned income, or private sector funding;

''(F) have strong leadership and financial and management systems;

''(G) are committed to the use of data collection and evaluation for improvement of the initiatives;

''(H) will implement and evaluate innovative initiatives, to be important contributors to knowledge in their fields; and

''(I) will meet the requirements for providing matching funds specified in subsection (k);

''(6) information about the eligible entity, including its experience managing collaborative initiatives, or assessing applicants for grants and evaluating the performance of grant recipients for outcome-focused initiatives, and any other relevant information;

''(7) a commitment to meet the requirements of subsection (i) and a plan for meeting the requirements, including information on any funding that the eligible entity has secured to provide the matching funds required under that subsection;

''(8) a description of the eligible entity's plan for providing technical assistance and support, other than financial support, to the community organizations that will increase the ability of the community organizations to achieve their measurable outcomes;

''(9) information on the commitment, institutional capacity, and expertise of the eligible entity concerning—

''(A) collecting and analyzing data required for evaluations, compliance efforts, and other purposes;

''(B) supporting relevant research; and

''(C) submitting regular reports to the Corporation, including information on the initiatives of the community organizations, and the replication or expansion of such initiatives;

''(10) a commitment to use data and evaluations to improve the eligible entity's own model and to improve the initiatives funded by the eligible entity; and

''(11) a commitment to cooperate with any evaluation activities undertaken by the Corporation.

''(h) SELECTION CRITERIA.—In selecting eligible entities to receive grants under subsection (d), the Corporation shall—

''(1) select eligible entities on a competitive basis;

''(2) select eligible entities on the basis of the quality of their selection process, as described in subsection (g)(5), the capacity of the eligible entities to manage Social Innovation Funds, and the potential of the eligible entities to sustain the Funds after the conclusion of the grant period;

''(3) include among the grant recipients eligible entities that propose to provide subgrants to serve communities (such as rural low-income communities) that the eligible entities can demonstrate are significantly philanthropically underserved;

''(4) select a geographically diverse set of eligible entities; and

''(5) take into account broad community perspectives and support.

''(i) MATCHING FUNDS FOR GRANTS.—

''(1) IN GENERAL.—The Corporation may not make a grant to an eligible entity under subsection (d) for a Social Innovation Fund unless the entity agrees that, with respect to the cost described in subsection (d) for that Fund, the entity will make available matching funds in an amount equal to not less than $1 for every $1 of funds provided under the grant.

''(2) ADDITIONAL REQUIREMENTS.—

''(A) TYPE AND SOURCES.—The eligible entity shall provide the matching funds in cash. The eligible entity shall provide the matching funds from State, local, or private sources, which may include State or local agencies, businesses, private philanthropic organizations, or individuals.

''(B) ELIGIBLE ENTITIES INCLUDING STATE COMMISSIONS OR LOCAL GOVERNMENT OFFICES.—

''(i) IN GENERAL.—In a case in which a State Commission, a local government office, or both entities are a part of the eligible entity, the State involved, the local government involved, or both entities, respectively, shall contribute not less than 30 percent and not more than 50 percent of the matching funds.

''(ii) LOCAL GOVERNMENT OFFICE.—In this subparagraph, the term 'local government office' means the office of the chief executive officer of a unit of general local government.

''(3) REDUCTION.—The Corporation may reduce by 50 percent the matching funds required by paragraph (1) for an eligible entity serving a community (such as a rural low-income community) that the eligible entity can demonstrate is significantly philanthropically underserved.

''(j) SUBGRANTS.—

''(1) SUBGRANTS AUTHORIZED.—An eligible entity receiving a grant under subsection (d) is authorized to use the funds made available through the grant to award, on a competitive basis, subgrants to expand or replicate proven initiatives, or support new initiatives with a substantial likelihood of success, to—

''(A) community organizations serving low-income communities within the specific local geographical area described in the eligible entity's application in accordance with subsection (g)(3)(A); or

''(B) community organizations addressing a specific issue area described in the eligible entity's application in accordance with subsection (g)(3)(B), in low-income communities in the geographical areas described in the application.

''(2) PERIODS; AMOUNTS.—The eligible entity shall make such subgrants for periods of not less than 3 and not more than 5 years, and may renew the subgrants for such periods, in amounts of not less than $100,000 per year.

''(3) APPLICATIONS.—To be eligible to receive a subgrant from an eligible entity under this section, including receiving a payment for that subgrant each year, a community organization shall submit an application to an eligible entity that serves the specific local geographical area, or geographical areas, that the community organization proposes to serve, at such time, in such manner, and containing such information as the eligible entity may require, including—

''(A) a description of the initiative the community organization carries out and plans to replicate or expand, or of the new initiative the community organization intends to support, using funds received from the eligible entity, and how the initiative relates to the issue areas in which the eligible entity has committed to work in the eligible entity's application, in accordance with subsection (g)(4)(A);

''(B) data on the measurable outcomes the community organization has improved, and information on the measurable outcomes the community organization seeks to improve by replicating or expanding a proven initiative or supporting a new initiative, which shall be among the measurable outcomes that the eligible entity identified in the eligible entity's application, in accordance with subsection (g)(4)(C);

''(C) an identification of the community in which the community organization proposes to carry out an initiative, which shall be within a local geographical area described in the eligible entity's application in accordance with subparagraph (A) or (B) of subsection (g)(3), as applicable;

''(D) a description of the evidence-based decisionmaking strategies the community organization uses to improve the measurable outcomes, including—

''(i) use of evidence produced by prior rigorous evaluations of program effectiveness including, where available, well-implemented randomized controlled trials; or

''(ii) a well-articulated plan to conduct, or partner with a research organization to conduct, rigorous evaluations to assess the effectiveness of initiatives addressing national or local challenges;

''(E) a description of how the community organization uses data to analyze and improve its initiatives;

''(F) specific evidence of how the community organization will meet the requirements for providing matching funds specified in subsection (k);

''(G) a description of how the community organization will sustain the replicated or expanded initiative after the conclusion of the subgrant period; and

''(H) any other information the eligible entity may require, including information necessary for the eligible entity to fulfill the requirements of subsection (g)(5).

''(k) MATCHING FUNDS FOR SUBGRANTS.—

''(1) IN GENERAL.—An eligible entity may not make a subgrant to a community organization under this section for an initiative described in subsection (j)(3)(A) unless the organization agrees that, with respect to the cost of carrying out that initiative, the organization will make available, on an annual basis, matching funds in an amount equal to not less than $1 for every $1 of funds provided under the subgrant. If the community organization fails to make such matching funds available for a fiscal year, the

eligible entity shall not make payments for the remaining fiscal years of the subgrant period, notwithstanding any other provision of this part.

''(2) TYPES AND SOURCES.—The community organization shall provide the matching funds in cash. The community organization shall provide the matching funds from State, local, or private sources, which may include funds from State or local agencies or private sector funding.

''(l) DIRECT SUPPORT.—

''(1) PROGRAM AUTHORIZED.—The Corporation may use not more than 10 percent of the funds appropriated for this section to award grants to community organizations serving low-income communities or addressing a specific issue area in geographical areas that have the highest need in that issue area, to enable such community organizations to replicate or expand proven initiatives or support new initiatives.

''(2) TERMS AND CONDITIONS.—A grant awarded under this subsection shall be subject to the same terms and conditions as a subgrant awarded under subsection (j).

''(3) APPLICATION; MATCHING FUNDS.—Paragraphs (2) and (3) of subsection (j) and subsection (k) shall apply to a community organization receiving or applying for a grant under this subsection in the same manner as such subsections apply to a community organization receiving or applying for a subgrant under subsection (j), except that references to a subgrant shall mean a grant and references to an eligible entity shall mean the Corporation.

''(m) RESEARCH AND EVALUATION.—

''(1) IN GENERAL.—The Corporation may reserve not more than 5 percent of the funds appropriated for this section for a fiscal year to support, directly or through contract with an independent entity, research and evaluation activities to evaluate the eligible entities and community organizations receiving grants under subsections (d) and (l) and the initiatives supported by the grants.

''(2) RESEARCH AND EVALUATION ACTIVITIES.—

''(A) RESEARCH AND REPORTS.—

''(i) IN GENERAL.—The entity carrying out this subsection shall collect data and conduct or support research with respect to the eligible entities and community organizations receiving grants under subsections (d) and (l), and the initiatives supported by such eligible entities and community organizations, to determine the success of the program carried out under this section in replicating, expanding, and supporting initiatives, including—

''(I) the success of the initiatives in improving measurable outcomes; and

''(II) the success of the program in increasing philanthropic investments in philanthropically underserved communities.

''(ii) REPORTS.—The Corporation shall submit periodic reports to the authorizing committees including—

''(I) the data collected and the results of the research under this subsection;

''(II) information on lessons learned about best practices from the activities carried out under this section, to improve those activities; and

''(III) a list of all eligible entities and community organizations receiving funds under this section.

''(iii) PUBLIC INFORMATION.—The Corporation shall annually post the list described in clause (ii)(III) on the Corporation's website.

''(B) TECHNICAL ASSISTANCE.—The Corporation shall, directly or through contract, provide technical assistance to the eligible entities and community organizations that receive grants under subsections (d) and (l).

''(C) KNOWLEDGE MANAGEMENT.—The Corporation shall, directly or through contract, maintain a clearinghouse for information on best practices resulting from initiatives supported by the eligible entities and community organizations.

''(D) RESERVATION.—Of the funds appropriated under section 501(a)(4)(E) for a fiscal year, not more than 5 percent may be used to carry out this subsection.''.

SEC. 1808. CLEARINGHOUSES.

Subtitle H of title I (42 U.S.C. 12653 et seq.) is further amended by adding at the end the following:

''PART IV—NATIONAL SERVICE PROGRAMS CLEARINGHOUSES; VOLUNTEER GENERATION FUND

''SEC. 198O. NATIONAL SERVICE PROGRAMS CLEARINGHOUSES.

''(a) IN GENERAL.—The Corporation shall provide assistance, by grant, contract, or cooperative agreement, to entities with expertise in the dissemination of information through clearinghouses to establish 1 or more clearinghouses for information regarding the national service laws, which shall include information on service-learning and on service through other programs receiving assistance under the national service laws.

''(b) FUNCTION OF CLEARINGHOUSE.—Such a clearinghouse may—

''(1) assist entities carrying out State or local service-learning and national service programs with needs assessments and planning;

''(2) conduct research and evaluations concerning service-learning or programs receiving assistance under the national service laws, except that such clearinghouse may not conduct such research and evaluations if the recipient of the grant, contract, or cooperative agreement establishing the clearinghouse under this section is receiving funds for such purpose under part III of subtitle B or under this subtitle (not including this section);

''(3)(A) provide leadership development and training to State and local service-learning program administrators, supervisors, service sponsors, and participants; and

''(B) provide training to persons who can provide the leadership development and training described in subparagraph (A);

''(4) facilitate communication among—

''(A) entities carrying out service-learning programs and programs offered under the national service laws; and

''(B) participants in such programs;

''(5) provide and disseminate information and curriculum materials relating to planning and operating service-learning programs and programs offered under the national service laws, to States, territories, Indian tribes, and local entities eligible to receive financial assistance under the national service laws;

''(6) provide and disseminate information regarding methods to make service-learning programs and programs offered under the national service laws accessible to individuals with disabilities;

''(7) disseminate applications in languages other than English;

''(8)(A) gather and disseminate information on successful service-learning programs and programs offered under the national service laws, components of such successful programs, innovative curricula related to service-learning, and service-learning projects; and

''(B) coordinate the activities of the clearinghouse with appropriate entities to avoid duplication of effort;

''(9) make recommendations to State and local entities on quality controls to improve the quality of service-learning programs and programs offered under the national service laws;

''(10) assist organizations in recruiting, screening, and placing a diverse population of service-learning coordinators and program sponsors;

''(11) disseminate effective strategies for working with disadvantaged youth in national service programs, as determined by organizations with an established expertise in working with such youth; and

''(12) carry out such other activities as the Chief Executive Officer determines to be appropriate.

''SEC. 198P. VOLUNTEER GENERATION FUND.

''(a) GRANTS AUTHORIZED.—Subject to the availability of appropriations for this section, the Corporation may make grants to State Commissions and nonprofit organizations for the purpose of assisting the State Commissions and nonprofit organizations to—

''(1) develop and carry out volunteer programs described in subsection (c); and

''(2) make subgrants to support and create new local community-based entities that recruit, manage, or support volunteers as described in such subsection.

''(b) APPLICATION.—

''(1) IN GENERAL.—Each State Commission or nonprofit organization desiring a grant under this section shall submit an application to the Corporation at such time, in such manner, and accompanied by such information as the Corporation may reasonably require.

''(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall contain—

''(A)(i) a description of the program that the applicant will provide;

''(B) an assurance that the applicant will annually collect information on—

''(i) the number of volunteers recruited for activities carried out under this section, using funds received under this section, and the type and amount of activities carried out by such volunteers; and

''(ii) the number of volunteers managed or supported using funds received under this section, and the type and amount of activities carried out by such volunteers;

''(C) a description of the outcomes the applicant will use to annually measure and track performance with regard to—

''(i) activities carried out by volunteers; and

''(ii) volunteers recruited, managed, or supported; and

''(D) such additional assurances as the Corporation determines to be essential to ensure compliance with the requirements of this section.

''(c) ELIGIBLE VOLUNTEER PROGRAMS.—A State Commission or nonprofit organization receiving a grant under this section shall use the assistance—

''(1) directly to carry out volunteer programs or to develop and support community-based entities that recruit, manage, or support volunteers, by carrying out activities consistent with the goals of the subgrants described in paragraph (2); or

''(2) through subgrants to community-based entities to carry out volunteer programs or develop and support such entities that recruit, manage, or support volunteers, through 1 or more of the following types of subgrants:

''(A) A subgrant to a community-based entity for activities that are consistent with the priorities set by the State's national service plan as described in section 178(e), or by the Corporation.

''(B) A subgrant to recruit, manage, or support volunteers to a community-based entity such as a volunteer coordinating agency, a nonprofit resource center, a volunteer training clearinghouse, an institution of higher education, or a collaborative partnership of faith-based and community-based organizations.

''(C) A subgrant to a community-based entity that provides technical assistance and support to—

''(i) strengthen the capacity of local volunteer infrastructure organizations;

''(ii) address areas of national need (as defined in section 198B(a)); and

''(iii) expand the number of volunteers nationally.

''(d) ALLOCATION OF FUNDS.—

''(1) IN GENERAL.—Of the funds allocated by the Corporation for provision of assistance under this section for a fiscal year—

''(A) the Corporation shall use 50 percent of such funds to award grants, on a competitive basis, to State Commissions and nonprofit organizations for such fiscal year; and

''(B) the Corporation shall use 50 percent of such funds make an allotment to the State Commissions of each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico based on the formula described in subsections (e) and (f) of section 129, subject to paragraph (2).

''(2) MINIMUM GRANT AMOUNT.—In order to ensure that each State Commission is able to improve efforts to recruit, manage, or support volunteers, the Corporation may determine a minimum grant amount for allotments under paragraph (1)(B).

''(e) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 5 percent of the amount of any grant provided under this section for a fiscal year may be used to pay for administrative costs incurred by either the recipient of the grant or any community-based entity receiving assistance or a subgrant under such grant.

''(f) MATCHING FUND REQUIREMENTS.—The Corporation share of the cost of carrying out a program that receives assistance under this section, whether the assistance is provided directly or as a subgrant from the original recipient of the assistance, may not exceed—

''(1) 80 percent of such cost for the first year in which the recipient receives such assistance;

''(2) 70 percent of such cost for the second year in which the recipient receives such assistance;

''(3) 60 percent of such cost for the third year in which the recipient receives such assistance; and

''(4) 50 percent of such cost for the fourth year in which the recipient receives such assistance and each year thereafter.''.

SEC. 1809. NONPROFIT CAPACITY BUILDING PROGRAM.

Subtitle H of title I (42 U.S.C. 12653 et seq.) is amended by adding at the end the following:

''PART V—NONPROFIT CAPACITY BUILDING PROGRAM

''SEC. 198S. NONPROFIT CAPACITY BUILDING.

''(a) DEFINITIONS.—In this section:

''(1) INTERMEDIARY NONPROFIT GRANTEE.—The term 'intermediary nonprofit grantee' means an intermediary nonprofit organization that receives a grant under subsection (b).

''(2) INTERMEDIARY NONPROFIT ORGANIZATION.—The term 'intermediary nonprofit organization' means an experienced and capable nonprofit entity with meaningful prior experience in providing organizational development assistance, or capacity building assistance, focused on small and midsize nonprofit organizations.

''(3) NONPROFIT.—The term 'nonprofit', used with respect to an entity or organization, means—

''(A) an entity or organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code; and

''(B) an entity or organization described in paragraph (1) or (2) of section 170(c) of such Code.

''(4) STATE.—The term 'State' means each of the several States, and the District of Columbia.

''(b) GRANTS.—The Corporation shall establish a Nonprofit Capacity Building Program to make grants to intermediary nonprofit organizations to serve as intermediary nonprofit grantees. The Corporation shall make the grants to enable the intermediary nonprofit grantees to pay for the Federal share of the cost of delivering organizational development assistance, including training on best practices, financial planning, grantwriting, and compliance with the applicable tax laws, for small and midsize nonprofit organizations, especially those nonprofit organizations facing resource hardship challenges. Each of the grantees shall match the grant funds by providing a non-Federal share as described in subsection (f).

''(c) AMOUNT.—To the extent practicable, the Corporation shall make such a grant to an intermediary nonprofit organization in each State, and shall make such grant in an amount of not less than $200,000.

''(d) APPLICATION.—To be eligible to receive a grant under this section, an intermediary nonprofit organization shall submit an application to the Corporation at such time, in such manner, and containing such information as the Corporation may require. The intermediary nonprofit organization shall submit in the application information demonstrating that the organization has secured sufficient resources to meet the requirements of subsection (f).

''(e) PREFERENCE AND CONSIDERATIONS.—

''(1) PREFERENCE.—In making such grants, the Corporation shall give preference to intermediary nonprofit organizations seeking to become intermediary nonprofit grantees in areas where nonprofit organizations face significant resource hardship challenges.

''(2) CONSIDERATIONS.—In determining whether to make a grant the Corporation shall consider—

''(A) the number of small and midsize nonprofit organizations that will be served by the grant;

''(B) the degree to which the activities proposed to be provided through the grant will assist a wide number of nonprofit organizations within a State, relative to the proposed amount of the grant; and

''(C) the quality of the organizational development assistance to be delivered by the intermediary nonprofit grantee, including the qualifications of its administrators and representatives, and its record in providing services to small and midsize nonprofit organizations.

''(f) FEDERAL SHARE.—

''(1) IN GENERAL.—The Federal share of the cost as referenced in subsection (b) shall be 50 percent.

''(2) NON-FEDERAL SHARE.—

''(A) IN GENERAL.—The non-Federal share of the cost as referenced in subsection (b) shall be 50 percent and shall be provided in cash.

''(B) THIRD PARTY CONTRIBUTIONS.—

''(i) IN GENERAL.—Except as provided in clause (ii), an intermediary nonprofit grantee shall provide the non-Federal share of the cost through contributions from third parties. The third parties may include charitable grantmaking entities and grantmaking vehicles within existing organizations, entities of corporate philanthropy, corporations, individual donors, and regional, State, or local government agencies, or other non-Federal sources.

''(ii) EXCEPTION.—If the intermediary nonprofit grantee is a private foundation (as defined in section 509(a) of the Internal Revenue Code of 1986), a donor advised fund (as defined in section 4966(d)(2) of such Code), an organization which is described in section 4966(d)(4)(A)(i) of such Code, or an organization which is described in section 4966(d)(4)(B) of such Code, the grantee shall provide the non-Federal share from within that grantee's own funds.

''(iii) MAINTENANCE OF EFFORT, PRIOR YEAR THIRD-PARTY FUNDING LEVELS.—For purposes of maintaining private sector support levels for the activities specified by this program, a non-Federal share that includes donations by third parties shall be composed in a way that does not decrease prior levels of funding from the same third parties granted to the nonprofit intermediary grantee in the preceding year.

''(g) RESERVATION.—Of the amount authorized to provide financial assistance under this subtitle, there shall be made available to carry out this section $5,000,000 for each of fiscal years 2010 through 2014.''.

Subtitle I—Training and Technical Assistance

SEC. 1821. TRAINING AND TECHNICAL ASSISTANCE.

Title I is further amended by adding at the end the following new subtitle:

''Subtitle J—Training and Technical Assistance

''SEC. 199N. TRAINING AND TECHNICAL ASSISTANCE.

''(a) IN GENERAL.—The Corporation shall, directly or through grants, contracts, or cooperative agreements (including through State Commissions), conduct appropriate training for and provide technical assistance to—

''(1) programs receiving assistance under the national service laws; and

''(2) entities (particularly entities in rural areas and underserved communities) that desire to—

''(A) carry out or establish national service programs; or

''(B) apply for assistance (including subgrants) under the national service laws.

''(b) ACTIVITIES INCLUDED.—Such training and technical assistance activities may include—

''(1) providing technical assistance to entities applying to carry out national service programs or entities carrying out national service programs;

''(2) promoting leadership development in national service programs;

''(3) improving the instructional and programmatic quality of national service programs;

''(4) developing the management and budgetary skills of individuals operating or overseeing national service programs, including developing skills to increase the cost effectiveness of the programs under the national service laws;

''(5) providing for or improving the training provided to the participants in programs under the national service laws;

''(6) facilitating the education of individuals participating in national service programs in risk management procedures, including the training of participants in appropriate risk management practices;

''(7) training individuals operating or overseeing national service programs—

''(A) in volunteer recruitment, management, and retention to improve the abilities of such individuals to use participants and other volunteers in an effective manner, which training results in high-quality service and the desire of participants and volunteers to continue to serve in other capacities after the program is completed;

''(B) in program evaluation and performance measures to inform practices to augment the capacity and sustainability of the national service programs; or

''(C) to effectively accommodate individuals with disabilities to increase the participation of individuals with disabilities in national service programs, which training may utilize funding from the reservation of funds under section 129(k) to increase the participation of individuals with disabilities;

''(8) establishing networks and collaboration among employers, educators, and other key stakeholders in the community to further leverage resources to increase local participation in national service programs, and to coordinate community-wide planning and service with respect to national service programs;

''(9) providing training and technical assistance for the National Senior Service Corps, including providing such training and technical assistance to programs receiving assistance under section 201 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5001); and

''(10) carrying out such other activities as the Chief Executive Officer determines to be appropriate.

''(c) PRIORITY.—In carrying out this section, the Corporation shall give priority to programs under the national service laws and entities eligible to establish such programs that seek training or technical assistance and that—

''(1) seek to carry out high-quality programs where the services are needed most;

''(2) seek to carry out high-quality programs where national service programs do not exist or

where the programs are too limited to meet community needs;

''(3) seek to carry out high-quality programs that focus on and provide service opportunities for underserved rural and urban areas and populations; and

''(4) seek to assist programs in developing a service component that combines students, out-of-school youths, and older adults as participants to provide needed community services.''.

Subtitle J—Repeal of Title III (Points of Light Foundation)

SEC. 1831. REPEAL.

(a) IN GENERAL.—Title III (42 U.S.C. 12661 et seq.) is repealed.

(b) CONFORMING AMENDMENTS.—Section 401 (42 U.S.C. 12671) is amended—

(1) in subsection (a), by striking ''term'' and all that follows through the period and inserting the following: ''term 'administrative organization' means a nonprofit private organization that enters into an agreement with the Corporation to carry out this section.''; and

(2) by striking ''Foundation'' each place it appears and inserting ''administrative organization''.

Subtitle K—Amendments to Title V (Authorization of Appropriations)

SEC. 1841. AUTHORIZATION OF APPROPRIATIONS.

Section 501 (42 U.S.C. 12681) is amended—

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

''(a) TITLE I.—

''(1) SUBTITLE B.—

''(A) IN GENERAL.—There are authorized to be appropriated to provide financial assistance under subtitle B of title I—

''(i) $97,000,000 for fiscal year 2010; and

''(ii) such sums as may be necessary for each of fiscal years 2011 through 2014.

''(B) PART IV RESERVATION.—Of the amount appropriated under subparagraph (A) for a fiscal year, the Corporation may reserve such sums as may be necessary to carry out part IV of subtitle B of title I.

''(C) SECTION 118A.—Of the amount appropriated under subparagraph (A) and not reserved under subparagraph (B) for a fiscal year, not more than $7,000,000 shall be made available for awards to Campuses of Service under section 118A.

''(D) SECTION 119(C)(8).—Of the amount appropriated under subparagraph (A) and not reserved under subparagraph (B) for a fiscal year, not more than $10,000,000 shall be made available for summer of service program grants under section 119(c)(8), and not more than $10,000,000 shall be deposited in the National Service Trust to support summer of service educational awards, consistent with section 119(c)(8).

''(E) SECTION 119(C)(9).—Of the amount appropriated under subparagraph (A) and not reserved under subparagraph (B) for a fiscal year, not more than $20,000,000 shall be made available for youth engagement zone programs under section 119(c)(9).

''(F) GENERAL PROGRAMS.—Of the amount remaining after the application of subparagraphs (A) through (E) for a fiscal year—

''(i) not more than 60 percent shall be available to provide financial assistance under part I of subtitle B of title I;

''(ii) not more than 25 percent shall be available to provide financial assistance under part II of such subtitle; and

''(iii) not less than 15 percent shall be available to provide financial assistance under part III of such subtitle.

''(2) SUBTITLES C AND D.—There are authorized to be appropriated, for each of fiscal years 2010 through 2014, such sums as may be necessary to provide financial assistance under subtitle C of title I and to provide national service educational awards under subtitle D of title I for the number of participants described in section 121(f)(1) for each such fiscal year.

''(3) SUBTITLE E.—

''(A) IN GENERAL.—There are authorized to be appropriated to operate the National Civilian Community Corps and provide financial assistance under subtitle E of title I, such sums as may be necessary for each of fiscal years 2010 through 2014.

''(B) PRIORITY.—Notwithstanding any other provision of this Act, in obligating the amounts made available pursuant to the authorization of appropriations in this paragraph, priority shall be given to programs carrying out activities in areas for which the President has declared the existence of a major disaster, in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), including a major disaster as a consequence of Hurricane Katrina or Rita.

''(4) SUBTITLE H.—

''(A) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2010 through 2014 to provide financial assistance under subtitle H of title I.

''(B) SECTION 198B.—Of the amount authorized under subparagraph (A) for a fiscal year, such sums as may be necessary shall be made available to provide financial assistance under section 198B and to provide national service educational awards under subtitle D of title I to the number of participants in national service positions established or increased as provided in section 198B(b)(3) for such year.

''(C) SECTION 198C.—Of the amount authorized under subparagraph (A) for a fiscal year, $12,000,000 shall be made available to provide financial assistance under section 198C.

''(D) SECTION 198H.—Of the amount authorized under subparagraph (A) for a fiscal year, such sums as may be necessary shall be made available to provide financial assistance under section 198H.

''(E) SECTION 198K.—Of the amount authorized under subparagraph (A), there shall be made available to carry out section 198K—

''(i) $50,000,000 for fiscal year 2010;

''(ii) $60,000,000 for fiscal year 2011;

''(iii) $70,000,000 for fiscal year 2012;

''(iv) $80,000,000 for fiscal year 2013; and

''(v) $100,000,000 for fiscal year 2014.

''(F) SECTION 198P.—Of the amount authorized under subparagraph (A), there shall be made available to carry out section 198P—

''(i) $50,000,000 for fiscal year 2010;

''(ii) $60,000,000 for fiscal year 2011;

''(iii) $70,000,000 for fiscal year 2012;

''(iv) $80,000,000 for fiscal year 2013; and

''(v) $100,000,000 for fiscal year 2014.

''(5) ADMINISTRATION.—

''(A) IN GENERAL.—There are authorized to be appropriated for the administration of this Act, including financial assistance under section 126(a), such sums as may be necessary for each of fiscal years 2010 through 2014.

''(B) CORPORATION.—Of the amounts appropriated under subparagraph (A) for a fiscal year, a portion shall be made available to provide financial assistance under section 126(a).

''(6) EVALUATION, TRAINING, AND TECHNICAL ASSISTANCE.—Notwithstanding paragraphs (1), (2), and (4) and any other provision of law, of the amounts appropriated for a fiscal year under subtitles B, C, and H of title I of this Act and under titles I and II of the Domestic Volunteer Service Act of 1973, the Corporation shall reserve not more than 2.5 percent to carry out sections 112(e) and 179A and subtitle J, of which $1,000,000 shall be used by the Corporation to carry out section 179A. Notwithstanding subsection (b), amounts so reserved shall be available only for the fiscal year for which the amounts are reserved.'';

(2) by striking subsections (b) and (d); and

(3) by redesignating subsection (c) as subsection (b).

TITLE II—DOMESTIC VOLUNTEER SERVICE ACT OF 1973

SEC. 2001. REFERENCES.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.).

SEC. 2002. VOLUNTEERISM POLICY.

Section 2 (42 U.S.C. 4950) is amended—

(1) in subsection (a), by striking ''both young'' and all that follows through the period and inserting ''individuals of all ages and backgrounds.''; and

(2) in subsection (b), by inserting after ''State, and local agencies'' the following: '', expand relationships with, and support for, the efforts of civic, community, and educational organizations,''.

Subtitle A—National Volunteer Antipoverty Programs

CHAPTER 1—VOLUNTEERS IN SERVICE TO AMERICA

SEC. 2101. STATEMENT OF PURPOSE.

Section 101 (42 U.S.C. 4951) is amended—

(1) in the second sentence, by striking ''exploit'' and all that follows through the period and inserting ''increase opportunities for self-advancement by persons affected by such problems.''; and

(2) in the third sentence, by striking ''at the local level'' and all that follows through the period and inserting ''at the local level, to support efforts by local agencies and community organizations to achieve long-term sustainability of projects, and to strengthen local agencies and community organizations to carry out the objectives of this part.''.

SEC. 2102. SELECTION AND ASSIGNMENT OF VOLUNTEERS.

Section 103 (42 U.S.C. 4953) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting ''the Commonwealth of the Northern Mariana Islands,'' after ''American Samoa,'';

(B) in paragraph (2), by striking ''handicapped individuals'' and all that follows through the semicolon and inserting ''individuals with disabilities, especially individuals with severe disabilities;'';

(C) in paragraph (3), by striking ''the jobless, the hungry,'' and inserting ''unemployed individuals,'';

(D) in paragraph (4), by striking ''prevention, education,'' and inserting ''through prevention, education, rehabilitation, treatment,'';

(E) in paragraph (5), by striking ''chronic and life-threatening illnesses'' and inserting ''mental illness, chronic and life-threatening illnesses,'';

(F) in paragraph (6)—

(i) by striking ''Headstart act'' and inserting ''Head Start Act''; and

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

(G) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(H) by adding at the end the following:

''(8) in assisting with the reentry and reintegration of formerly incarcerated youth and adults into society, including providing training and counseling in education, employment, and life skills;

''(9) in developing and carrying out financial literacy, financial planning, budgeting, saving, and reputable credit accessibility programs in low-income communities, including those programs that educate individuals about financing home ownership and higher education;

''(10) in initiating and supporting before-school and after-school programs, serving children in low-income communities, that may engage participants in mentoring, tutoring, life skills and study skills programs, service-learning, physical, nutrition, and health education programs, and other activities addressing the needs of the children;

''(11) in establishing and supporting community economic development initiatives, with a priority on work on such initiatives in rural

areas and the other areas where such initiatives are needed most;

''(12) in assisting veterans and their family members through establishing or augmenting programs that assist such persons with access to legal assistance, health care (including mental health care), employment counseling or training, education counseling or training, affordable housing, and other support services; and

''(13) in addressing the health and wellness of individuals in low-income communities and individuals in underserved communities, including programs to increase access to preventive services, insurance, and health services.'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''recruitment and placement procedures'' and inserting ''placement procedures that involve sponsoring organizations and'';

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''Community Service Trust Act of 1993'' and all that follows through the period at the end of the fourth sentence and inserting ''Community Service Act of 1990.'';

(ii) in subparagraph (B), by striking ''central information system that shall, on request, promptly provide'' and inserting ''database that provides''; and

(iii) in subparagraph (C), in the second sentence, by inserting ''and management'' after ''the recruitment''; and

(C) in paragraph (5)(B), by striking ''information system'' and inserting ''database'';

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting ''the Internet and related technologies,'' before ''radio,'';

(ii) in subparagraph (B), by inserting ''Internet and related technologies,'' before ''print media,'';

(iii) in subparagraph (C), by inserting ''State or local offices of economic development, State employment security agencies, employment offices,'' before ''and other institutions''; and

(iv) in subparagraph (F), by striking ''Community Service Trust Act of 1993'' and inserting ''Community Service Act of 1990''; and

(B) by striking paragraph (4);

(4) in subsection (d), in the second sentence, by striking ''private industry council established under the Job Training Partnership Act or'';

(5) in subsection (g), in the first sentence, by striking '', and such'' and all that follows through the period and inserting a period; and

(6) by adding at the end the following:

''(i) The Director may enter into agreements under which public and private nonprofit organizations, with sufficient financial capacity and size, pay for all or a portion of the costs of supporting the service of volunteers under this part.''.

SEC. 2103. SUPPORT SERVICE.

Section 105(a)(1)(B) (42 U.S.C. 4955(a)(1)(B)) is amended—

(1) by striking the first sentence and inserting the following: ''Such stipend shall be set at a rate that is not less than a minimum of $125 per month and not more than a maximum of $150 per month, subject to the availability of funds to provide such a maximum rate.''; and

(2) in the second sentence, by striking ''stipend of a maximum of $200 per month'' and inserting ''stipend set at a rate that is not more than a maximum of $250 per month''.

SEC. 2104. REPEAL.

Section 109 (42 U.S.C. 4959) is repealed.

SEC. 2105. REDESIGNATION.

Section 110 (42 U.S.C. 4960) is redesignated as section 109.

CHAPTER 2—UNIVERSITY YEAR FOR VISTA

SEC. 2121. UNIVERSITY YEAR FOR VISTA.

Part B of title I (42 U.S.C. 4971 et seq.) is repealed.

CHAPTER 3—SPECIAL VOLUNTEER PROGRAMS

SEC. 2131. STATEMENT OF PURPOSE.

Section 121 (42 U.S.C. 4991) is amended in the second sentence by striking ''situations'' and inserting ''organizations''.

SEC. 2132. LITERACY CHALLENGE GRANTS.

Section 124 (42 U.S.C. 4995) is repealed.

Subtitle B—National Senior Service Corps

SEC. 2141. TITLE.

Title II (42 U.S.C. 5000 et seq.) is amended by striking the title heading and inserting the following:

''TITLE II—NATIONAL SENIOR SERVICE CORPS''.

SEC. 2142. STATEMENT OF PURPOSE.

Section 200 (42 U.S.C. 5000) is amended to read as follows:

"SEC. 200. STATEMENT OF PURPOSE.

''It is the purpose of this title to provide—

''(1) opportunities for senior service to meet unmet local, State, and national needs in the areas of education, public safety, emergency and disaster preparedness, relief, and recovery, health and human needs, and the environment;

''(2) for the National Senior Service Corps, comprised of the Retired and Senior Volunteer Program, the Foster Grandparent Program, and the Senior Companion Program, and demonstration and other programs, to empower people 55 years of age or older to contribute to their communities through service, enhance the lives of those who serve and those whom they serve, and provide communities with valuable services;

''(3) opportunities for people 55 years of age or older, through the Retired and Senior Volunteer Program, to share their knowledge, experiences, abilities, and skills for the betterment of their communities and themselves;

''(4) opportunities for low-income people 55 years of age or older, through the Foster Grandparents Program, to have a positive impact on the lives of children in need; and

''(5) opportunities for low-income people 55 years of age or older, through the Senior Companion Program, to provide support services and companionship to other older individuals through volunteer service.''.

SEC. 2143. RETIRED AND SENIOR VOLUNTEER PROGRAM.

Section 201 (42 U.S.C. 5001(a)) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''avail'' and all that follows through ''community,'' and inserting ''share their experiences, abilities, and skills to improve their communities and themselves through service in their communities,'';

(B) in paragraph (2), by striking '', and individuals 60 years of age or older will be given priority for enrollment,''; and

(C) in paragraph (4)—

(i) by striking ''established and will be carried out'' and inserting ''designed and implemented''; and

(ii) by striking ''field of service'' and all that follows through the period at the end and inserting ''field of service to be provided, as well as persons who have expertise in the management of volunteers and the needs of older individuals.''; and

(2) by adding at the end the following:

''(e)(1) Beginning with fiscal year 2013 and for each fiscal year thereafter, each grant or contract awarded under this section, for such a year, shall be—

''(A) awarded for a period of 3 years, with an option for a grant renewal of 3 years if the grantee meets the performances measures established under subsection (g); and

''(B) awarded through a competitive process described in paragraph (2).

''(2)(A) The Corporation shall promulgate regulations establishing the competitive process required under paragraph (1)(B), and make such regulations available to the public, not later than 18 months after the date of the enactment of the Serve America Act. The Corporation shall consult with the directors of programs receiving grants under this section during the development and implementation of the competitive process.

''(B) The competitive process required by subparagraph (A) shall—

''(i) include the use of a peer review panel, including members with expertise in senior service and aging, to review applications;

''(ii) include site inspections of programs assisted under this section, as appropriate;

''(iii) in the case of an applicant who has previously received a grant or contract for a program under this section, include an evaluation of the program conducted by a review team, as described in subsection (f);

''(iv) ensure that—

''(I) the grants or contracts awarded under this section through the competitive process for a grant or contract cycle support an aggregate number of volunteer service years for a given geographic service area that is not less than the aggregate number of volunteer service years supported under this section for such service area for the previous grant or contract cycle;

''(II) the grants or contracts awarded under this section through the competitive process for a grant or contract cycle maintain a similar program distribution, as compared to the program distribution for the previous grant or contract cycle; and

''(III) every effort is made to minimize the disruption to volunteers; and

''(v) include the use of performance measures, outcomes, and other criteria established under subsection (g).

''(f)(1) Notwithstanding section 412, and effective beginning 180 days after the date of enactment of the Serve America Act, each grant or contract under this section that expires in fiscal year 2011, 2012, or 2013 shall be subject to an evaluation process conducted by a review team described in paragraph (4). The evaluation process shall be carried out, to the maximum extent practicable, in fiscal year 2010, 2011, and 2012, respectively.

''(2) The Corporation shall promulgate regulations establishing the evaluation process required under paragraph (1), and make such regulations available to the public, not later than 18 months after the date of enactment of the Serve America Act. The Corporation shall consult with the directors of programs receiving grants under this section during the development and implementation of the evaluation process.

''(3) The evaluation process required under paragraph (1) shall—

''(A) include performance measures, outcomes, and other criteria established under subsection (g); and

''(B) evaluate the extent to which the recipient of the grant or contract meets or exceeds such performance measures, outcomes, and other criteria through a review of the recipient.

''(4) To the maximum extent practicable, the Corporation shall provide that each evaluation required by this subsection is conducted by a review team that—

''(A) includes individuals who are knowledgeable about programs assisted under this section;

''(B) includes current or former employees of the Corporation who are knowledgeable about programs assisted under this section;

''(C) includes representatives of communities served by volunteers of programs assisted under this section; and

''(D) shall receive periodic training to ensure quality and consistency across evaluations.

''(5) The findings of an evaluation described in this subsection of a program described in paragraph (1) shall—

''(A) be presented to the recipient of the grant or contract for such program in a timely, transparent, and uniform manner that conveys information of program strengths and weaknesses and assists with program improvement; and

''(B) be used as the basis for program improvement, and for the provision of training and technical assistance.

''(g)(1) The Corporation shall, with particular attention to the different needs of rural and urban programs assisted under this section, develop performance measures, outcomes, and other criteria for programs assisted under this section that—

''(A) include an assessment of the strengths and areas in need of improvement of a program assisted under this section;

''(B) include an assessment of whether such program has adequately addressed population and community-wide needs;

''(C) include an assessment of the efforts of such program to collaborate with other community-based organizations, units of government, and entities providing services to seniors, taking into account barriers to such collaboration that such program may encounter;

''(D) include a protocol for fiscal management that shall be used to assess such program's compliance with the program requirements for the appropriate use of Federal funds;

''(E) include an assessment of whether the program is in conformity with the eligibility, outreach, enrollment, and other requirements for programs assisted under this section; and

''(F) contain other measures of performance developed by the Corporation, in consultation with the review teams described in subsection (f)(4).

''(2)(A) The performance measures, outcomes, and other criteria established under this subsection may be updated or modified as necessary, in consultation with directors of programs under this section, but not earlier than fiscal year 2014.

''(B) For each fiscal year preceding fiscal year 2014, the Corporation may, after consulting with directors of the programs under this section, determine that a performance measure, outcome, or criterion established under this subsection is operationally problematic, and may, in consultation with such directors and after notifying the authorizing committees—

''(i) eliminate the use of that performance measure, outcome or criterion; or

''(ii) modify that performance measure, outcome, or criterion as necessary to render it no longer operationally problematic.

''(3) In the event that a program does not meet one or more of the performance measures, outcome, or criteria established under this subsection, the Corporation shall initiate procedures to terminate the program in accordance with section 412.

''(h) The Chief Executive Officer shall develop procedures by which programs assisted under this section may receive training and technical assistance, which may include regular monitoring visits to assist programs in meeting the performance measures, outcomes, and criteria.

''(i)(1) Notwithstanding subsection (g)(3) or section 412, the Corporation shall continue to fund a program assisted under this section that has failed to meet or exceed the performance measures, outcomes, and other criteria established under this subsection for not more than 12 months if the competitive process established under subsection (e) does not result in a successor grant or contract for such program, in order to minimize the disruption to volunteers and the disruption of services.

''(2) In the case where a program is continued under paragraph (1), the Corporation shall conduct outreach regarding the availability of a grant under this section for the area served by such program and establish a new competition for awarding the successor program to the continued program. The recipient operating the continued program shall remain eligible for the new competition.

''(3) The Corporation may monitor the recipient of a grant or contract supporting a program continued under paragraph (1) during this period and may provide training and technical assistance to assist such recipient in meeting the performance measures for such program.

''(j) The Corporation shall develop and disseminate an online resource guide for programs under this section not later than 180 days after the date of enactment of the Serve America Act, which shall include—

''(1) examples of high-performing programs assisted under this section;

''(2) corrective actions for underperforming programs; and

''(3) examples of meaningful outcome-based performance measures, outcomes, and criteria that capture a program's mission and priorities.''.

SEC. 2144. FOSTER GRANDPARENT PROGRAM.

Section 211 (42 U.S.C. 5011) is amended—

(1) in subsection (a)—

(A) in the first sentence—

(i) by striking ''aged sixty'' and inserting ''age 55''; and

(ii) by striking ''children having exceptional needs'' and inserting ''children having special or exceptional needs or circumstances identified as limiting their academic, social, or emotional development''; and

(B) in the second sentence—

(i) by striking ''any of a variety of''; and

(ii) by striking ''children with special or exceptional needs'' and inserting ''children having special or exceptional needs or circumstances identified as limiting their academic, social, or emotional development'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''shall have'' and all that follows through ''(2) of the subsection'' and inserting ''may determine'';

(ii) in subparagraph (A), by striking ''and'' after the semicolon at the end;

(iii) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(C) whether it is in the best interest of the child receiving, and the particular foster grandparent providing, services in such a project, to continue the relationship between the child and the grandparent under this part after the child reaches the age of 21, if such child is an individual with a disability who was receiving such services prior to attaining the age of 21.''; and

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

''(2) If an assignment of a foster grandparent under this part is suspended or discontinued, the replacement of that foster grandparent shall be determined in a manner consistent with paragraph (3).'';

(3) in subsection (d), by striking ''$2.45 per hour'' and all that follows through ''five cents, except'' and inserting ''$3.00 per hour, except'';

(4) in subsection (e)—

(A) in paragraph (1), by striking ''125 per centum'' and inserting ''200 percent''; and

(B) in paragraph (2), by striking ''per centum'' and inserting ''percent''; and

(5) in subsection (f)(1)—

(A) in subparagraph (A), by striking ''subparagraphs (B) and (C)'' and inserting ''subparagraph (B)''; and

(B) by striking subparagraph (C).

SEC. 2145. SENIOR COMPANION PROGRAM.

Section 213(a) (42 U.S.C. 5013(a)) is amended by striking ''aged 60 or over'' and inserting ''age 55 or older''.

SEC. 2146. GENERAL PROVISIONS.

(a) PROMOTION OF NATIONAL SENIOR SERVICE CORPS.—Section 221 (42 U.S.C. 5021) is amended—

(1) in the section heading, by striking ''VOLUNTEER'' and inserting ''SERVICE''; and

(2) in subsection (b)(2), by striking ''participation of volunteers'' and inserting ''participation of volunteers of all ages and backgrounds, living in urban or rural communities''.

(b) MINORITY POPULATION PARTICIPATION.—Section 223 (42 U.S.C. 5023) is amended—

(1) in the section heading, by striking ''GROUP'' and inserting ''POPULATION''; and

(2) by striking ''sixty years and older from minority groups'' and inserting ''age 55 years or older from minority populations''.

(c) USE OF LOCALLY GENERATED CONTRIBUTIONS IN NATIONAL SENIOR SERVICE CORPS.—Section 224 (42 U.S.C. 5024) is amended—

(1) in the section heading, by striking ''VOLUNTEER'' and inserting ''SERVICE''; and

(2) by striking ''Volunteer Corps'' and inserting ''Service Corps''.

(d) NATIONAL PROBLEMS OF LOCAL CONCERN.—Section 225 (42 U.S.C. 5025) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking ''(10), (12), (15), and (16)'' and inserting ''(9), (11), and (14)''; and

(ii) in subparagraph (C), by striking ''(10)'' and inserting ''(9)'';

(B) by amending paragraph (2) to read as follows:

''(2) An applicant for a grant under paragraph (1) shall determine whether the program to be supported by the grant is a program under part A, B, or C, and shall submit an application as required for such program.''; and

(C) by adding at the end the following:

''(4) To the maximum extent practicable, the Director shall ensure that not less than 25 percent of the funds appropriated under this section are used to award grants—

''(A) to applicants for grants under this section that are not receiving assistance from the Corporation at the time of such grant award; or

''(B) to applicants from locations where no programs supported under part A, B, or C are in effect at the time of such grant award.

''(5) Notwithstanding paragraph (4), if, for a fiscal year, less than 25 percent of the applicants for grants under this section are applicants described in paragraph (4), the Director may use an amount that is greater than 75 percent of the funds appropriated under this subsection to award grants to applicants that are already receiving assistance from the Corporation at the time of such grant award.'';

(2) in subsection (b)—

(A) in paragraph (2), by inserting ''through education, prevention, treatment, and rehabilitation'' before the period at the end;

(B) by striking paragraph (4) and inserting the following:

''(4) Programs that establish and support mentoring programs for low-income youth, including mentoring programs that match such youth with mentors and match such youth with employment and training programs, including apprenticeship programs.'';

(C) in paragraph (5), by inserting '', including literacy programs that serve youth, and adults, with limited English proficiency'' before the period at the end;

(D) by striking paragraphs (6) and (7) and inserting the following:

''(6) Programs that provide respite care, including care for elderly individuals and for children and individuals with disabilities or chronic illnesses who are living at home.

''(7) Programs that provide before-school and after-school activities, serving children in low-income communities, that may engage participants in mentoring relationships, tutoring, life skills, and study skills programs, service-learning, physical, nutrition, and health education programs, and other activities addressing the needs of the children in the communities, including children of working parents.'';

(E) by striking paragraph (8);

(F) by redesignating paragraphs (9) through (15) as paragraphs (8) through (14), respectively;

(G) in paragraph (10) (as redesignated by subparagraph (F))—

(i) by striking ''educationally disadvantaged children'' and inserting ''students''; and

(ii) by striking ''the basic skills of such children'' and inserting ''the academic achievement of such students'';

(H) by striking paragraph (11) (as redesignated by subparagraph (F)) and inserting the following:

''(11) Programs that engage older individuals with children and youth to complete service in energy conservation, environmental stewardship, or other environmental needs of a community, including service relating to conducting energy audits, insulating homes, or conducting other activities to promote energy efficiency.'';

(I) by striking paragraph (14) (as redesignated by subparagraph (F)) and inserting the following:

''(14) Programs in which the grant recipients involved collaborate with criminal justice professionals and organizations in order to provide prevention programs that serve low-income youth or youth reentering society after incarceration and their families, which prevention programs may include mentoring, counseling, or employment counseling.'';

(J) by striking paragraph (16); and

(K) by redesignating paragraphs (17) and (18) as paragraphs (15) and (16), respectively;

(3) in subsection (c)(1), by inserting ''and that such applicant has expertise applicable to implementing the proposed program for which the applicant is requesting the grant'' before the period at the end; and

(4) in subsection (e), by inserting ''widely'' after ''shall''.

(e) ACCEPTANCE OF DONATIONS.—Part D of title II (42 U.S.C. 5021 et seq.) is amended by adding at the end the following:

''SEC. 228. ACCEPTANCE OF DONATIONS.

''(a) IN GENERAL.—Except as provided in subsection (b), an entity receiving assistance under this title may accept donations, including donations in cash or in kind fairly evaluated, including plant, equipment, or services.

''(b) EXCEPTION.—An entity receiving assistance under this title to carry out an activity shall not accept donations from the beneficiaries of the activity.''.

Subtitle C—Administration and Coordination

SEC. 2151. SPECIAL LIMITATIONS.

Section 404(a) (42 U.S.C. 5044(a)) is amended by inserting ''or other volunteers (not including participants under this Act and the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.)),'' after ''employed workers'' both places such term appears.

SEC. 2152. APPLICATION OF FEDERAL LAW.

Section 415 (42 U.S.C. 5055) is amended—

(1) in subsection (c), by inserting ''(as such part was in effect on the day before the date of enactment of the Serve America Act)'' after ''part B''; and

(2) in subsection (e), by inserting ''(as such part was in effect on the day before the date of enactment of the Serve America Act)'' after ''A, B''.

SEC. 2153. EVALUATION.

Section 416 (42 U.S.C. 5056) is amended—

(1) in subsection (a), in the first sentence, by striking ''(including'' and all that follows through ''3 years)''; and

(2) in subsection (f)(3), by striking ''Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees''.

SEC. 2154. DEFINITIONS.

Section 421 (42 U.S.C. 5061) is amended—

(1) in paragraph (2), by inserting '', the Commonwealth of the Northern Mariana Islands,'' after ''American Samoa'';

(2) by striking paragraph (7);

(3) in paragraph (13), by striking ''Volunteer Corps'' and inserting ''Service Corps'';

(4) in paragraph (14), by striking ''Volunteer Corps'' and inserting ''Service Corps'';

(5) by redesignating paragraphs (8) through (20) as paragraphs (7) through (19), respectively;

(6) in paragraph (18) (as redesignated by paragraph (5)), by striking ''and'' after the semicolon at the end;

(7) in paragraph (19) (as redesignated by paragraph (5)), by striking the period at the end and inserting ''; and''; and

(8) by adding at the end the following:

''(20) the term 'authorizing committees' means the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.''.

SEC. 2155. PROTECTION AGAINST IMPROPER USE.

Section 425 (42 U.S.C. 5065) is amended, in the matter following paragraph (2), by striking ''Volunteer Corps'' and inserting ''Service Corps''.

SEC. 2156. PROVISIONS UNDER THE NATIONAL AND COMMUNITY SERVICE ACT OF 1990.

Title IV (42 U.S.C. 5043 et seq.) is amended by adding at the end the following:

''SEC. 426. PROVISIONS UNDER THE NATIONAL AND COMMUNITY SERVICE ACT OF 1990.

''The Corporation shall carry out this Act in accordance with the provisions of this Act and the relevant provisions of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.), particularly the provisions of section 122 and subtitle F of title I of the National and Community Service Act of 1990 (42 U.S.C. 12572, 12631 et seq.) relating to the national service laws.''.

Subtitle D—Authorization of Appropriations

SEC. 2161. AUTHORIZATIONS OF APPROPRIATIONS.

(a) NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS.—Section 501 (42 U.S.C. 5081) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (1) through (4) and inserting the following:

''(1) VOLUNTEERS IN SERVICE TO AMERICA.—There are authorized to be appropriated to carry out part A of title I $100,000,000 for fiscal year 2010 and such sums as may be necessary for each of the fiscal years 2011 through 2014.

''(2) SPECIAL VOLUNTEER PROGRAMS.—There are authorized to be appropriated to carry out part C of title I such sums as may be necessary for each of fiscal years 2010 through 2014.''; and

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

(2) in subsection (c), by striking ''part B or C'' and inserting ''part C''; and

(3) by striking subsection (e).

(b) NATIONAL SENIOR SERVICE CORPS.—Section 502 (42 U.S.C. 5082) is amended to read as follows:

''SEC. 502. NATIONAL SENIOR SERVICE CORPS.

''(a) RETIRED AND SENIOR VOLUNTEER PROGRAM.—There are authorized to be appropriated to carry out part A of title II, $70,000,000 for fiscal year 2010, and such sums as may be necessary for each of the fiscal years 2011 through 2014.

''(b) FOSTER GRANDPARENT PROGRAM.—There are authorized to be appropriated to carry out part B of title II, $115,000,000 for fiscal year 2010, and such sums as may be necessary for each of the fiscal years 2011 through 2014.

''(c) SENIOR COMPANION PROGRAM.—There are authorized to be appropriated to carry out part C of title II, $55,000,000 for fiscal year 2010, and such sums as may be necessary for each of the fiscal years 2011 through 2014.

''(d) DEMONSTRATION PROGRAMS.—There are authorized to be appropriated to carry out part E of title II, such sums as may be necessary for each of the fiscal years 2010 through 2014.''.

(c) ADMINISTRATION AND COORDINATION.—Section 504 (42 U.S.C. 5084) is amended—

(1) in subsection (a), by striking ''fiscal years 1994 through 1996'' and inserting ''fiscal years 2010 through 2014''; and

(2) in subsection (b), by striking ''fiscal years 1994 through 1996'' and inserting ''fiscal years 2010 through 2014''.

TITLE III—TECHNICAL AMENDMENTS TO TABLES OF CONTENTS

SEC. 3101. TABLE OF CONTENTS OF THE NATIONAL AND COMMUNITY SERVICE ACT OF 1990.

Section 1(b) of the National and Community Service Act of 1990 is amended to read as follows:

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

''Sec. 1. Short title and table of contents.
''Sec. 2. Findings and purpose.

''TITLE I—NATIONAL AND COMMUNITY SERVICE STATE GRANT PROGRAM

''Subtitle A—General Provisions

''Sec. 101. Definitions.
''Sec. 102. Authority to make State grants.

''Subtitle B—School-Based and Community-Based Service-Learning Programs

''PART I—PROGRAMS FOR ELEMENTARY AND SECONDARY SCHOOL STUDENTS

''Sec. 111. Purpose.
''Sec. 111A. Definitions.
''Sec. 112. Assistance to States, territories, and Indian tribes.
''Sec. 112A. Allotments.
''Sec. 113. Applications.
''Sec. 114. Consideration of applications.
''Sec. 115. Participation of students and teachers from private schools.
''Sec. 116. Federal, State, and local contributions.
''Sec. 117. Limitations on uses of funds.

''PART II—HIGHER EDUCATION INNOVATIVE PROGRAMS FOR COMMUNITY SERVICE

''Sec. 118. Higher education innovative programs for community service.
''Sec. 118A. Campuses of Service.

''PART III—INNOVATIVE AND COMMUNITY-BASED SERVICE-LEARNING PROGRAMS AND RESEARCH

''Sec. 119. Innovative and community-based service-learning programs and research.

''PART IV—SERVICE-LEARNING IMPACT STUDY

''Sec. 120. Study and report.

''Subtitle C—National Service Trust Program

''PART I—INVESTMENT IN NATIONAL SERVICE

''Sec. 121. Authority to provide assistance and approved national service positions.
''Sec. 122. National service programs eligible for program assistance.
''Sec. 123. Types of national service positions eligible for approval for national service educational awards.
''Sec. 124. Types of program assistance.
''Sec. 126. Other special assistance.

''PART II—APPLICATION AND APPROVAL PROCESS

''Sec. 129. Provision of assistance and approved national service positions.
''Sec. 129A. Educational awards only program.
''Sec. 130. Application for assistance and approved national service positions.
''Sec. 131. National service program assistance requirements.
''Sec. 132. Ineligible service categories.
''Sec. 132A. Prohibited activities and ineligible organizations.
''Sec. 133. Consideration of applications.

''PART III—NATIONAL SERVICE PARTICIPANTS

''Sec. 137. Description of participants.
''Sec. 138. Selection of national service participants.
''Sec. 139. Terms of service.
''Sec. 140. Living allowances for national service participants.
''Sec. 141. National service educational awards.

''Subtitle D—National Service Trust and Provision of Educational Awards

''Sec. 145. Establishment of the National Service Trust.
''Sec. 146. Individuals eligible to receive an educational award from the Trust.

''Sec. 146A. Certifications of successful completion of terms of service.
''Sec. 147. Determination of the amount of the educational award.
''Sec. 148. Disbursement of educational awards.
''Sec. 149. Approval process for approved positions.

''Subtitle E—National Civilian Community Corps

''Sec. 151. Purpose.
''Sec. 152. Establishment of National Civilian Community Corps Program.
''Sec. 153. National service program.
''Sec. 154. Summer national service program.
''Sec. 155. National Civilian Community Corps.
''Sec. 156. Training.
''Sec. 157. Service projects.
''Sec. 158. Authorized benefits for Corps members.
''Sec. 159. Administrative provisions.
''Sec. 160. Status of Corps members and Corps personnel under Federal law.
''Sec. 161. Contract and grant authority.
''Sec. 162. Responsibilities of Department of Defense.
''Sec. 163. Advisory board.
''Sec. 164. Evaluations.
''Sec. 165. Definitions.

''Subtitle F—Administrative Provisions

''Sec. 171. Family and medical leave.
''Sec. 172. Reports.
''Sec. 173. Supplementation.
''Sec. 174. Prohibition on use of funds.
''Sec. 175. Nondiscrimination.
''Sec. 176. Notice, hearing, and grievance procedures.
''Sec. 177. Nonduplication and nondisplacement.
''Sec. 178. State Commissions on National and Community Service.
''Sec. 179. Evaluation.
''Sec. 179A. Civic Health Assessment and volunteering research and evaluation.
''Sec. 180. Engagement of participants.
''Sec. 181. Contingent extension.
''Sec. 182. Partnerships with schools.
''Sec. 183. Rights of access, examination, and copying.
''Sec. 184. Drug-free workplace requirements.
''Sec. 184A. Availability of assistance.
''Sec. 185. Consolidated application and reporting requirements.
''Sec. 186. Sustainability.
''Sec. 187. Grant periods.
''Sec. 188. Generation of volunteers.
''Sec. 189. Limitation on program grant costs.
''Sec. 189A. Matching requirements for severely economically distressed communities.
''Sec. 189B. Audits and reports.
''Sec. 189C. Restrictions on Federal Government and uses of Federal funds.
''Sec. 189D. Criminal history checks.

''Subtitle G—Corporation for National and Community Service

''Sec. 191. Corporation for National and Community Service.
''Sec. 192. Board of Directors.
''Sec. 192A. Authorities and duties of the Board of Directors.
''Sec. 193. Chief Executive Officer.
''Sec. 193A. Authorities and duties of the Chief Executive Officer.
''Sec. 194. Officers.
''Sec. 195. Employees, consultants, and other personnel.
''Sec. 196. Administration.
''Sec. 196A. Corporation State offices.
''Sec. 196B. Assignment to State Commissions.
''Sec. 196C. Study of involvement of veterans.

''Subtitle H—Investment for Quality and Innovation

''PART I—ADDITIONAL CORPORATION ACTIVITIES TO SUPPORT NATIONAL SERVICE

''Sec. 198. Additional corporation activities to support national service.
''Sec. 198A. Presidential awards for service.
''Sec. 198B. ServeAmerica Fellowships.
''Sec. 198C. Silver Scholarships and Encore Fellowships.

''PART II—NATIONAL SERVICE RESERVE CORPS

''Sec. 198H. National Service Reserve Corps.

''PART III—SOCIAL INNOVATION FUNDS PILOT PROGRAM

''Sec. 198K. Funds.

''PART IV—NATIONAL SERVICE PROGRAMS CLEARINGHOUSES; VOLUNTEER GENERATION FUND

''Sec. 198O. National service programs clearinghouses.
''Sec. 198P. Volunteer generation fund.

''PART V—NONPROFIT CAPACITY BUILDING PROGRAM

''Sec. 198S. Nonprofit capacity building.

''Subtitle I—American Conservation and Youth Corps

''Sec. 199. Short title.
''Sec. 199A. General authority.
''Sec. 199B. Limitation on purchase of capital equipment.
''Sec. 199C. State application.
''Sec. 199D. Focus of programs.
''Sec. 199E. Related programs.
''Sec. 199F. Public lands or Indian lands.
''Sec. 199G. Training and education services.
''Sec. 199H. Preference for certain projects.
''Sec. 199I. Age and citizenship criteria for enrollment.
''Sec. 199J. Use of volunteers.
''Sec. 199K. Living allowance.
''Sec. 199L. Joint programs.
''Sec. 199M. Federal and State employee status.

''Subtitle J—Training and Technical Assistance

''Sec. 199N. Training and technical assistance.

''TITLE II—MODIFICATIONS OF EXISTING PROGRAMS

''Subtitle A—Publication

''Sec. 201. Information for students.
''Sec. 202. Exit counseling for borrowers.
''Sec. 203. Department information on deferments and cancellations.
''Sec. 204. Data on deferments and cancellations.

''Subtitle B—Youthbuild Projects

''Sec. 211. Youthbuild projects.

''Subtitle C—Amendments to Student Literacy Corps

''Sec. 221. Amendments to Student Literacy Corps.

''TITLE IV—PROJECTS HONORING VICTIMS OF TERRORIST ATTACKS

''Sec. 401. Projects.

''TITLE V—AUTHORIZATION OF APPROPRIATIONS

''Sec. 501. Authorization of appropriations.

''TITLE VI—MISCELLANEOUS PROVISIONS

''Sec. 601. Amtrak waste disposal.
''Sec. 602. Exchange program with countries in transition from totalitarianism to democracy.''.

SEC. 3102. TABLE OF CONTENTS OF THE DOMESTIC VOLUNTEER SERVICE ACT OF 1973.

Section 1(b) of the Domestic Volunteer Service Act of 1973 is amended to read as follows:

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

''Sec. 1. Short title; table of contents.
''Sec. 2. Volunteerism policy.

''TITLE I—NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS

''PART A—VOLUNTEERS IN SERVICE TO AMERICA

''Sec. 101. Statement of purpose.
''Sec. 102. Authority to operate VISTA program.
''Sec. 103. Selection and assignment of volunteers.
''Sec. 104. Terms and periods of service.
''Sec. 105. Support service.
''Sec. 106. Participation of beneficiaries.
''Sec. 107. Participation of younger and older persons.
''Sec. 108. Limitation.
''Sec. 109. Applications for assistance.

''PART C—SPECIAL VOLUNTEER PROGRAMS

''Sec. 121. Statement of purpose.
''Sec. 122. Authority to establish and operate special volunteer and demonstration programs.
''Sec. 123. Technical and financial assistance.

''TITLE II—NATIONAL SENIOR SERVICE CORPS

''Sec. 200. Statement of purpose.

''PART A—RETIRED AND SENIOR VOLUNTEER PROGRAM

''Sec. 201. Grants and contracts for volunteer service projects.

''PART B—FOSTER GRANDPARENT PROGRAM

''Sec. 211. Grants and contracts for volunteer service projects.

''PART C—SENIOR COMPANION PROGRAM

''Sec. 213. Grants and contracts for volunteer service projects.

''PART D—GENERAL PROVISIONS

''Sec. 221. Promotion of National Senior Service Corps.
''Sec. 222. Payments.
''Sec. 223. Minority population participation.
''Sec. 224. Use of locally generated contributions in National Senior Service Corps.
''Sec. 225. Programs of national significance.
''Sec. 226. Adjustments to Federal financial assistance.
''Sec. 227. Multiyear grants or contracts.
''Sec. 228. Acceptance of donations.

''PART E—DEMONSTRATION PROGRAMS

''Sec. 231. Authority of Director.

''TITLE IV—ADMINISTRATION AND COORDINATION

''Sec. 403. Political activities.
''Sec. 404. Special limitations.
''Sec. 406. Labor standards.
''Sec. 408. Joint funding.
''Sec. 409. Prohibition of Federal control.
''Sec. 410. Coordination with other programs.
''Sec. 411. Prohibition.
''Sec. 412. Notice and hearing procedures for suspension and termination of financial assistance.
''Sec. 414. Distribution of benefits between rural and urban areas.
''Sec. 415. Application of Federal law.
''Sec. 416. Evaluation.
''Sec. 417. Nondiscrimination provisions.
''Sec. 418. Eligibility for other benefits.
''Sec. 419. Legal expenses.
''Sec. 421. Definitions.
''Sec. 422. Audit.
''Sec. 423. Reduction of paperwork.
''Sec. 424. Review of project renewals.
''Sec. 425. Protection against improper use.
''Sec. 426. Provisions under the National and Community Service Act of 1990.

''TITLE V—AUTHORIZATION OF APPROPRIATIONS

''Sec. 501. National volunteer antipoverty programs.
''Sec. 502. National Senior Service Corps.
''Sec. 504. Administration and coordination.
''Sec. 505. Availability of appropriations.

''TITLE VI—AMENDMENTS TO OTHER LAWS AND REPEALERS

''Sec. 601. Supersedence of Reorganization Plan No. 1 of July 1, 1971.
''Sec. 602. Creditable service for civil service retirement.
''Sec. 603. Repeal of title VIII of the Economic Opportunity Act.
''Sec. 604. Repeal of title VI of the Older Americans Act.''.

TITLE IV—AMENDMENTS TO OTHER LAWS

SEC. 4101. INSPECTOR GENERAL ACT OF 1978.

Section 8F(a)(1) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''National and Community Service Trust Act of 1993'' and inserting ''National and Community Service Act of 1990''.

TITLE V—VOLUNTEERS FOR PROSPERITY PROGRAM

SEC. 5101. FINDINGS.

Congress makes the following findings:

(1) Americans engaged in international volunteer service, and the organizations deploying them—

(A) play critical roles in responding to the needs of people living throughout the developing world; and

(B) advance the international public diplomacy of the United States.

(2) The Volunteers for Prosperity Program has successfully promoted international volunteer service by skilled American professionals.

(3) In its first 4 years, the VfP Program helped to mobilize 74,000 skilled Americans, including doctors, nurses, engineers, businesspeople, and teachers, through a network of 250 nonprofit organizations and companies in the United States, to carry out development and humanitarian efforts for those affected by great global challenges in health, the environment, poverty, illiteracy, financial literacy, disaster relief, and other challenges.

(4) The VfP Program has undertaken activities, including—

(A) direct outreach to leading nonprofit organizations and companies in the United States;

(B) promotion of the work of skilled Americans and nonprofit organizations and companies in the United States as it relates to international volunteer service;

(C) public recognition of skilled American volunteers;

(D) support for organizations that utilize skilled Americans as volunteers;

(E) participation in the development of special initiatives to further opportunities for skilled Americans; and

(F) leadership of an innovative public-private partnership to provide eligible skilled with financial assistance for volunteer assignments.

SEC. 5102. DEFINITIONS.

In this title:

(1) VFP OFFICE.—The term ''VfP Office'' means the Office of Volunteers for Prosperity of the United States Agency for International Development.

(2) VFP PROGRAM.—The term ''VfP Program'' means the Volunteers for Prosperity Program established through Executive Order 13317.

(3) VFPSERVE.—The term ''VfPServe'' means a program established by the VfP Office, in cooperation with the USA Freedom Corps, to provide eligible skilled professionals with fixed amount stipends to offset the travel and living costs of volunteering abroad.

SEC. 5103. OFFICE OF VOLUNTEERS FOR PROSPERITY.

(a) FUNCTIONS.—The VfP Office shall pursue the objectives of the VfP Program described in subsection (b) by—

(1) implementing the VfPServe Program to provide eligible skilled professionals with matching grants to offset the travel and living expenses of volunteering abroad with nonprofit organizations;

(2) otherwise promoting short- and long-term international volunteer service by skilled American professionals, including connecting such professionals with nonprofit organizations, to achieve such objectives;

(3) helping nonprofit organizations in the United States recruit and effectively manage additional skilled American professionals for volunteer assignments throughout the developing world;

(4) providing recognition for skilled American volunteers and the organizations deploying them;

(5) helping nonprofit organizations and corporations in the United States to identify resources and opportunities in international volunteer service utilizing skilled Americans;

(6) encouraging the establishment of international volunteer programs for employees of United States corporations; and

(7) encouraging international voluntary service by highly skilled Americans to promote health and prosperity throughout the world.

(b) VFP PROGRAM OBJECTIVES.—The objectives of the VfP Program should include—

(1) eliminating extreme poverty;

(2) reducing world hunger and malnutrition;

(3) increasing access to safe potable water;

(4) enacting universal education;

(5) reducing child mortality and childhood diseases;

(6) combating the spread of preventable diseases, including HIV, malaria, and tuberculosis;

(7) providing educational and work skill support for girls and empowering women to achieve independence;

(8) creating sustainable business and entrepreneurial opportunities; and

(9) increasing access to information technology.

(c) VOLUNTEERS FOR PROSPERITY SERVICE INCENTIVE PROGRAM.—

(1) IN GENERAL.—The VfP Office may provide matching grants to offset the travel and living costs of volunteering abroad to any eligible organization that—

(A) has members who possess skills relevant to addressing any objective described in subsection (b); and

(B) provides a dollar-for-dollar match for such grant—

(i) through the organization with which the individual is serving; or

(ii) by raising private funds.

(2) NONDISCRIMINATION REQUIREMENT.—The VfP Office may not provide a stipend to an individual under paragraph (1) unless the nonprofit organization to which the individual is assigned has certified to the VfP Office that it does not discriminate with respect to any project or activity receiving Federal financial assistance, including a stipend under this title, because of race, religion, color, national origin, sex, political affiliation, or beliefs.

(3) COMPLIANCE WITH INELIGIBLE SERVICE CATEGORIES.—Service carried out by a volunteer receiving funds under this section may not provide a direct benefit to any—

(A) business organized for profit;

(B) labor union;

(C) partisan political organization; or

(D) religious or faith-based organization for the purpose of proselytization, worship or any other explicitly religious activity.

(d) FUNDING.—

(1) IN GENERAL.—The Administrator of the United States Agency for International Development shall make available the amounts appropriated pursuant to section 5104 to the VfP Office to pursue the objectives described in subsection (b) by carrying out the functions described in subsection (a).

(2) USE OF FUNDS.—Amounts made available under paragraph (1) may be used by the VfP Office to provide personnel and other resources to develop, manage, and expand the VfP Program, under the supervision of the United States Agency for International Development.

(e) COORDINATION.—The VfP Office shall coordinate its efforts with other public and private efforts that aim to send skilled professionals to serve in developing nations.

(f) REPORT.—The VfP Office shall submit an annual report to Congress on the activities of the VfP Office.

SEC. 5104. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title $10,000,000 for fiscal year 2010, and such sums as may be necessary for each of the fiscal years 2011 through 2014.

(b) ALLOCATION OF FUNDS.—Not more than 10 percent of the amounts appropriated pursuant to subsection (a) may be expended for the administrative costs of the United States Agency for International Development to manage the VfP Program.

TITLE VI—EFFECTIVE DATE

SEC. 6101. EFFECTIVE DATE.

(a) IN GENERAL.—This Act, and the amendments made by this Act, take effect on October 1, 2009.

(b) REGULATIONS.—Effective on the date of enactment of this Act, the Chief Executive Officer of the Corporation for National and Community Service may issue such regulations as may be necessary to carry out this Act and the amendments made by this Act.

SEC. 6102. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds the following:

(1) President John F. Kennedy said, ''The raising of extraordinarily large sums of money, given voluntarily and freely by millions of our fellow Americans, is a unique American tradition . . . Philanthropy, charity, giving voluntarily and freely . . . call it what you like, but it is truly a jewel of an American tradition''.

(2) Americans gave more than $300,000,000,000 to charitable causes in 2007, an amount equal to roughly 2 percent of the gross domestic product.

(3) The vast majority of those donations, roughly 75 percent or $229,000,000,000, came from individuals.

(4) Studies have shown that Americans give far more to charity than the people of any other industrialized nation—more than twice as much, measured as a share of gross domestic product, than the citizens of Great Britain, and 10 times more than the citizens of France.

(5) 7 out of 10 American households donate to charities to support a wide range of religious, educational, cultural, health care, and environmental goals.

(6) These charities provide innumerable valuable public services to society's most vulnerable citizens during difficult economic times.

(7) Congress has provided incentives through the Internal Revenue Code of 1986 to encourage charitable giving by allowing individuals to deduct contributions made to tax-exempt charities.

(8) 41,000,000 American households, constituting 86 percent of taxpayers who itemize deductions, took advantage of this deduction to give to the charities of their choice.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should preserve the income tax deduction for charitable contributions through the Internal Revenue Code of 1986 and look for additional ways to encourage charitable giving.

Amend the title so as to read: ''Entitled The Edward M. Kennedy Serve America Act, an Act to reauthorize and reform the national service laws''.

The PRESIDING OFFICER. The motion to reconsider is considered made and laid upon the table.

AMENDMENT NO. 729

The clerk will report the amendment to the title.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 729.

The amendment is as follows:

(Purpose: To amend the title)

Amend the title so as to read: ''Entitled The Edward M. Kennedy Serve America Act, an Act to reauthorize and reform the national service laws.''

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

CHANGE OF VOTE

Mr. GREGG. Mr. President, on roll-call vote No. 115, I voted ''nay.'' It was

my intention to vote ''yea.'' I ask unanimous consent that I be permitted to change my vote, which will not affect the outcome.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, it is a great honor that we have been able to add the name of a distinguished Senator—one of the most distinguished of all time—to this bill. We expect this to multiply into 7 million volunteers. To call it the Edward M. Kennedy bill is a great honor for all of us, even for those who voted against it. It was an overwhelming vote under the circumstances. There were a lot of sincere people on both sides. I am very happy we could name this after our friend and colleague whom we have served with all these years, who has made such a great difference.

What is great about it is the whole Kennedy family has been a service family. I look at TED's sister Eunice and what a whirlwind of great achievement and giving she has been all these years. I am sure she is very proud of her brother this evening. I am very pleased we could do this, and I am very grateful to all our colleagues for having participated in this.

It is an honor for all of us to honor our friend, Senator EDWARD M. KENNEDY.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered.

THE BUDGET

Ms. STABENOW. Mr. President, I have just come from an all-day session with the Budget Committee. I am very pleased that we have voted it out to the floor, and we will be taking up next week President Obama's budget, his priorities. Certainly the chairman of the committee, Senator CONRAD, gets tremendous credit for his hard work, as usual, and his expertise, and his staff's expertise as well.

Particularly, on a personal level, since it is such a difficult time for those Senator CONRAD loves in North Dakota, we know his heart and mind has been there, as well as shepherding this budget through. We appreciate his diligence in this very challenging time.

What was clear from the budget debate not only in the committee yesterday and today but in the comments that have gone on in the last couple of weeks from Republican colleagues is that they have dusted off a 15-year-old set of arguments about the budget, which is in front of us. You could use the headline: GOP Dusts off, Reuses 15-year-old Message of ''No.''

We have heard no on equal pay and from too many people around here on health care and on protecting public lands. The issues go on and on—whether it has been slow walking, filibustering, or just plain saying no.

So when we look at what is happening, I think it is important to put it into context. This year, 2009, we saw multiple headlines. One was: ''GOP Warns About Budget Hardball.''

We know they are going to come to the floor and play hardball on the budget next week and fight us every step of the way on our priorities and the President's vision for education, health care, and energy independence. They clearly have indicated that.

If you roll back the clock, this is not a new message. It is very much recycled. This was a headline in 1995: ''GOP Plan For Budget To Take No Prisoners.''

They took on President Clinton and his priorities of investing and creating children's health insurance and focusing on jobs and on ways to bring down the deficit, which, by the way, created 22 million jobs in this country.

I can tell you coming from a State with now 12 percent unemployment, we would be happy to have taken the Clinton budget and the era of creating jobs. I know the Presiding Officer comes from a State also hard hit. When we talk about what is best for people, people in this country would love to go back to an era of creating 22 million jobs.

President Obama is focusing on getting us back to that point by moving forward to invest in jobs, invest in the economy and what people care about.

But all we are hearing over and over again is how we are going to have a fight, it is going to be tough. One more time it is no.

1993: ''GOP's Politics of No.'' ''One-word vocabulary hobbles GOP.'' Sound familiar? ''Republicans grouse as Senate takes up budget bill.'' This was back in June 18, 1993. At that time, we had a Democratic President putting forward priorities for the American people—not the wealthiest in the country but middle-class families working hard every day, playing by the rules, who wanted to know their country was focused on them and their families.

We fast forward to today, and in the Budget Committee and on the floor, what do we see? We see a Republican repeat: Same old politics, same old policies that have gotten us to where we are, that have gotten us into this crisis.

The debate in the Budget Committee was very much about going back to the policies that did not work, that have created such financial chaos and job loss in this country. Whether to move us forward, that is what we are talking about, changing course, moving us forward, a different set of values and priorities, a different vision about what is important for America.

The American people have rejected the same old politics and the same old policies. But yet every day we see the same old politics, forcing us to go to 60 votes rather than working together to move legislation forward.

H.R. 1388 is a terrific bill on community service, the national service bill. Rather than being able to move it forward every step of the way together, there was constant effort to force cloture votes, to move in a way that has slowed it down, even though we know the majority of people were supporting it.

So we see the same old politics over and over again and the same old policies. When you listen to Republican colleagues over and over again, their mantra is always about tax cuts for the wealthy, we will solve great problems for everybody else. I can assure you the 11 million-plus people in this country who are unemployed right now are not concerned about another supply-side tax cut. They were waiting a long time, for the last 8 years, for it to trickle down to them, and all that trickled down to them was job loss, home loss, health care costs up, education costs up, energy costs up, food costs up.

This budget goes in a different direction. We reject the same old policies that got us where we are, that got us into this crisis.

Instead, we have put forward under the President's leadership a budget that is investing in America's future, investing in jobs. I am very proud to have led an effort in the committee to make sure we are focused on manufacturing, to focus on jobs in our budget resolution. I know our Presiding Officer shares my deep concern about those issues, and I am proud to partner with him on so many initiatives around manufacturing and jobs.

Health care: to make sure we have put in place the ability to tackle health care costs and health care access. We are in a unique position in health care. It is one of those rare situations where the more people are covered, the more you provide health care, you actually bring the cost down because you have fewer people using emergency rooms inappropriately, fewer people unable to go to the doctor before they get very ill, being able to get preventive care. This budget focuses on health care.

This budget focuses on energy independence. I am very proud to have authored in the bill a clean energy fund. This is based on work we are doing in the Energy Committee. I am so appreciative of the leadership and commitment of the chairman, Senator BINGAMAN, to work with us on manufacturing and energy independence, focusing on green technologies, focusing on a clean energy fund that will help us invest in those technologies and create great new manufacturing jobs. This is a part of the budget, energy efficiency efforts, creating the opportunity for us to work

together to address climate change in a way that is responsible and allows us to focus on jobs and creating new opportunities in the green economy.

Finally, and certainly not least, education. In terms of access to college or whether it is preschool and Head Start or whether it is funding our K–12 system, it is critically important that we not forget education and job training for the future. We have a lot of people who are going through transition today from one job to another, and job training is particularly critical.

In the Obama budget, we are investing in America's future: jobs, health care, energy independence, and education.

I am also very proud of the fact that we make a strong commitment again this year. For the last 2 years, with our Democratic majority, we have made veterans a priority, veterans health care a priority. It is so terrific to see the commitment of President Obama and his administration, the commitment they put in the budget that we have sustained a strong commitment to keep the promise of America for our veterans and their families, those who have served us, are serving us now, and come home and expect us to keep our promises as well.

There are many important values reflected in this budget, from focusing on veterans, focusing on jobs, as well as addressing what happens when a plant closes. I am very pleased to have put language in to increase money for communities, where there are closed plants, to create new opportunities for jobs and economic development.

There are a lot of different strategies that are represented and funded in this budget.

Again, it all comes down to how we view America, what are our priorities, what are our values, whom do we represent? Do we have a budget for American families? Do we have a budget for the middle class of this country which, by the way, gets significant tax cuts? We have significant tax cuts in this bill as well. The difference between the tax cuts in this budget and in budgets when our friends on the other side of the aisle were in the majority is these tax cuts go to the middle class. These tax cuts go to working families.

We also in the committee under Senator CARDIN's leadership have increased the dollars going to SBA, for small business, because we understand small business is an engine of this economy.

This budget does reflect jobs, strengthening manufacturing, support for small business, addressing job training, and where we go in the new green economy around jobs and energy independence. It focuses on health care. It focuses on education. We are keeping the promise that has been made by this country to our veterans.

I am very proud of this budget. I am very proud of this President for submitting this budget to us. It is different. We will hear honest disagreements about philosophy and how we stimulate the economy, differences in how we put together a budget and whether we invest in people or whether we continue the ways of the past that have gotten us where we are today.

This budget is a change. This budget is a commitment to the American people, a commitment to families, a commitment to communities, American businesses, keeping our jobs here at home. That is what this budget is about. Yes, it is different. Frankly, we tried it for 8 years under the philosophy and the direction that came from former President Bush and colleagues on the other side of the aisle, and it did not work. We cannot sustain having the same old politics and the same old policies if we are going to move America forward. We cannot sustain that any longer.

I urge colleagues to come together on a bipartisan basis and stand for the values and the people represented in this budget.

Thank you, Mr. President.

The PRESIDING OFFICER. The senior Senator from Wyoming is recognized.

BIPARTISANSHIP

Mr. ENZI. Mr. President, I was intending to walk through here on the way back to my office when I saw the sign blaming Republicans for everything—it blames us for the crisis, it blames us for—we keep talking about bipartisanship, but that is not the way you develop bipartisanship.

We did have some bipartisan votes today in the Budget Committee. One of them was to have an investigation into what is happening. I bet you are not going to point the finger at just one party on that. I am betting there is plenty of blame to go around on the situation we are in. Congress has contributed, as well as business, as well as employees. We are going to find out the country has been on a path and is still on a path that is not sustainable. We maxed out our credit cards and that causes a lot of problems. Now we are still trying to figure out how to spend more money.

I was disappointed that we went into a partisan speech right after such a bipartisan effort that happened in this Chamber. We passed a bill this afternoon that is going to provide 7 million volunteers across America, that is going to make a real difference for America.

One of the problems I have with Washington is when something good like that happens, it kind of disappears overnight; when something nasty happens, it is talked about forever. We have to talk more about bipartisanship. We have to stop blaming each other and start working together.

One of the ways that bill got done this afternoon is we have been following an 80-percent rule. We know we can agree on 80 percent of the stuff, and we did. Actually, we went a little further than that because we found some third ways in part of the other 20 percent. That made a bill that both sides could agree on that could get finished. There will be more work to do in that area.

I am glad we got that done this afternoon. I hope it is not a little, tiny paragraph in the paper. It probably will not be because it was named after the Senator from Massachusetts, Mr. KENNEDY, because he has been such a leader in this effort and worked on this bill for years and certainly deserves to have the bill named after him.

That should not be the only reason we get publicity on something such as this bill. There ought to be people looking at what we achieved and talking about what was achieved and talking about how, on a bipartisan basis, Democrats and Republicans sat down and said: This is what we need. We also said these are programs that are not working; let's replace them. We did that, and we did that in a very fiscally responsible way.

That is what can happen when both sides work together. We need to do more of that. We need to do a little bit less blaming. We are not even close to an election right now. So the blame game does not need to be done.

I certainly hope we can work for some common goals. I think we have some common goals. Next week, we will be talking about the budget, and there are even some common things on that. But I am willing to bet what we talk about on this floor will be the 20 percent we do not agree on, and that is the 20 percent that can ruin America.

I yield the floor.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from Alabama is recognized.

THE BUDGET

Mr. SESSIONS. Mr. President, there are good examples, as Senator ENZI declared, of bipartisan work in this Senate. We have a lot of those examples. I would point out, however, that a budget is a document that tends to favor an individual party's belief. It tends to point out where they want to take the country. It is a roadmap for the country, and that budget is a vehicle to achieve the goals that party has.

I want to say this about the budget: A budget is not just something an individual has to submit. The President submits one, but the numbers contained in it, the directions contained in it, are the choices made. You can choose to spend less, you can choose to spend more, you can choose to reduce debt, you can choose to increase debt. It might be more popular to spend more and run up more debt today, but it may not be good for the long-term interest of America.

We just left the budget markup, and the Democratic majority passed out of the committee on a straight party-line vote—with no Republicans supporting

it—what I believe is the most irresponsible budget in the history of our Nation. It takes our spending, as a percentage of the gross domestic product, to the highest level we have had since World War II, when we were fighting for our very existence. We had been attacked at Pearl Harbor. We were facing the Nazis and Hitler. The problems we face now are not like that, but that is the level of spending we have now, and it is a very dangerous thing.

Does anybody doubt the conventional wisdom that nothing comes from nothing; that there is no free lunch; that somebody had to produce it; that debts must be paid when incurred; and that if you borrow money, you have to pay interest on it? Does anybody doubt that?

From the beginning of the founding of our Republic until this year, we, the public, have accumulated $5 trillion in debt. That is the whole founding of our country. That is what we have accumulated. Under the budget that the President has submitted to Congress—in a bound volume, carefully put together—in 5 years alone that $5 trillion debt will double, and in the following 5 years it will triple. So in 5 years, we would add twice as much debt—according to the President's own numbers he submitted to us—as we have today and three times as much in 10 years. I am not making this up. These numbers are in the book. And it is pretty disturbing to me.

The chairman offered an alternative budget. He got clever. He said: We will do a 5-year budget. We won't do a 10-year budget. We will move some things around and make things look better, and then we can all vote for it. That is basically what happened today. But when you look at it carefully, it is no big change. And the chairman's mark that was passed out of committee today, that mark is disturbing because it was less honest and it was more gimmicked up than the President's budget.

President Obama's budget was pretty honest about two or three big issues. One of them is the alternative minimum tax fix. It costs quite a bit to fix that. We only fix it 1 year at a time, but we fix it every year. President Obama assumed we would fix it. I think he underestimated the cost of a 10-year fix, but he had it in there. It cost hundreds of billions of dollars to do that—$500 billion. I think it is probably closer to $700 billion or $800 billion, but that was in there. That was omitted from the chairman's mark that was voted out. But that is going to be fixed, and when you fix it, you reduce the alternative minimum tax's impact in the country, you lose revenue, and that makes your debt look worse.

Also, every year we have been fixing the doctors' reimbursement rate under the Balanced Budget Act. A decade ago, we required those payments to be cut, and we required them to be cut too much. They can't be cut that much, but that is the current law. They are dropped about 20 percent today. So every year, we come back and we put the money in. We spend the money necessary to keep the doctors with a modest increase in their reimbursement rate. We don't let them take a 20-percent cut. The chairman's mark assumes we don't fix the doctors' bills. That is not going to happen. That makes his numbers look somewhat better.

But when charted out carefully, the Budget Committee, on the Republican side, put the numbers together and found discretionary spending over 5 years under the chairman's mark was 98.8 percent—the same as President Obama's budget. Total outlays over 5 years was 96.6 percent—the same as the President's budget. And revenue was 99.8 percent—the same. So it is basically the President's budget. But since it was getting so much flak and that budget was so irresponsible, people wanted to pretend that the budget they voted out of the committee was more responsible and deserved more support. But it is just not so, really. There is nothing in it that suggests a confronting of the serious financial situation we are in.

It has an incredible increase in spending, and that is why the debts are so large. It creates these deficits. As I indicated, we go from $5 trillion to $10 trillion in debt held by the public in 5 years. Where does that $5 trillion come from? Where does it come from? It comes from borrowing. And you borrow by going out and offering Treasury bills on the U.S. Treasury. You offer people an opportunity to buy them, and you pay them interest to loan you the money. So they loan you the money, and you pay them interest.

We have been in a time in which the interest rates have been unusually low because people were so scared around the world and other countries were shakier than we were, and so they wanted to buy Treasury bills—because we always pay them, basically. We have historically been a very safe investment. So that is how we get there. We borrow the money.

Now, I want to suggest that costs money. I am not making these numbers up. These are the numbers that the Congressional Budget Office calculated. The Congressional Budget Office is hired by the Congress—both Houses of Congress—though it is controlled by the Democratic majority. They essentially have the final choice on who becomes the head of that office and who can control that office. But CBO takes pride in being nonpartisan and doing the right numbers. We use them a lot. They are the best numbers we can get. This is what they have calculated that interest payments on the debt will be.

People can understand interest. How much are you paying on your credit card in interest? How much are you paying on your house note in interest? When you borrow money, you pay interest. When the United States borrows another $5 trillion, we pay interest on that 5, plus the 5 we have already borrowed. And when it goes to $17 trillion, as CBO expects this budget deficit to do based on the budget the President sent us, you would see these kinds of numbers. And these are the President's numbers, but on these numbers, I think he is low. I trust CBO. But we will look at both of them.

According to CBO's estimates, we will spend $170 billion for interest this year. It goes up slowly. In 2011, $216 billion; then $282 billion, $460 billion, $601 billion, $734 billion; and in the 10th year, $806 billion in interest. One year's interest. How much of that is for foreign countries—China and Saudi Arabia and other countries who bought our Treasury bills? That is $806 billion.

How much is $806 billion? My State of Alabama is an average-size State—maybe a little smaller, not much—and we are about one-fiftieth the population of the country. Our entire general fund budget, including our State school spending and teachers, is less than $10 billion a year. The Government will be paying $806 billion in interest in 1 year.

The Federal highway program today is $40 billion. We send that out to the States, where they get an 80–20 or a 90–10 split, and they use it to repair interstates and highways, and they do a lot with that. It is $40 billion. We're talking about 20 times as much as the highway money.

I am very concerned about that interest number. Can we not understand why this is important? And we are not sure what this number will be because we are not perfectly sure what the interest rates will be.

There are some developments today in the world that cause us quite a bit of concern. In the Washington Post today, there is a report that the President of the European Union blasted U.S. spending. Subheadline: ''Czech Premier Calls Obama Administration's Economic Policies 'a Road to Hell.' '' The article is talking about the United States urging other countries to borrow more money and spend more money, as we have done. Let me quote from the article:

> Some countries, led by Germany, have strongly resisted, predicting that such a path could lead to unsustainable debts and runaway inflation. Luxembourg's prime minister . . . who heads a coordinating body . . . said European countries had already spent enough to jumpstart their economies.

They haven't spent as much as we have, yet we are urging them to spend more.

To further quote from the article:

> The European stimulus plans are muscular. They are demanding, they are important in volume and in quality. . . . There was ''no question'' that the European Union would reject requests from Obama to spend more.

Well, what happens when you do that? What happens when you borrow too much money?

There was an article in today's Washington Times talking about Mr. Geithner's difficulties in misspeaking

and causing the dollar to plunge and the market to plunge, and then rebalance after he corrected himself. The article said:

By afternoon, a poor showing of buyers at a Treasury bond auction sent interest rates sharply higher, raising fears about the U.S. ability to sell a massive load of $2.5 trillion of debt this year.

It goes on to say:

Buyers may have been spooked by . . . the unveiling of budget plans on Capitol Hill that would double the amount of debt the Treasury has to sell in the next 5 years to nearly $12 trillion.

The markets are worried about this. So if you are going to buy a Treasury bill and you think the United States is selling too many of them, or there are too many on the market and not enough money out there to buy them, or the interest rates are low and you want higher interest rates, you just don't buy. And then what is going to happen? To sell our bonds, to get people to loan us money, we are going to have to promise to pay them higher interest rates. That is the deal.

The New York Times had an article about this a month ago. Chairman CONRAD, our very able chairman of the Budget Committee, passed it out to our committee members. This is a warning. When you get too much debt and you are demanding that too many people loan you money, countries such as China—which have a fraction of the surplus in their trade account today than they had a number of years ago—are not going to buy as much of our debt, even if they wanted to, because they do not have the money to buy it with. Who is going to buy this? To get enough people to send us their money to finance our spending spree, we are going to end up having to pay higher interest rates. That is a fact.

The article goes on to say:

The mounting worries about the debt also snuffed out a rally in the stock market . . .

He talked about China. You have heard a lot of people talk about China and buying our Treasury bills and our concern about being obligated to them. This is what the article said today:

China and other investors recently have taken to worrying about whether the United States may debase its currency in its drive to address economic problems.

I think the world is worrying about that. Are we going to debase our currency? Are we going to inflate our currency to bail ourselves out and pay back those who loaned us money with dollars worth less than the dollars they loaned to us? If they think that, what they will demand is even higher interest rates. Because then they have to have interest rates that will assure them that even if the money is inflated, they will be paid back in an amount similar to that which they loaned us.

It goes on to say:

But the investors worry about the lingering effects of the legacy of debt and the inflationary impact of the Federal Reserve's program to help finance that debt with $300 billion of Treasury bond purchases.

So the Federal Reserve is basically printing money and buying these Treasury bills themselves to try to help us out, and that is worrying people because nothing comes from nothing. Debts must be repaid. It goes on to say:

Apprehension about these matters is apparently what led to the Treasury's difficulty in selling $24 billion of the five-year notes Wednesday afternoon.

That is yesterday afternoon.

To attract buyers, the Treasury had to pay interest rates that were significantly higher than its previous auction, touching off fears about the nation's ability to finance ever bigger loads of debt in the future. It didn't help that Britain on Tuesday experienced its first failed bond auction in nearly seven years—a bad portent since Britain, like the United States, has gone deeply into debt to finance large economic stimulus and bank bailout programs.

The Brits have followed us. The Central Europeans are saying no. The Brits are spending like we are and the other countries are rejecting that. They pushed back and we have urged them to spend like we do and they said: No, we are not going to do it.

I think it is embarrassing. It is mortifying to me, as an American who believes in limited Government, lower taxes, and free enterprise, to be in a position where we are being lectured by the Europeans and told no, when we want to spend more, tax more, and create more debt and they are saying it is irresponsible. We have always believed we were more responsible and we had more honesty in our system and we were more frugal in what we spent and our economy has been more robust than the European economies over the last 15 or 20 years. But now it looks like the situation has shifted. CreditSights—an organization that deals with these kinds of interest issues—CreditSights' Ms. Purtle was quoted in the article. She said that:

. . . the most serious problem the Treasury faces is a lack of buyers worldwide for its growing mountain of debt. In particular, countries like China and Japan that invested their trillions of dollars in export earnings in the Treasury market have been hit by plummeting exports—

They are not selling as much as they used to.

—which means they have less money to invest in Treasury Bonds, she said.

She concludes by saying:

''. . . funds simply aren't available to continue the purchases.''

That is something I have been talking about for some time. It is pretty obvious, unless you believe something can come from nothing.

Julie Andrews had it right:

Nothing comes from nothing, nothing ever could.

In the course of this debate, a lot of efforts were carried out to try to do something about the stark numbers that are revealed in the President's bound book he sent to us. This chart reflects what is in his book. I didn't make up the numbers. They came right out of the book he wrote, or his staff did, and it reflects the total of the debt held by the public which is the best hard number we have, I think, of what the debt of the country is.

We start out in 2008 with $5.03 trillion. You can see the deficits, how they increase. By the first 5 years, debt held by the public is $11.55 trillion, virtually a doubling in 5 years of that debt. Then, in the 10th year, it is $15.370 trillion, more than three times the amount, about three times the point of the 2008 figure.

The numbers don't lie. Nobody is disputing this. They are saying, you know what, as my colleague said on the floor in a very partisan speech: Well, we are investing. We admit we are in a changed environment. We are trying to do things in a different way, and get over it, you guys, you mossbacks, worrying about debt. Don't worry about debt. Don't worry about spending. We are investing. We are going to spend more in education—like we haven't done that year after year—and we are going to have such an improvement in the quality of our graduates it is going to make America better and we are going to pay all this back. I guess that is what the argument is. But at some point, you just don't have the money. We do not have the money.

It would be nice if we could double every program in the world. Maybe we'll send more as foreign aid. Somebody offered that amendment in the Budget Committee today to spend more on foreign aid. Spend everything more and more and it will all work out.

I do not think that is acceptable, and these numbers represent, I contend, the most irresponsible budget since World War II, and since we were in a life-or-death struggle in World War II, those deficits were necessary.

Well, somebody might say: SESSIONS, we are in a recession. That is why the President's numbers look bad.

But hold your hat: the President's budget says we will have, this year, a negative GDP of 1.2 percent. He projects in this budget, to make the numbers look better, actually—I think, that is the only thing I can say; I hope it would be right—he projects that unemployment would cap out, the highest we would ever have in this recession is 8.1 percent. It is already at 8.1 percent. Wouldn't it be great if it doesn't get any higher? Maybe it won't. I surely hope not, but I suspect it will.

Look at this. This is the projections through 5 years. He doesn't project—the reason we are having these deficits is not because of lack of economic growth. The reason we have these deficits is spending, unprecedented spending. Look, in 2009, this fiscal year ending September 30, they predict a GDP decline of 1.2 percent. The independent, Blue Chip consensus, which is the most respected group, they project it will be worse, at 2.6 percent.

In 2010, that is next year—we are in 2009. In 2010, the President is projecting 3.2 percent growth. That is robust

growth. That is not a little growth, that is robust growth. In 2011, it is 4.0; 2012, 4.6; 2013, 4.2.

The point I am trying to make is, the reason the deficits are here in the outyears is not because the President is saying we are going to be in a sustained economic slowdown. President Clinton in his best years in the 1990s, President Reagan in his best years, I think it very rarely broke 4 percent or 5 percent growth. Four percent growth is robust growth. Great Scott, it would be great to have that every year.

We are not having these deficits because we are assuming we are going to be in an economic slowdown or a war. That is not assumed either because the defense budget is one thing that is getting reduced.

Amendments were offered. Senator GREGG offered an amendment, the ranking Republican on the committee—and such a smart and experienced member of the committee. To get into the European Union, you have to commit that your annual deficit will not exceed 3 percent of your GDP and that your total debt will not exceed 60 percent of your gross domestic product, the GDP. This budget, I think, is taking us—this is where we are. In 2009, this year, we are at 55 percent of GDP is our debt. It goes up next year to 61, in 2010, because of the budget, with such huge deficits. That already takes us outside of being admitted in the European Union. The European Union says if you are going to be a member of our economic union, you have to show you have financial discipline in your country. Every new member has to go through this.

But under the President's budget in 2011, it is 64 percent; in 2012, it is 65 percent; 2013, it is 66 percent; and 2014, it is 66 percent. I think it hits about 80 percent. It goes on up in the second 5 years.

This is a troubling trend. So Senator GREGG said: Why don't we at least make it a situation in which at least to pass a budget such as this you have to have 60 votes if we violate the standards of the European Union? It was voted down. Every Democrat voted against that reform, that containment mechanism.

Senator GREGG also offered an amendment dealing with the budget presented by the chairman. I think he had a little humor in him when he offered this. The budget presented by the chairman projected a 7-percent increase in spending this year; 7 percent over the baseline. But over 5 years, he claimed it only would increase spending by about 2.5 percent. That is pretty good, a 2.5-percent increase. It is not great. I offered an amendment lower than that but 2.5 percent. OK? Then, Senator CRAPO, a Republican member of the committee and a very experienced and knowledgeable person, he said one thing I have learned around here, the budget that counts is the one for this year. You can project anything in your next year's budget and the next year's budget and the fourth and fifth year's budget. You can project any spending level you want because we will be back here next year, sitting in this room, and we will be voting on what this year's increase will be.

In other words, it appeared we were dealing with a gimmick. It appeared we were talking about spending a lot this year in the budget that counts—this fiscal year—and having reductions next year when we will have every opportunity to increase it.

OK. So Senator CRAPO says: OK, you said you are going to keep it at 2 percent. That is what your budget says. I am going to offer an amendment that sets up a budget point of order that takes 60 votes if you go above that. Fair enough, right? So if next year—actually, I think next year they are proposing a 1-percent increase, which is not going to happen, I assure you.

And he proposed we hold them to that 2.5, and we would have a 60-vote point of order if they went over 2.5. Every Democrat voted it down because they knew they were not going to stay at 2.5. Everybody knows it.

I will just say this: No matter what is in the budget that comes out of this Senate, if it is any kind of real reduction from President Obama's budget, and I do not think it will be, but if it is, when it goes to conference and they meet with Speaker PELOSI, they are going to put the money back in. When the bill comes over here, it is going to essentially be the Obama budget. We have seen that is the tone of this discussion.

So that is why he offered that amendment. That is why they voted it down, because they flatly intend not to stick to a 2.5-percent-per-year spending increase in nondefense discretionary spending.

Senator LINDSEY GRAHAM offered an amendment—get this—that would limit each household's share of the debt in America to $80,000 per household. Our debt today is $60,000 per household. The Federal debt, if divided out per household, is $60,000. So Senator GRAHAM said: Well, let's just put a mechanism in here, if you go over $60,000 and get up to $80,000, we have a budget point of order; at least it would take two-thirds to pass it.

No. They voted that down because the budget clearly puts us on a track to go well above $80,000 per household. It would have the potential to bite and be a potential way to contain this growth of spending.

Senator ALEXANDER offered an amendment that said there would be a budget point of order if the amount of our total debt reached 90 percent of the gross domestic product of our country. I just told you that you cannot get in the European Union if your debt exceeds 60 percent of your GDP. But this budget puts us on track to going beyond 90 percent of GDP, and Senator ALEXANDER offered an amendment. How reasonable is that? And it was voted down, on a straight party-line vote.

Senator CORNYN offered an amendment that would create a 60-vote point of order if we doubled the debt. If we double our debt, we ought to at least have 60 votes to do that. It was voted down, straight party-line vote.

These are troubling instances. We are not making this up. The issue is critical for the future of our Nation. It also says something more than just debt; it says this President meant something when he said: We are going to remake the American economy.

At a point in last year's campaign, many will remember this, when our President met Joe the Plumber, and he said: Well, we are going to take this money and spread it around a little bit, Joe.

People said: Wait a minute. Was that revealing who he really was? Is not that the socialist impulse to take money from people who have it and spend it on people you want to have it? Is not that the socialist impulse?

People talked about President Obama—Senator Obama then—is that the way he really thinks? Is that what he is going to do if he gets elected?

Oh no, they said, we are not socialists. We do not believe in those things. But budgets are not campaign rhetoric. The campaign is over. We are dealing with real books, a proposal to triple the debt in 10 years out of his budget office, with his name on it. I think the name of the budget document is ''A New Era of Responsibility.'' That is what is on it. That is what is right here. Here it is. ''A New Era of Responsibility.'' You tell me how tripling the debt is an era of responsibility. You tell me how raising the interest payment per year from $170 billion to $800 billion is responsible, in 10 years. It is not responsible.

We will have this debate next week. The Members will have a chance to speak about it and talk about it. For some people listening out there in the great American countryside, you may think this is just another Republican-Democratic dust-up, just another flim-flam fight, a burning of political hot air about nothing. And why does everybody not get together and just agree and work in a bipartisan way and pass something?

Well, what if they passed something that you think is bad for America, the legislation that has been offered. Every amendment that will make a difference gets voted down on a straight party-line vote, and it is going to be voted out of this Senate with an overwhelming partisan vote. I doubt a single Republican will vote for it.

But because a budget is passed—unlike most legislation—with a simple majority, there are plenty of votes to pass this. So there have been a lot of votes in this Senate, and a lot of times Republicans, I have often thought, have saved our Democratic colleagues from themselves by taking the hard votes by asking: How much is it going to cost? Do we really have the money? And not vote for things that in the

long run have not been wise for America.

OK. It is not going to happen this time because the votes are here. Senator REID, the majority leader, has the votes. This budget is going to pass. I suppose it is possible that the American people will have their voices heard and something could change and it could come out better. That would be my hope. But unless something changes in the dynamic, and the only thing that can change this dynamic is if the American people make their voices heard through their representatives and tell them that is not what we intended when we voted for President Obama. Or almost half the people voted for JOHN MCCAIN; that is not what we intended you guys to do. You did not tell us you were going to triple the debt. You did not tell us you were going to do these things.

What about our Member who ran for reelection recently in the last several years? They have been attacking President Bush. They have been attacking President Bush as a profligate spender and saying they were going to do better. This is better? Give me a break.

Let's talk about that. I think a relevant year is 2003, after 9/11, after that recession, the commencement of the war on terrorism, President Bush had a deficit of around $400 billion. He was savagely criticized for that, and some of that was justified. At the time that was the biggest deficit since World War II.

It dropped for 3 consecutive years. In 2007, the year before last, the budget had dropped to $161 billion. We were on a good path, and then this recession hit. The President sent out $150 billion last year, unwisely. That did very little good. All of a sudden the deficit last year, September 30, was $459 billion.

Well, that was the biggest since World War II. And I think he was rightly criticized for that. I did not vote to send out the checks. Sorry, constituents. I did not think it was going to work. I do not think it has. Most economists say it did not benefit us.

But this year, hold your hats, with the $800 billion stimulus bill we passed this year, the deficit for this 1 year will not be $455 billion, $600 billion, $700 billion, $800 billion, $1,000 billion. No, it is $1.8 trillion. It is $1.8 trillion this fiscal year, and they are scoring the Wall Street bailout all this year. They are scoring Freddie Mac and Fannie Mae this year. There are some one-time things in that score.

But next year it is going to be $1.1 trillion, according to the Congressional Budget Office. If you look at Congressional Budget Office numbers—here are the President's numbers. He projects, with a robust growing economy, the debt will be $1.75 trillion in 2009; $1.1, almost $1.2 trillion in 2010; almost $900 billion in 2011; and he goes down. And it starts coming back up in the outyears when he has solid growth and no projections of an economic slowdown. He projects continued growing deficits to $712 billion. And that is that 1 year. OK. There is not a single year, not a single year in these 10 years of the President's budget that the deficit is as low as the highest deficit President Bush ever had. Not one.

But my staff tells me, let's not forget, that is the President's score. It has been doctored too. It is really worse than that based on the money they plan to spend. Our own Congressional Budget Office, controlled by the majority Members of our body, this is what they have for the deficit. They have this year being $1.845 trillion, $1,845 billion; 1.4 the next year; not at $712 billion but at $1.2 trillion in the tenth year.

So that is why Senator CONRAD, our Democratic chairman, has said it is unsustainable. You cannot sustain these kind of deficits, even with a healthy economy.

USA Today, when this crisis began to hit us, they wrote an article that said simply this: An economy founded on excessive personal debt, excessive Government debt, and excessive trade deficits is not healthy.

So what we have to do is get off debt and get back to an honest growth economy that we have always been able to have. We have had a clear housing bubble that has burst. It has impacted the financial community significantly.

We have done a lot of things. Some of them are of dubious value. But we have done a lot of things to work our way through, and certainly President Obama projects the economy to bounce back strongly. But we cannot keep spending. We have to control that.

So as we go forward next week, I hope the American people will be alert to the most important issues; that they will make their voices heard; that all of our colleagues will go home, and as they sit down in quiet time, ask themselves: Can I vote for this? Can I go on record as voting for a plan that will increase the annual interest payment of Americans from $170 billion to $800 billion? And I am going to triple the debt in our country in 10 years, put us on a plan that will do that? I think not. I hope not.

I encourage my colleagues to study it carefully and vote no and let us see if we cannot come back with a much better budget. The only way to fix some of these issues is a bipartisan effort because some of those spending programs are tough. They have been growing out of control. It is going to take mature, tough decisionmaking to bring it under control.

Some special interests are going to holler as soon as you try to do it, and you have to listen to them. But you cannot let them set the national policy.

You can't let the person who is getting a benefit from a single program set a policy that adversely impacts everybody else in the country. That is what we are paid to do, to make the tough choices. We are not doing it now. The President's budget is not responsible. I hope we can confront it honestly and make some positive changes.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NEVADA GAMING COMMISSION 50TH ANNIVERSARY

Mr. REID. Mr. President, this month marks the 50th anniversary of one of the most important institutions in the growth and prosperity of the State of Nevada—the Nevada Gaming Commission.

On March 30, 2009, the William S. Boyd School of Law at the University of Nevada, Las Vegas, will mark this anniversary and honor those who have contributed to the stability, integrity, and success of the world's first gaming control system.

The Nevada State Legislature approved the Nevada Control Act in response to Gov. Grant Sawyer's request for gaming reform in his first state of the State address. Governor Grant and others recognized that clearer rules and oversight were necessary to show America that Nevada was serious about fair and ethical gaming.

When Governor Sawyer appointed the first members of the Gaming Commission in 1959, he said that the key characteristic of his appointees must be integrity. Governors since that time have followed that guideline and ensured 50 years of an ethical Commission.

This 50th anniversary leads me to reflect upon my 4 years as chairman of the commission, from 1977 to 1981. During these 4 years, we transitioned to a new world of gaming where Nevada shared the legal gaming stage with New Jersey. I will always remember the support I received as Commission Chairman from Governors Mike O'Callaghan, Robert List and my fellow commissioners. Over the course of my years in public service, nothing has given me more satisfaction than the progress we made during those years.

The current members of the Gaming Commission—Chairman Peter Bernhard, Arthur Marshall, Sue Wagner, Radha Chanderraj and Tony Alamo—personify the qualities of leadership Nevada expects and deserves.

To all the members of the Nevada Gaming Commission, past and

present—and all the support staff who have helped them succeed—I extend my warm congratulations on this 50th anniversary.

TRIBUTE TO LOUISVILLE SLUGGER

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a fine Louisville product that is recognizable around the world and to the wonderful company behind it that is still knocking it out of the park after 125 years. Hillerich & Bradsby Co., makers of the famous Louisville Slugger, has made over 100 million bats since 1884.

Legend has it that the company's first bat was made by 17-year-old John A. ''Bud'' Hillerich in his father, J.F. Hillerich's, woodworking shop, after local baseball star Pete Browning broke his bat. Bud invited him to the shop and handcrafted a new one on a steam-powered lathe.

The next day, after Browning got three hits in three at bats, baseball players from all over the region began to visit the Hillerich shop. From this, the Louisville Slugger was born.

The company has remained family owned for five generations, and in that time has become the most iconic brand in the game of baseball. Players from T-ball to the Major Leagues all have used Louisville Sluggers, including such greats as Lou Gehrig, Joe DiMaggio, Jackie Robinson, and Babe Ruth. Ruth personally gave bat makers at the company specifications for the Louisville Slugger bats he would use to hit his record 60 home runs.

In 1996, after operating elsewhere, Louisville Slugger baseball bats came home to Louisville, as Hillerich & Bradsby Co. placed their executive offices, wood bat plant, and a museum in downtown Louisville, just 10 blocks away from where Bud Hillerich made the first Louisville Slugger in 1884. The Louisville Slugger Museum & Factory is now one of the major tourist attractions of Louisville, with more than 2 million visitors since its opening.

If any of my colleagues happen to be in Louisville, my hometown, and want to visit the Louisville Slugger Museum & Factory, it is very easy to find. Just look for the 120-foot-long giant Louisville Slugger bat that marks the building's entrance. Every kid in town knows where to find the world's biggest bat and knows it marks the spot where you can tour the factory and actually see a Louisville Slugger being made. Today, Hillerich & Bradsby Co. manufactures more than 1 million wood bats a year, as well as aluminum bats, for professional and amateur use.

For millions of fans, the word ''Louisville'' will always evoke the satisfying crack of a bat and the celebration of a home run. This is thanks to the Louisville Slugger. The 2009 baseball season marks the Louisville Slugger's 125th anniversary, and I know all my colleagues join me in congratulating Hillerich & Bradsby Co. for 125 years of success in baseball, our national pastime.

CREDIT FOR INVESTMENT IN ADVANCED ENERGY FACILITIES

Mr. BINGAMAN. Mr. President, I rise for a colloquy with the chairman of the Finance Committee, Senator BAUCUS, to discuss section 1302 of the American Recovery and Reinvestment Act, ARRA, which the President signed into law on February 19, 2009 (Public Law 111–5). That section establishes a new tax credit, known as the section 48C credit, for investment in advanced energy facilities.

I am very pleased that ARRA establishes this new credit. Because until now, all of our investment tax credits for renewable energy technologies have been concentrated downstream that is, at the commercial or individual consumer level. While those incentives have created some U.S. jobs, such as in installation, most advanced energy technologies that are installed in the United States continue to be manufactured overseas. One major driver for this overseas manufacturing is the significant tax incentives that other countries offer. For instance, Malaysia and the Philippines offer solar photovoltaic manufacturers income tax holidays, for 15 years in the case of Malaysia, while Germany offers them up to 50 percent of investment costs. As a result, the U.S. is far behind, and is falling further behind, in ''clean tech'' manufacturing. According to one recent study, Japan represents 45 percent of global solar cell production while the United States accounts for just 9 percent. And European manufacturers now account for more than 85 percent of the global wind component market.

But just as the U.S. is losing ground in advanced energy manufacturing, we can anticipate rapid near- to mid-term growth in domestic demand for renewable energy technologies. This demand will be driven by numerous factors, including last year's extension of the commercial and residential investment tax credits through 2016; extension by ARRA of the production tax credit through 2013—2012 for wind; and declining product costs; anticipated enactment of national requirements for renewable electricity deployment; and anticipated enactment of a market-based system or tax to limit carbon emissions. But under the status quo, the corresponding growth in domestic demand would largely have been satisfied by imports.

For that reason, I worked with my friend from Montana, Senator BAUCUS, to establish in ARRA the first tax credit for investment in advanced energy facilities those that manufacture property that enables Americans to harness renewable resources to generate energy, to make energy efficient improvements, and to reduce greenhouse gas emissions. I thank Senator BAUCUS for sharing my commitment to putting our country on the path to being a leader in advanced energy manufacturing.

Mr. BAUCUS. I thank my colleague from New Mexico, the chairman of the Energy and Natural Resources Committee, for his dedication to this issue. I am pleased to have worked with Senator BINGAMAN, the chairman of the Finance Subcommittee on Energy, Natural Resources, and Infrastructure, on this new incentive. And I wholeheartedly agree with Senator BINGAMAN that we cannot allow the United States to miss the opportunity to add thousands of green manufacturing jobs. This new tax credit for investment in advanced energy facilities will level the playing field so that the U.S. can compete for these jobs, and I was pleased to include it in my chairman's mark when the Finance Committee considered this legislation.

Under section 1302 of ARRA, the Treasury Secretary is authorized to award total credits of up to $2.3 billion for qualifying projects. Within 180 days of enactment, the Treasury Secretary, in consultation with the Secretary of Energy, is required to establish a program to consider and award certifications for projects that qualify for the credit. The bill enumerates selection criteria that the Treasury Secretary shall take into consideration. The Finance Committee developed these criteria with the Energy and Natural Resources Committee, and through the Chair, I would like to ask Senator BINGAMAN to explain the criteria and clarify how Congress intends the administration to implement this credit.

Mr. BINGAMAN. I thank the Senator. At the outset, I note that this credit is a product of the Senate; it was not included in the preconference legislation that was passed by the House.

Overall, we intend the credit to promote the manufacture of property that, until recently, has not been widely deployed in the United States. In particular, the credit is intended to benefit manufacturers of property (including component parts of property) that (a) harnesses renewable resources to produce energy; (b) enhances the efficient use of energy derived from conventional or renewable resources; or (c) reduces greenhouse gas emissions from energy produced by conventional resources.

Treasury's creation of transparent scoring criteria will be critical for efficient delivery of the allocated credit amount, which, in turn, will drive efficient deployment of private capital.

The new section 48C requires the Treasury Secretary to make awards only to projects for which there is a reasonable expectation of commercial viability. Commercial viability primarily considers readiness for deployment. It also considers capital requirements to reach end-consumers in a cost-effective manner. Projects that have immediate and fungible markets and are positioned to compete in those

markets have greater commercial viability than those that will require significant additional market development. Additionally, in determining viability the Secretary should consider the potential scale of market applications, and therefore the project's broader impact.

In allocating credits, section 48C directs the Secretary to consider five additional factors.

First, the Secretary shall consider projects that will provide the greatest domestic job creation, both direct and indirect, during the credit period. Because of their potential to catalyze additional growth, ARRA's stimulus objective will be maximized if the program supports emerging sectors and technologies. Accordingly, the Secretary should consider job creation estimates that include some evaluation of the potential breadth and scale of the property's applications, including job creation potential of the property's supply chain, distribution, installation, and maintenance.

Second, the Secretary shall consider projects that will provide the greatest net impact in avoiding or reducing air pollutants or anthropogenic emissions of greenhouse gases. Emissions from both the manufacturing project's operations and the installed energy property should be considered. Applicant projects should be compared to the existing most-likely alternatives, and also to alternative new competing property. We expect that the Treasury Secretary will consult with the Department of Energy in estimating direct greenhouse gas emissions on a lifecycle basis for applicant projects. Additionally, the Treasury Secretary shall ensure that any potential project has received all Federal and State environmental authorizations or reviews necessary to commence construction of the project.

Third, the Secretary shall look to projects that have the greatest potential for technological innovation and commercial deployment. This criterion will ensure that tax credits are directed to those projects that have the greatest opportunity to catalyze new technologies, and thus multiply the tax credit's impact. The Secretary might implement this standard by preferring projects that are first- or second-of-a-kind, or that employ significantly improved technologies—i.e., those that will achieve significant improvements in cost or technology performance relative to existing solutions.

Fourth, the Secretary shall prioritize projects that have the lowest levelized cost either of generated or stored energy, or of measured reduction in energy consumption or greenhouse gas emissions. Because it takes into account the installed system price and associated costs, such as financing and operation, levelized cost of energy is an accepted and common metric for comparing the cost of generating energy or saving energy across properties. In the case of property that generates or stores energy, the appropriate measure is levelized cost of generated or stored energy, which factors the cost per kilowatt hours of energy generated. In the case of property that conserves or more efficiently deploys energy, such as smart grid and metering technologies, or that reduces greenhouse emissions, the appropriate measure is levelized cost of measured reduction in energy consumption or greenhouse gas emissions, which factors the cost per kilowatt of energy saved or ton of carbon captured. Section 48C mentions the ''full supply chain'' and, in the case of reductions in energy consumption or greenhouse gas emissions, the Secretary should also consider emissions reductions in other parts of the supply chain that are enabled by the applicant project.

Finally, the legislation directs the Secretary to consider projects that have the shortest project time from certification to completion. ARRA's overarching goal is to create jobs as quickly as possible; the credit is intended to benefit firms that are able to move quickly and with certainty.

Through the Chair, I would like to ask Senator BAUCUS to confirm his agreement with my description of these factors.

Mr. BAUCUS. I most certainly agree with the Senator's description and I thank him for his collaboration in developing this robust new tax credit.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

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

First of all thank you for all your efforts to help the people of Idaho and the USA.

We have a disabled daughter that lives on a very small income. We subsidize her income monthly and daily. It is all she can do to make ends meet. We are retired and on fixed income. Even before these terrible gas price increases and using ''level pay'' for heating and cooling all year round, trips to the many doctors and Elks Rehab, it is all but impossible for her to maintain a lifestyle where she can pay all her bills and eat.

How very sad our country has come to this. We seem to be able to help everyone else in the world but not our own citizens.

Everyone in the news keeps saying it will not do any good for years if we start drilling and building refineries. Well, we have to start somewhere and sometime. Foreign countries are virtually taking our oil resources and we are standing by and letting it happen. What is so hard to understand about our dilemma? It affects our source of food and many other vital areas that are urgent to our very survival. Let us bring back our capability to support ourselves by reactivating our nuclear capabilities. We have the technology and even some facilities that were up and running. Why did not we stick with a good thing when we were using it?

As far as drilling and the environmentalists are concerned, since when do the minority control the majority? Granted, we need to protect the environment but we all know it can be done along with doing what we need to do to survive. What good is it to be so radical and prevent every effort to improve our stability if no one is around to enjoy it? Think about it.

SHIRLEY, *Boise*.

I appreciated your letter and am happy to be able to share how difficult it has become for me, as a single mother who works in Boise, but lives in Middleton. Every day, my salary is reduced because of the additional costs of commuting to work. Additionally, my home and water are heated by propane, so making it thru this past winter was especially difficult. I had to call on my church leaders for assistance 3–4 times to pay the propane bills. The $600 stimulus check issued by the government was not even enough to cover the cost for one bill. I had to come up with the additional $180 shortage on my own. Needless to say, the stimulus check did not ''stimulate'' much of anything.

We are in a national crisis, and something must be done now. My husband walked away from our family approximately three years ago, leaving me with four children and two mortgages to pay on less than $25,000 per year income. I cannot afford to file for divorce because my funds are so limited—so I am just stuck. I do not want to lose my home, but that is becoming more of a potential outcome each day. It breaks my heart to see the things I have worked my whole life for slowly dwindle away. So much for the ''American Dream''.

I feel powerless and frustrated much of the time as I have to choose whether to buy fuel to be able to go to work, or buy food for my family. It is just a vicious circle. Please tell our elected officials that we need their help now!

GRACE, *Middleton*.

Thank you for your letter. Yes, we are scared at the direction our economy has taken, which all appears to be caused by the horrendous rise in gasoline prices—and who do we blame for this—Congress, of course! How can you sit by and let the oil companies rake in billions of dollars in profits through pure greed. I have never liked overregulation of business, but I think now they need some regulating, as do all those who are profiting by this miserable situation.

We are on a fixed income: Social Security, small pension (that never changes) and a 401K saved while working—which by the way is shrinking due to the stock market problems. The only thing that can be done about our income would be a decent cost-of-living rise in the Social Security next January.

Now, the story of how life has changed since the rise in gasoline—and all other—costs. We no longer: subscribe to a newspaper, buy any non-essential food, feed our pets as much as they used to get, buy clothing, eat out, go to movies, have a TV movie package, take any non-essential trips, and soon will cancel our Medicare supplemental health policy. We have enjoyed having a few horses, but hay prices are double over last year—to $185/ton. Many people are ''dumping'' their horses because they can no longer afford to feed them. Our nephew is a long-haul owner-driver. A recent 2-week trip cost him over $10,000 in fuel & expenses, and he netted only $400 for himself—for 2 weeks of work!

We have lived a frugal life and thought we had saved enough money to last it out, but now we are afraid this may not be the case. We are not starving, yet, or homeless, but that for the first time in our life, these things now appear possible—if things continue as they are. Every time we go to the pump or the grocery story, or buy anything at all; the prices have been increased.

Yes—please work for the things you state in your letter—increased domestic exploration, production and refining of petroleum; promotion and development of alternative energy sources, lower our dependence on foreign energy sources—and most important—do it now. The only thing that can save us from financial ruin is to get the prices down!

CLARK AND NOLA, *Kimberly*.

I am a single woman, working two jobs. The home I rent is heated by a furnace that burns heating oil. Last winter, I could not afford to buy enough heating oil to keep my house warm all winter. Even by keeping the thermostat at 55 degrees, (enough to keep the pipes from freezing, but not enough to really be warm), there were still two months during the winter that I could not run my furnace because I could not afford the oil. I set up two space heaters in either my bedroom or the living room, and that one room was where I spent all my time when I was at home. I got used to wearing my jacket and two pairs of socks in the house all the time. I hated showering because the bathroom was so cold. I would move a heater into the bathroom 15 or 20 minutes before to heat the room up a little bit. In this way, I saved myself money on heating oil, but then my electric bill nearly doubled. That was last year when oil was less than $3 per gallon. I still have not figured out a way to get heating oil for this year. I just have to trust that God will provide, and give me the strength to cope with whatever situation I am faced with.

I wish the government would open the way for more of our natural resources to be utilized. Living in this beautiful state, I love the environment, the animals, the beauty, but are not the needs of human beings more important than leaving billions of acres untouched and untouchable? We cannot even get out to see these spaces anymore because we cannot afford the gas for our vehicles!

JENNY, *Blackfoot*.

I do not have any great stories about how the gas prices have affected my family, but I can tell you that I sold our 4 Runner last year to save on gas and just put a trailer hitch on my minivan so I can pull our utility trailer to mow lawns at some apartments. I always think I look a little funny driving down Broadway in a minivan pulling a trailer.

I would encourage you to propose legislation and/or vote for legislation that opens up all public lands for drilling for oil. This should include ANWR and all offshore drilling. I oppose states dictating whether or not drilling will take place on federal lands or offshore. States only should have the right to restrict drilling on state owned lands. Any federally owned lands should be under the sole jurisdiction of the federal government. Furthermore, neither the state nor the federal government should restrict drilling on any private lands.

We also need more refinery capacity. Whether this is in the form of new refineries or expanding existing refineries, congress needs to pass legislation to ease environmental restrictions.

Do not let them bully you around when others say that it will take ten years to get any oil out of new wells. Any amount will help and even the realistic forecast of more oil will scare OPEC into lowering prices. We need it now! I work in the automotive industry and in all my conversations at home and throughout the country on sales calls, I have not once found a person who thinks we should drill less and have less refineries.

We also need more nuclear, wind, tidal, hydroelectric, and clean coal power plants. I do not believe government should subsidize any of these, but I believe you should loosen the restrictions for private enterprise to develop such. Rising electricity costs are every bit as detrimental to the well being of our economy as the rising petroleum costs.

CLAY, *Idaho Falls*.

You asked Idahoans to email you how the current high gasoline prices are affecting them. I do not think listening to the complaints of Idahoans about gas prices contributes to a solution. As I understand it, devaluing of the dollar versus other currencies, among other things, helped the economies of developing countries to where they can afford more energy intensive products such as food and transportation. Increased demand increases prices if supply remains constant. Look at China, for example. Their economy seems to be exploding, increasing their demand for food and energy and consequently driving up costs for others.

Some of the sillier ''solutions'' proposed by presidential candidates has been to suspend federal gasoline taxes, and raise taxes on oil companies. Environmentalists have long contributed to this developing energy shortage by frightening the public and politicians away from atomic energy. Instead of letting NASA play with $B probes to Mars, why were they not tasked with solving negatives of atomic plants such as depleted fuel rod disposal?

I am pointing fingers here at past errors because it helps to illustrate how we have gone wrong in the past, and which directions our present thinking should take. But first, let us understand who is supposed to be running this country, and who has the clout to dictate what this country is to do? Our U.S. Congress! But when its present preoccupation (increasing subsidies to already wealthy farmers) is compared with the impact of high fuel prices on our citizens, one ceases to expect any help from our politicians.

Fight against foolish short term fixes for high fuel prices. Call for somebody to assemble experts in relevant fields to get the facts behind the energy prices, publish them to reassure the public something is being done, then work to reduce the problem. Keep it non-political and do it fast.

J. K.

Thank you for the opportunity to respond to you regarding our nation's energy situation. We are indeed in a lamentable situation. I believe that our current state of affairs should be no big surprise to anyone. Have we not seen this coming for a number of years? Why has nothing been done sooner to allow development of more efficient vehicle engines and renewable domestic energy sources? While we cannot change what should have been done years ago, you and your colleagues in Congress now have the opportunity to not wait another day to take action. All of us must take responsibility for the predicament we are in and do something about it. Every American has the responsibility to conserve energy and use our resources wisely, without being wasteful. All of us have a responsibility to make decisions that will assure future generations a clean, healthy environment. Congress can take aggressive action to encourage production of energy efficient vehicles, homes, and businesses. I believe there is much technology available to reduce energy consumption. The biggest challenge is to be able to put that knowledge into mass production. Congress can create tax-breaks or other incentives for the implementation of energy-saving technology both in the business and private sectors. We, as individuals, can make some difference in energy consumption, but in order to make a significant difference, there must be strong incentives for businesses to change the way they are doing things! Those changes will only take place if the result is increased bottom-line profits for them. Otherwise, they will just keep passing along their increased energy costs to their customers, further bankrupting our already strained economy. We are seeing stress fractures everywhere in our economy, but we must remember that the time of greatest challenge may also offer the most opportunity to accomplish something truly great. We are looking to you to lead us through these challenging times; please do not let us down!

JEANNE MARIE, *Grace*.

Mr. Crapo, My husband and I are retired and both on Medicare. We live in McCammon, so we have to drive at least 40 miles to get to our doctor, dentist, grocery store, etc, We try to make as few trips as possible and car pool with neighbors many times. We can limit our trips but we are having problems with propane since it is our main source of heat. We are now paying more than $300 a month for our propane and it looks as if we will be paying more this winter. We need to use our own resources and stop our dependence on foreign oil. I think that we, as Americans, take good care of our country and have consideration for the earth and its resources. We are tired of being led by conservationists that think they know what is best for all. Many of my neighbors and family are worried and angry because no one seems to be doing anything about the situation. We need you to do something. Thank you.

NANCY, *McCammon*.

I am horrified by the prospect of selling my Hummer. I am also considering driving at 55 mph—is not that awful?

It is disgusting that Americans now have to pay almost as much for gasoline for our gas-guzzlers as we do as for bottled water.

Better drill every possible source of oil in the US—that should allow us to continue to use up resources at the highest rates in human history . . . for another year or maybe two.

DEBRA PATLA.

Of course this has affected my wife and myself. We just very recently retired, hoping to do some traveling. We have already canceled a trip that we had so looked forward to simply because of the cost of fuel. We will have to stay very close to home now. Most of our disposable 'fun' income now goes for gasoline.

You know that this happened on your watch. You and your colleagues representing

Idaho have been in Washington for a long time. [The public deserves to see more action and less talk on your part.]

LEONARD, *Wilder*.

It is ridiculous that they have let the gas prices get up as far as they have. If we did not have petroleum in the US to make gas it would be different, but we have ways to have gas brought in and it would not take that long. They need to reevaluate this.

DEANNA.

We are small farmers and small business owners. We live 25 miles from town which makes it a 50 mile round trip for everything we do. These rising fuel prices has greatly affected us and has made it hard. We have tried to conserve by buying fuel economy cars, but because of the rising costs we are paying substantially more for fuel than we were a year ago or even six months ago. We believe that what should be done is to use more of our domestic oil, cut environmental red tape on refineries and other things and give incentives for people to conserve. I do not think that by adding taxes to the oil companies is going to solve anything. It will just be passed on to the consumer, which is something we do not need.

RANDY.

It is my opinion that we need to become independent from Middle Eastern Oil. We need to reduce use, but also we need to build more energy plants, of all kinds, in our own country, including Nuclear, and responsibly drill our own oil. If we are not dependent on foreign oil we are not held hostage; We are not depleting our wealth while contributing to theirs.

Thank you for asking for my opinion. I hope you listen to everybody and I hope that you and your colleagues quit playing politics and get it done. I am very tired of the political drama. I have come to distrust all of you.

JANINE.

I would suggest that the government tell the people who want more drilling that the oil companies should drill the millions of acres they already hold hostage under contract before we give them the rest. As an alternative let wildcatters have the new options rather than more big oil hostage land.

KURT.

I am single. I raised two boys on my own, assuming the role of Mr. Mom for a number of years. Currently I work in industrial sales. I am compensated through straight commission. Year to date, my sales are off 30%. As commissions have shrunk, costs have not. My employer has informed me in September the cost for the company vehicle I use will increase an additional hundred dollars a month. One of my sons is out of work and had nowhere left to turn and is home for the moment working odd jobs. He is a new commercial pilot.

I am speaking in literal terms, not figuratively. I do not know how I am going to pay the bills, put food on the table, and gas in my personal vehicle. I will buy a half a tank of gas for my vehicle payday (cannot use company rig), buy a lot of hamburger, and I will draw on my credit line to cover the bills the paycheck cannot.

Somehow I will make it. Not sure how, but I will. This would be easier to accept what we are experiencing had it been unavoidable. The fact of the matter is our current situation was completely avoidable. Congress has failed at every turn to demonstrate the kind of leadership needed. Both parties are to blame. There is absolutely no excuse what so ever for us importing any oil period!

We need to drill now and drill wherever possible while developing other alternative energy systems.

ROGER, *New Plymouth*.

Thank you for the opportunity to share the affect rising energy prices have on me and my family. I am a single mother who drives a horrendous commute every day to get my son to daycare and then work. It just does not seem right that my gas bill keeps skyrocketing up every day while my paycheck stays the same. What choice do I have but to pay the price? It's getting too expensive to go to work! Is there anything that can be done?

LEAH.

ADDITIONAL STATEMENTS

IOLANI SCHOOL REAL WORLD DESIGN CHALLENGE CHAMPIONS

• Mr. AKAKA. Mr. President, I congratulate the six-member team from Iolani School for winning the national title in the U.S. Department of Energy's 2009 Real World Design Challenge, RWDC. The challenge is an annual competition that provides high school students with the opportunity to apply the lessons of the classroom to important energy and environment problems currently encountered in the engineering field. Iolani School's team placed first of 10 teams gathered from across the Nation in the competition finals held on March 21, 2009 at the Smithsonian's National Air and Space Museum. The theme for the 2009 challenge was ''Aviation and Fuel Consumption.''

I wish to acknowledge the students' diligence, team work, and ingenuity in crafting their winning solution to this year's daunting challenge. Teams were provided detailed specifications and flight capabilities of an actual twin-engine jet aircraft. Teams were then asked to improve the aircraft's fuel efficiency without drastically reducing its load capacity. I wish to acknowledge all team members on their success: Amy Ko, Adeline Li, Anya Liao, Celia Ou, Jessica Lynn Saylors, Julia Zhang. Their parents and families are recognized as well for their commitment, sacrifice, and support that helped to encourage and instill the important values that led to their success.

However, these young women could not have achieved what they have done without the additional support and knowledge of the fundamentals of science given to them by their coach, Dr. Carey Inouye. I commend Dr. Inouye and all of their teachers at Iolani School on their dedication to instructing, nourishing, and inspiring the next generation of scientists and engineers.

I would also like to echo the comments made by U.S. Secretary of Energy Steven Chu, who said that this ''competition shows that U.S. students, when challenged to excel, are able to perform at the highest levels in science, math and engineering.'' I encourage these students to continue to study and follow their passions for science and engineering. I wish nothing but the best for the students, their families, and coach and wish them and the program continued success in future endeavors.•

OHIO NATIONAL GUARD'S 179TH AIRLIFT WING

• Mr. BROWN. Mr. President, today I commemorate the work of the Ohio National Guard's 179th Airlift Wing of Mansfield, which has been awarded the General Thomas D. White Environmental Quality Award.

The award recognizes the 179th Airlift Wing's work in environmental quality, restoration, pollution prevention, recycling, and conservation of natural and cultural resources. They were picked for the award from among all 88 Air National Guard Wings, all other Air National Guard installations, and all Air Force Reserve units across the country. It is the highest honor of its kind that can be awarded for environmental work. The 179th Airlift Wing made multiple environmental advances during the period from 2006 to 2008, including consumption reductions, recycling programs, a conversion to biodiesel fuel, and updated cost-saving environmental plans.

I commemorate the work of the 179th Airlift Wing and congratulate them for receiving this prestigious award. Their dedication to environmental causes and our Nation is an inspiration to us all. I hope you will join me in wishing them the best of luck in their future endeavors.•

TRIBUTE TO ADIA MATHIES

• Mr. BUNNING. Mr. President, today I invite my colleagues to join me in congratulating Adia Mathies from Iroquois High School, Lousiville, KY, for receiving Kentucky's Miss Basketball award. There is only one recipient annually for this award.

Kentucky's Miss Basketball Award is given to students who show excellence in their basketball career. To be eligible for the award, students must show consistent top performance on the court.

Adia Mathies has shown superior basketball skills as a high school senior and throughout her young career. This season alone, she averaged 17.1 points, 11.4 rebounds, 3.9 steals and 3.8 assists, aggressively pushing Iroquois' final record to 33–1 and the win of the State Championship. As a professional athlete, I appreciate the hard work and dedication it takes to perform at a higher level, which she has displayed.

I am impressed by the excellence this student has demonstrated. I am confident that she will have success in greater challenges in the future and perform outstandingly at University of Kentucky.

Mr. President, I would like to thank Adia Mathies for her contributions to

the Commonwealth of Kentucky and wish her the best of luck in her future endeavors.●

TRIBUTE TO DAVID YEPSEN

● Mr. GRASSLEY. Mr. President, I wish to pay tribute to a native son of Iowa as he prepares to leave the nest he has diligently feathered for more than three decades. A journalist who has earned his keep for 34 years at the Des Moines Register, David Yepsen honed his skills as a fair and balanced reporter upon whom his readers grew to depend to separate the wheat from the chaff.

With a few strokes of the keyboard, David Yepsen cut through layers of political posturing to identify stalemates at the statehouse or expose stonewalling from Terrace Hill. A no-nonsense newspaperman, David built a reputation for his astute understanding of Iowa politics and policymaking on the local, State, and Federal levels of government. From local boards of education to county seats of government, statehouse politics, and the Presidential campaign trail, David Yepsen knew how to boil down an issue and size up a candidate's prospects.

Like most Iowans, pomp and circumstance isn't his style. The genius of his political commentary is his ability to cut off grandstanding and get down to brass tacks. If the political leadership got bogged down in partisan gridlock, David would simply explain to voters in his next column how their elected representatives were baling political hay on the public's dime instead of ironing out the looming State budget deficit.

A shrewd journalist, David Yepsen understood how to cultivate contacts and build a reputation built on trust and truth. Cut from the gold standard cloth of journalism, David exercised independence and discovered that loyalty, like representative government, is a two-way street. No doubt the mutual agreement or lively disagreement with his subjects, readers, and publishers made his job all the more satisfying.

Although schooled decades before the Internet, blogs, and other tools delivered news to our laptops and cell phones, this seasoned reporter embraced the 24-hours news cycle. His profession bears the responsibility and privileges granted by the freedom of the press in American society. He upheld his end of the bargain by holding officeholders, public officials, and candidates accountable to the people. But he didn't fall victim to the ''gotcha'' style of ambush journalism that adds to public cynicism about the media and politics.

Instead, David fell back on his commitment to fairness and evenhandedness. That is the legacy David Yepsen will leave behind as he pursues the next chapter in his professional career. Next month, he will hang up his press credentials to assume leadership of the Paul Simon Public Policy Institute at Southern Illinois University in Carbondale.

As I mentioned earlier, David Yepsen for more than 30 years has earned his paycheck and served the public as a reporter and political columnist at the Des Moines Register. For more than three decades, he immersed himself whole hog into politics, issues, and campaigns that have colored Iowa's landscape from the Missouri to the Mississippi Rivers. David earned a scholarly grasp of public policy that will prepare him well for his new position. Hot-button issues in recent times have included regulating hog lots; legalizing gambling; preparing for natural disasters and flood control; consolidating government from the courthouse to the schoolhouse; harmonizing Iowa's production agriculture heritage with sustainable stewardship of our natural resources; investing in renewable energy; bringing 21st century technology to rural areas; developing tourism, parks, and trails; balancing needs of an aging society; addressing Iowa's ''brain drain'', handling immigration; and juggling interests of labor and business or rural and urban. Instead of treating these issues as lightning rods that polarize people, David took the opportunity to challenge Iowans, whether newcomers or old-timers, to find common ground that would make our State an even better place to work, raise a family, enjoy a vacation, earn a world-class education, and retire.

David could slice through the debate with a lucid and logical reminder about just why it matters to taxpayers if the gas tax is raised during a recession or why Iowa lawmakers should seize the opportunity to take bold steps to restore and improve crumbling infrastructure projects. He provoked Iowans to think outside the box, choosing flattery or insult when necessary.

David faced the relentless scrutiny of his readers and also enjoyed many personal and professional rewards. Iowa's David Yepsen was often called upon by national news organizations for his respected analysis of Presidential politics. His departure leaves behind a big set of footprints in the fields of Iowa journalism and politics. I will really miss seeing ''what Yepsen had to say in the Register'' but wish him all the best.●

REMEMBERING CHAD MECHELS

● Mr. THUNE. Mr. President, today I wish to pay honor to Deputy Sheriff Chad Mechels of Madison, SD, who was killed in the line of duty on Sunday, March 15, 2009, at the age of 32. He is survived by his wife Jamie Mechels and two children, Avery, age 7, and Thomas, age 3.

Chad dedicated his life to a career in law enforcement. He graduated from the South Dakota Law Enforcement Academy in 2005. After graduation, Chad worked with several law enforcement agencies including the Lake County and Kingsbury County Sheriff's Departments. He was currently serving with the Turner County Sheriff's Department when his life was tragically taken.

The sacrifice made by this brave officer is something we should always remember. Everyday heroes, like Chad, are those who keep us all safe. We should all be thankful to our community law enforcement officers who respond to protect the safety of others while sometimes jeopardizing their own.

Deputy Sheriff Chad Mechels paid the ultimate sacrifice in the line of duty, and for that we owe him a debt that can never be repaid. Let us honor Chad and so many other heroes that have made this country great.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 1:03 p.m., a message from the House of Representatives, delivered by Mrs. Cole, announced that the House has passed the following bills, without amendment:

S. 383. An act to amend the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110–343) to provide the Special Inspector General with additional authorities and responsibilities, and for other purposes.

S. 520. An act to designate the United States courthouse under construction at 327 South Church Street, Rockford, Illinois, as the ''Stanley J. Roszkowski United States Courthouse''.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 730. An act to strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material, and for other purposes.

H.R. 918. An act to designate the facility of the United States Postal Service located at 300 East 3rd Street in Jamestown, New York, as the ''Stan Lundine Post Office Building''.

H.R. 1148. An act to require the Secretary of Homeland Security to conduct a program in the maritime environment for the mobile biometric identification of suspected individuals, including terrorists, to enhance border security.

H.R. 1218. An act to designate the facility of the United States Postal Service located

at 112 South 5th Street in Saint Charles, Missouri, as the ''Lance Corporal Drew W. Weaver Post Office Building''.

H.R. 1617. An act to amend the Homeland Security Act of 2002 to provide for a privacy official within each component of the Department of Homeland Security, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 55. Concurrent resolution recognizing the 30th anniversary of the Taiwan Relations Act.

H. Con. Res. 77. Concurrent resolution recognizing and honoring the signing by President Abraham Lincoln of the legislation authorizing the establishment of collegiate programs at Gallaudet University.

The message also announced that the House agreed to the amendments of the Senate to the bill (H.R. 146) entitled ''An Act to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes.

At 3:31 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1404. An act to authorize a supplemental funding source for catastrophic emergency wildland fire suppression activities on Department of the Interior and National Forest System lands, to require the Secretary of the Interior and the Secretary of Agriculture to develop a cohesive wildland fire management strategy, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 730. An act to strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 918. An act to designate the facility of the United States Postal Service located at 300 East 3rd Street in Jamestown, New York, as the ''Stan Lundine Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1148. An act to require the Secretary of Homeland Security to conduct a program in the maritime environment for the mobile biometric identification of suspected individuals, including terrorists, to enhance border security; to the Committee on Commerce, Science, and Transportation.

H.R. 1218. An act to designate the facility of the United States Postal Service located at 112 South 5th Street in Saint Charles, Missouri, as the ''Lance Corporal Drew W. Weaver Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1404. An act to authorize a supplemental funding source for catastrophic emergency wildland fire suppression activities on Department of the Interior and National Forest System lands, to require the Secretary of the Interior and the Secretary of Agriculture to develop a cohesive wildland fire management strategy, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1617. An act to amend the Homeland Security Act of 2002 to provide for a privacy official within each component of the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 55. Concurrent resolution recognizing the 30th anniversary of the Taiwan Relations Act; to the Committee on Foreign Relations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1137. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to obligations and unobligated balances of funds provided for Federal-aid highway and safety construction programs during fiscal year 2006; to the Committee on Commerce, Science, and Transportation.

EC–1138. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to obligations and unobligated balances of funds provided for Federal-aid highway and safety construction programs during fiscal year 2007; to the Committee on Commerce, Science, and Transportation.

EC–1139. A communication from the Attorney of the Office of Assistant General Counsel for Legislation and Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Weatherization Assistance Program for Low-Income Persons'' (RIN1904-AB84) received in the Office of the President of the Senate on March 26, 2009; to the Committee on Energy and Natural Resources.

EC–1140. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report entitled ''Drinking Water Infrastructure Needs Survey and Assessment: Fourth Report to Congress''; to the Committee on Environment and Public Works.

EC–1141. A communication from the Chair and Vice Chair, National Surface Transportation Infrastructure Financing Commission, transmitting, pursuant to law, a report entitled ''Paving Our Way: A New Framework for Transportation Finance''; to the Committee on Environment and Public Works.

EC–1142. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the amendments to the Federal Rules of Appellate Procedure that have been adopted by the Supreme Court of the United States; to the Committee on the Judiciary.

EC–1143. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Annual Report of the Office of Juvenile Justice and Delinquency Prevention for 2008; to the Committee on the Judiciary.

EC–1144. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, two reports entitled ''2008 Annual Report of the Director of the Administrative Office of the U.S. Courts'' and ''2008 Judicial Business of the United States Courts''; to the Committee on the Judiciary.

EC–1145. A communication from the Director of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Post-9/11 GI Bill'' (RIN2900-AN10) received in the Office of the President of the Senate on March 26, 2009; to the Committee on Veterans' Affairs.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM–15. A resolution adopted by the House of Representatives of the State of Missouri urging the United States Congress to reject the Freedom of Choice Act; to the Committee on the Judiciary.

RESOLUTION

Whereas, the 111th United States Congress is considering the Freedom of Choice Act, which purports to classify abortion as a ''fundamental right'', equal in stature to the right of free speech and the right to vote—rights that, unlike abortion, are specifically enumerated in the United States Constitution; and

Whereas, the federal Freedom of Choice Act would invalidate any ''statute, ordinance, regulation, administrative order, decision, policy, practice, or other action'' of any federal, state, or local government or governmental office, or any person acting under governmental authority that would ''deny or interfere with a woman's right to choose'' abortion, or that would ''discriminate against the exercise of the right . . . in the regulation or provision of benefits, facilities, services, or information''; and

Whereas, the federal Freedom of Choice Act would nullify any federal or state law ''enacted, adopted, or implemented before, on, or after the date of its enactment'' and would effectively prevent the State of Missouri from enacting similar protective measures in the future; and

Whereas, the federal Freedom of Choice Act would invalidate more than 550 federal and state abortion-related laws, laws supported by the majority of the American people; and

Whereas, the federal Freedom of Choice Act would specifically invalidate the following commonsense protective laws properly enacted by the State of Missouri:

(1) A parental consent law for minors seeking an abortion;

(2) A prohibition on government funding or use of public facilities for abortions;

(3) Health and safety regulation for abortion facilities;

(4) A twenty-four-hour waiting period and informed consent law that provides an opportunity to consider the gravity of a decision to abort a child;

(5) A partial birth abortion ban (Infant's Protection Act);

(6) A requirement that only physicians can perform or induce abortions and that such physicians maintain medical malpractice insurance;

(7) Conscience protections for doctors and hospitals not wanting to perform or induce abortions;

(8) A prohibition on performing or inducing abortions in order to use fetal organs or tissue for transplantation or experimentation;

(9) Licensing of most abortion clinics as ambulatory surgical centers to ensure basic health and safety of patients;

(10) Alternatives to abortion programs to encourage and support women who do not want abortions; and

Whereas, the federal Freedom of Choice Act will not make abortion safe or rare, but will instead actively promote and subsidize abortion with federal and state tax dollars and will do nothing to ensure its safety; and

Whereas, the federal Freedom of Choice Act will protect and promote the abortion industry, endanger women and their health, promote a political ideology of unregulated abortion-on-demand, and silence the voices of Americans who want to engage in a meaningful public discussion and debate over the availability, safety, and even desirability of abortion: Now, therefore, be it

Resolved, That the members of the House of Representatives of the Ninety-fifth General Assembly, hereby strongly oppose the federal Freedom of Choice Act and urge the United States Congress to summarily reject it; and be it further

Resolved, That the Missouri House of Representatives strongly opposes the federal Freedom of Choice Act because:

(1) It seeks to circumvent the states' general legislative authority as guaranteed by the 10th Amendment of the United States Constitution;

(2) It seeks to undermine the right and responsibility of the states and the people to debate, vote on, and determine abortion policy;

(3) The protection of women's health through state regulation on abortion is a compelling state interest that should not be nullified by Congress; and

(4) Its enactment would nullify laws in the State of Missouri that the Missouri General Assembly and the people of Missouri strongly support; and be it further

Resolved, That the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for Barack Obama, President of the United States; the Majority Leader and Minority Leader of the United States Senate; the Majority Leader and Minority Leader of the United States House of Representatives; each member of the Missouri Congressional delegation; and the Clerk of the United States House of Representatives and the Secretary of the United States Senate with a request that the resolution be printed in the Congressional Record.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Tony West, of California, to be an Assistant Attorney General.

Lanny A. Breuer, of the District of Columbia, to be an Assistant Attorney General.

Christine Anne Varney, of the District of Columbia, to be an Assistant Attorney General.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. FEINGOLD (for himself and Ms. COLLINS):

S. 712. A bill to amend title XVIII of the Social Security Act to improve the Medicare program for beneficiaries residing in rural areas; to the Committee on Finance.

By Mr. PRYOR:

S. 713. A bill to require the Administrator of the Federal Emergency Management Agency to quickly and fairly address the abundance of surplus manufactured housing units stored by the Federal Government around the country at taxpayer expense; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WEBB (for himself, Mr. SPECTER, Mr. REID, Mr. LEAHY, Mr. DURBIN, Mr. GRAHAM, Mr. SCHUMER, Mrs. MURRAY, Mr. WYDEN, Mr. BROWN, Mr. WARNER, Mrs. GILLIBRAND, Mr. BURRIS, Mr. KENNEDY, Mr. CARDIN, and Mrs. MCCASKILL):

S. 714. A bill to establish the National Criminal Justice Commission; to the Committee on the Judiciary.

By Mr. LEVIN (for himself, Ms. SNOWE, Ms. STABENOW, Ms. COLLINS, and Mr. SCHUMER):

S. 715. A bill to establish a pilot program to provide for the preservation and rehabilitation of historic lighthouses; to the Committee on Energy and Natural Resources.

By Ms. STABENOW (for herself and Mr. LEVIN):

S. 716. A bill to amend title XVIII of the Social Security Act to preserve care for ventilator-dependent patients; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mrs. HUTCHISON, and Mrs. FEINSTEIN):

S. 717. A bill to modernize cancer research, increase access to preventative cancer services, provide cancer treatment and survivorship initiatives, and for other purposes; to the Committee on Health, Education , Labor, and Pensions.

By Mr. HARKIN (for himself, Mr. KENNEDY, Mr. LEAHY, Mr. CARDIN, Ms. MIKULSKI, Mr. KERRY, Mr. DURBIN, Mr. LAUTENBERG, Mr. MERKLEY, and Mrs. MCCASKILL):

S. 718. A bill to amend the Legal Services Corporation Act to meet special needs of eligible clients, provide for technology grants, improve corporate practices of the Legal Services Corporation, and for other purposes; to the Committee on the Judiciary.

By Mr. TESTER:

S. 719. A bill to direct the Secretary of the Interior to notify surface estate owners in cases in which the leasing of Federal minerals underlying the land are to be used for oil and gas development; to the Committee on Energy and Natural Resources.

By Mr. UDALL of Colorado (for himself and Mr. BENNET):

S. 720. A bill to provide a source of funds to carry out restoration activities on Federal land under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. 721. A bill to expand the Alpine Lakes Wilderness in the State of Washington, to designate the Middle Fork Snoqualmie River and Pratt River as wild and scenic rivers, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS (for himself, Mr. ROCKEFELLER, and Mr. SCHUMER):

S. 722. A bill to amend the Internal Revenue Code of 1986 to provide for permanent alternative minimum tax relief, middle class tax relief, and estate tax relief, and to permanently extend certain expiring provisions, and for other purposes; to the Committee on Finance.

By Mr. WYDEN (for himself, Ms. COLLINS, Mr. DODD, and Mr. CARPER):

S. 723. A bill to prohibit the introduction or delivery for introduction into interstate commerce of novelty lighters, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BARRASSO (for himself and Mr. VITTER):

S. 724. A bill to amend the Endangered Species Act of 1973 to temporarily prohibit the Secretary of the Interior from considering global climate change as a natural or man-made factor in determining whether a species is a threatened or endangered species, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BINGAMAN (for himself and Mr. HATCH):

S. 725. A bill to amend the Internal Revenue Code of 1986 to allow self-employed individuals to deduct health insurance costs in computing self-employment taxes; to the Committee on Finance.

By Mr. SCHUMER (for himself, Ms. COLLINS, Mr. BROWN, Mr. VITTER, Ms. STABENOW, Mr. MARTINEZ, and Mrs. SHAHEEN):

S. 726. A bill to amend the Public Health Service Act to provide for the licensing of biosimilar and biogeneric biological products, and for other purposes; to the Committee on Health, Education, Labor, and Pensions .

By Ms. LANDRIEU (for herself, Mr. ENSIGN, Mr. CARDIN, Mrs. BOXER, Mr. GRAHAM, Ms. COLLINS, Mr. MCCAIN, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. LEVIN, Mr. CARPER, Mr. LIEBERMAN, Mr. BYRD, Mr. KERRY, and Mr. LEAHY):

S. 727. A bill to amend title 18, United States Code, to prohibit certain conduct relating to the use of horses for human consumption; to the Committee on the Judiciary.

By Mr. AKAKA:

S. 728. A bill to amend title 38, United States Code, to enhance veterans' insurance benefits, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DURBIN (for himself, Mr. LUGAR, Mr. REID, Mr. MARTINEZ, Mr. LEAHY, Mr. LIEBERMAN, Mr. KENNEDY, and Mr. FEINGOLD):

S. 729. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes; to the Committee on the Judiciary.

By Mr. ENSIGN (for himself, Ms. CANTWELL, Mr. ROBERTS, Mr. BROWNBACK, Mr. VOINOVICH, Mr. LIEBERMAN, Mrs. MURRAY, Ms. COLLINS, Mr. DEMINT, and Mr. BENNET):

S. 730. A bill to amend the Harmonized Tariff Schedule of the United States to modify the tariffs on certain footwear, and for other purposes; to the Committee on Finance.

By Mr. NELSON of Nebraska (for himself, Mr. GRAHAM, Mrs. LINCOLN, Mr. BYRD, Mr. DODD, Mrs. GILLIBRAND, Mr. ISAKSON, Mr. CASEY, Mr. LEAHY, and Mr. ALEXANDER):

S. 731. A bill to amend title 10, United States Code, to provide for continuity of TRICARE Standard coverage for certain members of the Retired Reserve; to the Committee on Armed Services.

By Mr. AKAKA (for himself, Mr. SPECTER, Mr. CARDIN, Mr. SCHUMER, Mr. VOINOVICH, Mr. BROWN, and Mr. CASEY):

S. 732. A bill to amend the National Dam Safety Program Act to establish a program to provide grant assistance to States for the rehabilitation and repair of deficient dams;

to the Committee on Environment and Public Works.

By Mrs. MURRAY (for herself and Mr. ISAKSON):

S. 733. A bill to ensure the continued and future availability of life saving trauma health care in the United States and to prevent further trauma center closures and downgrades by assisting trauma centers with uncompensated care costs, core mission services, and emergency needs; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWNBACK (for himself and Mr. ROBERTS):

S. Res. 86. A resolution designating April 18, 2009, as ''National Auctioneers Day''; to the Committee on the Judiciary.

By Mr. AKAKA (for himself, Mr. VOINOVICH, Mr. LIEBERMAN, Ms. COLLINS, Mr. LEVIN, and Mr. CARPER):

S. Res. 87. A resolution expressing the sense of the Senate that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 4 through 10, 2009; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. HAGAN (for herself, Mr. BURR, Mr. KENNEDY, and Mr. SCHUMER):

S. Res. 88. A resolution honoring the life of Dr. John Hope Franklin; considered and agreed to.

ADDITIONAL COSPONSORS

S. 21

At the request of Mr. REID, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 21, a bill to reduce unintended pregnancy, reduce abortions, and improve access to women's health care.

S. 277

At the request of Mr. HATCH, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 277, a bill to amend the National and Community Service Act of 1990 to expand and improve opportunities for service, and for other purposes.

S. 355

At the request of Mr. DURBIN, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 355, a bill to enhance the capacity of the United States to undertake global development activities, and for other purposes.

S. 414

At the request of Mr. DODD, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 414, a bill to amend the Consumer Credit Protection Act, to ban abusive credit practices, enhance consumer disclosures, protect underage consumers, and for other purposes.

S. 422

At the request of Ms. STABENOW, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 422, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 456

At the request of Mr. DODD, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 456, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop guidelines to be used on a voluntary basis to develop plans to manage the risk of food allergy and anaphylaxis in schools and early childhood education programs, to establish school-based food allergy management grants, and for other purposes.

S. 468

At the request of Ms. STABENOW, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 468, a bill to amend title XVIII of the Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers for Medicare & Medicaid Services Working Group, and for other purposes.

S. 482

At the request of Mr. FEINGOLD, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 482, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 483

At the request of Mr. DODD, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 483, a bill to require the Secretary of the Treasury to mint coins in commemoration of Mark Twain.

S. 484

At the request of Mrs. FEINSTEIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 484, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 511

At the request of Mr. BROWNBACK, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 511, a bill to amend part B of title XVIII of the Social Security Act to provide for an exemption of pharmacies and pharmacists from certain Medicare accreditation requirements in the same manner as such exemption applies to certain professionals.

S. 524

At the request of Mr. FEINGOLD, the name of the Senator from Nebraska (Mr. JOHANNS) was added as a cosponsor of S. 524, a bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority.

S. 526

At the request of Mrs. MCCASKILL, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 526, a bill to provide in personam jurisdiction in civil actions against contractors of the United States Government performing contracts abroad with respect to serious bodily injuries of members of the Armed Forces, civilian employees of the United States Government, and United States citizen employees of companies performing work for the United States Government in connection with contractor activities, and for other purposes.

S. 561

At the request of Mr. BINGAMAN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 561, a bill to authorize a supplemental funding source for catastrophic emergency wildland fire suppression activities on Department of the Interior and National Forest System lands, to require the Secretary of the Interior and the Secretary of Agriculture to develop a cohesive wildland fire management strategy, and for other purposes.

S. 570

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

S. 599

At the request of Mr. CARPER, the names of the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KERRY) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 599, a bill to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any certain diseases is the result of the performance of such employee's duty.

S. 607

At the request of Mr. UDALL of Colorado, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 607, a bill to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that are subject to ski area permits, and for other purposes.

S. 614

At the request of Mrs. HUTCHISON, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Georgia (Mr. CHAMBLISS) and the Senator

from Louisiana (Mr. VITTER) were added as cosponsors of S. 614, a bill to award a Congressional Gold Medal to the Women Airforce Service Pilots (''WASP'').

S. 645

At the request of Mrs. LINCOLN, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 645, a bill to amend title 32, United States Code, to modify the Department of Defense share of expenses under the National Guard Youth Challenge Program.

S. 702

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 702, a bill to amend the Internal Revenue Code of 1986 to allow long-term care insurance to be offered under cafeteria plans and flexible spending arrangements and to provide additional consumer protections for long-term care insurance.

AMENDMENT NO. 687

At the request of Ms. MIKULSKI, the names of the Senator from Alaska (Ms. MURKOWSKI), the Senator from Wyoming (Mr. ENZI) and the Senator from Utah (Mr. HATCH) were added as cosponsors of amendment No. 687 proposed to H.R. 1388, a bill entitled ''The Edward M. Kennedy Serve America Act, an Act to reauthorize and reform the national service laws.''.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD (for himself and Ms. COLLINS):

S. 712. A bill to amend title XVIII of the Social Security Act to improve the Medicare program for beneficiaries residing in rural areas; to the Committee on Finance.

Mr. FEINGOLD. Mr. President, today, along with my colleague Senator COLLINS from Maine, I am introducing legislation to address the needs of the nearly one-quarter of all Medicare beneficiaries who live in rural America. These beneficiaries are systematically disadvantaged in the Medicare program. The beauty of Medicare is its equity, its universality, and its accessibility. But we have compromised these values by stratifying payments, by under-representing rural voices on the Medicare Payment Advisory Commission, and by continuing to use obsolete payment data that hurts rural America.

First, we must stop indexing physician payments for work based on geographic differences. Rural areas already have a hard enough time recruiting and retaining the Nation's top talent. Currently, even though 25 percent of Medicare beneficiaries live in rural areas, only 10 percent of the nation's physicians serve them. Lower payments to doctors in these areas only perpetuate this dangerous shortage of medical expertise. We should not be discouraging medical school graduates from moving to underserved rural areas by continuing to offer sub-par pay—in fact, we should be providing incentives to encourage them to work in underserved areas. My legislation proposes a project to help rural facilities to host educators and clinical practitioners in clinical rotations.

Lack of dollars to rural health facilities has also prevented communities from investing in vital information technology. The Institute of Medicine published a report in 2005 detailing the ways in which health IT could assist isolated communities. For example, since rural physicians tend to be generalists rather than specialists, virtual libraries within physician offices would provide both doctors and patients with a wider and deeper source of information at their fingertips. Rural residents can also be quite far from health facilities, so technology that allows emergency room physicians to communicate with EMS workers in an ambulance can help patients receive life-saving treatment before they physically reach the hospital. These kinds of technologies will improve both the quality and efficiency of care given in rural areas. My legislation offers funding for quality improvement demonstration projects, to allow isolated communities to invest in this otherwise out of reach technology.

Lastly, this legislation will end the disproportionately low representation of rural interests on the Medicare Payment Advisory Commission. This lack of representation has resulted in policies that hurt rural communities. Those policies have hurt—and continue to hurt—the people of my State of Wisconsin, and they hurt my colleague Senator COLLINS' constituents as well. For every dollar that Medicare spends on the average beneficiary in the average state in this country, Medicare spends only 82 cents on a beneficiary in Wisconsin. In Maine, Medicare spends only 80 cents per dollar it spends on the average beneficiary.

How is this the case, if beneficiaries in Wisconsin and in Maine pay the same payroll taxes as beneficiaries in other states? Because the distribution of Medicare dollars among the 50 States is grossly unfair to Wisconsin, and to much of the Upper Midwest. Wisconsinites pay payroll taxes just like every American taxpayer, but the Medicare funds we get in return are lower than those received in many other States.

With the guidance and support of people across my State who are fighting for Medicare fairness, I am introducing this legislation to address Medicare's discrimination against Wisconsin's seniors and health care providers. My bill will decrease some of the inequitable payments that harm rural areas. It will provide rural areas the help they need to grow crucial health information technology infrastructure. It will offer the necessary incentives to help attract the Nation's top medical talent to underserved rural areas. It will mandate rural representation on the Medicare Payment Advisory Commission. Rural seniors are already underserved in their communities; they should not be underrepresented in Washington as well.

Rural Americans have worked hard and paid into the Medicare program all their lives. In return, they deserve full access to the same benefits as seniors throughout the country: their choice of highly skilled physicians, use of the latest technologies, and a strong voice representing their needs in Medicare policy.

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. 712

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Rural Medicare Equity Act of 2009''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Elimination of geographic physician work adjustment factor from geographic indices used to adjust payments under the physician fee schedule.
Sec. 3. Clinical rotation demonstration project.
Sec. 4. Medicare rural health care quality improvement demonstration projects.
Sec. 5. Ensuring proportional representation of interests of rural areas on the Medicare Payment Advisory Commission.
Sec. 6. Implementation of GAO recommendations regarding geographic adjustment indices under the Medicare physician fee schedule.

SEC. 2. ELIMINATION OF GEOGRAPHIC PHYSICIAN WORK ADJUSTMENT FACTOR FROM GEOGRAPHIC INDICES USED TO ADJUST PAYMENTS UNDER THE PHYSICIAN FEE SCHEDULE.

(a) FINDINGS.—Congress finds the following:

(1) Variations in the geographic physician work adjustment factors under section 1848(e) of the Social Security Act (42 U.S.C. 1395w–4(e)) result in inequity between localities in payments under the Medicare physician fee schedule.

(2) Beneficiaries under the Medicare program that reside in areas where such adjustment factors are high have relatively more access to services that are paid based on such fee schedule.

(3) There are a number of studies indicating that the market for health care professionals has become nationalized and historically low labor costs in rural and small urban areas have disappeared.

(4) Elimination of the adjustment factors described in paragraph (1) would equalize the reimbursement rate for services reimbursed under the Medicare physician fee schedule while remaining budget-neutral.

(b) ELIMINATION.—Section 1848(e) of the Social Security Act (42 U.S.C. 1395w–4(e)) is amended—

(1) in paragraph (1)(A)(iii), by striking ''an index'' and inserting ''for services provided before January 1, 2010, an index''; and

(2) in paragraph (2), by inserting '', for services provided before January 1, 2010,'' after ''paragraph (4)), and''.

(c) BUDGET NEUTRALITY ADJUSTMENT FOR ELIMINATION OF GEOGRAPHIC PHYSICIAN WORK ADJUSTMENT FACTOR.—Section 1848(d) of the Social Security Act (42 U.S.C. 1395w–4(d)) is amended—

(1) in paragraph (1)(A), by striking ''The conversion'' and inserting ''Subject to paragraph (10), the conversion''; and

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

''(10) BUDGET NEUTRALITY ADJUSTMENT FOR ELIMINATION OF GEOGRAPHIC PHYSICIAN WORK ADJUSTMENT FACTOR.—Before applying an update for a year under this subsection, the Secretary shall (if necessary) provide for an adjustment to the conversion factor for that year to ensure that the aggregate payments under this part in that year shall be equal to aggregate payments that would have been made under such part in that year if the amendments made by section 2(b) of the Rural Medicare Equity Act of 2009 had not been enacted.''.

SEC. 3. CLINICAL ROTATION DEMONSTRATION PROJECT.

(a) ESTABLISHMENT.—Not later than 6 months after the date of enactment of this Act, the Secretary shall establish a demonstration project that provides for demonstration grants designed to provide financial or other incentives to hospitals to attract educators and clinical practitioners so that hospitals that serve beneficiaries under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) who are residents of underserved areas may host clinical rotations.

(b) DURATION OF PROJECT.—The demonstration project shall be conducted over a 5-year period.

(c) WAIVER.—The Secretary shall waive such provisions of titles XI and XVIII of the Social Security Act (42 U.S.C. 1301 et seq. and 1395 et seq.) as may be necessary to conduct the demonstration project under this section.

(d) REPORTS.—The Secretary shall submit to the appropriate committees of Congress interim reports on the demonstration project and a final report on such project within 6 months after the conclusion of the project, together with recommendations for such legislation or administrative action as the Secretary determines to be appropriate.

(e) FUNDING.—Out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Secretary to carry out this section, $20,000,000.

(f) DEFINITIONS.—In this section:

(1) HOSPITAL.—The term ''hospital'' means a subsection (d) hospital (as defined in section 1886(d)(1)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)) that had indirect or direct costs of medical education during the most recent cost reporting period preceding the date of enactment of this Act.

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

(3) UNDERSERVED AREA.—The term ''underserved area'' means such medically underserved urban areas and medically underserved rural areas as the Secretary may specify.

SEC. 4. MEDICARE RURAL HEALTH CARE QUALITY IMPROVEMENT DEMONSTRATION PROJECTS.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall establish not more that 10 demonstration projects to provide for improvements, as recommended by the Institute of Medicine, in the quality of health care provided to individuals residing in rural areas.

(2) ACTIVITIES.—Activities under the projects may include public health surveillance, emergency room videoconferencing, virtual libraries, telemedicine, electronic health records, data exchange networks, and any other activities determined appropriate by the Secretary.

(3) CONSULTATION.—The Secretary shall consult with the Office of Rural Health Policy of the Health Resources and Services Administration, the Agency for Healthcare Research and Quality, and the Centers for Medicare & Medicaid Services in carrying out the provisions of this section.

(b) DURATION.—Each demonstration project under this section shall be conducted over a 4-year period.

(c) DEMONSTRATION PROJECT SITES.—The Secretary shall ensure that the demonstration projects under this section are conducted at a variety of sites representing the diversity of rural communities in the United States.

(d) WAIVER.—The Secretary shall waive such provisions of titles XI and XVIII of the Social Security Act (42 U.S.C. 1301 et seq. and 1395 et seq.) as may be necessary to conduct the demonstration projects under this section.

(e) INDEPENDENT EVALUATION.—The Secretary shall enter into an arrangement with an entity that has experience working directly with rural health systems for the conduct of an independent evaluation of the demonstration projects conducted under this section.

(f) REPORTS.—The Secretary shall submit to the appropriate committees of Congress interim reports on each demonstration project and a final report on such project within 6 months after the conclusion of the project. Such reports shall include recommendations regarding the expansion of the project to other areas and recommendations for such other legislative or administrative action as the Secretary determines appropriate.

(g) FUNDING.—Out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Secretary to carry out this section, $50,000,000.

SEC. 5. ENSURING PROPORTIONAL REPRESENTATION OF INTERESTS OF RURAL AREAS ON THE MEDICARE PAYMENT ADVISORY COMMISSION.

(a) IN GENERAL.—Section 1805(c)(2) of the Social Security Act (42 U.S.C. 1395b–6(c)(2)) is amended—

(1) in subparagraph (A), by inserting ''consistent with subparagraph (E)'' after ''rural representatives''; and

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

''(E) PROPORTIONAL REPRESENTATION OF INTERESTS OF RURAL AREAS.—In order to provide a balance between urban and rural representatives under subparagraph (A), the proportion of members who represent the interests of health care providers and Medicare beneficiaries located in rural areas shall be no less than the proportion, of the total number of Medicare beneficiaries, who reside in rural areas.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to appointments made to the Medicare Payment Advisory Commission after the date of the enactment of this Act.

SEC. 6. IMPLEMENTATION OF GAO RECOMMENDATIONS REGARDING GEOGRAPHIC ADJUSTMENT INDICES UNDER THE MEDICARE PHYSICIAN FEE SCHEDULE.

Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services shall implement the recommendations contained in the March 2005 GAO report 05–119 entitled ''Medicare Physician Fees: Geographic Adjustment Indices are Valid in Design, but Data and Methods Need Refinement.''.

By Mr. WEBB (for himself, Mr. SPECTER, Mr. REID, Mr. LEAHY, Mr. DURBIN, Mr. GRAHAM, Mr. SCHUMER, Mrs. MURRAY, Mr. WYDEN, Mr. BROWN, Mr. WARNER, Mrs. GILLIBRAND, Mr. BURRIS, Mr. KENNEDY, Mr. CARDIN, and Mrs. MCCASKILL):

S. 714. A bill to establish the National Criminal Justice Commission; to the Committee on the Judiciary.

Mr. WEBB. Today I am pleased to be introducing a piece of legislation designed to establish a national criminal justice commission. I do so with, at the moment, 12 cosponsors, including our majority leader, the chairman and the ranking Republican on the Senate Judiciary Committee, the chairman and the ranking member of the Judiciary Subcommittee on Crime and Drugs, and other members of our leadership. I introduce this bill after more than 2 years of effort here in the Senate that I will explain shortly; also with the prior conferral with Supreme Court Justice Kennedy and having discussed this matter with the President and the Attorney General, both of whom I think are strongly supportive of this concept.

Our design, our goal in this legislation, is to create a national commission with an 18-month timeline, not to simply talk about the problems that we have in our criminal justice system but actually to look at all of the elements in this system, how they are interrelated in terms of the difficulties that we have in remedying issues of criminal justice in this country, and to deliver us from a situation that has evolved over time where we are putting far too many of the wrong people into prison and we are still not feeling safer in our neighborhoods; we are still not putting in prison or bringing to justice those people who are perpetrating violence and criminality as a way of life.

I would like to say that, although I am not on the Judiciary Committee, I come to this issue as someone who first became interested in criminal justice issues while I was serving as a U.S. marine, serving on a number of courts-martial and thinking about the interrelationship between discipline and fairness; then after that, from having spent time as an attorney at one point representing, pro bono, a young former marine who had been convicted of murder in Vietnam. I represented him for 6 years pro bono. He took his life halfway through this process. I cleared his name 3 years later, but I became painfully aware of how sometimes inequities infect our process.

Prior to joining the Senate, I spent time as a journalist, including a stint 25 years ago as the first American journalist to have been inside the Japanese prison system, where I became aware of the systemic difficulties and challenges

we have. At that time, 25 years ago, Japan was half our population, and had only 40,000 sentenced prisoners in jail. We had 480,000. Today, we have 2.38 million prisoners in our criminal justice system and another 5 million involved in the process, either due to probation or parole situations.

This is a system that is very much in need of the right sort of overarching examination. I do note the senior Senator from Pennsylvania has joined me on the Senate floor. I am very gratified he has also joined me as the lead Republican on this measure. I look forward to hearing from him as soon as I am finished with my remarks.

The third thing I would like to say at the outset is, I believe very strongly, even though we are a Federal body, that there is a compelling national interest for us to examine this issue and reshape and reform our criminal justice system at the Federal, State, and local levels. I believe the commission I am going to present would provide us with that opportunity.

I start with a premise I do think not a lot of Americans are aware of. We have 5 percent of the world's population. We have 25 percent of the world's known prison population. We have an incarceration rate in the United States, the world's greatest democracy, that is five times as high as the incarceration rate in the rest of the world.

There are only two possibilities. Either we have the most evil people on Earth living in the United States or we are doing something dramatically wrong in terms of how we approach the issue of criminal justice. And I would ask my fellow Senators and my fellow citizens to think about the challenges that attend these kind of numbers when we are looking at people who have been released from prison and are reentering American society.

We have hundreds and thousands of American people who are reentering American society without the sort of transition that would allow a great percentage of them to again become productive citizens.

I think we need to look at this in terms of our own history, our own recent history. This is a chart that shows our incarceration rate from 1925 until today. Beginning in about 1980, our incarceration rate started to skyrocket. What has happened since 1980 is not reflective of where our own history has been on this issue. That is another need, why we need to examine it fuller. We also, for a complex set of reasons, are warehousing the mentally ill in our prisons. We now have four times as many mentally ill people in our prisons than we do in mental institutions. There are a complex set of reasons for that, but the main point for all of us to consider is, these people who are in prison are not receiving the kind of treatment they would need in order to remedy the disabilities that have brought them to that situation.

Drug incarceration has sharply increased over the past three decades. In 1980, we had 41,000 drug offenders in prison. Today we have more than 500,000. That is an increase of 112 percent.

Those blue disks represent the numbers in 1980. The red disks represent the numbers in 2007. A significant percent of these individuals are incarcerated for possession or nonviolent drug offenses, and in many cases, criminal offenses that stem from drug addiction and those sorts of related behavioral issues.

African Americans are about 12 percent of our population. Contrary to a lot of thought and rhetoric, their drug use, in terms of frequent drug use rate, is about the same as all other elements of our society, about 14 percent. But they end up being 37 percent of those arrested on drug charges, 59 percent of those convicted, and 74 percent of those sentenced to prison, by the numbers that have been provided to us and to the Joint Economic Committee. This is a disturbing statistic for us. I emphasize to my colleagues and to others that the issues we face with respect to criminal justice are not overall racial issues. They involve issues, in many cases, of how people are treated based on their ability to have proper counsel and other issues like that. But this is a statistic with respect to drugs that we all must come to terms with.

At the same time, I say we are putting too many of the wrong people in prison, and we are not solving the problems that will bring safety to our communities. Gangs are a hot issue today. I am on the Armed Services Committee. I am on the Foreign Relations Committee. There has been a lot of back and forth in recent months about the transnational gangs that are emanating across the Mexican border. Approximately 1 million gang members are currently in our country today. And I emphasis this is not an issue that is simply existent along the Mexican border. This is an issue that affects every community in the United States, and it is not simply an issue with respect to the Mexican drug cartels, although theirs are the most violent and the most visible today.

The Mexican drug cartels are operating in more than 230 American cities, not simply along the border. The incidents along on the border illuminate the largeness of this problem and of this challenge. Gangs in many areas of the United States commit 80 percent of the crimes. They are heavily involved in drug distribution, but they are involved in other violent activities as well.

There has been some talk over the past few days about how our position toward drugs and our gun policies feed this problem. I would ask my colleagues to think very hard about that. Drugs are a demand-pull problem in the United States, there is no question about that. There are a lot of weapons that are going back and forth across the border. But we should remember the Mexican drug cartels are capable of very sophisticated levels of quasi-military violence.

Many of the members who are brought into the gangs by the drug cartels are former Mexican military. Some of them have been trained by our own special forces, and the weapons they use are not the kind of weapons you are going to buy at a gun show. You do not get automatic weapons, RPGs, and grenades at a gun show.

We have to realize these cartels have a lot of money. By some indications they make profit levels of about $25 billion a year. They can buy the weapons they want. We have to get on top of this as a national priority. Again, it is not simply the transnational gangs that come out of Mexico. Many of them are Central American.

In Northern Virginia, right across the Potomac River, we have thousands of members who belong to the MS–13 gangs emanating out of Central America, who are very active up the I–95 corridor. There are Asian gangs. We have to get our arms around this problem as we address the other problem of mass incarceration in the United States.

Another piece of this issue I hope we will be able to address with this national criminal justice commission is what happens inside our prisons. When I was looking at the Japanese system many years ago, their model in terms of prison administration was basically designed after a traditional military model. You could not be a warden in a Japanese jail unless you started as a turnkey. They had national examinations. They had a year of preparation, training in psychology, in counseling techniques, before an individual was allowed to be a turnkey in a jail. The promotion systems were internal, like the U.S. military. It provided a quality career path, and it brought highly trained people in at the very beginning.

We do not have that in America. Prisons vary warden to warden; they vary locality to locality. We need to examine a better way to do that in our country.

We also have a situation in this country with respect to prison violence and sexual victimization that is off the charts. We must get our arms around this problem.

We also have many people in our prisons who are among what are called the criminally ill, people who are suffering from hepatitis and HIV who are not getting the sorts of treatment they deserve.

I started, once I arrived in the Senate, working on this issue. I was pleased to be working with Senator SCHUMER on the Joint Economic Committee. He allowed me to chair hearings to try to get our arms around this problem and see what sort of legislative approach might help. I chaired a hearing on mass incarceration in October of 2007. I chaired another hearing last year on the overall impact of illegal drugs from point of origin through the criminal justice system. How does this work in terms of the underground

business environment? How does it work in terms of the disparity in treatment of people who end up incarcerated? How does it affect people's long-term lives? What are the costs associated with it?

I was able to work with the George Mason University Law Center to put together a forum bringing people in from across the country to talk about our overall drug policy. Once we started talking about this, particularly over the last year, we started being contacted by people all across the country, people from every different aspect of the political and the philosophical areas that come into play when we talk about incarceration. It is a very emotional issue.

As I said, I heard from Justice Kennedy at the Supreme Court. I have heard from prosecutors, judges, defense lawyers, former offenders, people in prison, police on the street. All of them are saying we have a mess; we have a mess. We have to get a holistic view of how to solve it. There are many good pieces of legislation that have been introduced in the Congress to deal with different pieces of this issue. But after going through this process over the past year, I have come to the conclusion that the way we should address this is with a national commission that will examine all of these pieces together and make specific findings so we can turn it around.

These are examples of some of the editorial support that we have received. I have written a piece for Parade magazine which will be out this weekend to summarize the challenges we have; I hope our fellow citizens will take a look at it.

As to the design of this legislation, we are looking for two things. One is to shape a commission with bipartisan balance: the President nominating the chairman; the majority and minority leaders in the Senate, in consultation with the Judiciary Committee, each nominating two members; the Speaker of the House and the House Minority Leader, in concert with the Judiciary Committee, each nominating two members; and the National Governors Association, Republican and Democrat, each getting one member. The idea is not to have a group of people who are going to sit around and simply remonstrate about the problem. It is to get a group of people with credibility and wide expertise to examine specific findings and to come up with policy recommendations on an 18-month time period.

This commission will be asked to investigate the reasons in our own history that we have seen this incredible increase in incarceration. What do other countries do, particularly countries that have the same basic governmental systems we do? How do they handle comparable types of crime? What should we do about prison administration policies, prison management? How can we bring more quality, stability, and predictability in terms of the prison environment itself? What are the costs of our current incarceration policies, not only in terms of the billions of dollars we spend on building prisons or the billions we spend on housing people in prisons but also in terms of lost opportunities with our post-prison systems, and how we can better manage that area. What is the impact of gang activities, including these transnational gangs, and how should we approach that issue, not simply in terms of incarceration but as a nation that is under duress from not being able to respond properly? Importantly, what are we going to do about drug policy, the whole area of drug policy, and how does that affect sentencing procedures and other alternatives we might look at? We need to examine the policies as they relate to the mentally ill. We should look at the historical role of the military when it comes to how we are approaching these cross-border situations, particularly on the Mexican border. Finally, importantly, any other area the Commission deems relevant.

This is our best effort, after 2 years of coming up with the universe of issues that need to be examined. There are many people, including the senior Senator from Pennsylvania, who have worked on these areas for a number of years. If they have specific findings they believe the Commission should review, we are very happy to accommodate that.

The first step for the commission would be to give us findings, factual findings. From those findings, then give us recommendations for policy changes. The same areas I addressed in terms of findings apply in terms of the policy recommendations: How we can refocus our incarceration policies, work toward properly reducing the incarceration rate in fair, cost-effective ways that still protect communities; how we should address the issue of prison violence in all forms; how we can improve prison administration; how we can establish meaningful reentry programs. I believe with the high volume of people coming out of prisons, we must, on a national level, assist local and State communities in figuring out a way to transition these people so those former offenders who are not going to become recidivists will have a true pathway to get away from the stigma of incarceration and move into a productive future.

Again, importantly, the last category, any other aspect of the system the Commission or the people participating in it determine necessary.

This is our approach. I am gratified to have had as initial cosponsors six members of the Senate Judiciary Committee, including the chairman, Senator LEAHY; the ranking Republican, Senator SPECTER; the chairman of the Subcommittee on Crime and Drugs, Senator DURBIN; the ranking Republican on that subcommittee, Senator GRAHAM; and a number of others, including key Democratic leadership—most importantly, our leader.

I hope we can get this legislation done this year. This is an issue that does not percolate up in the same way. It doesn't have a programmatic element to it in many cases, but it is an issue that threatens every community and begs for the notion of fairness.

I see the senior Senator from Pennsylvania is on the floor. I greatly admire the work he has done in this area over many years, and I appreciate his support on this endeavor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I begin by complimenting my distinguished colleague from Virginia for his initiative in proposing the creation of a national commission to examine criminal justice. There have been many Commissions in recent years, recent decades. But the problems which we are now confronting warrant a fresh look. Senator WEBB has proposed that. This Commission has the potential to be not just another Commission but to make some very significant advances on this very serious problem.

The principal issue on crime is public security, protection from violent criminals. I have long believed the issue could be divided into two parts. One is the violent career criminals. They are defined as someone who has committed three or more serious crimes. One of the first bills which I authored was the armed career criminal bill, which was enacted in 1984, which made it a Federal offense punishable by what is the equivalent of a life sentence under the Federal system, 15 years to life, for anyone caught in possession of a firearm who has committed three or more offenses—a robbery, burglary, rape, arson or the sale of drugs. Statistics show that about 70 percent of violent crimes are committed by career criminals. It is my view, shared by many, that those people ought to be sent to jail for life. They ought to be separated from society. The second category involves those who have been convicted of crimes and who are going to be released. With respect to juveniles, we call that juvenile delinquency, at least in Pennsylvania we do, as opposed to a criminal charge. They are going to be released. First and second offenders are going to be released. The object is, how do we deal with them to, No. 1, protect society and, No. 2, to take them out of the crime cycle so they can have productive, contributing lives in society? We know what to do, but we have never done it. The steps are to work with those who suffer from drug abuse or alcohol abuse. We find that 70 to 80 percent of the people arrested have drug or alcohol problems. They have to be treated, detoxification. Then they need literacy training. So many cannot read or write. Then they need job training so they will have a trade or skill. Then they need to be placed in society.

It is no surprise, when someone who is a functional illiterate, without a trade or skill, gets out of jail, that the

odds are high they will go back to jail. There are a number of programs but not enough, not sufficiently carefully thought through, to place people. We have tax credits which will encourage employers to hire people. In the stimulus package for veterans or juvenile offenders, there is a 40-percent tax break on the first $6,000 of a job which is paid. That is a start. But it doesn't go very far. We have been unwilling to make the kind of investment to provide that kind of realistic rehabilitation. Therefore, we have recidivism and the revolving door in our jails. The public is the principal loser because these people come out and commit more crimes. Individuals are lost. So both in terms of the individual on rehabilitation, to have a productive role in society, a decent life, and for public safety. Candidly, you don't get too far on legislation looking out for the criminals on rehabilitation. But when you talk about the threat to society from repeat crimes, then people pick up their ears.

There has been a fascinating debate recently about whether we can afford to have a criminal justice system that keeps people in jail and protects the public, whether we can afford to have the death penalty imposed. Is it too expensive to undertake the litigation process for society. I do not think we can make a decision on public safety based upon cost. Security is the basic purpose, fundamental first purpose of Government. National security on the international scene, protection from attacks; now we have a new form of security in terrorism. When we come to the domestic scene, it is a matter of having safety on the streets. There is a debate as to whether we ought to have the death penalty. That is a worthwhile debate. The Supreme Court has been moving in a number of areas to limit the application of the death penalty.

From my experience as district attorney of Philadelphia, I believe the death penalty is a deterrent. I questioned FBI Director Mueller about it yesterday in the Judiciary oversight hearing. Director Mueller thinks the death penalty ought to be retained.

When I was an assistant DA many years ago, I had a case in the Pennsylvania Supreme Court when I was chief of the appeals division. There were three young hoodlums, Williams, Caters, and Rivers. They were 19, 18, and 17. They planned a robbery. The two younger ones, Cater and Rivers, said to Williams, who had a gun: We are not going if you take the gun along. They had IQs under 100 but were smart enough to know that if a gun was taken, there might be a killing. That would be felony murder and they could get the death penalty. Williams said: I won't take the gun. He put it in the drawer, slammed it shut. Then, unbeknownst to Cater and Rivers, he took the gun back, put it in his pocket, went to rob a grocer in north Philadelphia, a tussle ensued. Williams pulled the gun and shot and killed a man named Viner. All three were sentenced to death in the electric chair. Williams actually was executed. This goes back to about 1960. Cater and Rivers got a life sentence.

I argued the case in the State Supreme Court which upheld the death penalties and then later, when I was district attorney, I joined in the recommendation of a life sentence for Cater and Rivers. The point is that even with a marginal IQ, there was a deterrent effect. The critical factor in my thinking on their not having the death penalty was they didn't want to take the weapon. In the eyes of the law, they were as guilty as Williams. They were coconspirators. When you rob and a killing ensues, a murder ensues, it is murder in the first degree and calls for the death penalty.

The commission which has been proposed here today ought to take a look at white-collar crime, and ought to make an evaluation of the sentencing which has been imposed and whether it is adequate. If you are dealing with a domestic quarrel, a husband-wife dispute—there are many homicides arising in that context—a jail sentence is not a deterrent. If you are dealing with white-collar crime, there is a deterrent.

Today, we have—and I questioned FBI Director Mueller about this yesterday. He said they have many investigations being undertaken as a result of what has happened with corporate fraud, the misrepresentation of assets, leading us to the tremendous economic problems which we face today. There is no doubt about the deterrent effect. I urged Director Mueller to expedite some of the cases.

There is great public concern about whether there will be accountability. I said yesterday—and repeat to—we do not want to send anybody to jail who does not deserve to go to jail, but you do not have to investigate a case for years and bring forth 100 charges, 100 counts of an indictment. It can be done on a much more rapid pace and have an appropriate trial and have a result, and it would be important to show the example and to show the American people there is accountability.

When we talk about the jails, the commission ought to make a determination as to whether there are people in jail who ought not to be in jail. This morning's news has a report about the State of New York reexamining sentencing on drug laws. There is a lot of thought that the drug laws catch too many people, and many people go to jail who ought not to be in jail. Well, that is a question that ought to be examined.

Our whole prison system in Pennsylvania is called a correctional system, which is a misnomer. It does not correct people. It does not have the facilities to correct people. What they do is warehouse.

A related issue that considerable work has been done on recently is the issue of mentoring. We have some 80,000 at-risk youth in the city of Philadelphia, determined by a hearing which was held recently. Those at-risk youth can go one of two ways: They can move through the education system, if they have proper guidance; or they can be on the streets and turn into criminals, as so many of them do.

Mentoring is a way of providing some guidance. There are so many single-parent homes—a working mother, nobody to give guidance. We have appropriated federally, recently, $25 million nationally for five target cities, one of which is Philadelphia, but that is a very modest beginning. But to be a surrogate parent, you have an opportunity. That is a subject which a commission ought to undertake.

Those are some of the ideas which are current in this very complex field. In trying to estimate the cost of crime, it is hard to do. My own judgment would be, if you put a billion-dollar price figure on the cost of robberies, burglaries, corporate fraud, automobile thefts, to say nothing about the pain and suffering people have—the anxiety in the middle of the night when there is a loud noise in your house; the consolation you have, to some extent, from an alarm system that does not go too far—but this is a big problem in America, and it is a problem which has largely gone unsolved.

Problems of crime are the same today as they were when I first entered the field as an assistant district attorney decades ago. There are ways to deal with violent crime. There are ways to deal with realistic rehabilitation. There are ways to deal with deterrence on white-collar crime—that it ought not to be only a fine, which turns out to be a license to do business. In the confirmation hearing of the new Assistant Attorney General for the Criminal Division, that point was emphasized.

But what Senator WEBB has had to say today, and the blueprint he has outlined, could be a major advance on a very complex problem, which needs a—I was about to say ''solution,'' but there is not going to be a solution—but there can be an enormous amelioration if we tackle the problem with the guidance that could be provided by the Webb commission. May I give it the name: The Webb commission? Hearing no objection, so ordered.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. I wish to express my appreciation to the senior Senator from Pennsylvania for joining me on this legislation and in this endeavor because it will be an endeavor, as the Senator knows, well beyond the legislative approval of the commission. I think this is going to take years. But I wish to express my appreciation for that, for his comments today, and for all the work he has done in this field.

I wish to emphasize a couple of things, in reaction to what the Senator mentioned. I agree. I do believe we can

meaningfully address this problem. And ''solution'' is perhaps a more illusive word. But we can certainly meaningfully address this problem. I think it is very important to say that it is in the interest of every American we do so.

There are a lot of people who will look at this and talk about specific elements of who has committed a crime and whether you should do the time and these sorts of things, but we do need to sort it out. When we have 5 percent of the world's population and 25 percent of the world's prison population, there are better ways. When we still have public safety issues in every community because of gang violence, and particularly transnational gang violence at this moment, there are better ways.

That is the purpose of having a commission: getting the greatest minds in this area in the country together, with a specific timeline, to bring us specific findings and recommendations for the entire gamut of criminal justice in the country—not simply incarceration, not simply gang violence, not simply reentry—but all of those and other issues together, so we can have a much needed and long overdue restructuring of how we address the issue of crime in this country.

I ask unanimous consent that Senator KENNEDY be added as an original cosponsor on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. LEVIN (for himself, Ms. SNOWE, Ms. STABENOW, Ms. COLLINS, and Mr. SCHUMER):

S. 715. A bill to establish a pilot program to provide for the preservation and rehabilitation of historic lighthouses; to the Committee on Energy and Natural Resources.

Mr. LEVIN. Mr. President, today, with Senators SNOWE, STABENOW, COLLINS and SCHUMER, I introduce The National Lighthouse Stewardship Act. This legislation creates a three-year competitive grant program at the Department of the Interior that will help to pay for the preservation and rehabilitation of historic lighthouses in Michigan and across the country. The grants will help nonprofit organizations, which serve as caretakers for these historic landmarks, to help them preserve and rehabilitate the historic lighthouses and keep them accessible to the public.

This legislation complements a bill that was enacted in October 2000, the National Historic Lighthouse Preservation Act, which I joined Sen. Frank Murkowski in offering. With the Coast Guard getting out of the lighthouse business, the National Historic Lighthouse Preservation Act helped facilitate the process of transferring historic lighthouses from the government to non-profit historical organizations who would take over the responsibility for their care. It established an expedited process through the Government Services Agency to help ease lighthouse transfers by helping to cut through the bureaucratic red tape. As a result of the law, 46 lighthouses to date—9 in Michigan—have been transferred to custodians who will preserve them and keep them accessible to the public.

Many of these lighthouse structures are in need of significant repair and rehabilitation, which is now the responsibility of their nonprofit custodians. Unfortunately, after obtaining custody of the lighthouses, many of the nonprofit organizations have struggled to raise the funds to adequately restore and maintain the lighthouses. To address this problem our legislation establishes a pilot program that would enable state and nonprofit groups to apply for competitive grants to help with restoration and maintenance efforts. This pilot program would authorize the secretary to distribute $20 million a year for 3 years.

Funding for Lighthouse restoration is important to Michigan and to the Nation's historic preservation efforts. There are approximately 740 lighthouses in 31 coastal states. Michigan alone has over 120 lighthouses, more than any other State. They draw thousands of visitors to Michigan and other States each year and create jobs throughout our States. Michigan's and the Nation's lighthouses are national treasures that beautify our shorelines. These historic lighthouses are part of our Nation's rich maritime heritage. The grants are needed to help nonprofit organizations, which serve as caretakers for the historic landmarks, to maintain the beauty of the lighthouses and keep them accessible to the public.

My office worked closely with lighthouse preservation groups in drafting this legislation. The Michigan Lighthouse Fund in my home state was invaluable in providing information on the needs of our Nation's lighthouses. This week in Washington, the American Lighthouse Coordinating Committee is meeting to coincide with the introduction of this act. These funds are desperately needed by these groups who work tirelessly to preserve our Nation's maritime heritage.

This funding would help ensure our lighthouses remain cultural beacons for generations to come. America's lighthouses are national treasures that we cannot let deteriorate to the point beyond repair. I hope my colleagues will support the swift enactment of the National Lighthouse Stewardship Act.

Mr. President, I ask unanimous consent that letters of support be printed in the RECORD.

There being no objection, the material was ordered to be placed in the RECORD, as follows:

AMERICAN LIGHTHOUSE COORDINATING COMMITTEE,
Evanston, IL, March 26, 2009.

MEMBERS OF THE UNITED STATES SENATE: I'm writing to urge your support of the National Lighthouse Stewardship Act of 2009 as introduced by Senators Levin and Stabenow (MI), and Snowe (ME).

Since passage of the National Lighthouse Preservation Act of 2000, responsibility for management of many historic lighthouses has been transferred from the US Coast Guard to the public sector. While these facilities remain the property of the federal government, the cost for their preservation and programming is borne by local government and nonprofit organizations with very limited economic resources. As a result, these agencies require assistance in meeting the demands of maintaining historic lighthouses so that they are safe and accessible. The proposed National Lighthouse Stewardship Act of 2009 recognizes the important role of this new generation of administrative organizations in properly managing these facilities. And, it provides a means by which some dedicated funding is made available from the US Government to support projects that will maintain structural integrity.

Since this transfer program began, historic lighthouses still brighten our lives and are now adaptively used for many different purposes that include museums and centers of education for the interpretation of U.S. maritime history; as facilities to aid in environmental research of oceans and Great Lakes; and to promote local and regional tourism. This has resulted in an overwhelmingly positive public response and is testimony to Americans' desire to preserve and use these built resources.

Passage of the National Lighthouse Stewardship Act of 2009 is essential to the continued success of this federal transfer program and mirrors public sentiment for the preservation of historic lighthouse properties to benefit public interests.

The American Lighthouse Coordinating Committee (ALCC) is a consortium of organizations and individuals across the United States that actively engage in the operation of historic lighthouse properties and which strongly supports adoption of this legislation.

Respectfully submitted, this 26th day of March 2009.

DONALD J. TERRAS,
President.

MICHIGAN LIGHTHOUSE ALLIANCE,
March 20, 2009.

Senator CARL LEVIN,
Russell Office Building,
U.S. Senate, Washington, DC.

DEAR SENATOR LEVIN: We are writing to you in support of your bill to redirect the nominal port fees towards lighthouse restoration grant programs. The amount of money your office has identified that could be coming to those of us on the front lines of the restoration effort would make a huge difference in the quality of our work.

Most lighthouses are located in out of the way places. As such, the number of people living around these remote structures is limited, and thus the local funding available for work is limited. It is difficult to keep the numbers of volunteers and find resources for materials in such a challenging situation.

But to see a large increase in the available grant funds not only in our home state of Michigan, but throughout the US, would surely help us get these wonderful icons of our collective maritime history restored and ready for the next generations to learn from and support as well. Being able to attract the next generations of stewards is a constant subject of conversation in our circles, and having sufficient funding available to make this volunteer effort attractive would really help out.

In addition, MLA would like to make a request. As you know things are very tight in our state budget now, and it would be extremely helpful for us if a small part of our state allocation could go towards a full time MLA staff person who could support the grant program by visiting our members and

reaching out with education on how to fill out the grant requests, and other technical support. Right now our Alliance is all volunteer as well, and we love what we do, but often lament the loss of the staff person we had at MI SHPO. As the representative voice now for all of Michigan's lighthouse groups, we can be much more supportive and effective if we had funding for a full time staffer.

Thank you as always for all you have done to advance the lighthouse movement in Michigan and throughout the country. You can count on the MLA and it's dozens of member groups and their volunteers to be behind you on this bill, just ask for what help you need!

Sincerely,

Buzz Hoerr, President, Harbor Beach Lighthouse Preservation; Lou Schillinger, Vice President, Port Austin Reef Light Association; Sally Frye, Sec'y/Treasurer, Fox Point Lighthouse Association; Ann Method Green, De-Tour Reef Light Preservation Society; John Gronberg, Holland Harbor Lighthouse Historical Commission; Dick Moehl, Great Lakes Lightkeepers Association; Jeff Shook, Michigan Lighthouse Conservancy; Susan Skibbe, Thunder Bay Island; Gail Vander Stoep, Michigan State University.

Ms. SNOWE. Mr. President, I rise in support of the National Lighthouse Stewardship Act, which will create a 3-year competitive grant program to be administered by the Department of the Interior that will help preserve and rehabilitate historic lighthouses across the country.

In my State of Maine, we are lucky to be home to 83 lighthouses. Further, there are approximately 740 lighthouses in 31 other States. The Coast Guard has not traditionally had the resources to maintain the lighthouses which are now being transferred under the National Lighthouse Preservation Act from Federal ownership to nonprofit historical societies who have taken on the responsibility. Helping to provide the resources necessary to ensure these lighthouses are not lost would be a boost to both tourism and jobs. Failure to do so would potentially harm not only the existence of an historic emblem of my State and our Nation—but also a key economic catalyst for tourism that is part and parcel of my home State and the livelihood of many of her citizens.

Each lighthouse tells a different story and each one is as integral to the history and narrative of our State as the magnificent landscapes on which they proudly stand. That is why in 1995, I introduced a bill that would later become law to establish the Maine Lights Program. We succeeded in preserving this significant component of American heritage through collaboration among the Federal Government, the State of Maine, local communities, and private organizations, while at the same time, relieving what had become a costly strain on the U.S. Coast Guard.

Across the country, responsibility for the care of our lighthouses has been assumed by non-profit historic societies—many of which are struggling in these uncertain economic times. This bill would authorize $20 million for a three-year competitive grant pilot program that would provide grants to stewards of historic lighthouses to help them preserve and rehabilitate the lighthouses under their care.

I believe that the essential word in my previous sentence is ''stewards''—because the structures are still federally owned property. It is not private property; it is not city or town property, or even state property; but federal property. It is also imperative to note that these lighthouses are operable aids to navigation. Lighthouses may seem a quaint relic of a bygone era, however they are not. Daily, lighthouses lead our nation's mariners and fishermen away from danger.

Given that the maintenance of lighthouses is now being transferred under the National Lighthouse Preservation Act from Federal ownership to nonprofit historical societies, the task of providing the required resources to ensure the longevity and viability of these lighthouses would also represent a welcomed economic boost both to tourism and to job creation.

The fact is, tourism has become increasingly crucial to Maine's economy, as manufacturing jobs have fled our State, not to mention our Nation. In fact, in 2006, the most recent year for which statistics are available, approximately 1/5 of State sales tax revenues were attributable to tourism, and, when income and fuel taxes are added, the Maine State government collected $429 million tourism-related tax dollars in that year.

The Maine State Planning Office, which has quantified more precisely the pivotal role tourism plays in the Maine economy, found that in 2006, tourism generated $10 billion in sales of goods and services, 140,000 jobs, and $3 billion in earnings. Tourism accounts for one in five dollars of sales throughout Maine's economy and supported the equivalent of one in six Maine jobs. The planning office also discovered that an estimated 10 million overnight trips and 30 million day trips were taken that year in Maine, with travelers spending nearly $1 billion on lodging, $3 billion on food, and $1 billion on recreational activities.

But those statistics are from 3 years ago . . . before the economy began to unravel at an accelerating rate, and so given these economic times confronting all of us, the financial necessity of our lighthouses, especially to tourism, has grown, not dissipated.

I urge my colleagues to support this bill and send a message not only that historic preservation of our Nation's prominent buildings and structures—like our lighthouses—continues to be in the national interest, but also that tourism—especially international tourism—is an industry we should be striving to support as a key component of reviving our ailing economy.

By Mr. KENNEDY (for himself, Mrs. HUTCHISON, and Mrs. FEINSTEIN):

S. 717. A bill to modernize cancer research, increase access to preventative cancer services, provide cancer treatment and survivorship initiatives, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, 37 years ago, a Republican President and Democratic Congress came together in a new commitment to find a cure for cancer. At the time, a cancer diagnosis meant almost certain death. In 1971, we took action against this deadly disease and passed the National Cancer Act with broad bipartisan support, and it marked the beginning of the War on Cancer.

Since then, significant progress has been made. Amazing scientific research has led to methods to prevent cancer, and treatments that give us more beneficial and humane ways to deal with the illness. The discoveries of basic research, the use of large scale clinical trials, the development of new drugs, and the special focus on prevention and early detection have led to breakthroughs unimaginable only a generation ago.

As a result, cancer today is no longer the automatic death sentence that it was when the war began. But despite the advances we have made against cancer, other changes such as aging of the population, emerging environmental issues, and unhealthy behavior, have allowed cancer to persist. The lives of vast numbers of Americans have been touched by the disease. In 2008, over 1.4 million Americans were diagnosed with some form of cancer, and more than half a million lost their lives to the disease.

The solution is not easy but there are steps we can and must take now, if we hope to see the diagnosis rate decline substantially and the survival rate increase in the years ahead. The immediate challenge we face is to reduce the barriers that obstruct progress in cancer research and treatment by integrating our current fragmented and piecemeal system of addressing the disease.

Last year, my colleague Senator HUTCHISON and I agreed that to build on what the nation has accomplished, we must launch a new and more urgent war on cancer. The 21st Century Cancer ALERT Act we are introducing today will accelerate our progress by using a better approach to fighting this relentless disease. Our goal is to break down the many barriers that impede cancer research and prevent patients from obtaining the treatment that can save their lives.

We must do more to prevent cancer, by emphasizing scientifically proven methods such as tobacco cessation, healthy eating, and exercise. Healthy families and communities that have access to nutritious foods and high quality preventive health care will be our best defense against the disease. I

am confident that swift action on national health reform will make our vision of a healthier Nation a reality. Obviously, we cannot prevent all cancers, so it is also essential that the cancers that do arise be diagnosed at an initial, curable stage, with all Americans receiving the best possible care to achieve that goal.

We cannot overemphasize the value of the rigorous scientific efforts that have produced the progress we have made so far. To enhance these efforts, our bill invests in two key aspects of cancer research—infrastructure and collaboration of the researchers. We include programs that will bring resources to the types of cancer we least understand. We invest in scientists who are committed to translating basic research into clinical practice, so that new knowledge will be brought to the patients who will most benefit from it.

One of the most promising new breakthroughs is in identifying and monitoring the biomarkers that leave enough evidence in the body to alert clinicians to subtle signs that cancer may be developing. Biomarkers are the new frontier for improving the lives of cancer patients because they can lead to the earliest possible detection of cancer, and the Cancer ALERT Act will support the development of this revolutionary biomarker technology.

In addition, we give new focus to clinical trials, which have been the cornerstones of our progress in treating cancer in recent decades. Only through clinical trials are we able to discover which treatments truly work. Today, however, less than 5 percent of cancer patients currently are enrolled in clinical trials, because of the many barriers exist that prevent both providers and patients from participating in these trials. A primary goal of our bill is to begin removing these barriers and expanding access to clinical trials for many more patients.

Further, since many cancer survivors are now living longer lives, our health systems must be able to accommodate these men and women who are successfully fighting against this deadly disease. It is imperative for health professionals to have the support they need to care for these survivors. To bring good lifelong care to cancer survivors, we must invest more in research to understand the later effects of cancer and how treatments affect survivors' health and the quality of their lives.

We stand today on the threshold of unprecedented new advances in this era of extraordinary discoveries in the life sciences, especially in personalized medicine, early diagnosis of cancer at the molecular level, and astonishing new treatments based on a patient's own DNA. To make the remarkable promise of this new era a reality, we must make sure that patients can take DNA tests, free of the fear that their genetic information will somehow be used to discriminate against them. We took a major step toward unlocking the potential of this new era by approving strong protections against genetic discrimination in health insurance and employment when the Genetic Nondiscrimination Act was signed into law last year.

In sum, we need a new model for research, prevention and treatment of cancer, and we are here today to start that debate in Congress. We must move from a magic bullet approach to a broad mosaic of care, in which survivorship is also a key part of our approach to cancer. By doing so, we can take a giant step toward reducing or even eliminating the burden of cancer in our Nation and the world. It is no longer an impossible dream, but a real possibility for the future.

Mr. President, I ask by 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. 717

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 ''21st Century Cancer ALERT (Access to Life-Saving Early detection, Research and Treatment) Act''.

SEC. 2. FINDINGS AND PURPOSE.

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

(1) One in 2 men and one in 3 women are expected to develop cancer in their lifetimes.

(2) Cancer is the leading cause of death for people under the age of 85 and is expected to claim more than 1,500 lives per day in 2008.

(3) At least 30 percent of all cancer deaths and 87 percent of lung cancer deaths are attributed to smoking.

(4) The National Institutes of Health estimates that in 2007 alone, the overall cost of cancer to the United States was more than $219,000,000,000.

(5) In recent decades, the biomedical research enterprise has made considerable advances in the knowledge required to understand, prevent, diagnose, and treat cancer; however, it still takes 17 years, on average, to translate these discoveries into viable treatment options.

(6) While clinical trials are vital to the discovery and implementation of new preventative, diagnostic, and treatment options, only 3 to 5 percent of the more than 10,000,000 adults with cancer in the United States participate in cancer clinical trials.

(7) Where people reside should not determine whether they live, yet women in rural areas are less likely to obtain preventative cancer screenings than those residing in urban areas.

(8) Two-thirds of childhood cancer survivors are likely to experience at least one late effect from treatment and one-fourth are expected to experience a late effect that is life threatening.

(9) In 1971, there were only 3,000,000 cancer survivors. Today, cancer survivors account for 3 percent of the United States population, approximately 12,000,000.

(10) The National Cancer Act of 1971 (Public Law 92-218) advanced the ability of the United States to develop new scientific leads and help increase the rate of cancer survivorship.

(11) Yet in the 37 years since the national declaration of the War on Cancer, the age adjusted mortality rate for cancer is still extraordinarily high. Eight forms of cancer have a 5-year survival rate of less than 50 percent (pancreatic, liver, lung, esophageal, stomach, brain, multiple myeloma, and ovarian).

(12) While there have been substantial achievements since the crusade began, we are far from winning the war on cancer.

(13) Many obstacles have hindered our progress in cancer prevention, research, and treatment.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To reauthorize the National Cancer Institute and National Cancer Program in order to enhance and improve the cancer research conducted and supported by the National Cancer Institute and the National Cancer Program in order to benefit cancer patients.

(2) To recognize that with an increased understanding of cancer as more than 200 different diseases with genetic and molecular variations, there is a need for increased coordination and greater flexibility in how cancer research is conducted and coordinated in order to maximize the return the United States receives on its investment in such research.

(3) To prepare for the looming impact of an aging population of the United States and the anticipated financial burden associated with medical treatment and lost productivity, along with the toll of human suffering that accompanies a cancer diagnosis.

(4) To support the National Cancer Institute in establishing relationships and scientific consortia with an emphasis on public-private partnership development, which will further the development of advanced technologies that will improve the prevention, diagnosis, and treatment of cancer.

SEC. 3. ADVANCEMENT OF THE NATIONAL CANCER PROGRAM.

Section 411 of the Public Health Service Act (42 U.S.C. 285a) is amended to read as follows:

''SEC. 411. NATIONAL CANCER PROGRAM.

''(a) IN GENERAL.—There shall be established a National Cancer Program (referred to in this section as the 'Program') that shall consist of—

''(1) an expanded, intensified, and coordinated cancer research program encompassing the research programs conducted and supported by the Institute and the related research programs of the other national research institutes, including an expanded and intensified research program for the prevention of cancer caused by occupational or environmental exposure to carcinogens; and

''(2) the other programs and activities of the Institute.

''(b) COLLABORATION.—In carrying out the Program—

''(1) the Secretary and the Director of the Institute shall identify relevant Federal agencies that shall collaborate with respect to activities conducted under the Program (including the Institute, the other Institutes and Centers of the National Institutes of Health, the Office of the Director of the National Institutes of Health, the Food and Drug Administration, the Centers for Medicare & Medicaid Services, the Centers for Disease Control and Prevention, the Department of Defense, the Department of Energy, the Agency for Healthcare Research and Quality, the Office for Human Research Protections, the Health Resources and Services Administration, and the Office for Human Research Protections); and

''(2) the Secretary shall ensure that the policies related to the promotion of cancer research of all agencies within the Department of Health and Human Services (including the Institute, the Food and Drug Administration, and the Centers for Medicare & Medicaid Services) are harmonized, and shall

ensure that such agencies collaborate with regard to cancer research and development.

''(c) TRANSPARENCY AND EFFICIENCY.—

''(1) BUDGETING.—In carrying out the Program, the Director of the Institute shall, in preparing and submitting to the President the annual budget estimate for the Program—

''(A) develop the budgetary needs of the entire Program and submit the budget estimate relating to such needs to the National Cancer Advisory Board for review prior to submitting such estimate to the President; and

''(B) submit such budget estimate to the Committee on the Budget and the Committee on Appropriations of the Senate and the Committee on the Budget and Committee on Appropriations of the House of Representatives at the same time that such estimate is submitted to the President.

''(2) NATIONAL CANCER ADVISORY BOARD.—In establishing the priorities of the Program, the National Cancer Advisory Board shall provide for increased coordination by increasing the participation of representatives (to the extent practicable, representatives who have appropriate decision making authority) of appropriate Federal agencies, including—

''(A) the Centers for Medicare & Medicaid Services;

''(B) the Health Resources and Services Administration;

''(C) the Centers for Disease Control and Prevention; and

''(D) the Agency for Healthcare Research and Quality.

''(d) PROGRAMS TO ENCOURAGE EARLY DETECTION RESEARCH.—The Director of the Institute shall develop a standard process through which Federal agencies, including the Department of Defense, and administrators of federally funded programs may engage in early cancer detection research.

''(e) IDENTIFICATION OF PROMISING TRANSLATIONAL RESEARCH OPPORTUNITIES.—

''(1) IN GENERAL.—The Director of the Institute, acting through the Program and in accordance with the NIH Reform Act of 2007, shall continue to identify promising translational research opportunities across all disease sites, populations, and pathways to clinical goals through a transparent, inclusive process by—

''(A) continuing to support efforts to develop a robust number of public or nonprofit entities to carry out early translational research activities;

''(B) emphasizing the role of the young researcher in the program under this section; and

''(C) modifying guidelines for multiproject, collaborative, early translational research awards to focus research and reward collaborative team science.

''(2) MATCHING FUNDS FOR RESEARCH.—

''(A) IN GENERAL.—The Secretary may provide assistance to eligible entities to match the amount of non-Federal funds made available by such entity for translational research of the type described in paragraph (1) relating to cancer.

''(B) ELIGIBILITY.—To be eligible to receive assistance under subparagraph (A), an entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(C) RECOMMENDATIONS AND PRIORITIZATION.—In providing assistance under subparagraph (A), the Secretary shall—

''(i) select entities based on the recommendations of—

''(I) the Director of NIH; and

''(II) a peer review process; and

''(ii) give priority to those entities submitting applications under subparagraph (B) that demonstrate that the research involved is high risk or translational research (as determined by the Secretary).

''(D) AMOUNT.—The amount of assistance to be provided to an entity under subparagraph (A) shall be at the discretion of the Secretary but shall not exceed an amount equal to 100 percent of the amount of non-Federal funds ($1 for each $2 of non-Federal funds) made available for research described in subparagraph (A).

''(E) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.—Non-Federal funds to be matched under subparagraph (A) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, and any portion of any service subsidized by the Federal Government, may not be included in determining the amount of such non-Federal funds.

''(f) BIOLOGICAL RESOURCE COORDINATION AND ADVANCEMENT OF TECHNOLOGIES FOR CANCER RESEARCH.—

''(1) ESTABLISHMENT.—The Director of the Institute, acting through the Program, shall establish an entity within the Institute to augment ongoing efforts to advance new technologies in cancer research, support the national collection of tissues for cancer research purposes, and ensure the quality of tissue collection.

''(2) GOALS.—The entity established under paragraph (1) shall—

''(A) be designed to expand the access of researchers to biospecimens for cancer research purposes;

''(B) establish uniform standards for the handling and preservation of patient tissue specimens by entities participating in the network established under paragraph (3);

''(C) require adequate annotation of all relevant clinical data while assuring patient privacy;

''(D) facilitate the linkage of public and private entities into the national network under paragraph (3);

''(E) provide for the linkage of cancer registries to other administrative Federal Government data sources, including the Centers for Medicare & Medicaid Services, the Social Security Administration, and the Centers for Disease Control and Prevention, with the goal of understanding the determinants of cancer treatment, care, and outcomes by allowing economic, social, genetic, and other factors to be analyzed in an independent manner; and

''(F) develop strategies to ensure patient rights and privacy, including an assessment of the regulations promulgated pursuant to part C of title XI of the Social Security Act and section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d-2 note) (referred to in this section as the 'HIPAA Privacy Rule'), while facilitating advances in medical research.

''(3) ADVANCEMENT OF NEW TECHNOLOGIES FOR CANCER RESEARCH AND EXPANSION OF CANCER BIOREPOSITORY NETWORKS.—

''(A) IN GENERAL.—As part of the entity established under paragraph (1), the Director of the Institute shall build upon existing initiatives to establish an interconnected network of biorepositories (referred to in this subsection as the 'Network') with consistent, interoperable systems for the collection and storage of tissues and information, the annotation of such information, and the sharing of such information through an interoperable information system.

''(B) GUIDELINES.—A biorepository in the Network that receives Federal funds shall adopt the Institute's Best Practices for Biospecimen Resources for Institute-supported biospecimen resources (as published by the Institute and including any successor guidelines) for the collection of biospecimens and any accompanying data.

''(C) REPRESENTATION.—The composition of any leadership entity of the Network shall be determined by the Director of the Institute and shall, at a minimum, include a representative of—

''(i) private sector entities and individuals, including cancer researchers and health care providers;

''(ii) the Centers for Disease Control and Prevention;

''(iii) the Agency for Healthcare Research and Quality;

''(iv) the Office of National Coordination of Health Information Technology;

''(v) the National Library of Medicine;

''(vi) the Office for the Protection of Research Subjects; and

''(vii) the National Science Foundation.

''(D) PARTNERSHIPS WITH TISSUE SOURCE SITES.—The Director of the Institute may enter into contracts with tissue source sites to acquire data from such sites. Any such data shall be acquired through the use of protocols and closely monitored, transparent procedures within appropriate ethical and legal frameworks.

''(4) COLLECTION OF DATA.—

''(A) HOSPITALS.—A hospital or ambulatory cancer center that receives Federal funds shall offer patients the opportunity to contribute their biospecimens and clinical data to the entity established under paragraph (1).

''(B) CLINICAL TRIAL DATA.—Clinical trial data relating to cancer care and treatment shall be provided to the entity established under paragraph (1).''.

SEC. 4. COMPREHENSIVE AND RESPONSIBLE ACCESS TO RESEARCH, DATA, AND OUTCOMES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director of the Office for Human Research Protections shall issue guidance to National Institutes of Health grantees concerning use of the facilitated review process in conjunction with the central institutional review board of the National Cancer Institute as the preferred mechanism to satisfy regulatory requirements to review ethical or scientific issues for all National Cancer Institute-supported translational and clinical research.

(b) IMPROVED PRIVACY STANDARDS IN CLINICAL RESEARCH.—

(1) PERMITTED DISCLOSURE UNDER THE PRIVACY RULE.—For purposes of the Privacy Rule (as referred to in section 411(f)(2)(F) of the Public Health Service Act, as amended by this Act), a covered entity (as defined for purposes of such Rule) shall be in compliance with such Rule relating to the disclosure of de-identified patient information if such disclosure is—

(A) pursuant to a waiver that had been granted by an institutional review board or privacy board relating to such disclosure; and

(B) the entity informs patients when they make first patient contact with the entity that the entity is a research institution that may conduct research using their de-identified medical records.

(2) SYNCHRONIZATION OF STANDARDS.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall study the advantages and disadvantages of the synchronization of the standards for research under the Common Rule (under part 46 of title 45, Code of Federal Regulations) and the Privacy Rule (as defined in section 411(f)(2)(F) of the Public Health Service Act, as amended by this Act) in order to determine the appropriate data elements that should be omitted under the strict de-identification standards relating to personal information.

(B) REVIEW OF RECOMMENDATIONS.—In carrying out subparagraph (A), the Secretary of Health and Human Services shall conduct a review of recommendations made by the Advisory Committee on Human Research Protections as well as recommendations from the appropriate leadership of the National Committee on Vital and Health Statistics.

(C) ADDITIONAL AREAS.—In carrying out subparagraph (A), the Secretary of Health and Human Services shall—

(i) make recommendations concerning the conduct of international research to determine the boundaries and applications of extraterritorially under the Privacy Rule (as referred to in section 411(f)(2)(F) of the Public Health Service Act, as amended by this Act); and

(ii) include biorepository storage information when obtaining patient consent.

(D) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the appropriate committee of Congress, a report concerning the recommendations made under this paragraph.

(3) APPLICATION OF PRIVACY RULE TO EXTERNAL RESEARCHERS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Privacy Rule (as defined in section 411(f)(2)(F) of the Public Health Service Act, as amended by this Act) shall apply to external researchers.

(B) DEFINITION.—

(i) IN GENERAL.—In this paragraph, the term ''external researcher'' means a researcher who is on the staff of a covered entity (as defined in the Privacy Rule) but who is not actually employed by such covered entity.

(ii) INTERNAL AND EXTERNAL RESEARCHERS.—With respect to determining the distinction of whether or not a researcher has the ability to use protected health information under the provisions of this paragraph, such determination shall be based on whether the covered entity involved exercises effective control over that researcher's activities. For purposes of the preceding sentence, effective control may include membership and privileges of staff or the ability to terminate staff membership or discipline staff.

(c) LIABILITY.—The Director of the Office of Human Research Protection, the Director of the National Institutes of Health, and the Director of the National Cancer Institute shall issue guidance for entities awarded grants by such Federal agencies to provide instruction on how such entities may best address concerns or issues relating to the liability that institutions or researchers may incur as a result of using the facilitated review process.

SEC. 5. ENHANCED FOCUS AND REPORTING ON CANCER RESEARCH.

Part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by inserting after section 417A the following:

"SEC. 417B. ENHANCED FOCUS AND REPORTING ON CANCER RESEARCH.

''(a) ANNUAL INDEPENDENT REPORT.—

''(1) IN GENERAL.—The Director of the Institute shall complete an annual independent report that shall be submitted to Congress on the same date that the annual budget estimate described in section 413(b)(9) is submitted to the President.

''(2) CONTENTS OF REPORT.—

''(A) CANCER CATEGORIES.—The report required under paragraph (1) shall address the following categories of cancer:

''(i) Cancers that result in a 5-year survival rate of less than 50 percent.

''(ii) Cancers in which the incidence rate is less than 15 cases per 100,000 people, or fewer than 40,000 new cases per year.

''(B) INFORMATION.—With regard to each of the categories of cancer described in subparagraph (A), the report shall contain information regarding—

''(i) a strategic plan for reducing the mortality rate for the annual year, including specific research areas of interest and budget amounts;

''(ii) identification of any barriers to implementing the strategic plan described in clause (i) for the annual year;

''(iii) if the report for the prior year contained a strategic plan described in clause (i), an assessment of the success of such plan;

''(iv) the total amount of grant funding, including the total dollar amount awarded per grant and per funding year, under—

''(I) the National Cancer Institute; and

''(II) the National Institutes of Health;

''(v) the percentage of grant applications favorably reviewed by the Institute that the Institute funded in the previous annual year;

''(vi) the total number of grant applications, with greater than 50 percent relevance to each of the categories of cancer described in subparagraph (A), received by the Institute for awards in the previous annual year;

''(vii) the total number of grants awarded, with greater than 50 percent relevance to each of the categories of cancer described in subparagraph (A), for the previous annual year and the number of awards per grant type, including the Common Scientific Outline designation specific to each such grant; and

''(viii) the total number of primary investigators that received grants from the Institute for projects with greater than 50 percent relevance to each of the categories of cancer described in paragraph (1), including the total number of awards granted to experienced investigators and the total number of awards granted to investigators receiving their first grant from the National Institutes of Health.

''(3) DEFINITION.—In this section, the term 'annual year' means the year for which the strategic plan described in paragraph (2)(B)(i) applies, which shall be the same fiscal year for which the Director of the Institute submits the annual budget estimate described in section 413(b)(9) for that year.

''(b) GRANT PROGRAM.—

''(1) IN GENERAL.—The Director of the Institute, in cooperation with the Director of the Fogarty International Center for Advanced Study in the Health Sciences and the Directors of other Institutes, as appropriate, shall award grants to researchers to conduct research regarding cancers for which—

''(A) the incidence is fewer than 40,000 new cases per year; and

''(B) the 5-year survival rate is less than 50 percent.

''(2) PRIORITIZATION.—In awarding grants for research regarding cancers described in paragraph (1)(A), the Director of the Institute shall give priority to collaborative research projects between adult and pediatric cancer research, with preference for projects building upon existing multi-institutional research infrastructures.

''(3) TISSUE SAMPLES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Director of the Institute shall require each recipient receiving a grant under this subsection to submit tissue samples to designated tumor banks.

''(B) WAIVER.—The Director of the Institute may grant a waiver of the requirement described in subparagraph (A) to a recipient who receives a grant for research described in paragraph (1)(B) and who submits an application for such waiver to the Director of the Institute, in the manner in which such Director may require.''.

SEC. 6. CONTINUING ACCESS TO CARE FOR PREVENTION AND EARLY DETECTION.

(a) COLORECTAL CANCER SCREENING PROGRAM.—Part B of title III of the Public Health Service Act is amended by inserting after section 317D (42 U.S.C. 247b-5) the following:

"SEC. 317D-1. COLORECTAL CANCER SCREENING PROGRAM.

''(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may award competitive grants to eligible entities to carry out programs—

''(1) to provide screenings for colorectal cancer to individuals according to screening guidelines set by the United States Preventive Services Task Force;

''(2) to provide appropriate referrals for medical treatment of individuals screened pursuant to paragraph (1) and to ensure, to the extent practicable, the provision of appropriate follow-up services and support services such as case management;

''(3) to develop and disseminate public information and education programs for the detection and control of colon cancer;

''(4) to improve the education, training, and skills of health professionals (including allied health professionals) in the detection and control of colon cancer;

''(5) to establish mechanisms through which eligible entities can monitor the quality of screening procedures for colon cancer, including the interpretation of such procedures; and

''(6) to evaluate activities conducted under paragraphs (1) through (5) through appropriate surveillance or program-monitoring activities.

''(b) ELIGIBILITY.—

''(1) IN GENERAL.—To be eligible to receive a grant under this section an entity shall—

''(A) be—

''(i) a State; or

''(ii) an Indian tribe or tribal organization (as such terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act);

''(B) submit to the Secretary as application, at such time, in such manner, and containing such information as the Secretary may require, including—

''(i) a description of the purposes for which the entity intends to expend amounts under the grant; and

''(ii) a description of the populations, areas, and localities with a need for the services or activities described in clause (i);

''(C) provide matching funds in accordance with paragraph (2);

''(D) provide assurances that the entity will—

''(i) establish such fiscal control and fund accounting procedures as may be necessary to ensure the proper disbursal of, and accounting for, amounts received under subsection (a);

''(ii) upon request, provide records maintained pursuant to clause (i) to the Secretary or the Comptroller General of the United States for purposes of auditing the expenditures of the grant by the eligible entity; and

''(iii) submit to the Secretary such reports as the Secretary may require with respect to the grant; and

''(E) provide assurances that the entity will comply with the restrictions described in subsection (e).

''(2) MATCHING REQUIREMENT.—

''(A) IN GENERAL.—The Secretary may not award a grant to an eligible entity under this section unless the eligible entity involved agrees, with respect to the costs to be incurred by the eligible entity in carrying out the purpose described in the application under paragraph (1)(B)(i), to make available non-Federal contributions (in cash or in kind under subparagraph (B)) toward such costs in an amount equal to not less than $1 for each $3 of Federal funds provided in the grant.

Such contributions may be made directly or through donations from public or private entities.

''(B) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.—

''(i) IN GENERAL.—Non-Federal contributions required in subparagraph (A) may be in cash or in kind, fairly evaluated, including equipment or services (and excluding indirect or overhead costs). Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

''(ii) MAINTENANCE OF EFFORT.—In making a determination of the amount of non-Federal contributions for purposes of subparagraph (A), the Secretary may include only non-Federal contributions in excess of the average amount of non-Federal contributions made by the eligible entity involved toward the purpose described in subsection (a) for the 2-year period preceding the first fiscal year for which the eligible entity is applying to receive a grant under such section.

''(iii) INCLUSION OF RELEVANT NON-FEDERAL CONTRIBUTIONS FOR MEDICAID.—In making a determination of the amount of non-Federal contributions for purposes of subparagraph (A), the Secretary shall, subject to clauses (i) and (ii), include any non-Federal amounts expended pursuant to title XIX of the Social Security Act by the eligible entity involved toward the purpose described in paragraphs (1) and (2) of subsection (a).

''(c) PRIORITIZATION.—

''(1) IN GENERAL.—In awarding grants under this section, the Secretary shall give priority to recipients that are safety-net providers.

''(2) DEFINITION.—In this section, the term 'safety-net provider' means a health care provider—

''(A) that by legal mandate or explicitly adopted mission, offers care to individuals without regard to the individual's ability to pay for such services; or

''(B) for whom a substantial share of the patients are uninsured, receive Medicaid, or are otherwise vulnerable.

''(d) USE OF FUNDS.—

''(1) IN GENERAL.—An eligible entity may, subject to paragraphs (2) and (3), expend amounts received under a grant under subsection (a) to carry out the purposes described in such subsection through the awarding of grants to public and nonprofit private entities and through contracts entered into with public and private entities.

''(2) CERTAIN APPLICATION.—If a nonprofit private entity and a private entity that is not a nonprofit entity both submit applications to a grantee under subsection (a) for a grant or contract as provided for in paragraph (1), the grantee may give priority to the application submitted by the nonprofit private entity in any case in which the grantee determines that the quality of such application is equivalent to the quality of the application submitted by the other private entity.

''(3) PAYMENTS FOR SCREENINGS.—The amount paid by a grantee under subsection (a) to an entity under this subsection for a screening procedure as described in subsection (a)(1) may not exceed the amount that would be paid under part B of title XVIII of the Social Security Act if payment were made under such part for furnishing the procedure to an individual enrolled under such part.

''(e) RESTRICTION ON USE OF FUND.—The Secretary may not award a grant to an eligible entity under subsection (a) unless the entity agrees that—

''(1) in providing screenings under subsection (a)(1), the eligible entity will give priority to low-income individuals who lack adequate coverage under health insurance and health plans with respect to screenings for colorectal cancer;

''(2) initially and throughout the period during which amounts are received pursuant to the grant, not less than 60 percent of the grant shall be expended to provide each of the services or activities described in subsections (a)(1) and (a)(2);

''(3) not more than 10 percent of the grant will be expended for administrative expenses with respect to the activities funded under the grant;

''(4) funding received under the grant will supplement, and not supplant, the expenditures of the eligible entity and the value for in-kind contributions for carrying out the activities for which the grant was awarded;

''(5) funding will not be expended to make payment for any item or service to the extent that payment has been made, or can reasonably be expected to be made, with respect to such item or service—

''(A) under any State compensation program, under an insurance policy, or under any Federal or State health benefits program; or

''(B) by an entity that provides health services on a prepaid basis; and

''(6) funds will not be expended to provide inpatient hospital services for any individual.

''(f) LIMITATION ON IMPOSITION OF FEES FOR SERVICES.—The Secretary may not award a grant to an eligible entity under this section unless the eligible entity involved agrees that, if a charge is imposed for the provision of services or activities under the grant, such charge—

''(1) will be made according to a schedule of charges that is made available to the public;

''(2) will be adjusted to reflect the income of the individual involved; and

''(3) will not be imposed on any individual with an income of less than 100 percent of the official poverty line, as established by the Director of the Office of Management and Budget and revised by the Secretary in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by such section.

''(g) REQUIREMENT REGARDING MEDICARE.—The Secretary may not award a grant to an eligible entity under this section unless the eligible entity involved provides, as applicable, the following assurances:

''(1) Screenings under subsection (a)(1) will be carried out as preventive health measures in accordance with evidence-based screening guidelines and procedures as specified in section 1861(pp)(1) of the Social Security Act.

''(2) An individual will be considered high risk for purposes of subsection (a)(1) only if the individual is high risk within the meaning of section 1861(pp)(2) of such Act.

''(h) REQUIREMENT REGARDING MEDICAID.—The Secretary may not award a grant to an eligible entity under subsection (a) unless the State plan under title XIX of the Social Security Act for the State includes the screening procedures and referrals specified in subsections (a)(1) and (a)(2) as medical assistance provided under the plan.

''(i) TECHNICAL ASSISTANCE AND PROVISION OF SUPPLIES AND SERVICES IN LIEU OF GRANT FUNDS.—

''(1) TECHNICAL ASSISTANCE.—The Secretary may provide training and technical assistance with respect to the planning, development, and operation of any program funded by a grant under subsection (a). The Secretary may provide such technical assistance directly to eligible entities or through grants to, or contracts with, public and private entities.

''(2) PROVISION OF SUPPLIES AND SERVICES IN LIEU OF GRANT FUNDS.—

''(A) IN GENERAL.—Subject to subparagraph (B), upon the request of an eligible entity receiving a grant under subsection (a), the Secretary, for the purpose of aiding the eligible entity to carry out a program under this section—

''(i) may provide supplies, equipment, and services to the eligible entity; and

''(ii) may detail to the eligible entity any officer or employee of the Department of Health and Human Services.

''(B) CORRESPONDING REDUCTION IN PAYMENTS.—With respect to a request made by an eligible entity under subparagraph (A), the Secretary shall reduce the amount of payments made under the grant under subsection (a) to the eligible entity by an amount equal to the fair market value of any supplies, equipment, or services provided by the Secretary and the costs of detailing personnel (including pay, allowances, and travel expenses) under subparagraph (A). The Secretary shall, for the payment of expenses incurred in complying with such request, expend the amounts withheld.

''(j) EVALUATIONS AND REPORT.—

''(1) EVALUATIONS.—The Secretary shall, directly or through contracts with public or private entities, provide for annual evaluations of programs carried out pursuant to this section. Such evaluations shall include evaluations of the extent to which eligible entities carrying out such programs are in compliance with subsection (a)(2).

''(2) REPORT TO CONGRESS.—The Secretary shall, not later than 1 year after the date on which amounts are first appropriated to carry out this section, and annually thereafter, submit to Congress, a report summarizing evaluations carried out pursuant to paragraph (1) during the preceding fiscal year and making such recommendations for administrative and legislative initiatives with respect to this section as the Secretary determines to be appropriate.''.

(b) OPTIONAL MEDICAID COVERAGE OF CERTAIN PERSONS SCREENED AND FOUND TO HAVE COLORECTAL CANCER.—

(1) COVERAGE AS OPTIONAL CATEGORICALLY NEEDY GROUP.—

(A) IN GENERAL.—Section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)) is amended—

(i) in subclause (XVIII), by striking ''or'' at the end;

(ii) in subclause (XIX), by adding ''or'' at the end; and

(iii) by adding at the end the following:

''(XX) who are described in subsection (gg) (relating to certain persons screened and found to need treatment from complications from screening or have colorectal cancer);''.

(B) GROUP DESCRIBED.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended by adding at the end the following:

''(gg) Individuals described in this subsection are individuals who—

''(1) are not described in subsection (a)(10)(A)(i);

''(2) have not attained age 65;

''(3) have been screened for colorectal cancer and need treatment for complications due to screening or colorectal cancer; and

''(4) are not otherwise covered under creditable coverage, as defined in section 2701(c) of the Public Health Service Act.''.

(C) LIMITATION ON BENEFITS.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) is amended in the matter following subparagraph (G)—

(i) by striking ''and (XIV)'' and inserting ''(XIV)''; and

(ii) by inserting '', and (XV) the medical assistance made available to an individual described in subsection (gg) who is eligible

for medical assistance only because of subparagraph (A)(10)(ii)(XX) shall be limited to medical assistance provided during the period in which such an individual requires treatment for complications due to screening or colorectal cancer'' before the semicolon.

(D) CONFORMING AMENDMENTS.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended in the matter preceding paragraph (1)—

(i) in clause (xii), by striking ''or'' at the end;

(ii) in clause (xiii), by adding ''or'' at the end; and

(iii) by inserting after clause (xiii) the following:

''(xiv) individuals described in section 1902(gg),''.

(2) PRESUMPTIVE ELIGIBILITY.—

(A) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by inserting after section 1920B the following:

''OPTIONAL APPLICATION OF PRESUMPTIVE ELIGIBILITY PROVISIONS FOR CERTAIN PERSONS WITH COLORECTAL CANCER

''SEC. 1920C. A State may elect to apply the provisions of section 1920B to individuals described in section 1902(gg) (relating to certain colorectal cancer patients) in the same manner as such section applies to individuals described in section 1902(aa) (relating to certain breast or cervical cancer patients).''.

(B) CONFORMING AMENDMENTS.—

(i) Section 1902(a)(47) of the Social Security Act (42 U.S.C. 1396a(a)(47)) is amended—

(I) by striking ''and'' after ''section 1920'' and inserting a comma;

(II) by striking ''and'' after ''with such section'' and inserting a comma; and

(III) by inserting before the semicolon at the end the following: '', and provide for making medical assistance available to individuals described in section 1920C during a presumptive eligibility period in accordance with such section''.

(ii) Section 1903(u)(1)(d)(v) of such Act (42 U.S.C. 1396b(u)(1)(d)(v)) is amended—

(I) by striking ''or for'' and inserting '', for''; and

(II) by inserting before the period the following: '', or for medical assistance provided to an individual described in section 1920C during a presumptive eligibility period under such section''.

(3) ENHANCED MATCH.—The first sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended—

(A) by striking ''and'' before ''(4)''; and

(B) by inserting before the period at the end the following: '', and (5) the Federal medical assistance percentage shall be equal to the enhanced FMAP described in section 2105(b) with respect to medical assistance provided to individuals who are eligible for such assistance only on the basis of section 1902(a)(10)(A)(ii)(XX)''.

(4) EFFECTIVE DATE.—The amendments made by this subsection apply to medical assistance for items and services furnished on or after the date that is 1 year after the date of enactment of this Act, without regard to whether final regulations to carry out such amendments have been promulgated by such date.

(c) MOBILE MEDICAL VAN GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this subsection as the ''Secretary''), acting through the Administrator of the Health Resources and Services Administration, shall award grants to eligible entities for the development and implementation of a mobile medical van program that shall provide cancer screening services that receive an ''A'' or ''B'' recommendation by the U.S. Preventative Services Task Force of the Agency for Healthcare Research and Quality to communities that are underserved and suffer from barriers to access to high quality cancer prevention care.

(2) ELIGIBLE ENTITIES.—To be eligible to receive a grant under paragraph (1), and entity shall—

(A) be a consortium of public and private entities (such as academic medical centers, universities, hospitals, and non profit organizations);

(B) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary shall require, including—

(i) a description of the manner in which the applicant intends to use funds received under the grant;

(ii) a description of the manner in which the applicant will evaluate the impact and effectiveness of the health care services provided under the program carried out under the grant;

(iii) a plan for sustaining activities and services funded under the grant after Federal support for the program has ended;

(iv) a plan for the referral of patients to other health care facilities if additional services are needed;

(v) a protocol for the transfer of patients in the event of a medical emergency;

(vi) a plan for advertising the services of the mobile medical van to the communities targeted for health care services; and

(vii) a plan to educate patients about the availability of federally funded medical insurance programs for which such patients, or their children, may qualify; and

(C) agree that amounts under the grant will be used to supplement, and not supplant, other funds (including in-kind contributions) used by the entity to carry out activities for which the grant is awarded.

(3) USE OF FUNDS.—An entity shall use amounts received under a grant under this subsection to do any of the following:

(A) Purchase or lease a mobile medical van.

(B) Make repairs and provide maintenance for a mobile medical van.

(C) Purchase or lease telemedicine equipment that is reasonable and necessary to operate the mobile medical van.

(D) Purchase medical supplies and medication that are necessary to provide health care services on the mobile medical van.

(E) Retain medical professionals with expertise and experience in providing cancer screening services to underserved communities to provide health care services on the mobile medical van.

(4) MATCHING REQUIREMENTS.—

(A) IN GENERAL.—With respect to the costs of a mobile medical van program to be carried out under a grant under this subsection, the grantee shall make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is not less than the amount of the Federal funds provided under this grant.

(B) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required under subparagraph (A) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

(C) WAIVER.—The Secretary may waive the requirement established in subparagraph (A) if—

(i) the Secretary determines that such waiver is justified; and

(ii) the Secretary publishes the rationale for such waiver in the Federal Register.

(D) RETURN OF FUNDS.—An entity that receives a grant under this section that fails to comply with subparagraph (A) shall return to the Secretary an amount equal to the difference between—

(i) the amount provided under the grant; and

(ii) the amount of matching funds actually provided by the grantee.

(5) CONSIDERATIONS IN MAKING GRANTS.—In awarding grants under this subsection, the Secretary shall give preference to eligible entities—

(A) that will provide cancer screening services in underserved areas; and

(B) that on the date on which the grant is awarded, have a mobile medical van that is nonfunctioning due to the need for necessary mechanical repairs.

(6) LIMITATION ON DURATION AND AMOUNT OF GRANT.—A grant under this subsection shall be for a 2-year period, except that the Secretary may waive such limitation and extend the grant period by an additional year. The amount awarded to an entity under such grant for a fiscal year shall not exceed $200,000.

(7) EVALUATION.—Not later than 1 year after the date on which a grant awarded to an entity under this subsection expires, the entity shall submit to the Secretary the results of an evaluation to be conducted by the entity concerning the effectiveness of the program carried out under the grant.

(8) REPORT.—Not later than 18 months after grants are first awarded under this subsection, the Secretary shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report on the results of activities carried out with amounts received under such grants.

(9) DEFINITIONS.—In this section:

(A) MOBILE MEDICAL VAN.—The term ''mobile medical van'' means a mobile vehicle that is equipped to provide non-urgent medical services and health care counseling to patients in underserved areas.

(B) UNDERSERVED AREA.—The term ''underserved area'', with respect to the location of patients receiving medical treatment, means a ''medically underserved community'' as defined in section 799B(6) of the Public Health Service Act (42 U.S.C. 295p(6)).

(d) ACCESS TO PREVENTION AND EARLY DETECTION FOR CERTAIN CANCERS.—

(1) CANCER GENOME ATLAS.—The Secretary of Health and Human Services, acting through the National Cancer Institute, shall provide for the inclusion of cancers with survival rates of less than 25 percent at 5 years in the Cancer Genome Atlas.

(2) PHASE IN.—The Director of the National Cancer Institute shall phase in the participation of cancers described in paragraph (1) in the Cancer Genome Atlas Consortium.

(3) WORKING GROUPS.—The Secretary of Health and Human Services, acting through the National Cancer Institute, shall establish formal working groups for cancers with survival rates of less than 25 percent at 5 years within the Early Detection Research Network.

(4) COMPUTER ASSISTED DIAGNOSTIC, SURGICAL, TREATMENT AND DRUG TESTING INNOVATIONS TO REDUCE MORTALITY FROM CANCERS.—The Director of the National Institute of Biomedical Imaging and Bioengineering shall ensure that the Quantum Grant Program and the Image Guided Interventions programs expedite the development of computer assisted diagnostic, surgical, treatment and drug testing innovations to reduce mortality from cancers with survival rates of less than 25 percent at 5 years.

SEC. 7. EARLY RECOGNITION AND TREATMENT OF CANCER THROUGH USE OF BIOMARKERS.

(a) PROMOTION OF THE DISCOVERY AND DEVELOPMENT OF BIOMARKERS.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary''), in consultation with appropriate Federal agencies including the National Institutes of Health, the National Cancer Institute, the Food and Drug Administration, and the National Institute of Standards and Technology, and extramural experts as appropriate, shall establish and coordinate a program to award contracts to eligible entities to support the development of innovative biomarker discovery technologies. All activities under this section shall be consistent with and complement the ongoing efforts of the Oncology Biomarker Qualification Initiative and the Reagan-Udall Foundation of the Food and Drug Administration.

(2) LEAD AGENCY.—Not later than 2 years after the date of enactment of this Act, the Secretary shall designate a lead Federal agency to administer and coordinate the program established under paragraph (1).

(3) ELIGIBILITY.—To be eligible to enter into a contract under paragraph (1), an entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require. Such information shall be sufficient to enable the Secretary to—

(A) promote the scientific review of such contracts in a timely fashion; and

(B) contain the capacity to perform the necessary analysis of contract applications, including determinations as to the intellectual expertise of applicants.

(4) REQUIREMENT.—In awarding contracts under this subsection, the lead agency shall consider whether the research involved will result in the development of quantifiable biomarkers of cell signaling pathways that will have the broadest applicability across different tumor types or different diseases.

(5) INTERNATIONAL CONSORTIA.—The Secretary shall designate one of the Federal entities described in paragraph (1) to establish an international private-public consortia to develop and share methods and precompetitive data on the validation and qualification of cancer biomarkers for specific uses.

(b) CLINICAL STUDY GUIDELINES.—Not later than 1 year after the date of enactment of this Act, the Commissioner of Food and Drugs, the Administrator of the Centers for Medicare & Medicaid Services, and the Director of the National Cancer Institute shall jointly develop guidelines for the conduct of clinical studies designed to generate clinical data relating to cancer care and treatment biomarkers that is adequate for review by each such Federal entity. Such guidelines shall be designed to assist in optimizing clinical study design and to strengthen the evidence base for evaluations of studies related to cancer biomarkers.

(c) DEMONSTRATION PROJECT.—

(1) IN GENERAL.—The Secretary, in consultation with the Commissioner of Food and Drugs and the Administrator of the Agency for Healthcare Research and Quality, shall carry out a demonstration project that provides for a limited regional assessment of biomarker tests to facilitate the controlled and limited use of a risk assessment measure with an intervention that may consist of a biomarker test.

(2) PROCEDURES.—As a component of the demonstration project under paragraph (1), the Commissioner of Food and Drugs, in consultation with other relevant agencies, shall establish procedures that independent research entities shall follow in conducting high quality assessments of efficacy of biomarker tests.

(d) POSTMARKET SURVEILLANCE.—The Food and Drug Administration and the Centers for Medicare & Medicaid Services shall assess quality and accuracy of biomarker tests through appropriate postmarket surveillance and other means, as necessary and appropriate to the mission of each such agency.

(e) SENSE OF THE SENATE.—It is the sense of the Senate that the Commissioner of Food and Drugs and the Director of the National Cancer Institute should continue to place high priority upon the identification and use of biomarkers to—

(1) determine the role of genetic polymorphisms on drug activity and toxicity;

(2) establish effective strategies for selecting patients for treatment with specific drugs; and

(3) identify early biomarkers of clinical benefit.

(f) DEFINITION.—In this section, the term ''biomarker'' means any characteristic that can be objectively measured and evaluated as an indicator of normal biologic processes, pathogenic processes, or pharmacological responses to therapeutic interventions.

SEC. 8. CANCER CLINICAL TRIALS.

(a) COVERAGE FOR INDIVIDUALS PARTICIPATING IN APPROVED CANCER CLINICAL TRIALS.—

(1) ERISA AMENDMENT.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following:

''SEC. 715. COVERAGE FOR INDIVIDUALS PARTICIPATING IN APPROVED CANCER CLINICAL TRIALS.

''(a) COVERAGE.—

''(1) IN GENERAL.—If a group health plan (or a health insurance issuer offering health insurance coverage in connection with the plan) provides coverage to a qualified individual (as defined in subsection (b)), the plan or issuer—

''(A) may not deny the individual participation in the clinical trial referred to in subsection (b)(2);

''(B) subject to subsection (c), may not deny (or limit or impose additional conditions on) the coverage of routine patient costs for items and services furnished in connection with participation in the trial; and

''(C) may not discriminate against the individual on the basis of the individual's participation in such trial.

''(2) EXCLUSION OF CERTAIN COSTS.—For purposes of paragraph (1)(B), subject to subparagraph (B), routine patient costs include all items and services consistent with the coverage provided in the plan (or coverage) that is typically covered for a qualified individual who is not enrolled in a clinical trial and that was not necessitated solely because of the trial, except—

''(A) the investigational item, device or service, itself; or

''(B) items and services that are provided solely to satisfy data collection and analysis needs and that are not used in the direct clinical management of the patient.

''(3) USE OF IN-NETWORK PROVIDERS.—If one or more participating providers is participating in a clinical trial, nothing in paragraph (1) shall be construed as preventing a plan or issuer from requiring that a qualified individual participate in the trial through such a participating provider if the provider will accept the individual as a participant in the trial.

''(b) QUALIFIED INDIVIDUAL DEFINED.—For purposes of subsection (a), the term 'qualified individual' means an individual who is a participant or beneficiary in a group health plan and who meets the following conditions:

''(1)(A) The individual has been diagnosed with cancer.

''(B) The individual is eligible to participate in an approved clinical trial according to the trial protocol with respect to treatment of such illness.

''(2) Either—

''(A) the referring health care professional is a participating health care provider and has concluded that the individual's participation in such trial would be appropriate based upon the individual meeting the conditions described in paragraph (1); or

''(B) the participant or beneficiary provides medical and scientific information establishing that the individual's participation in such trial would be appropriate based upon the individual meeting the conditions described in paragraph (1).

''(c) LIMITATIONS ON COVERAGE.—This section shall not be construed to require a group health plan, or a health insurance issuer in connection with a group health plan, to provide benefits for routine patient care services provided outside of the plan's (or coverage's) health care provider network unless out-of-network benefits are otherwise provided under the plan (or coverage).

''(d) APPROVED CLINICAL TRIAL DEFINED.—

''(1) IN GENERAL.—In this section, the term 'approved clinical trial' means a phase I, phase II, phase III, or phase IV clinical trial that relates to the prevention and treatment of cancer (including related symptoms) and is described in any of the following subparagraphs:

''(A) FEDERALLY FUNDED TRIALS.—The study or investigation is approved or funded (which may include funding through in-kind contributions) by one or more of the following:

''(i) The National Institutes of Health.

''(ii) The Centers for Disease Control and Prevention.

''(iii) The Agency for Health Care Research and Quality.

''(iv) The Centers for Medicare & Medicaid Services.

''(v) cooperative group or center of any of the entities described in clauses (i) through (iv) or the Department of Defense or the Department of Veterans Affairs.

''(vi) A qualified non-governmental research entity identified in the guidelines issued by the National Institutes of Health for center support grants.

''(vii) Any of the following if the conditions described in paragraph (2) are met:

''(I) The Department of Veterans Affairs.

''(II) The Department of Defense.

''(III) The Department of Energy.

''(B) The study or investigation is conducted under an investigational new drug application reviewed by the Food and Drug Administration.

''(C) The study or investigation is a drug trial that is exempt from having such an investigational new drug application.

''(2) CONDITIONS FOR DEPARTMENTS.—The conditions described in this paragraph, for a study or investigation conducted by a Department, are that the study or investigation has been reviewed and approved through a system of peer review that the Secretary determines—

''(A) to be comparable to the system of peer review of studies and investigations used by the National Institutes of Health, and

''(B) assures unbiased review of the highest scientific standards by qualified individuals who have no interest in the outcome of the review.

''(e) CONSTRUCTION.—Nothing in this section shall be construed to limit a plan's or issuer's coverage with respect to clinical trials.

''(f) PREEMPTION.—Notwithstanding any other provision of this Act, nothing in this section shall preempt State laws that require a clinical trials policy for State regulated health insurance plans.''.

(2) CLERICAL AMENDMENTS.—

(A) Section 732(a) of such Act (29 U.S.C. 1191a(a)) is amended by striking ''section 711'' and inserting ''sections 711 and 715''.

(B) The table of contents in section 1 of such Act is amended by inserting after the item relating to section 714 the following new item:

''Sec. 715. Coverage for individuals participating in approved cancer clinical trials.''.

(b) CLINICAL TRIALS.—The Director of the National Cancer Institute shall—

(1) collaborate with the Director of the National Institutes of Health to engage in a campaign to educate the public on the value of clinical trials for oncology patients, which shall be implemented on the local level and focus on patient populations that traditionally are underrepresented in clinical trials;

(2) conduct an educational campaign for health care professionals to educate them to consider clinical trials as treatment options for their patients; and

(3) conduct research to document and demonstrate promising practices in cancer clinical trial recruitment and retention efforts, particularly for patient populations that traditionally are underrepresented in clinical trials.

SEC. 9. HEALTH PROFESSIONS WORKFORCE.

(a) INCREASE NURSE FACULTY.—Section 811(f)(2) of the Public Health Service Act (42 U.S.C. 296j(f)(2)) is amended to read as follows:

''(2) BENEFITS FOR RETIRING NURSE OFFICERS QUALIFIED AS FACULTY.—

''(A) IN GENERAL.—The Secretary of Defense shall provide to any individual described in subparagraph (B) the payment of retired or retirement pay without reduction based on receipt of pay or other compensation from the institution of higher education concerned.

''(B) COVERED INDIVIDUALS.—An individual described in this subparagraph is an individual who—

''(i) is retired from the Armed Forces after service as a commissioned officer in the nurse corps of the Armed Forces;

''(ii) holds a graduate degree in nursing; and

''(iii) serves as a part- or full-time faculty member of an accredited school of nursing.

''(C) NURSE CORPS.—Any accredited school of nursing that employs a retired nurse officer as faculty under this paragraph shall agree to provide financial assistance to individuals undertaking an educational program at such school leading to a degree in nursing who agree, upon completion of such program, to accept a commission as an officer in the nurse corps of the Armed Forces.''.

(b) ONCOLOGY WORKFORCE.—

(1) STUDY.—The Secretary of Health and Human Services (referred to in this subsection as the ''Secretary'') shall conduct a study on the current and future cancer care workforce needs in the following areas:

(A) Cancer research.

(B) Care and treatment of cancer patients and survivors.

(C) Quality of life, symptom management, and pain management.

(D) Early detection and diagnosis.

(E) Cancer prevention.

(F) Genetic testing, counseling, and ethical considerations related to such testing.

(G) Diversity and appropriate care for disparity populations.

(H) Palliative and end-of-life care.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the findings of the study conducted under paragraph (2).

SEC. 10. PATIENT NAVIGATOR PROGRAM.

Section 340A of the Public Health Service Act (42 U.S.C. 256a) is amended—

(1) in subsection (e), by adding at the end the following:

''(3) MINIMUM CORE PROFICIENCIES.—The Secretary shall not award a grant to an entity under this section unless such entity provides assurances that patient navigators recruited, assigned, trained, or employed using grant funds meet minimum core proficiencies that are tailored for the main focus or intervention of the navigation program involved.''; and

(2) in subsection (m)—

(A) in paragraph (1), by inserting before the period the following '', and such sums as may be necessary for each of fiscal years 2011 through 2015.''; and

(B) in paragraph (2), by striking ''2010'' and replacing with ''2015.''

SEC. 11. CANCER CARE AND COVERAGE UNDER MEDICAID AND MEDICARE.

(a) COVERAGE OF ROUTINE COSTS ASSOCIATED WITH CLINICAL TRIALS UNDER MEDICARE.—

(1) COVERAGE UNDER PART A.—Section 1814 of the Social Security Act (42 U.S.C. 1395f) is amended by adding at the end the following new subsection:

''(m) COVERAGE OF ROUTINE COSTS ASSOCIATED WITH CLINICAL TRIALS.—The Secretary shall not exclude from payment for items and services provided under a clinical trial payment for coverage of routine costs of care (as defined by the Secretary) furnished to an individual entitled to benefits under this part who participates in such a trial to the extent the Secretary provides payment for such costs as of the date of enactment of this subsection.''.

(2) COVERAGE UNDER PART B.—Section 1833(w) of the Social Security Act (42 U.S.C. 1395l(w)), as added by section 184 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), is amended—

(A) by striking ''PAYMENT.—The Secretary'' and inserting ''PAYMENT AND COVERAGE OF ROUTINE COSTS ASSOCIATED WITH CLINICAL TRIALS.—

''(1) METHODS OF PAYMENT.—Subject to paragraph (2), the Secretary''; and

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

''(2) COVERAGE OF ROUTINE COSTS ASSOCIATED WITH CLINICAL TRIALS.—The Secretary shall not exclude from payment for items and services provided under a clinical trial payment for coverage of routine costs of care (as defined by the Secretary) furnished to an individual enrolled under this part who participates in such a trial to the extent the Secretary provides payment for such costs as of the date of enactment of this subsection.''.

(3) PROVIDER OUTREACH.—The Secretary of Health and Human Services, acting through the Administrator of the Centers for Medicare & Medicaid Services, shall conduct an outreach campaign to providers of services and suppliers under the Medicare program under title XVIII of the Social Security Act regarding coverage of routine costs of care furnished to Medicare beneficiaries participating in clinical trials in accordance with sections 1814(m) and 1833(w)(2) of the Social Security Act (as added by paragraphs (1) and (2), respectively).

(b) DEMONSTRATION PROJECT TO PROVIDE COMPREHENSIVE CANCER CARE PLANNING SERVICES UNDER MEDICARE.—

(1) IN GENERAL.—Beginning not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this subsection as the ''Secretary'') shall conduct a 3-year demonstration project (referred to in this subsection as the ''demonstration project'') under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) under which payment for comprehensive cancer care planning services furnished by eligible entities shall be made.

(2) COMPREHENSIVE CANCER CARE PLANNING SERVICES.—For purposes of this subsection, the term ''comprehensive cancer care planning services'' means—

(A) with respect to an individual who is diagnosed with cancer, the development of a plan of care that—

(i) details, to the greatest extent practicable, all aspects of the care to be provided to the individual, with respect to the treatment of such cancer, including any curative treatment and comprehensive symptom management (such as palliative care) involved;

(ii) is documented in the patient's medical record and furnished to the individual in person within a period specified by the Secretary that is as soon as practicable after the date on which the individual is so diagnosed;

(iii) is furnished, to the greatest extent practicable, in a form that appropriately takes into account cultural and linguistic needs of the individual in order to make the plan accessible to the individual; and

(iv) is in accordance with standards determined by the Secretary to be appropriate;

(B) with respect to an individual for whom a plan of care has been developed under subparagraph (A), the revision of such plan of care as necessary to account for any substantial change in the condition of the individual, if such revision—

(i) is in accordance with clauses (i) and (iii) of such subparagraph; and

(ii) is documented in the patient's medical record and furnished to the individual within a period specified by the Secretary that is as soon as practicable after the date of such revision;

(C) with respect to an individual who has completed the primary treatment for cancer, as defined by the Secretary (such as completion of chemotherapy or radiation treatment), the development of a follow-up cancer care plan that—

(i) describes the elements of the primary treatment, including symptom management, furnished to such individual;

(ii) provides recommendations for the subsequent care of the individual with respect to the cancer involved;

(iii) identifies, to the greatest extent possible, a healthcare provider to oversee subsequent care and follow-up as needed and to whom the individual may direct questions or concerns;

(iv) is documented in the patient's medical record and furnished to the individual in person within a period specified by the Secretary that is as soon as practicable after the completion of such primary treatment;

(v) is furnished, to the greatest extent practicable, in a form that appropriately takes into account cultural and linguistic needs of the individual in order to make the plan accessible to the individual; and

(vi) is in accordance with standards determined by the Secretary to be appropriate; and

(D) with respect to an individual for whom a follow-up cancer care plan has been developed under subparagraph (C), the revision of such plan as necessary to account for any substantial change in the condition of the individual, if such revision—

(i) is in accordance with clauses (i), (ii), and (iv) of such subparagraph; and

(ii) is documented in the patient's medical record and furnished to the individual within a period specified by the Secretary that is as soon as practicable after the date of such revision.

(3) QUALIFICATIONS AND SELECTION OF ELIGIBLE ENTITIES.—

(A) QUALIFICATIONS.—For purposes of this subsection, the term ''eligible entity'' means a physician office, hospital, outpatient department, or community health center. Qualified providers include physicians, nurse practitioners, and other health care professionals who develop or revise a comprehensive cancer care plan.

(B) SELECTION.—The Secretary shall select at least 6 eligible entities to participate in the demonstration project. Such entities shall be selected so that the demonstration project is conducted in different regions across the United States, in urban and rural locations, and across various sites of care.

(4) EVALUATION AND REPORT.—

(A) EVALUATION.—The Secretary shall conduct a comprehensive evaluation of the demonstration project to determine—

(i) the effectiveness of the project in improving patient outcomes and increasing efficiency and reducing error in the delivery of cancer care;

(ii) the cost of providing comprehensive cancer care planning services; and

(iii) the potential savings to the Medicare program demonstrated by the project, including the utility of the demonstration project in reducing duplicative cancer care services and decreasing the use of unnecessary medical services for cancer patients.

(B) REPORT.—

(i) IN GENERAL.—Not later than the date that is 1 year after the date on which the demonstration project concludes, the Secretary shall submit to Congress a report on the evaluation conducted under subparagraph (A).

(ii) PREVENTION OF FRAUDULENT BILLING.—The Secretary shall consult with the Medicare Fraud Task Force in the design of the demonstration project to identify and address concerns about fraudulent billing of comprehensive cancer care planning services. The Secretary's actions on prevention of fraud shall be included in the report under this subparagraph.

(iii) DEMONSTRATION OF SUBSTANTIAL BENEFIT.—If the evaluation conducted under subparagraph (A) indicates substantial benefit from the demonstration project, as measured by improved patient outcomes and more efficient delivery of healthcare services, such report shall include a legislative proposal to Congress for coverage of comprehensive cancer care planning services under the Medicare program, developed on the basis of information from the demonstration project and in consultation with the Administrator of the Agency for Healthcare Research and Quality, the Director of the Institute of Medicine, and the Director of the Centers for Disease Control and Prevention.

(iv) NO SUBSTANTIAL BENEFIT.—If the evaluation conducted under subparagraph (A) does not indicate substantial benefit from the demonstration project, as measured by improved patient outcomes and more efficient delivery of healthcare services, such report shall document, to the extent possible, the reasons why the demonstration project did not result in substantial benefit, and such report—

(I) shall include a legislative proposal for Medicare coverage of comprehensive cancer care planning services in a manner that will lead to substantial benefit; or

(II) shall include recommendations for additional demonstration projects or studies to evaluate the delivery of comprehensive cancer care planning services in a manner that will lead to substantial benefit and eventual Medicare coverage.

(5) FUNDING.—The Secretary shall provide for the transfer from the Federal Supplementary Medical Insurance Trust Fund established under section 1841 of the Social Security Act (42 U.S.C. 1395t) of the amount necessary to carry out the demonstration project and report under this subsection.

(c) PROMOTING CESSATION OF TOBACCO USE UNDER MEDICAID.—

(1) SERVICES DESCRIBED.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended by adding at the end the following new subsection:

''(y)(1) Subject to paragraph (2), for purposes of this title, the term 'counseling and pharmacotherapy for cessation of tobacco use' means diagnostic, therapy, and counseling services and pharmacotherapy (including the coverage of prescription and nonprescription tobacco cessation agents approved by the Food and Drug Administration) for cessation of tobacco use for individuals who use tobacco products or who are being treated for tobacco use which are furnished—

''(A) by or under the supervision of a physician; or

''(B) by any other health care professional who—

''(i) is legally authorized to furnish such services under State law (or the State regulatory mechanism provided by State law) of the State in which the services are furnished; and

''(ii) is authorized to receive payment for other medical assistance under this title or is designated by the Secretary for this purpose.

''(2) Such term is limited to—

''(A) services recommended in 'Treating Tobacco Use and Dependence: A Clinical Practice Guideline', published by the Public Health Service in June 2000, or any subsequent modification of such Guideline; and

''(B) such other services that the Secretary recognizes to be effective.''.

(2) DROPPING EXCEPTION FROM MEDICAID PRESCRIPTION DRUG COVERAGE FOR TOBACCO CESSATION MEDICATIONS.—Section 1927(d)(2) of the Social Security Act (42 U.S.C. 1396r–8(d)(2)) is amended—

(A) by striking subparagraph (E);

(B) by redesignating subparagraphs (F) through (K) as subparagraphs (E) through (J), respectively; and

(C) in subparagraph (F) (as redesignated by subparagraph (B)), by inserting before the period at the end the following: '', except agents approved by the Food and Drug Administration for purposes of promoting, and when used to promote, tobacco cessation''.

(3) REQUIRING COVERAGE OF TOBACCO CESSATION COUNSELING AND PHARMACOTHERAPY SERVICES FOR PREGNANT WOMEN.—Section 1905(a)(4) of the Social Security Act (42 U.S.C. 1396d(a)(4)) is amended—

(A) by striking ''and'' before ''(C)''; and

(B) by inserting before the semicolon at the end the following: ''; and (D) counseling and pharmacotherapy for cessation of tobacco use for pregnant women''.

(4) REMOVAL OF COST-SHARING FOR TOBACCO CESSATION COUNSELING AND PHARMACOTHERAPY SERVICES FOR PREGNANT WOMEN.—

(A) IN GENERAL.—Section 1916 of the Social Security Act (42 U.S.C. 1396o) is amended in each of subsections (a)(2)(B) and (b)(2)(B), by inserting '', and counseling and pharmacotherapy for cessation of tobacco use'' after ''complicate the pregnancy''.

(B) CONFORMING AMENDMENT.—Section 1916A(b)(3)(B)(iii) of such Act (42 U.S.C. 1396o–1(b)(3)(B)(iii)) is amended by inserting '', and counseling and pharmacotherapy for cessation of tobacco use'' after ''complicate the pregnancy''.

(5) EFFECTIVE DATE.—The amendments made by this subsection take effect 1 year after the date of enactment of this Act and apply to medical assistance provided under a State Medicaid program on or after that date.

SEC. 12. CANCER SURVIVORSHIP AND COMPLETE RECOVERY INITIATIVES.

(a) CANCER SURVIVORSHIP PROGRAMS.—Subpart 1 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.), as amended by subsection (c), is amended by adding at the end the following:

''SEC. 417E. EXPANSION OF CANCER SURVIVORSHIP ACTIVITIES.

''(a) EXPANSION OF ACTIVITIES.—The Director of the Institute shall coordinate the activities of the National Institutes of Health with respect to cancer survivorship, including childhood cancer survivorship.

''(b) PRIORITY AREAS.—In carrying out subsection (a), the Director of the Institute shall give priority to the following:

''(1) Comprehensive assessment of the prevalence and etiology of late effects of cancer treatment, including physical, neurocognitive, and psychosocial late effects. Such assessment shall include—

''(A) development of a system for patient tracking and analysis;

''(B) establishment of a system of tissue collection, banking, and analysis for childhood cancers, using guidelines from the Office of Biorepositories and Biospecimen Research; and

''(C) coordination of, and resources for, assessment and data collection.

''(2) Identification of risk and protective factors related to the development of late effects of cancer.

''(3) Identification of predictors of neurocognitive and psychosocial outcomes, including quality of life, in cancer survivors and identification of qualify of life and other outcomes in family members.

''(4) Development and implementation of intervention studies for cancer survivors and their families, including studies focusing on—

''(A) preventive interventions during treatment;

''(B) interventions to lessen the impact of late effects of cancer treatment;

''(C) rehabilitative or remediative interventions following cancer treatment;

''(D) interventions to promote health behaviors in long-term survivors; and

''(E) interventions to improve health care utilization and access to linguistically and culturally competent long-term follow-up care for childhood cancer survivors in minority and other medically underserved populations.

''(c) GRANTS FOR RESEARCH ON CAUSES OF HEALTH DISPARITIES IN CHILDHOOD CANCER SURVIVORSHIP.—

''(1) GRANTS.—The Director of NIH, acting through the Director of the Institute, shall make grants to entities to conduct research relating to—

''(A) needs and outcomes of pediatric cancer survivors within minority or other medically underserved populations; and

''(B) health disparities in cancer survivorship outcomes within minority or other medically underserved populations.

''(2) BALANCED APPROACH.—In making grants for research under paragraph (1)(A) on pediatric cancer survivors within minority populations, the Director of NIH shall ensure that such research addresses both the physical and the psychological needs of such survivors.

''(3) HEALTH DISPARITIES.—In making grants for research under paragraph (1)(B) on

health disparities in cancer survivorship outcomes within minority populations, the Director of NIH shall ensure that such research examines each of the following:

''(A) Key adverse events after childhood cancer.

''(B) Assessment of health and quality of life in childhood cancer survivors.

''(C) Barriers to follow-up care to childhood cancer survivors.

''(D) Data regarding the type of provider and treatment facility where the patient received cancer treatment and how the provider and treatment facility may impact treatment outcomes and survivorship.

''(d) RESEARCH TO EVALUATE FOLLOW-UP CARE FOR CHILDHOOD CANCER SURVIVORS.—The Director of NIH shall conduct or support research to evaluate systems of follow-up care for childhood cancer survivors, with special emphasis given to—

''(1) transitions in care for childhood cancer survivors;

''(2) those professionals who should be part of care teams for childhood cancer survivors;

''(3) training of professionals to provide linguistically and culturally competent follow-up care to childhood cancer survivors; and

''(4) different models of follow-up care.''.

(b) COMPLETE RECOVERY CARE.—

(1) DEFINITION.—In this subsection, the term ''complete recovery care'' means care intended to address the secondary effects of cancer and its treatment, including late, psychosocial, neurocognitive, psychiatric, psychological, physical, and other effects associated with cancer and cancer survivorship beyond the impairment of bodily function directly caused by the disease, as described in the report by the Institute of Medicine of the National Academies entitled ''Cancer Care for the Whole Patient''.

(2) EXPANSION OF ACTIVITIES.—The Secretary of Health and Human Services (referred to in this subsection as the ''Secretary'') shall—

(A) coordinate the activities of Federal agencies, including the National Institutes of Health, the National Cancer Institute, the National Institute of Mental Health, the Centers for Medicare and Medicaid Services, the Veterans Health Administration, the Centers for Disease Control and Prevention, the Food and Drug Administration, the Agency for Healthcare Research and Quality, the Office for Human Research Protections, and the Health Resources and Services Administration to improve the provision of complete recovery care in the treatment of cancer; and

(B) solicit input from professional and patient organizations, payors, and other relevant institutions and organizations regarding the status of provision of complete recovery care in the treatment of cancer.

(3) IMPROVING THE COMPLETE RECOVERY CARE WORKFORCE.—

(A) CHRONIC DISEASE WORKFORCE DEVELOPMENT COLLABORATIVE.—The Secretary shall, not later than 1 year after the date of enactment of this Act, convene a Workforce Development Collaborative on Psychosocial Care During Chronic Medical Illness (referred to in this paragraph as the ''Collaborative''). The Collaborative shall be a cross-specialty, multidisciplinary group composed of educators, consumer and family advocates, and providers of psychosocial and biomedical health services.

(B) GOALS AND REPORT.—The Collaborative shall submit to the Secretary a report establishing a plan to meet the following objectives for psychosocial care workforce development:

(i) Identifying, refining, and broadly disseminating to healthcare educators information about workforce competencies, models, and preservices curricula relevant to providing psychosocial services to persons with chronic medical illnesses and their families.

(ii) Adapting curricula for continuing education of the existing workforce using efficient workplace-based learning approaches.

(iii) Developing the skills of faculty and other trainers in teaching psychosocial health care using evidence-based teaching strategies.

(iv) Strengthening the emphasis on psychosocial healthcare in educational accreditation standards and professional licensing and certification exams by recommending revisions to the relevant oversight organizations.

(c) TECHNICAL AMENDMENT.—

(1) IN GENERAL.—Section 3 of the Hematological Cancer Research Investment and Education Act of 2002 (Public Law 107–172; 116 Stat. 541) is amended by striking ''section 419C'' and inserting ''section 417C''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in section 3 of the Hematological Cancer Research Investment and Education Act of 2002 (Public Law 107–172; 116 Stat. 541).

SEC. 13. ACTIVITIES OF THE FOOD AND DRUG ADMINISTRATION.

It is the sense of the Senate that the Food and Drug Administration should—

(1) integrate policies and structures to facilitate the concurrent development of drugs and diagnostics for cancer diagnosis, prevention, and therapy;

(2) consider alternatives or surrogates to traditional clinical trial endpoints (for example, other than survival) that are acceptable for regulatory approval as evidence of clinical benefit to patients; and

(3) modernize the Office of Oncology Drug Products by examining and addressing internal barriers that exist within the current organizational structure.

Mrs. HUTCHISON. I rise to talk about legislation that has been introduced today. My colleague and friend, Senator TED KENNEDY, and I and Senator FEINSTEIN are introducing a bill that we hope will help advance America's efforts to find cures for cancer.

We all know that cancer is a relentless disease. It does not discriminate between men and women, wealthy or poor, elderly or young.

In 2008, over 1.4 million Americans were diagnosed with some form of cancer. It may have been you, it may have been a friend, it may have been a coworker, a parent, a sibling, a spouse or even a child. More than half a million Americans lost their battle with cancer last year.

During the last session of Congress, Senator KENNEDY and I began working on what we would say would be the next generation of the war on cancer. Senator FEINSTEIN has been a leader in this area as well. She is vice chairman of C-Change, which is an organization that is led by President George Bush—the 41st—and his wife Barbara. DIANNE has been very active in the cancer cause for a long time, having lost her husband to cancer.

All of us have been touched by it. We know very poignantly what happened in our body last year; that Senator KENNEDY himself was diagnosed with a brain tumor. We have watched him valiantly fight off the scourge of this disease. I know in my own family my mother died from a brain tumor, and my brothers have also had cancer. It is such a reminder to all of us, especially when we see one of our own family members or one of our beloved colleagues fighting this disease. ARLEN SPECTER has had amazing feats of living through brain tumors, and he has been so valiant. He, too, is one of the leaders in the cause we are trying to fight today, and that is to win against cancer.

After Senator KENNEDY's diagnosis was announced, I stood on the floor and said I would have an absolute commitment to introduce legislation with him, which we had already been working on for months. We were working with many of the groups that have come together to fight cancer. There are so many in our country that are banding together to try to put all our resources and all our experiences and all of what we have learned to work to do that magic thing that will finally bring about a cure for this disease.

Today, we are keeping the promise we made. We waited, of course, for Senator KENNEDY to go through surgery and to be in treatment before we introduced it, and he is back with us today. He is part of introducing this bill today. So we are calling the bill the 21st Century Cancer ALERT Act. Here is why we must start again and renew our efforts.

Since the war on cancer was declared in 1971, we have amassed a wealth of knowledge, but our success in battling the disease has not been as great as with some of the other health concerns we have faced in our country, such as heart disease. When we adjust the mortality rate of cancer by age, it is still extraordinarily high when compared to mortality from other chronic diseases.

The impact that cancer has on all lives cannot and should not be underestimated. Today, one out of every two men and one out of every three women in our country will develop cancer in their lifetimes. That is an incredible statistic, and it shows how important it is that we get a handle on how we can either find the cure or, the next best thing, to be able to treat it and be able to live with the disease.

Let me tell you about some of the women who have fought with this disease. A woman named Elayne in Corinth, TX, is 44 years old and fighting cancer for the second time in her life. She says:

> I would like to see more research and options, especially for people like me who tend to have few options left as a stage 4 cancer patient. I think there is great hope in targeted therapies, and this should be a continued area of research and development.

The Kennedy-Hutchison-Feinstein bill will do several things: It will, first of all, promote cancer diagnosis at an early and more curable stage. We must encourage the discovery and advancement of early recognition and treatment. One promising research method is the use of biomarkers.

Biomarkers leave evidence within the body that alert clinicians to the

hidden activity that indicates cancer may be developing. Identifying biomarkers could represent the earliest possible detection of cancer in patients where it might otherwise be a long time before the person would see or feel any symptoms.

However, even if we strengthen our ability to diagnose cancer, impediments remain that prevent many Americans from undergoing routine screening for cancer. With early screening, the chances of catching the disease at a treatable stage are greater and improve the rate of survival.

No. 2, our bill will adopt a cooperative, coordinated approach to cancer research. By establishing a network of biorepositories, we will enable investigators to share information and samples. An integrated approach will accelerate the progress of lifesaving research.

Furthermore, finding cures should be a collaborative goal. Great research is being done by so many researchers who are not aware of advancements in the trials. We have the research that might be concentrated in one area, but people don't have the communication they need to know what is going on in another area that might be helpful in furthering the research going on in a different area.

The culture of isolated career research must shift toward cooperative strides to achieve breakthroughs. We must encourage all the stakeholders in the war on cancer to work in concert. This is perhaps going to be a difficult hurdle, but we must do it. If our researchers are just involved in their own microscope, they are not going to be able to have the full body of knowledge that might contain that one thing that triggers the end to cancer as we know it.

Next, our bill will increase enrollment in clinical trials. Clinical trials expand treatment options for patients while enabling researchers to explore new methods in prevention, diagnosis, and therapy. This is so valuable because these are the experimental stages of treatment where people who sign up—who know there are risks here but are willing to try—can help us learn what works and what might not work. This is essential for us to make real strides in this war on cancer.

One woman who understands the importance of clinical trials is Maria from El Paso. She is participating in a clinical trial, but she says:

> Every day we encounter women who are either unaware of the option for clinical trials or who want to participate but do not have access to them. It's not right that some of us have access to the most cutting-edge treatments, while others are shut out and left mired in a web of confusion.

Less than 5 percent of the 10 million adults with cancer in the United States participate in clinical trials. We need to raise awareness about clinical trials so more cancer patients will know they are available and have the full information of what they could do. Disincentives in the health insurance market to enrolling in clinical trials must be eliminated.

Last, as our knowledge of cancer advances and survivors live longer, we must move toward establishing a process of providing comprehensive care planning services. There is great value in arming patients with a treatment plan and a summary of their care once they enter remission. This can help ensure continuity of therapy and prevent costly duplicative or unnecessary services.

Together, Senator KENNEDY, Senator FEINSTEIN, and I hope this will be a bipartisan effort to reinvigorate this fight by enacting these necessary changes through legislation. One of the people who will benefit from our bill is Suzanne. After 10 years of treatment for cancer, at a cost of over $3 million, Suzanne came to my office this week to show her support for this bill. She said:

> I don't want my two daughters to go through what I went through. Screening saves lives and money.

She is right. Another woman who has been in touch with my office is Jodie. At the age of 36, she was diagnosed with cancer. After 5 years of treatment, she said: ''It is a gift to be here.''

The Kennedy-Hutchison-Feinstein bill, through screening programs, research, and clinical trials, will give people such as Suzanne, Maria, Elayne, Jodie, and many others in our country more time to spend with their loved ones.

This bill we are introducing today is not a finished product. There may need to be changes to this bill. It is not perfect. I already have had some point out the need for us to sit down and try to come up with the absolute right approach. The HELP Committee will be looking at this bill. They will be marking it up. We have already had hearings last year, but there will be more of a look and it will be important that this happen.

We want a bipartisan and resounding victory. We want this to be a victory for all of our country—a victory over this disease. It is the kind of bill that can be bipartisan, that should be bipartisan, and should have overwhelming support from this Congress and from the American people.

I am wearing today the ''Live Strong'' bracelet. This is from the Lance Armstrong Foundation. We all know Lance Armstrong is a cancer survivor. He is also a hero to many of us because of his wins of the Tour de France. He is the premier bicyclist in the world. Unfortunately, Lance is in the hospital right now—or he might be just getting out. He doesn't have cancer. That is the good news. He broke his collar bone—in about six places, apparently—and because he has insisted he is going back into cycling, he is recovering from that injury.

But we know the grit and determination of this man. After his Tour de France wins, and setting the ''straight record'' for Tour de France wins, he came home and decided to take on cancer for everyone. He has been a role model in showing us it can be defeated, because after his bout with cancer, he went on to win these grueling bicycle races all over the world. So he has been a role model in that regard, but he has also, through his foundation, been a champion of making sure other people have the same chance for survival that he has had. So while we wish him well on the mending of his collar bone, we already owe him a debt of gratitude, and I am going to wear his bracelet as we introduce the bill today to show what one person can do to defeat cancer.

We can all come together to help Lance get the message out throughout the world that we can defeat cancer, and no one is a better leader in this cause on the Senate floor today than Senator EDWARD KENNEDY. He not only helped craft the legislation—even as he was in treatment he was making edits to this bill—but he also is another person who has shown courage, as Lance Armstrong has, by not giving up, by coming right back to the Senate after his cancer treatments and showing us that he, too, is joining with Lance Armstrong to make sure everyone has the same chance he has for early detection and for a chance to live a full life. That is what we want for every American.

I am very proud to be standing here for Senator KENNEDY to say we are going to fight for this together. We are going to work together, and we are going to try to have a resounding bipartisan victory on this bill. Working with the HELP Committee and utilizing their input, we will win a victory for all Americans. Maybe we will make Americans see that we can work together here in Washington. Maybe that will be the change in how things are done in Washington that we have all been looking for. It would be a change for the better.

By Mr. HARKIN (for himself, Mr. KENNEDY, Mr. LEAHY, Mr. CARDIN, Ms. MIKULSKI, Mr. KERRY, Mr. DURBIN, Mr. LAUTENBERG, Mr. MERKLEY, AND MRS. MCCASKILL):

S. 718. A bill to amend the Legal Services Corporation Act to meet special needs of eligible clients, provide for technology grants, improve corporate practices of the Legal Services Corporation, and for other purposes; to the Committee on the Judiciary.

Mr. HARKIN. Mr. President, today, I am proud to introduce the Civil Access to Justice Act of 2009, which will expand and improve vital civil legal services to our most vulnerable Americans.

This is an issue that is very personal with me. Before I was elected to Congress, I practiced law with Polk County legal aid. I know first-hand how crucial legal assistance is to struggling families who have no place else to turn

when they have lost a job and are facing a foreclosure. I know the invaluable assistance that legal aid provides to battered women trying to leave abusive marriages while fearing for their safety and the safety of their children. I know that, without access to an attorney, the poor are often powerless against the injustices they suffer. I can honestly say that the work I did with legal aid is some of the most rewarding work of my career.

The type of assistance I was able to provide needy clients in Iowa occurs throughout the country every day. Much of that assistance is the direct result of a commitment the federal government first made over forty years ago. In 1965, the Office of Economic Opportunity created 269 local legal services programs around the country. Ten years later, in 1974, Congress—with bipartisan support, including that of President Nixon—established the Legal Service Corporation, LSC, to be a major source of funding for civil legal aid in this country. LSC is a private, non-profit corporation, funded by Congress, with the mission to ensure equal access to justice under the law for all Americans by providing civil legal assistance to those who otherwise would be unable to afford it. LSC distributes 95 percent of its annual Federal appropriations to 137 local legal aid programs, with more than 900 offices serving all 50 states and every congressional district.

These LSC funding programs make a crucial difference to millions of Americans. Recipients help clients secure basic human needs, such as access to wrongly denied benefits including social security, pensions and needed health care. Just in the past decade, families of 9–11 victims, flood victims, and hurricane evacuees have received crucial legal assistance in obtaining permanent housing, unemployment compensation and government benefits. Further, members of our Armed Forces and their families receive help with estate planning, consumer and landlord/tenant problems and family law.

It is LSC-funded attorneys who help parents obtain and keep custody of their children, help family members obtain guardianship for children without parents, assist parents in enforcing child support payments and help women who are victims of domestic violence. In fact, three out of four legal aid clients are women, and legal aid programs identify domestic violence as one of their top priorities. Recent studies confirm, moreover, that the only public service that reduces domestic abuse in the long term is a woman's access to legal assistance.

Unfortunately, as the economy continues to wane, those needing legal assistance increase. Yet, the Federal commitment to legal services and LSC is not as effective as it needs to be. LSC has not been authorized since 1981, and since 1995 Congress has slashed funding for legal services for the poor, from $415 million to $350 million in fiscal year 2008, with only a recent increase to $390 million for fiscal year 2009. Further, severe restrictions on LSC funded attorneys impede the ability of legal aid attorneys to provide the most meaningful legal representation to low-income Americans. The result is that access to justice and quality representation has become far from a reality for too many of our citizens.

In many parts of the country, more than 80 percent of those who need legal representation are unable to obtain it. Nationally, 50 percent of eligible applicants who request legal assistance from LSC funded programs are turned away largely because such programs lack adequate funding. That translates into over one million eligible cases per year.

Bear in mind, to be eligible for Federal legal assistance, one must live at or below 125 percent Federal poverty level—an income of about $25,000 a year for a family of four. This means that we are turning away half of the families in America who need and seek civil legal help who make less than $25,000 a year. That is wrong and it makes a mockery of the principle of equal justice under the law.

Unfortunately, a combination of limited federal funding, state budget cuts and an increased demand for services due to the recession has exacerbated the problem. As the Chief Justice of the Texas Supreme Court recently noted, legal aid programs have reached a ''crisis of epic proportions.'' This year, requests for services have risen by 30 percent or more across the country while cutbacks in staffing are expected to reach 20 percent or more over the coming months. Connecticut Legal Services expects to lose as many as 150 legal positions. Boston's legal aid expects to lay off one-fifth of its lawyers. Two whole offices in New Jersey recently had to shut their doors. When legal aid lawyers lose their jobs and when offices close, unfortunately it is our most vulnerable citizens who suffer as their legal needs go unmet.

The housing crisis highlights this problem. Today, millions of Americans are struggling to meet their housing needs, including making their mortgage payments, in many cases traceable to predatory lending practices. Foreclosures are at a historic high and continue to soar. As more and more people face the devastating prospect of losing their home—their most prized possession—legal assistance is necessary to help renegotiate terms of loans or enforce truth-in-lending protections in court. The result is that many legal aid offices have seen a drastic increase in those seeking help. Between 2007 and 2008, for example, Iowa Legal Aid saw a 300 percent increase in foreclosure related cases. The Legal Aid Society of San Diego saw a 250 percent increase. Yet, legal aid is too often unavailable. A recent study, for example, revealed that in New Jersey, 99 percent of defendants in housing eviction cases go to court without an attorney.

Given these needs, the Civil Access to Justice Act of 2009, which I am proud to introduce today with Senators KENNEDY, LEAHY, MIKULSKI, CARDIN, KERRY, DURBIN, LAUTENBERG, MCCASKILL and MERKLEY, renews our commitment to equal justice for all Americans and will improve both the quantity and quality of legal assistance in this country.

The bill is supported by, among others, the American Bar Association, Brennan Center for Justice, National Legal Aid & Defender Association, National Organization of Legal Service Workers and United Auto Workers.

First, this bill authorizes funding for LSC at $750 million, which is approximately the amount appropriated in 1981, adjusted for inflation, the high water mark for LSC funding. That year, Congress allocated $321.3 million to LSC. At the time, that was seen as the level sufficient to provide a minimum level of access to legal aid in every county. Adjusted for inflation, this ''minimum access'' level of funding would need to be about $750 million in 2009 dollars.

Second, this bill lifts many of the restrictions Congress imposed in 1996 on federally funded attorneys. That year, Congress significantly limited whom federally funded attorneys could represent and the types of legal tools these attorneys could use in representing their clients. Proponents of these restrictions argued that LSC funded lawyers had overreached and were using federal funds to pursue what some considered an ideological political agenda through the courts, while neglecting basic legal work for poor Americans.

I vigorously disagreed with this characterization of legal aid attorneys and opposed the restrictions at the time; and I continue to do so. The restrictions have harmed our neediest Americans and in many instances prevent legal counsel from doing what attorneys are ethically bound to do—provide zealous representation for their clients. Further, the restrictions, by limiting the range of tools that legal aid attorneys can employ compared to other members of the bar, have created a system of second-class legal representation. That is why this legislation lifts limits on the legal tools that LSC-funded attorneys can use to represent their clients—for example, prohibitions on attorneys seeking court-ordered attorneys' fees, lobbying with nonfederal funds or representing clients in class action law suits.

With respect to attorney fees, Congress and state legislatures have recognized that such fees are an important remedy, and are critical in ensuring that civil rights and consumer protection suits are brought. As Congress stated in enacting the Civil Rights Attorneys' Fees Awards Act of 1976, ''fee awards have proved an essential remedy if private citizens are to have a

meaningful opportunity to vindicate the important Congressional policies which these laws contain.'' That is why Congress has enacted nearly 200 statutes, and states have enacted approximately 4,000 statutes, that provide for attorney fees. The current restriction preventing LSC-funded attorneys from receiving attorney fees has the effect of weakening the effectiveness of these statutes.

Lifting the restriction on attorney fees makes sense for additional reasons. First, because of the restriction, defendants who otherwise would pay attorney fees are unjustly enriched because they happen to face LSC-funded attorneys as opposed to a private counsel. Second, the potential for attorney fees is important leverage for attorneys as they negotiate settlements, leverage now not available to LSC-funded attorneys. Finally, by prohibiting collecting attorney fees, Congress has needlessly limited potential resources that can be used to provide legal aid to other clients.

The bill also lifts the restriction on LSC-funded attorneys' ability to lobby with non-federal funds for changes in the law that would benefit disadvantaged clients. Legal service attorneys are immersed in the day-to-day legal issues faced by low-income communities and, as a result, are often most knowledgeable about the true impact of state and Federal laws on low income Americans. Yet, LSC-funded attorneys may not participate legislative and administrative efforts unless they are responding to a written request from a legislator or other official.

When legal aid attorneys' input is requested, the results are telling. For example, Maryland Legal Aid Bureau was recently invited by the legislature to testify on an overhaul of state foreclosure and lending laws. Although the lending, mortgage and banking industries were well represented, the legal aid attorney was the only person there representing borrowers' views. While the attorney's voice was critical in ensuring appropriate consumer protections, it is significant that that voice was only heard because legislators chose to seek input from legal aid. Because of the current restrictions, absent an invitation, the experiences and knowledge of that attorney would be silenced, leaving a one-sided debate.

Let me be clear, I disagree with those who advocated for and enacted the 1996 restrictions. However, in the spirit of compromise and bipartisanship, and with the intent to avoid a repeat of the contentious debates of the 1990s, this legislation does not lift all of the restrictions. Illustrative is the present restriction on LSC-funded attorneys pursuing class action suits. Such cases are often the most efficient and cost-effective lawsuits, not only for clients but for the judicial system. As Congress found in enacting the Class Action Fairness Act in 2005, ''class action lawsuits are an important and valuable part of the legal system when they permit the fair and efficient resolution of legitimate claims of numerous parties by allowing the claims to be aggregated into a single action against a defendant that has allegedly caused harm.''

When the procedural requirements of State or Federal law are met, LSC-funded attorneys and their clients, like all others, should be able to utilize this essential litigation tool. That is why the bill lifts the restriction on the ability of legal aid programs to bring such suits. At the same time, again while I disagree, I acknowledge the concern that led to the restriction—that prior to the restriction some felt that LSC-funded attorneys were using class action suits to ''push the envelope'' and have courts establish ''new law.'' To allay this concern, the bill permits only class action suits that are grounded in ''established'' law. This will enable, for example, LSC-funded attorneys to represent as a class multiple families who are victims of predatory lending, but will not permit LSC-funded attorneys to attempt to achieve a novel interpretation of the law that lacks statutory support or judicial precedent.

Moreover, again in the spirit of compromise, the bill maintains many of the limits on who LSC-funded programs can represent, including the current exclusion of illegal immigrants, with limited exceptions, such as victims of domestic violence, prisoners challenging prison conditions, and people charged with illegal drug possession in public housing eviction proceedings. Also, consistent with current law, the legislation prohibits LSC-funded programs from participating in abortion-related cases.

Third, this legislation lifts all the restrictions, except those related to abortion litigation, on the use of state and local funds and private donations to Federal funded legal services programs that Congress also imposed in 1996. That year, Congress determined that for programs that receive federal funds, the same restrictions applicable to federal funds apply to non-federal funds a program receives.

The result is that millions of dollars in non-federal funds are encumbered by the same restrictions that drastically limit the tools available to legal aid attorneys, to the detriment of their clients. Through direct state and local funding, money from state Interest on Lawyers' Trust Accounts, IOLTA, and private sources, over $450 million in non-federal funds currently is provided for civil legal assistance. The restrictions place unnecessary and costly hurdles on the use of these non-federal funds. The only way a program and its donors can free themselves from federal restrictions is by diverting non-federal funds into a separate program—with separate staff members, offices and equipment. This is burdensome and wasteful.

Whatever one thinks of placing conditions on the receipt of federal funds, states, cities and private donors should have the ability to determine for themselves how best to spend their money to ensure access to justice for their citizens. It is one thing to attach conditions on the use of the federal funds, but to impose conditions on the use of non-federal funds is wrong.

Fourth, in addition to providing further tools and support for LSC grantees, better corporate governance—something that is critically needed—is a central feature of this legislation. Last year, the Government Accountability Office, GAO, reported on troubling management practices and lack of oversight by LSC. The reports found that there had been questionable expenditures by LSC management and that LSC lacked a ''properly implemented governance and accountability structure'' needed to prevent problems. GAO included in its report a series of recommendations as to how LSC should address these shortcomings and prevent similar problems in the future.

No one was more upset about the GAO reports than I. That is why I personally made it clear to LSC management, in no uncertain terms, that they needed to act immediately to address the GAO recommendations, and why a central feature of this bill is provisions to ensure better corporate governance. LSC acted quickly to address the issues GAO raised, and both LSC management and its Board of Directors have publicly accepted all of GAO's recommendations and have worked diligently to implement them. Nevertheless, I believe it is important to lock the recommendations into statute.

Finally, the bill authorizes a grant program from the Department of Education to expand law school clinics. A recent study found that students in law school clinics serve approximately 90,000 civil clients every school year, excluding summer semesters, and provide over 1.8 million hours of legal service. These legal clinics are a significant resource for legal services. But they are much more. For many students, these programs are stepping stones towards careers in legal service and public interest law following graduation. Recent studies demonstrate that law students who participate in law school clinics are more likely to work in public service jobs and do more pro bono than their peers who do not.

We need to do all we can to encourage young lawyers to make legal aid a career. One important way of doing this is by exposing them to the challenges, and more importantly the rewards, of representing people who otherwise would not have the legal assistance they deserve.

Our promise of ''equal justice under law'' rings hollow if those who are most vulnerable are denied access to representation. As former Justice Lewis Powell said, ''[e]qual justice under law is not merely a caption on the façade of the Supreme Court building. It is perhaps the most inspiring ideal of our society . . . it is fundamental that justice should be the same,

in substance and availability, without regard to economic status.'' Legal aid attorneys across the country protect the safety, security, and health of low-income citizens. When a senior citizen is the victim of a financial scam, when a family faces the loss of their home, or, all too often, when a woman seeks protection from abuse, legal aid can help—but only if it has the funds and the tools needed to do so.

As our former colleague Senator Domenici once declared: ''I do not know what is wrong with the United States of America saying to the needy people of this country that the judicial system is not only for the rich. What is wrong with that? . . . That is what America is all about.''

That is the aim of this bill. After years of grossly underfunding this essential program, denying legal representation to millions of low-income citizens, and denying legal aid lawyers the full panoply of tools they need to represent their clients effectively, this bill will fulfill the promise of our Constitution. ''Equal Justice Under Law'' will be more than an ideal chiseled on a marble façade, it will be a concrete reality for millions of our citizens, who, today, are denied it. I urge my colleagues to support this important bill.

I am proud to join Senator HARKIN, along with Senator KENNEDY, SENATOR KERRY, Senator MIKULSKI, Senator DURBIN, Senator LAUTENBERG, Senator MCCASKILL, and Senator MERKLEY on this important legislation to reauthorize the Legal Services Corporation, LSC. I thank Senator HARKIN for his hard work and dedication to this issue. Along with reauthorizing the funding for the LSC, the bill also removes several restrictions that have encumbered the efforts of legal services providers around the country.

The funding authorization in this legislation will help ensure that in future years, the Legal Services Corporation, and all of the state legal aid organizations it assists, will continue the critical work they do to help lower-income American citizens who need legal assistance. Similar to the Sixth Amendment's requirement that an indigent criminal defendant be provided counsel, the voice that legal aid attorneys give to the less fortunate among us is an indispensable component of a fair justice system. What Justice Hugo Black called the ''noble ideal'' of a fair and impartial trial is extended through the work of those around the country who serve their fellow citizens in our courts. This reauthorization will continue the policy of the Federal Government to provide assistance to those who seek access to the courts in civil matters.

As part of this reauthorization, and in an effort to support the integrity of the LSC, the bill codifies recommendations made by the Government Accountability Office, GAO, related to the LSC's corporate governance. The Senate Judiciary Committee held a hearing in May 2008 in part to shed light on these recommendations, and to give the LSC an opportunity to respond about plans to address the problems identified by the GAO. The LSC's leadership has been open and responsive to making improvements, and including these recommendations in the bill will assist the LSC in strengthening its governance practices for the future.

This legislation also takes the long-overdue step of removing several of the restrictions that have hindered legal aid organizations for too long. But I wish to make clear that the restrictions on both state and Federal funds prohibiting litigation involving reproductive rights remain in place. Several restrictions on Federal funds remain: the use of Federal funds for litigation concerning unlawful immigrants, prison conditions, and certain eviction cases involving the sale of illegal drugs in public housing, will remain prohibited. But many of the restrictions this bill finally lifts are the product of an ideology long since rejected by the American people. It is time for Congress to reconsider the usefulness of these restrictions in providing the services that so many Americans desperately need.

All Americans should understand the effects of these restrictions on the provision of legal services for lower-income citizens. Chief among them is the overarching requirement prohibiting the use of non-Federal funds for enumerated purposes when legal aid organizations accept Federal funding from the LSC. Currently, non-federal funds received by legal aid providers that also accept LSC funding are subject to the same restrictions that Federal funds are. This has resulted in a waste of resources that providers can ill afford. For example, a legal aid provider that wishes to use state, foundation, or other private funding as it sees fit must physically segregate its operations so that funds from the two sources are administered separately through duplicated processes. In this era of economic difficulty, the impact of every Federal and state dollar provided to help Americans must be maximized. This requirement has resulted in little more than wasted resources. Legal aid providers are capable of honoring Federal restrictions without the necessity of such an onerous approach.

The legislation also removes restrictions that currently prohibit legal aid attorneys from receiving attorney's fees, as authorized by law, in cases in which they prevail. Contrary to arguments that claim such a practice would cause legal aid attorneys to act unethically or out of an interest divergent from the legitimate needs of their clients, allowing these fees to be retained would help shift the cost of wrongdoing from the Federal Government to the wrongdoer. Moreover, allowing legal aid attorneys to retain these fees when merited would provide increased assistance to the organizations for which they work. In an effort to monitor the effect of removing this restriction, the legislation requires all fees received to be reported to the LSC.

The bill removes restrictions on class action suits by legal aid providers. Contrary to the popular rhetoric, in some cases class action suits can maximize the benefits provided by legal aid organizations by allowing similarly situated plaintiffs to pursue their rights in a single case. The legislation does restrict class action suits to actions based on established law, and thus is intended to discourage truly frivolous suits. Additionally, the legislation removes the restriction prohibiting legal aid providers from lobbying their elected officials. Allowing legal aid providers to advocate on behalf of those they serve will advance civil justice issues and raise the awareness of lawmakers in matters affecting many Americans. And I would remind those who would disparage this practice on the part of legal aid providers that many of the financial institutions that the American taxpayers have recently bailed out continue to lobby extensively in Washington. If banks that have been bailed out with taxpayer money can freely access their elected officials, so too should those who represent the least politically powerful among us.

I hope all Senators will give serious consideration to reauthorizing the Legal Services Corporation and ending many of the restrictions that have burdened the provision of legal services to so many American citizens. Lawyers across the U.S. have dedicated their lives to helping the least fortunate among us gain access to the courts that serve us all. These lawyers play a critical role in ensuring that justice is carried out in a manner consistent with the Constitution's promise, and when justice is served fairly, it benefits us all. I hope all Senators will join us in support of this legislation.

By Mr. UDALL, of Colorado (for himself and Mr. BENNET):

S. 720. A bill to provide a source of funds to carry out restoration activities on Federal land under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. UDALL of Colorado. Mr. President, I am today introducing a bill to provide additional resources for use by the Federal land-managing agencies to restore lands damaged as a result of legal violations and to promote public education about the use of the Federal lands. This bill is similar to one I introduced in the U.S. House of Representatives in the 110th Congress, H.R. 1463. I would like to thank Sen. BENNET for joining me as a cosponsor.

The large majority of people who use and enjoy our national public lands respect those lands and facilities and do not deliberately damage them. They abide by our laws and regulations that

are designed to preserve and protect these lands and facilities for future generations to enjoy and appreciate. Unfortunately, there are some who violate those laws and regulations and in so doing damage the lands and facilities. Violators who are caught can face fines and penalties. This bill would direct the Federal public land agencies to apply the funds collected as fines to help restore the lands and facilities that may have been damaged due to the violations.

The purpose of this bill is to assist the land-managing agencies—the Bureau of Land Management, National Park Service, and the Fish and Wildlife Service in the Interior Department as well as the Forest Service in the Agriculture Department—by allowing the money collected as fines to be used for repairing damage caused by the actions that lead to the fines or by similar actions instead of going to the U.S. Treasury. It would also allow them to use the money to increase public awareness of regulations and other requirements regarding use of Federal lands. It provides that any of the money not needed for those purposes would be credited to the Crime Victims Fund in the Treasury.

Allowing these funds to be used in this manner will not likely repair the all of the damage caused by illegal activities in most instances, but it will at least provide some assistance.

The genesis for this bill stemmed from a number of illegal activities that created significant damage to Federal public lands and facilities. Let me highlight just a couple of these.

As many may remember, Colorado experienced one of its worst fires in 2002, the Hayman Fire. This fire torched over 130,000 acres in the watershed of the Denver metropolitan area. It also destroyed 133 homes and forced the evacuation of over 5,000 people. After the fire, which was exceedingly hot and fast moving, a major thunderstorm pummeled the then-barren ground and washed debris and sediment into the Strontia Springs Reservoir, a major drinking water supply for Denver, hampering its capacity. Tragically, one person died of a heart attack during this fire, five firefighters were killed in a car crash on the way to the fire, and two people were killed during the subsequent thunderstorm and flooding. It was later learned that the fire was caused by the illegal actions of a former Forest Service employee. That person was later fined and jailed. This bill would allow the Forest Service to apply those fines collected to help restore the lands damaged by this fire.

Other examples involve off-road vehicles. Throughout the west, and especially in Colorado, increased growth and development has resulted in an increase in recreational use of our public lands. These recreational uses have, in some cases, stressed the capacity of the public land agencies to adequately control and manage such use. As a result, areas of our public lands are being damaged. These impacts can include: damage to wildlife habitat; increased run-off and sediment pollution in rivers and streams,; damage to sensitive high-altitude tundra, desert soils, and wetlands; creation of ruts and other visual impacts on the landscape; loss of quiet and secluded areas of the public lands; and adverse effects on wildlife.

Recreational off-road vehicle use on our public lands should be allowed to continue, but it must be managed to minimize or avoid these problems by appropriate restrictions and putting some sensitive areas off-limits to vehicle use. Again, most vehicle users are responsible—they stay on designated roads and trails, they are respectful of the landscape and they endeavor to tread lightly. However, there are a number of such users who do not obey the rules. Given the nature of this use, large, powerful motorized vehicles that are able to penetrate deeper and deeper into previously secluded areas, even a relatively few who violate management requirements can create serious damage to public land resources.

For example, in the summer of 2000 two recreational off-road vehicle users ignored closure signs while four-wheel driving on Bureau of Land Management land high above Silverton, Colorado. As a result, they got stuck for five days on a 70 percent slope at 12,500 feet along the flanks of Houghton Mountain. At first, they abandoned their vehicles. Then, they returned with other vehicles to pull their vehicles out of the mud and off the mountain. The result was significant damage to the high alpine tundra, a delicate ecosystem that may take thousands of years to recover. As noted in a Denver Post story about this incident, ''alpine plant life has evolved to withstand freezing temperatures, nearly year-round frost, drought, high winds and intense solar radiation, but it is helpless against big tires.'' The violators at this incident were fined. Again, this bill would allow those fines to be applied to address the specific damage that resulted.

These are but two examples. Regrettably, there have been many more such examples not only in Colorado but also throughout the west. These examples underscore the nature of the problem that this bill would address. This bill would give the Federal public land agencies the ability to apply resources to recover damaged lands from illegal activities.

This is a modest bill but an important one. I think it deserves the support of our colleagues and I will do all I can to achieve its enactment 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. 720

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

SECTION 1. SHORT TITLE AND FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the ''Federal Land Restoration, Enhancement, Public Education, and Information Resources Act'' or the ''Federal Land REPAIR Act''.

(b) FINDINGS.—Congress finds that—

(1) violations of laws (including regulations) applicable to the use of Federal land under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture often result in damages to the Federal land that require expenditures for restoration activities to mitigate the damages;

(2) increased public information and education regarding the laws (including regulations) applicable to the use of the Federal land can help to reduce the frequency of unintentional violations; and

(3) it is appropriate that fines and other monetary penalties paid as a result of violations of laws (including regulations) applicable to the use of Federal land be used to defray the costs of the restoration activities and to provide public information and education.

SEC. 2. USE OF FINES FROM VIOLATIONS OF LAWS AND REGULATIONS APPLICABLE TO PUBLIC LAND FOR RESTORATION AND INFORMATIONAL ACTIVITIES.

(a) LAND UNDER JURISDICTION OF BUREAU OF LAND MANAGEMENT.—Section 305 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1735) is amended by adding at the end the following:

''(d) USE OF COLLECTED FINES.—

''(1) AVAILABILITY AND AUTHORIZED USE.—Any amounts received by the United States as a result of a fine imposed under section 3571 of title 18, United States Code, for a violation of a regulation prescribed under section 303(a) shall be available to the Secretary, without further appropriation and until expended—

''(A) to cover the cost to the United States of any improvement, protection, or rehabilitation work on public land rendered necessary by the action that led to the fine or by similar actions; and

''(B) to increase public awareness of regulations and other requirements regarding the use of public land.

''(2) TREATMENT OF EXCESS FUNDS.—Amounts referred to in paragraph (1) that the Secretary determines are in excess of the amounts necessary to carry out the purposes specified in that paragraph shall be transferred to the Crime Victims Fund established by section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601).''.

(b) NATIONAL PARK SYSTEM LANDS.—Section 3 of the National Park Service Organic Act (16 U.S.C. 3), is amended—

(1) by striking ''That the Secretary'' the first place it appears and inserting ''(a) REGULATIONS FOR USE AND MANAGEMENT OF NATIONAL PARK SYSTEM; ENFORCEMENT.—The Secretary'';

(2) by striking ''He may also'' the first place it appears and inserting the following:

''(b) SPECIAL MANAGEMENT AUTHORITIES.—

''(1) IN GENERAL.—The Secretary of the Interior may'';

(3) by striking ''He may also'' the second place it appears and inserting the following:

''(2) DETRIMENTAL ANIMALS AND PLANTS.—The Secretary may;''.

(4) by striking ''No natural,'' and inserting the following:

''(c) LEASE AND PERMIT AUTHORITIES.—No natural''; and

(5) by adding at the end the following:

''(d) USE OF COLLECTED FINES.—

''(1) AVAILABILITY AND AUTHORIZED USE.—Any amounts received by the United States as a result of a fine imposed under section 3571 of title 18, United States Code, for a violation of a rule or regulation prescribed under this section shall be available to the Secretary of the Interior, without further appropriation and until expended—

''(A) to cover the cost to the United States of any improvement, protection, or rehabilitation work on the National Park System land rendered necessary by the action that led to the fine or by similar actions; and

''(B) to increase public awareness of rules, regulations, and other requirements regarding the use of National Park System land.

''(2) TREATMENT OF EXCESS FUNDS.—Amounts referred to in paragraph (1) that the Secretary determines are in excess of the amounts necessary to carry out the purposes specified in that paragraph shall be transferred to the Crime Victims Fund established by section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601).''.

(c) NATIONAL WILDLIFE REFUGE SYSTEM LANDS.—Section 4(f) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(f)) is amended by adding at the end the following:

''(3) USE OF COLLECTED FINES.—Any amounts received by the United States as a result of a fine imposed under section 3571 of title 18, United States Code, for a violation of this Act (including a regulation issued under this Act) shall be available to the Secretary, without further appropriation and until expended—

''(A) to cover the cost to the United States of any improvement, protection, or rehabilitation work on System land rendered necessary by the action that led to the fine or by similar actions; and

''(B) to increase public awareness of rules, regulations, and other requirements regarding the use of System land.

''(4) TREATMENT OF EXCESS FUNDS.—Amounts referred to in paragraph (3) that the Secretary determines are in excess of the amounts necessary to carry out the purposes specified in that paragraph shall be transferred to the Crime Victims Fund established by section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601).''.

(d) NATIONAL FOREST SYSTEM LAND.—The eleventh undesignated paragraph under the heading ''SURVEYING THE PUBLIC LANDS'' of the Act of June 4, 1897 (16 U.S.C. 551), is amended—

(1) by striking ''The Secretary'' and inserting the following:

''SEC. 3. PROTECTION OF NATIONAL FOREST SYSTEM LAND; REGULATIONS.

''(a) REGULATIONS FOR USE AND PROTECTION OF NATIONAL FOREST SYSTEM.—

''(1) IN GENERAL.—The Secretary'';

(2) by striking ''continued; and he may'' and inserting the following: ''continued.

''(2) REGULATIONS.—The Secretary may'';

(3) by striking ''destruction; and any violation'' and inserting the following: ''destruction.

''(b) VIOLATIONS; PENALTIES.—

''(1) IN GENERAL.—Any violation'';

(4) by striking ''Any person'' and inserting the following:

''(2) MAGISTRATE JUDGE.—Any person'';

(5) by adding at the end the following:

''(c) USE OF COLLECTED FINES.—

''(1) AVAILABILITY AND AUTHORIZED USE.—Any amounts received by the United States as a result of a collateral payment in lieu of appearance or a fine imposed under section 3571 of title 18, United States Code, for a violation of a regulation issued under subsection (a) shall be available to the Secretary of Agriculture, without further appropriation and until expended—

''(A) to cover the cost to the United States of any improvement, protection, or rehabilitation work on National Forest System land rendered necessary by the action that led to the fine or payment; and

''(B) to increase public awareness of rules, regulations, and other requirements regarding the use of National Forest System land.

''(2) TREATMENT OF EXCESS FUNDS.—Amounts referred to in paragraph (1) that the Secretary of Agriculture determines are in excess of the amounts necessary to carry out the purposes specified in that paragraph shall be transferred to the Crime Victims Fund established by section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601).''; and

(6) by moving section 3 (as designated by paragraph (1)) so as to appear at the end of that Act.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. 721. A bill to expand the Alpine Lakes Wilderness in the State of Washington, to designate the Middle Fork Snoqualmie Ricer and Pratt River as wild and scenic rivers, and for other purposes; to the Committee on Energy and Natural Resources.

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

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

S. 721

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 ''Alpine Lakes Wilderness Additions and Pratt and Middle Fork Snoqualmie Rivers Protection Act''.

SEC. 2. EXPANSION OF ALPINE LAKES WILDERNESS.

(a) IN GENERAL.—There is designated as wilderness and as a component of the National Wilderness Preservation System certain Federal land in the Mount Baker-Snoqualmie National Forest in the State of Washington comprising approximately 22,100 acres, as generally depicted on the map entitled ''Proposed Alpine Lakes Wilderness Additions'' and dated March 23, 2009, which is incorporated in and shall be considered to be a part of the Alpine Lakes Wilderness.

(b) ADMINISTRATION.—

(1) MANAGEMENT.—Subject to valid existing rights, the land designated as wilderness by subsection (a) shall be administered by the Secretary of Agriculture (referred to in this section as the ''Secretary''), in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that any reference in that Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act.

(2) MAP AND DESCRIPTION.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area designated by subsection (a) with—

(i) the Committee on Natural Resources of the House of Representatives; and

(ii) the Committee on Energy and Natural Resources of the Senate.

(B) FORCE OF LAW.—A map and legal description filed under subparagraph (A) shall have the same force and effect as if included in this Act, except that the Secretary may correct errors in the map and legal description.

(C) PUBLIC AVAILABILITY.—Each map and legal description filed under subparagraph (A) shall be filed and made available for public inspection in the appropriate office of the Secretary.

(c) INCORPORATION OF ACQUIRED LAND AND INTEREST.—Any land within the boundary of the land designated as wilderness by subsection (a) that is acquired by the United States shall—

(1) become part of the wilderness area; and

(2) be managed in accordance with subsection (b)(1).

SEC. 3. WILD AND SCENIC RIVER DESIGNATIONS.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

''(171) MIDDLE FORK SNOQUALMIE, WASHINGTON.—The 27.4-mile segment from the headwaters of the Middle Fork Snoqualmie River near La Bohn Gap in NE ¼ sec. 20, T. 24 N., R. 13 E., to the northern boundary of sec.11, T. 23 N., R. 9 E., to be administered by the Secretary of Agriculture in the following classifications:

''(A) The approximately 6.4-mile segment from the headwaters of the Middle Fork Snoqualmie River near La Bohn Gap in NE ¼ sec. 20, T. 24 N., R. 13 E., to the west section line of sec. 3, T. 23 N., R. 12 E., as a wild river.

''(B) The approximately 21-mile segment from the west section line of sec. 3, T. 23 N., R. 12 E., to the northern boundary of sec. 11, T. 23 N., R. 9 E., as a scenic river.

''(172) PRATT RIVER, WASHINGTON.—The entirety of the Pratt River in the State of Washington, located in the Mount Baker-Snoqualmie National Forest, to be administered by the Secretary of Agriculture as a wild river.''.

By Mr. BAUCUS (for himself, Mr. ROCKEFELLER, and Mr. SCHUMER):

S. 722. A bill to amend the Internal Revenue Code of 1986 to provide for permanent alternative minimum tax relief, middle class tax relief, and estate tax relief, and to permanently extend certain expiring provisions, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, there is a storm brewing. This storm is not an act of God. It is man-made. It is coming to a head next year.

The 2001 tax cut law gave much-needed tax relief to families with children. It gave much-needed tax relief to families with college students. It gave much-needed relief to family-owned businesses.

I worked on those tax cuts. I believed in them.

But the provisions in that bill expire on December 31, 2010.

Since the day that we passed that bill, we have passed others. These other bills expanded and enhanced some of the 2001 provisions that help America's families.

Next year, all that we have done disappears. American families are left in a state of uncertainty. This uncertainty undermines confidence in the Government and the future.

That is why, today, I am introducing the Taxpayer Certainty and Relief Act of 2009.

This bill would make permanent several expiring provisions that help families.

This bill would make permanent the tax cuts for the 10 percent, 15 percent, 25 percent, and 25 percent tax brackets. Without this change, taxpayers would experience up to a $5,000 tax increase. This bill would make permanent the lower capital gains rates for taxpayers in these brackets.

This bill would makes permanent the marriage penalty relief enacted in 2001. This would guaranty that married couples would not be penalized when they take their wedding vows.

This bill would also make permanent the $1,000 child tax credit. It would also make permanent the refundable child tax credit, with a threshold of $3,000, that was recently passed as part of the American Recovery and Reinvestment Act.

This is important because prior to the 2001 bill, this credit was $500 and not refundable.

This bill would make permanent the expansion of the earned income tax credit. As a result, married couples would get more relief and families with three or more children would get a larger credit.

The bill would help working men and women by making permanent the changes to the dependent and child care credit. This credit helps cover the increased expenses of providing child care during a time when everyone is struggling to stay employed and weather this economic downturn.

This bill would also make permanent the increased credit for adoption. Giving a child a home and love is expensive. Families that adopt children have a lot of expenses. This bill would continue to give a $10,000 credit for adoption expenses.

These provisions recognize the increased cost of raising children. Congress values families and wants every family to succeed.

Another problem that Congress has to tackle every year is the Alternative Minimum Tax, or the AMT. This tax creeps up on millions of taxpayers every year. Every year, Congress holds this monster at bay, making sure no new taxpayers pay this horrible tax.

As a result, the number of taxpayers paying the AMT remains at just over 4 million. Without Congress's action, 26 million people would have to pay this tax.

This bill would permanently fix the AMT. It sets the exemption at 2009 levels and indexes it for future years. It also allows the AMT against the nonrefundable credits.

Finally, this bill would offer certainty on the estate tax. This is something that I have tried to get done over and over again. The Finance Committee held several hearings discussing this tax. This bill makes permanent current law. This bill would set the exemption at $3.5 million, or $7 million for married couples. It would also set the tax rate at 45 percent.

We have also made some other needed fixes. This bill would unify the gift and estate taxes. This bill would also allow a decedent spouse to transfer any unused exemption to the surviving spouse. This is known as portability.

I believe that this bill is just the beginning. I realize there are other tax cuts that need to be made permanent. For example, I hope to address education issues later this year.

But today, let us begin to give working families some shelter from the coming storm.

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. 722

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

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Taxpayer Certainty and Relief Act of 2009''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

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

Sec. 1. Short title, etc.

TITLE I—PERMANENT ALTERNATIVE MINIMUM TAX RELIEF

Sec. 101. Exemption amounts made permanent.
Sec. 102. Exemption amounts indexed for inflation.
Sec. 103. Alternative minimum tax relief for nonrefundable credits.

TITLE II—PERMANENT MIDDLE CLASS TAX RELIEF

Sec. 201. Permanent reduction in tax rates for lower-income and middle-income individuals.
Sec. 202. Permanent reduction in rates on capital gains for lower-income and middle-income taxpayers.
Sec. 203. Modifications to child tax credit.
Sec. 204. Repeal of sunset on marriage penalty relief.
Sec. 205. Repeal of sunset on expansion of dependent care credit.
Sec. 206. Repeal of sunset on expansion of adoption credit and adoption assistance programs.
Sec. 207. Expansion of earned income tax credit.

TITLE III—PERMANENT ESTATE TAX RELIEF

Sec. 301. Permanent extension of estate tax as in effect in 2009.
Sec. 302. Unified credit increased by unused unified credit of deceased spouse.

TITLE I—PERMANENT ALTERNATIVE MINIMUM TAX RELIEF

SEC. 101. EXEMPTION AMOUNTS MADE PERMANENT.

(a) IN GENERAL.—Paragraph (1) of section 55(d) is amended—

(1) by striking ''$45,000 ($70,950 in the case of taxable years beginning in 2009)'' in subparagraph (A) and inserting ''$70,950 in the case of'',

(2) by striking ''$33,750 ($46,700 in the case of taxable years beginning in 2009)'' in subparagraph (B) and inserting ''$46,700 in the case of an individual who'', and

(3) by striking ''paragraph (1)(A)'' in subparagraph (C) and inserting ''subparagraph (A)''.

(b) REPEAL OF EGTRRA SUNSET.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 701 of such Act (relating to increase in alternative minimum tax exemption).

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

SEC. 102. EXEMPTION AMOUNTS INDEXED FOR INFLATION.

(a) IN GENERAL.—Subsection (d) of section 55 is amended by adding at the end the following new paragraph:

''(4) INFLATION ADJUSTMENT.—

''(A) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2009, each of the dollar amounts contained in subsection (b)(1)(A)(i) and paragraphs (1)(A), (1)(B), (1)(D), (3)(A), and (3)(B) of this subsection shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2008' for 'calendar year 1992' in subparagraph (B) thereof.

''(B) ROUNDING.—Any increase determined under subparagraph (A) shall be rounded to the nearest multiple of $100.''.

(b) CONFORMING AMENDMENTS.—

(1) Clause (iii) of section 55(b)(1)(A) is amended by striking ''by substituting'' and all that follows through ''appears.'' and inserting ''by substituting 50 percent of the dollar amount otherwise applicable under subclause (I) and subclause (II) thereof''.

(2) Paragraph (3) of section 55(d) is amended—

(A) by striking ''or (2)'' in subparagraph (A),

(B) by striking ''and'' at the end of subparagraph (B), and

(C) by striking subparagraph (C) and inserting the following new subparagraphs:

''(C) 50 percent of the dollar amount applicable under subparagraph (A) in the case of a taxpayer described in subparagraph (C) or (D) of paragraph (1), and

''(D) $150,000 in the case of a taxpayer described in paragraph (2).''.

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

SEC. 103. ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE CREDITS.

(a) IN GENERAL.—Subsection (a) of section 26 is amended to read as follows:

''(a) LIMITATION BASED ON AMOUNT OF TAX.—The aggregate amount of credits allowed by this subpart for the taxable year shall not exceed the sum of—

''(1) the taxpayer's regular tax liability for the taxable year reduced by the foreign tax credit allowable under section 27(a), and

''(2) the tax imposed by section 55(a) for the taxable year.''.

(b) CONFORMING AMENDMENTS.—

(1) ADOPTION CREDIT.—

(A) Section 23(b) is amended by striking paragraph (4).

(B) Section 23(c) is amended by striking paragraphs (1) and (2) and inserting the following:

''(1) IN GENERAL.—If the credit allowable under subsection (a) for any taxable year exceeds the limitation imposed by section 26(a) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section and sections 25D and 1400C), such excess shall be carried to the succeeding taxable year and added to the

credit allowable under subsection (a) for such taxable year.''.

(C) Section 23(c) is amended by redesignating paragraph (3) as paragraph (2).

(2) CHILD TAX CREDIT.—

(A) Section 24(b) is amended by striking paragraph (3).

(B) Section 24(d)(1) is amended—

(i) by striking ''section 26(a)(2) or subsection (b)(3), as the case may be,'' each place it appears in subparagraphs (A) and (B) and inserting ''section 26(a)'', and

(ii) by striking ''section 26(a)(2) or subsection (b)(3), as the case may be'' in the second last sentence and inserting ''section 26(a)''.

(3) CREDIT FOR INTEREST ON CERTAIN HOME MORTGAGES.—Section 25(e)(1)(C) is amended to read as follows:

''(C) APPLICABLE TAX LIMIT.—For purposes of this paragraph, the term 'applicable tax limit' means the limitation imposed by section 26(a) for the taxable year reduced by the sum of the credits allowable under this subpart (other than this section and sections 23, 25D, and 1400C).''.

(4) SAVERS' CREDIT.—Section 25B is amended by striking subsection (g).

(5) RESIDENTIAL ENERGY EFFICIENT PROPERTY.—Section 25D(c) is amended to read as follows:

''(c) CARRYFORWARD OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.''.

(6) CERTAIN PLUG-IN ELECTRIC VEHICLES.—Section 30(c)(2) is amended to read as follows:

''(2) PERSONAL CREDIT.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.''.

(7) ALTERNATIVE MOTOR VEHICLE CREDIT.—Section 30B(g)(2) is amended to read as follows:

''(2) PERSONAL CREDIT.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.''.

(8) NEW QUALIFIED PLUG-IN ELECTRIC VEHICLE CREDIT.—Section 30D(c)(2) is amended to read as follows:

''(2) PERSONAL CREDIT.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.''.

(9) CROSS REFERENCES.—Section 55(c)(3) is amended by striking ''26(a), 30C(d)(2),'' and inserting ''30C(d)(2)''.

(10) FOREIGN TAX CREDIT.—Section 904 is amended by striking subsection (i) and by redesignating subsections (j) , (k), and (l) as subsections (i), (j), and (k), respectively.

(11) FIRST-TIME HOME BUYER CREDIT FOR THE DISTRICT OF COLUMBIA.—Section 1400C(d) is amended to read as follows:

''(d) CARRYFORWARD OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a) for such taxable year reduced by the sum of the credits allowable under subpart A of part IV of subchapter A (other than this section and section 25D), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.''.

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

TITLE II—PERMANENT MIDDLE CLASS TAX RELIEF

SEC. 201. PERMANENT REDUCTION IN TAX RATES FOR LOWER-INCOME AND MIDDLE-INCOME INDIVIDUALS.

(a) IN GENERAL.—Paragraph (2) of section 1(i) is amended to read as follows:

''(2) REDUCTION IN RATES.—The tables under subsections (a), (b), (c), (d), and (e) shall be applied—

''(A) in the case of taxable years beginning after 2008—

''(i) by substituting '25%' for '28%' each place it appears (before the application of clause (ii)), and

''(ii) by substituting '28%' for '31%' each place it appears, and

''(B) in the case of taxable years beginning in 2009 and 2010—

''(i) by substituting '33%' for '36%' each place it appears, and

''(ii) by substituting '35%' for '39.6%' each place it appears.''.

(b) REPEAL OF EGTRRA SUNSET.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 101 of such Act (relating to reduction in income tax rates for individuals).

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 202. PERMANENT REDUCTION IN RATES ON CAPITAL GAINS FOR LOWER-INCOME AND MIDDLE-INCOME TAXPAYERS.

(a) IN GENERAL.—

(1) REGULAR TAX.—Section 1(h)(1) is amended by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively, and by striking subparagraph (C) and inserting the following:

''(C) 15 percent of the lesser of—

''(i) so much of the adjusted net capital gain (or, if less, taxable income) as exceeds the amount on which a tax is determined under subparagraph (B), or

''(ii) the excess (if any) of—

''(I) amount of taxable income which would (without regard to this paragraph) be taxed at a rate below the second highest tax rate, over

''(II) the greater of the amounts determined under clauses (i) and (ii) of subparagraph (B);

''(D) 20 percent of the adjusted net capital gain (or, if less, taxable income) in excess of the sum of the amounts on which tax is determined under subparagraphs (B) and (C);''.

(2) MINIMUM TAX.—Section 55(b)(3) is amended by redesignating subparagraph (D) as subparagraphs (E) and by striking subparagraph (C) and inserting the following:

''(C) 15 percent of the lesser of—

''(i) so much of the adjusted net capital gain (or, if less, taxable excess) as exceeds the amount on which tax is determined under subparagraph (B), or

''(ii) the excess described in section 1(h)(1)(C)(ii), plus

''(D) 20 percent of the adjusted net capital gain (or, if less, taxable excess) in excess of the sum of the amounts on which tax is determined under subparagraphs (B) and (C), plus''.

(3) CONFORMING AMENDMENTS.—

(A) The following sections are each amended by striking ''15 percent'' and inserting ''20 percent'':

(i) Section 1445(e)(1).

(ii) The second sentence of section 7518(g)(6)(A).

(iii) Section 53511(f)(2) of title 46, United States Code.

(B) Section 1(h)(1)(B) is amended by striking ''5 percent (0 percent in the case of taxable years beginning after 2007)'' and inserting ''0 percent''.

(C) Section 55(b)(3)(B) is amended by striking ''5 percent (0 percent in the case of taxable years beginning after 2007)'' and inserting ''0 percent''.

(D) Section 1445(e)(6) is amended by striking ''15 percent (20 percent in the case of taxable years beginning after December 31, 2010)'' and inserting ''20 percent''.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2010.

(2) WITHHOLDING.—The amendment made by subsection (a)(3)(A)(i) shall apply to amounts paid on or after January 1, 2011.

(c) REPEAL OF JGTRRA SUNSET.—Section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 is repealed.

SEC. 203. MODIFICATIONS TO CHILD TAX CREDIT.

(a) REPEAL OF EGTRRA SUNSET.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to sections 201 (relating to modifications to child tax credit) and 203 (relating to refunds disregarded in the administration of federal programs and federally assisted programs) of such Act.

(b) MODIFICATION OF THRESHOLD AMOUNT.—

(1) IN GENERAL.—Clause (i) of section 24(d)(1)(B) is amended by striking ''$10,000'' and inserting ''$3,000''.

(2) REPEAL OF INFLATION ADJUSTMENT TO EARNED INCOME BASE.—Subsection (d) of section 24 (relating to portion of credit refundable) is amended by striking paragraph (3).

(3) CONFORMING AMENDMENT.—Section 24(d) is amended by striking paragraph (4).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 204. REPEAL OF SUNSET ON MARRIAGE PENALTY RELIEF.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to sections 301, 302, and 303(a) of such Act (relating to marriage penalty relief).

SEC. 205. REPEAL OF SUNSET ON EXPANSION OF DEPENDENT CARE CREDIT.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 204 of such Act (relating to dependent care credit).

SEC. 206. REPEAL OF SUNSET ON EXPANSION OF ADOPTION CREDIT AND ADOPTION ASSISTANCE PROGRAMS.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 202 of such Act (relating to expansion of adoption credit and adoption assistance programs).

SEC. 207. EXPANSION OF EARNED INCOME TAX CREDIT.

(a) REPEAL OF EGTRRA SUNSET.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to subsections (b) through (h) of section 303 of such Act (relating to earned income tax credit).

(b) INCREASE IN CREDIT PERCENTAGE FOR FAMILIES WITH 3 OR MORE CHILDREN.—Paragraph (1) of section 32(b) is amended by striking subparagraphs (B) and (C) and inserting the following new subparagraph:

''(B) INCREASED CREDIT PERCENTAGE FOR FAMILIES WITH 3 OR MORE QUALIFYING CHILDREN.—In the case of an eligible individual with 3 or more qualifying children, the table in subparagraph (A) shall be applied by substituting '45' for '40' in the second column thereof.''.

(c) JOINT RETURNS.—

(1) IN GENERAL.—Subparagraph (B) of section 32(b)(2) is amended by striking ''increased by'' and all that follows and inserting ''increased by $5,000.''

(2) INFLATION ADJUSTMENTS.—Clause (ii) of section 32(j)(1)(B) is amended—

(A) by striking ''$3,000'' and inserting ''$5,000'', and

(B) by striking ''calendar year 2007'' and inserting ''calendar year 2008''.

(d) CONFORMING AMENDMENT.—Section 32(b) is amended by striking paragraph (3).

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

TITLE III—PERMANENT ESTATE TAX RELIEF

SEC. 301. PERMANENT EXTENSION OF ESTATE TAX AS IN EFFECT IN 2009.

(a) RESTORATION OF UNIFIED CREDIT AGAINST GIFT TAX.—Paragraph (1) of section 2505(a) (relating to general rule for unified credit against gift tax), after the application of subsection (g), is amended by striking ''(determined as if the applicable exclusion amount were $1,000,000)''.

(b) EXCLUSION EQUIVALENT OF UNIFIED CREDIT EQUAL TO $3,500,000.—Subsection (c) of section 2010 (relating to unified credit against estate tax) is amended to read as follows:

''(c) APPLICABLE CREDIT AMOUNT.—

''(1) IN GENERAL.—For purposes of this section, the applicable credit amount is the amount of the tentative tax which would be determined under section 2001(c) if the amount with respect to which such tentative tax is to be computed were equal to the applicable exclusion amount.

''(2) APPLICABLE EXCLUSION AMOUNT.—

''(A) IN GENERAL.—For purposes of this subsection, the applicable exclusion amount is $3,500,000.

''(B) INFLATION ADJUSTMENT.—In the case of any decedent dying in a calendar year after 2010, the dollar amount in subparagraph (A) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2009' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of $10,000, such amount shall be rounded to the nearest multiple of $10,000.''.

(c) MAXIMUM ESTATE TAX RATE EQUAL TO 45 PERCENT.—

(1) IN GENERAL.—Subsection (c) of section 2001 (relating to imposition and rate of tax) is amended—

(A) by striking ''but not over $2,000,000'' in the table contained in paragraph (1),

(B) by striking the last 2 items in such table,

(C) by striking ''(1) IN GENERAL.—'', and

(D) by striking paragraph (2).

(2) CONFORMING AMENDMENT.—Paragraphs (1) and (2) of section 2102(b) are amended to read as follows:

''(1) IN GENERAL.—A credit in an amount that would be determined under section 2010 as the applicable credit amount if the applicable exclusion amount were $60,000 shall be allowed against the tax imposed by section 2101.

''(2) RESIDENTS OF POSSESSIONS OF THE UNITED STATES.—In the case of a decedent who is considered to be a 'nonresident not a citizen of the United States' under section 2209, the credit allowed under this subsection shall not be less than the proportion of the amount that would be determined under section 2010 as the applicable credit amount if the applicable exclusion amount were $175,000 which the value of that part of the decedent's gross estate which at the time of the decedent's death is situated in the United States bears to the value of the decedent's entire gross estate, wherever situated.''.

(d) MODIFICATIONS OF ESTATE AND GIFT TAXES TO REFLECT DIFFERENCES IN UNIFIED CREDIT RESULTING FROM DIFFERENT TAX RATES.—

(1) ESTATE TAX.—

(A) IN GENERAL.—Section 2001(b)(2) (relating to computation of tax) is amended by striking ''if the provisions of subsection (c) (as in effect at the decedent's death)'' and inserting ''if the modifications described in subsection (g)''.

(B) MODIFICATIONS.—Section 2001 is amended by adding at the end the following new subsection:

''(g) MODIFICATIONS TO GIFT TAX PAYABLE TO REFLECT DIFFERENT TAX RATES.—For purposes of applying subsection (b)(2) with respect to 1 or more gifts, the rates of tax under subsection (c) in effect at the decedent's death shall, in lieu of the rates of tax in effect at the time of such gifts, be used both to compute—

''(1) the tax imposed by chapter 12 with respect to such gifts, and

''(2) the credit allowed against such tax under section 2505, including in computing—

''(A) the applicable credit amount under section 2505(a)(1), and

''(B) the sum of the amounts allowed as a credit for all preceding periods under section 2505(a)(2).

For purposes of paragraph (2)(A), the applicable credit amount for any calendar year before 1998 is the amount which would be determined under section 2010(c) if the applicable exclusion amount were the dollar amount under section 6018(a)(1) for such year.''.

(2) GIFT TAX.—Section 2505(a) (relating to unified credit against gift tax) is amended by adding at the end the following new flush sentence:

''For purposes of applying paragraph (2) for any calendar year, the rates of tax in effect under section 2502(a)(2) for such calendar year shall, in lieu of the rates of tax in effect for preceding calendar periods, be used in determining the amounts allowable as a credit under this section for all preceding calendar periods.''.

(e) INCREASE IN AGGREGATE REDUCTION IN FAIR MARKET VALUE ALLOWED UNDER SPECIAL USE VALUATION.—Section 2032A(a) (relating to value based on use under which property qualifies) is amended—

(1) by striking ''$750,000'' in paragraph (2) and inserting ''$3,500,000,

(2) by striking ''1998'' in paragraph (3) and inserting ''2010'',

(3) by striking ''$750,000'' in paragraph (3) and inserting ''$3,500,000'', and

(4) by striking ''1997'' in paragraph (3) and inserting ''2009''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying, generation-skipping transfers, and gifts made, after December 31, 2009.

(g) ADDITIONAL MODIFICATIONS TO ESTATE TAX.—

(1) IN GENERAL.—The following provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001, and the amendments made by such provisions, are hereby repealed:

(A) Subtitles A and E of title V.

(B) Subsection (d), and so much of subsection (f)(3) as relates to subsection (d), of section 511.

(C) Paragraph (2) of subsection (b), and paragraph (2) of subsection (e), of section 521. The Internal Revenue Code of 1986 shall be applied as if such provisions and amendments had never been enacted.

(2) SUNSET NOT TO APPLY TO TITLE V OF EGTRRA.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to title V of such Act.

(3) REPEAL OF DEADWOOD.—

(A) Sections 2011, 2057, and 2604 are hereby repealed.

(B) The table of sections for part II of subchapter A of chapter 11 is amended by striking the item relating to section 2011.

(C) The table of sections for part IV of subchapter A of chapter 11 is amended by striking the item relating to section 2057.

(D) The table of sections for subchapter A of chapter 13 is amended by striking the item relating to section 2604.

SEC. 302. UNIFIED CREDIT INCREASED BY UNUSED UNIFIED CREDIT OF DECEASED SPOUSE.

(a) IN GENERAL.—Section 2010(c), as amended by section 301(b), is amended by striking paragraph (2) and inserting the following new paragraphs:

''(2) APPLICABLE EXCLUSION AMOUNT.—For purposes of this subsection, the applicable exclusion amount is the sum of—

''(A) the basic exclusion amount, and

''(B) in the case of a surviving spouse, the aggregate deceased spousal unused exclusion amount.

''(3) BASIC EXCLUSION AMOUNT.—

''(A) IN GENERAL.—For purposes of this subsection, the basic exclusion amount is $3,500,000.

''(B) INFLATION ADJUSTMENT.—In the case of any decedent dying in a calendar year after 2010, the dollar amount in subparagraph (A) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2009' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of $10,000, such amount shall be rounded to the nearest multiple of $10,000.

''(4) AGGREGATE DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT.—For purposes of this subsection, the term 'aggregate deceased spousal unused exclusion amount' means the lesser of—

''(A) the basic exclusion amount, or

''(B) the sum of the deceased spousal unused exclusion amounts computed with respect to each deceased spouse of the surviving spouse.

''(5) DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT.—For purposes of this subsection, the term 'deceased spousal unused exclusion amount' means, with respect to the surviving spouse of any deceased spouse dying after December 31, 2009, the excess (if any) of—

''(A) the basic exclusion amount of the deceased spouse, over

''(B) the amount with respect to which the tentative tax is determined under section 2001(b)(1) on the estate of such deceased spouse.

''(6) SPECIAL RULES.—

''(A) ELECTION REQUIRED.—A deceased spousal unused exclusion amount may not be taken into account by a surviving spouse under paragraph (5) unless the executor of the estate of the deceased spouse files an estate tax return on which such amount is computed and makes an election on such return that such amount may be so taken into account. Such election, once made, shall be irrevocable. No election may be made under this subparagraph if such return is filed after the time prescribed by law (including extensions) for filing such return.

''(B) EXAMINATION OF PRIOR RETURNS AFTER EXPIRATION OF PERIOD OF LIMITATIONS WITH

RESPECT TO DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT.—Notwithstanding any period of limitation in section 6501, after the time has expired under section 6501 within which a tax may be assessed under chapter 11 or 12 with respect to a deceased spousal unused exclusion amount, the Secretary may examine a return of the deceased spouse to make determinations with respect to such amount for purposes of carrying out this subsection.

''(7) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out this subsection.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 2505(a), as amended by section 301(a), is amended to read as follows:

''(1) the applicable credit amount in effect under section 2010(c) which would apply if the donor died as of the end of the calendar year, reduced by''.

(2) Section 2631(c) is amended by striking ''the applicable exclusion amount'' and inserting ''the basic exclusion amount''.

(3) Section 6018(a)(1) is amended by striking ''applicable exclusion amount'' and inserting ''basic exclusion amount''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying, generation-skipping transfers, and gifts made, after December 31, 2009.

By Mr. WYDEN (for himself, Ms. COLLINS, Mr. DODD, and Mr. CARPER):

S. 723. A bill to prohibit the introduction or delivery for introduction into interstate commerce of novelty lighters, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. WYDEN. Mr. President, today, I am joining my colleagues from Maine, Connecticut, and Delaware, in introducing the Protect Children from Dangerous Lighters Act, a ban on novelty cigarette lighters.

Novelty lighters, also known as toy-like lighters, are cigarette lighters that look like small children's toys or regular household items. In the hands of small children they can be very dangerous. Because they are so well disguised as toys, a child could easily pick one up to play with it without realizing that it could be very hazardous.

The result of this mistake can be deadly: In Oregon, two boys were playing with a novelty lighter disguised as a toy dolphin and accidently started a serious fire, causing the death of one boy and the permanent brain damage of the other. Also in Oregon, a mother suffered third degree burns on her foot when her child was playing with a novelty lighter shaped like a small toy Christmas tree and set a bed on fire.

Incidents like these happen all over the country. In Maine, a young boy took a miniature baseball bat off a shelf at a convenience store, accidentally ignited a flame and seared his eyebrow. In North Carolina, a boy sustained second degree burns after playing with a novelty lighter that looked like a toy cell phone. In one of the most tragic examples, a 2-year-old and a 15-month-old from Arkansas were killed in a fire they accidently started while playing with a novelty lighter shaped like a toy motorcycle.

These injuries and deaths cry out to us to take action and remove these dangerous lighters from shelves everywhere.

A ban on novelty lighters would require the Consumer Product Safety Commission to treat novelty lighters as a banned hazardous substance. That means novelty lighters will not be manufactured, imported, sold, or given away as promotional gifts anywhere in this country. This measure will keep novelty lighters out of the hands of children and prevent injuries like those that have already brought tragedy to too many families.

A number of states and cities have taken it upon themselves to ban these dangerous lighters. Oregon and four other States have already enacted such bans, and thirteen other states are currently considering similar measures. It is clear that this is an important safety issue, and it is time for the Federal Government to pass this bill so that children in all states will be protected.

A Federal ban on novelty lighters has widespread, nationwide support. Along with the Oregon Fire Marshal, the National Association of Fire Marshals supports a federal ban on these lighters and has been active in promoting public awareness on this issue. I want to thank the Congressional Fire Services Institute for their leadership in building support for this bill. The cigarette lighter industry, represented by the Lighter Association, is a partner in supporting a ban on novelty lighters. Finally, consumer groups, such as Safe Kids USA and others have endorsed this approach.

Congress should act now to avoid the suffering caused by the senseless deaths and serious injuries that result from novelty lighters being mistaken for toys. Dangerous tools containing flammable fuel should not be dressed up in packages that are attractive to children; especially when young children do not have the capacity to differentiate these lighters from common toys. Please join me in banning dangerous novelty lighters by cosponsoring the Protect Children from Dangerous Lighters Act.

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. 723

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 ''Protect Children from Dangerous Lighters Act of 2009''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Lighters are inherently dangerous products containing flammable fuel.

(2) If lighters are used incorrectly or used by children, dangerous and damaging consequences may result.

(3) Novelty lighters are easily mistaken by children and adults as children's toys or as common household items.

(4) Novelty lighters have been the cause of many personal injuries to children and adults and property damage throughout the United States.

SEC. 3. NOVELTY LIGHTER DEFINED.

(a) IN GENERAL.—In this Act, the term ''novelty lighter'' means a device typically used for the igniting or lighting of cigarettes, cigars, or pipes that has a toy-like appearance, has entertaining audio or visual effects, or resembles in any way in form or function an item that is commonly recognized as appealing, attractive, or intended for use by children of 10 years of age or younger, including such a device that takes toy-like physical forms, including toy animals, cartoon characters, cars, boats, airplanes, common household items, weapons, cell phones, batteries, food, beverages, musical instruments, and watches.

(b) EXCLUSION.—Such term does not include standard disposable and refillable lighters that are printed or decorated with logos, labels, decals, artwork, or heat shrinkable sleeves.

SEC. 4. BAN ON NOVELTY LIGHTERS.

(a) BANNED HAZARDOUS SUBSTANCE.—A novelty lighter shall be treated as a banned hazardous substance as defined in section 2 of the Federal Hazardous Substances Act (15 U.S.C. 1261) and the prohibitions set out in section 4 of such Act (15 U.S.C. 1263) shall apply to novelty lighters.

(b) APPLICATION.—Subsection (a) applies to a novelty lighter—

(1) manufactured on or after January 1, 1980; and

(2) that is not considered by the Consumer Product Safety Commission to be an antique or an item with significant artistic value.

Ms. COLLINS. Mr. President, I rise to join Senator WYDEN in introducing a bill that will ban the sale of certain novelty lighters that children can mistake for toys, often with tragic consequences for themselves and their families.

In Arkansas in 2007, two boys, ages 15 months and 2 years, died when the toddler accidentally started a fire with a lighter shaped like a motorcycle. In Oregon, in 2000, a fire started with a dolphin-shaped lighter left one child dead and another brain-damaged. In North Carolina, a 6-year-old boy was badly burned by a lighter shaped like a cell phone.

Sadly, the U.S. Fire Administration has other stories of the hazards presented by novelty lighters. When you learn that one looks like a rubber duck toy, and actually quacks, you can imagine the potential for harm.

As a co-chair of the Congressional Fire Services Caucus, I am proud to note that last year, my home State of Maine became the first State to outlaw the sale of novelty lighters.

Maine's pioneering law stems from a tragic 2007 incident in a Livermore, Maine, grocery store. While his mother was buying sandwiches, 6-year-old Shane St. Pierre picked up what appeared to be a toy flashlight in the form of a baseball bat. When he flicked the switch, a flame shot out and burned his face. Shane's dad, Norm St. Pierre, a fire chief in nearby West Paris, began advocating for the novelty-lighter ban that became Maine law in March 2008.

The Maine State Fire Marshal's office supported that legislation, and a

national ban has the support of the Congressional Fire Services Institute, the National State Fire Marshals Association, and the National Volunteer Fire Council.

The bill is straightforward. It treats novelty lighters manufactured after January 1, 1980, as banned hazardous substances unless the Consumer Product Safety Commission determines a particular lighter has antique or significant artistic value. Otherwise, sale of lighters with toy-like appearance, special audio or visual features, or other attributes that would appeal to children under 10 would be banned.

The novelty lighters targeted in this legislation serve no functional need. But they are liable to attract the notice and curiosity of children, whose play can too easily turn into a scene of horror and death. The sale of lighters that look like animals, cartoon characters, food, toys, or other objects is simply irresponsible and an invitation to tragedy.

I urge all of my colleagues to join me in supporting this simple measure that can save children from disfigurement and death.

By Mr. BINGAMAN (for himself and Mr. HATCH):

S. 725. A bill to amend the Internal Revenue Code of 1986 to allow self-employed individuals to deduct health insurance costs in computing self-employment taxes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today along with Senator HATCH to reintroduce the Equity for Our Nation's Self-Employed Act of 2009. This important legislation corrects an inequity that currently exists in our tax code that forces the self-employed to pay payroll taxes on the funds used to purchase their health insurance while larger businesses do not. Because of this inequity, health insurance is more expensive for the self-employed. At a time when the number of people uninsured is growing at an alarming rate, we need to find ways to reduce the cost of health insurance. This legislation is a first logical step.

Under current law, corporations and other business entities are able to deduct health insurance premiums as a business expense and to forego payroll taxes on these costs. However, sole-proprietors are not allowed this same deduction and thus, are required to pay self-employment tax, their payroll tax, on health insurance premiums. The self-employed are the only segment of the business population that is additionally taxed on health insurance. The legislation we are introducing today would stop this inequitable tax treatment and allow sole proprietors to deduct the amount they pay for health insurance from their calculation of payroll taxes, leveling the playing field for the over 20 million self-employed in our Nation.

This problem affects all self-employed who provide health insurance to their families. According to the IRS, there are almost 130,000 sole-proprietors in New Mexico. While we do not know how many of these people in New Mexico have health insurance, we do know that roughly 3.8 million working families in the U.S. paid self-employment tax on their health insurance premiums. Estimates indicate that roughly 60 percent of our Nation's uninsured are either self-employed or work for a small business. According to the Kaiser Family Foundation, self-employed workers spent upwards of $12,000 per year in 2006 to provide health insurance for their families. Because they cannot deduct this as an ordinary business expense, those that spend this amount will pay a 15.3 percent payroll tax on their premiums, resulting in over $1,800 of taxes annually.

This problem was identified by the National Taxpayer Advocate in several of her annual reports to Congress and our legislation to correct it is supported by over 40 national and State organizations including the National Association for the Self-Employed, the National Small Business Association, the National Federation of Independent Business, National Association of Realtors, the U.S. Chamber of Commerce, and the U.S. Hispanic Chamber of Commerce. I look forward to working with my colleagues to get this important legislation passed.

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

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

S. 725

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 ''Equity for Our Nation's Self Employed Act of 2009''.

SEC. 2. DEDUCTION FOR HEALTH INSURANCE COSTS IN COMPUTING SELF-EMPLOYMENT TAXES.

(a) IN GENERAL.—Section 162(l) of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended by striking paragraph (4) and by redesignating paragraph (5) as paragraph (4).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

By Ms. LANDRIEU (for herself, Mr. ENSIGN, Mr. CARDIN, Mrs. BOXER, Mr. GRAHAM, Ms. COLLINS, Mr. MCCAIN, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. LEVIN, Mr. CARPER, Mr. LIEBERMAN, Mr. BYRD, Mr. KERRY, and Mr. LEAHY):

S. 727. A bill to amend title 18, United States Code, to prohibit certain conduct relating to the use of horses for human consumption; to the Committee on the Judiciary.

Ms. LANDRIEU. I rise today to introduce a piece of legislation that this body has seen before, and actually we have passed a version of it by an overwhelming majority. But we have had difficulty as this bill has left this body and moved across the Capitol, and the efforts to pass this bill have actually been thwarted—not so much on the floors of the Congress or the Senate, but in committee rooms and conference committees—sometimes out of full public view. It has become an issue that must be dealt with on its substance, but also the way that sometimes bills find themselves coming to dead ends, in my view in inappropriate ways.

The record of this subject has been long discussed on the floor. But the bill attempts to end the transport of horses for slaughter to Canada and to Mexico.

This Congress, both Democrats and Republicans, a majority, has gone on record saying that the practice of inhumane slaughter of these majestic and very noble animals has no place in America. We do not use their meat for human consumption. It is no longer used even in our pet foods. This is not true in other parts of the world but it is true here in America. So we want to have a better system to handle the breeding, the raising, and the disposal of horses that are old, infirm, and sick. But taking a perfectly healthy animal and slitting its throat and then cutting it up with hatchets and saws and moving equipment while it is still alive is not what people in America would like to believe is going on. In fact it is—or was until a few years ago, until some of us got together with a great coalition and ended the practice of slaughter in the United States.

There were only three plants operating—two in Texas, one in Illinois. Those State legislators and the leaders in those States stepped up and closed down those plants. But the problem is now the 100,000 or so horses out of 900,000 that die naturally every year. We have about 9 million horses in America, 900,000 die, approximately, every year. And the great part of this story is that 95 percent of all horses die a natural and humane death because the owners are very good, they are very responsible.

Most people do what is right. That is what happens in most places, on most subjects. But there is always that small group that, for whatever reason, proceeds down a path that is wholly inappropriate, although right now legal—we hope to solve that problem—and inhumanely slaughters horses.

The USDA and our own investigation show that 98 percent of the horses that are inhumanely transported over our borders now to places that are, of course, unregulated by our Government and very modestly regulated, if at all, by the Governments of Canada and Mexico, 94 percent of these animals—92, I am sorry, 92.3 percent of those horses being sent to slaughter are healthy. They are not sick and they are not infirm and they are not old.

People say to me: Well, Senator, do you not think we have to find a way to

get rid of horses that are sick or too old? I say: Absolutely. There are humane ways to get rid of horses. But the myth and the lie and the shame of this slaughtering that is going on is that 92 percent of those animals are healthy. Many of them are young. Many of them have a great future. But because there is a loophole in our law right now, they are being treated in this way.

So I am introducing this bill with my good friend and colleague JOHN ENSIGN, Senator ENSIGN from Nevada, the leading cosponsor, also with Senators CARDIN, BOXER, GRAHAM, COLLINS, MCCAIN, LAUTENBERG, MENENDEZ, LEVIN, CARPER, LIEBERMAN, BYRD, KERRY, and LEAHY as cosponsors, original cosponsors of this legislation, entitled the Prevention of Equine Cruelty Act.

The way this bill would be put into place, should it be passed and signed by the President into law, is if a person is found in violation of this act, they are found to knowingly transport or sell or purchase a horse with the intent to slaughter it for human consumption, they will be fined, and there will be criminal penalties associated with this practice. If a defendant is found guilty, he or she could be sentenced up to 1 year of prison if he or she has no prior convictions. If he or she does have prior convictions, the penalty will be increased.

As I have said, although U.S. slaughterhouses have been closed, thousands of horses are inhumanely, every day, 1,500 a week, transported across our borders to this deplorable fate. Sometime horses are shipped as many as 600 miles with limited food and water. I could show you dozens of pictures. I will spare those who are on the floor and those watching from the horror of some of these pictures. But if you want to see them, there are ample pictures and evidence on the Internet available for what is a mindless and barbaric practice we want to stop.

When people say to me: Senator, how are farmers and ranchers going to afford it? It is expensive to put down a horse. It costs about $225 to humanely euthanize a horse. It costs $225 to feed a horse for 1 month. So if you can afford to purchase an animal, if you can afford to maintain an animal, you most certainly can afford the price of putting it down humanely, for the work that is done on your behalf, for the pleasure it has provided you or the transportation it has provided you.

Horses are used in our country for many different and very necessary purposes. I want to say this has been a long battle. It started many years ago. But in September of 2007, the U.S. Court of Appeals upheld the Illinois statute that banned the slaughterhouse from continuing.

In April of that same year, the Senate Commerce Committee voted 15 to 7 to ban slaughter. In 2007, in January, the U.S. Court of Appeals for the Fifth Circuit declared the slaughter of horses for food illegal in Texas, upholding a law that dated back to 1949. And on September 7—you might have still been there—the House passed H.R. 503, the American Horse Slaughter Prevention Act. Unfortunately, that Congress adjourned before the Senate could take it up, and the Senate did, in October, take up this matter in the agriculture appropriations bill, only to have it scuttled again.

So I submit to you that there is a broad base of bipartisan support for this legislation. I submit to you that the practice is cruel and inhumane. I submit to you that I have every court, both at the district and appellate level, that has weighed in has weighed in on the side of our efforts here today. And it is my intention, working with Senator JOHN ENSIGN from Nevada, to finally get this bill passed, so we will have, once and for all, ended inhumane slaughter and created a way for horses to be put down or to die naturally and to be disposed of properly in this country, which we think will be a great testimony to the rising awareness of animal care in this Nation.

Now, when people say: She has gone too far and we are going to do the same thing for cows and goats and chickens—horses are not raised for the same purpose as cows and goats and chickens. They are never raised for slaughter. They are raised for companionship, for partnership, and that is where the line, I hope, will be drawn.

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

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

S. 727

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 ''Prevention of Equine Cruelty Act of 2009''.

SEC. 2. SLAUGHTER OF HORSES FOR HUMAN CONSUMPTION.

(a) IN GENERAL.—Chapter 3 of title 18, United States Code, is amended by adding at the end the following:

''§ 50. Slaughter of horses for human consumption

''(a) Except as provided in subsection (b), whoever knowingly—

''(1) possesses, ships, transports, purchases, sells, delivers, or receives, in or affecting interstate commerce or foreign commerce, any horse with the intent that it is to be slaughtered for human consumption; or

''(2) possesses, ships, transports, purchases, sells, delivers, or receives, in or affecting interstate commerce or foreign commerce, any horse flesh or carcass or part of a carcass, with the intent that it is to be used for human consumption;

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

''(b) If—

''(1) the defendant engages in conduct that would otherwise constitute an offense under subsection (a);

''(2) the defendant has no prior conviction under this section; and

''(3) the conduct involves less than five horses or less than 2000 pounds of horse flesh or carcass or part of a carcass;

the defendant shall, instead of being punished under that subsection, be fined under this title or imprisoned not more than one year, or both.

''(c) As used in this section, the term 'horse' means any member of the family Equidae.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 3 of title 18, United States Code, is amended by adding at the end the following new item:

''50. Slaughter of horses for human consumption.''.

By Mr. AKAKA:

S. 728. A bill to amend title 38, United States Code, to enhance veterans' insurance benefits, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, I am pleased to introduce the Veterans' Insurance and Benefits Enhancement Act of 2009. This comprehensive legislation, much of which was considered and passed by the Senate in the last Congress, would improve benefits and services for veterans both young and old.

This legislation would make several important improvements in insurance programs for disabled veterans. It would establish a new program of insurance for service-connected disabled veterans that would provide up to a maximum of $50,000 in level premium term life insurance coverage. This new program would be available to service-connected disabled veterans who are less than 65 years of age at the time of application. More importantly, unlike VA's Service-Disabled Veterans Insurance program, the premium rates for this program would be based on an updated mortality table, meaning that premiums under this program would be fairer to veterans.

This legislation would also expand eligibility for retroactive benefits from traumatic injury protection coverage under the Servicemembers' Group Life Insurance program. This insurance program went into effect on December 1, 2005. All insured servicemembers under SGLI from that point forward are covered by traumatic injury protection regardless of where their injuries occur. However, individuals sustaining traumatic injuries between October 7, 2001, and November 30, 2005, that were not incurred as a direct result of Operations Enduring or Iraqi Freedom are not eligible for a retroactive payment under the traumatic injury protection program. This legislation would expand eligibility to these individuals.

This bill would also increase the maximum amount of Veterans' Mortgage Life Insurance that a service-connected disabled veteran may purchase from the current maximum of $90,000 up to $200,000. In the event of the veteran's death, the veteran's family is protected because VA will pay the balance of the mortgage owed up to the maximum amount of insurance purchased. The need for this increase is obvious in today's housing market.

In addition, this legislation would increase the amount of supplemental life

insurance available to totally disabled veterans from $20,000 to $30,000. Many totally disabled veterans find it difficult to obtain commercial life insurance. This legislation would provide these veterans with a reasonable amount of life insurance coverage.

This bill would also increase certain benefits for veterans and their survivors that have not been updated for many years. The minimum benefit rate for low-income parents of children who have died during military service, or as the result of a service-connected disability, has remained at only $5.00 per month since 1975. This is unacceptable. Therefore, this bill would increase the minimum Parent's DIC benefit to $100 per month, and also increase the basic benefit for a parent with no income to the same level as that provided to low-income spouses of wartime veterans. In addition, this bill would increase the amount of pension paid to VA pensioners who receive Medicaid benefits from $90.00 per month, which was set in 1989, to $100 per month. In addition, all of these benefits and benefits for surviving spouses with children would be adjusted by cost-of-living allowances so that these VA benefits would never again become so outdated.

Another provision included in this bill would reaffirm Congress's intent with regard to who should be eligible for a special monthly pension. Low income, nondisabled wartime veterans 65 and older qualify for a VA service pension benefit. Those who are totally and permanently disabled are eligible to receive a disability pension with additional monies if they are housebound, blind, or need help in everyday living activities. In a 2006 decision, the U.S. Court of Appeals for Veterans Claims ruled that an older veteran no longer had to have a disability rated permanent and total in order to receive housebound benefits. The legislative history is clear that Congress intended that only those veterans with a permanent and total disability would qualify for housebound benefits. This provision would require VA to provide this benefit as Congress originally intended.

This is not a comprehensive recitation of all the provisions within this important veterans' legislation. However, I hope that I have provided an appropriate overview of the benefits this legislation would provide for America's veterans and servicemembers. I urge our colleagues to support the legislation.

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

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

S. 728

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Veterans' Insurance and Benefits Enhancement Act of 2009''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Reference to title 38, United States Code.

TITLE I—INSURANCE MATTERS

Sec. 101. Level-premium term life insurance for veterans with service-connected disabilities.
Sec. 102. Supplemental insurance for totally disabled veterans.
Sec. 103. Expansion of individuals qualifying for retroactive benefits from traumatic injury protection coverage under Servicemembers' Group Life Insurance.
Sec. 104. Enhancement of veterans' mortgage life insurance.
Sec. 105. Adjustment of coverage of dependents under Servicemembers' Group Life Insurance.

TITLE II—COMPENSATION AND PENSION MATTERS

Sec. 201. Cost-of-living increase for temporary dependency and indemnity compensation payable for surviving spouses with dependent children under the age of 18.
Sec. 202. Eligibility of veterans 65 years of age or older for service pension for a period of war.
Sec. 203. Adjustments in amounts of dependency and indemnity compensation payable to disabled surviving spouses and to parents of deceased veterans.
Sec. 204. Increase and annual adjustment in limitation on pension payable to hospitalized veterans and others.

TITLE III—BURIAL AND MEMORIAL MATTERS

Sec. 301. Supplemental benefits for veterans for funeral and burial expenses.
Sec. 302. Supplemental plot allowances.

TITLE IV—OTHER MATTERS

Sec. 401. Eligibility of disabled veterans and members of the Armed Forces with severe burn injuries for automobiles and adaptive equipment.
Sec. 402. Supplemental assistance for providing automobiles or other conveyances to certain disabled veterans.

SEC. 2. REFERENCE TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—INSURANCE MATTERS

SEC. 101. LEVEL-PREMIUM TERM LIFE INSURANCE FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES.

(a) IN GENERAL.—Chapter 19 is amended by inserting after section 1922A the following new section:

''§ 1922B. Level-premium term life insurance for veterans with service-connected disabilities

''(a) IN GENERAL.—In accordance with the provisions of this section, the Secretary shall grant insurance to each eligible veteran who seeks such insurance against the death of such veteran occurring while such insurance is in force.

''(b) ELIGIBLE VETERANS.—For purposes of this section, an eligible veteran is any veteran less than 65 years of age who has a service-connected disability.

''(c) AMOUNT OF INSURANCE.—(1) Subject to paragraph (2), the amount of insurance granted an eligible veteran under this section shall be $50,000 or such lesser amount as the veteran shall elect. The amount of insurance so elected shall be evenly divisible by $10,000.

''(2) The aggregate amount of insurance of an eligible veteran under this section, section 1922 of this title, and section 1922A of this title may not exceed $50,000.

''(d) REDUCED AMOUNT FOR VETERANS AGE 70 OR OLDER.—In the case of a veteran insured under this section who turns age 70, the amount of insurance of such veteran under this section after the date such veteran turns age 70 shall be the amount equal to 20 percent of the amount of insurance of the veteran under this section as of the day before such date.

''(e) PREMIUMS.—(1) Premium rates for insurance under this section shall be based on the 2001 Commissioners Standard Ordinary Basic Table of Mortality and interest at the rate of 4.5 per centum per annum.

''(2) The amount of the premium charged a veteran for insurance under this section may not increase while such insurance is in force for such veteran.

''(3) The Secretary may not charge a premium for insurance under this section for a veteran as follows:

''(A) A veteran who has a service-connected disability rated as total and is eligible for a waiver of premiums under section 1912 of this title.

''(B) A veteran who is 70 years of age or older.

''(4) Insurance granted under this section shall be on a nonparticipating basis and all premiums and other collections therefor shall be credited directly to a revolving fund in the Treasury of the United States, and any payments on such insurance shall be made directly from such fund. Appropriations to such fund are hereby authorized.

''(5) Administrative costs to the Government for the costs of the program of insurance under this section shall be paid from premiums credited to the fund under paragraph (4), and payments for claims against the fund under paragraph (4) for amounts in excess of amounts credited to such fund under that paragraph (after such administrative costs have been paid) shall be paid from appropriations to the fund.

''(f) APPLICATION REQUIRED.—An eligible veteran seeking insurance under this section shall file with the Secretary an application therefor. Such application shall be filed not later than the earlier of—

''(1) the end of the two-year period beginning on the date on which the Secretary notifies the veteran that the veteran has a service-connected disability; and

''(2) the end of the 10-year period beginning on the date of the separation of the veteran from the Armed Forces, whichever is earlier.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 19 is amended by inserting after the item related to section 1922A the following new item:

''1922B. Level-premium term life insurance for veterans with service-connected disabilities.''.

(c) EXCHANGE OF SERVICE DISABLED VETERANS' INSURANCE.—During the one-year period beginning on the effective date of this section under subsection (d), any veteran insured under section 1922 of title 38, United States Code, who is eligible for insurance under section 1922B of such title (as added by subsection (a)), may exchange insurance coverage under such section 1922 for insurance coverage under such section 1922B.

(d) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on April 1, 2010.

SEC. 102. SUPPLEMENTAL INSURANCE FOR TOTALLY DISABLED VETERANS.

(a) IN GENERAL.—Section 1922A(a) is amended by striking ''$20,000'' and inserting ''$30,000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2010.

SEC. 103. EXPANSION OF INDIVIDUALS QUALIFYING FOR RETROACTIVE BENEFITS FROM TRAUMATIC INJURY PROTECTION COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) IN GENERAL.—Paragraph (1) of section 501(b) of the Veterans' Housing Opportunity and Benefits Improvement Act of 2006 (Public Law 109–233; 120 Stat. 414; 38 U.S.C. 1980A note) is amended by striking '', if, as determined by the Secretary concerned, that loss was a direct result of a traumatic injury incurred in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom''.

(b) CONFORMING AMENDMENT.—The heading of such section is amended by striking ''IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2010.

SEC. 104. ENHANCEMENT OF VETERANS' MORTGAGE LIFE INSURANCE.

Section 2106(b) is amended by striking ''$90,000'' and inserting ''$150,000, or $200,000 after January 1, 2012,''.

SEC. 105. ADJUSTMENT OF COVERAGE OF DEPENDENTS UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

Clause (ii) of section 1968(a)(5)(B) is amended to read as follows:

''(ii) 120 days after the date of the member's separation or release from the uniformed services; or''.

TITLE II—COMPENSATION AND PENSION MATTERS

SEC. 201. COST-OF-LIVING INCREASE FOR TEMPORARY DEPENDENCY AND INDEMNITY COMPENSATION PAYABLE FOR SURVIVING SPOUSES WITH DEPENDENT CHILDREN UNDER THE AGE OF 18.

Section 1311(f) is amended by adding at the end the following new paragraph:

''(5) Whenever there is an increase in benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) as a result of a determination made under section 215(i) of such Act (42 U.S.C. 415(i)), the Secretary shall, effective on the date of such increase in benefit amounts, increase the amount payable under paragraph (1), as such amount was in effect immediately prior to the date of such increase in benefit amounts, by the same percentage as the percentage by which such benefit amounts are increased. Any increase in a dollar amount under this paragraph shall be rounded down to the next lower whole dollar amount.''.

SEC. 202. ELIGIBILITY OF VETERANS 65 YEARS OF AGE OR OLDER FOR SERVICE PENSION FOR A PERIOD OF WAR.

(a) IN GENERAL.—Section 1513 is amended—

(1) in subsection (a), by striking ''by section 1521'' and all that follows and inserting ''by subsection (b), (c), (f)(1), (f)(5), or (g) of that section, as the case may be and as increased from time to time under section 5312 of this title.'';

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following new subsection (b):

''(b) The conditions in subsections (h) and (i) of section 1521 of this title shall apply to determinations of income and maximum payments of pension for purposes of this section.''.

(b) APPLICATION.—The amendments made by this section shall apply with respect to claims for pensions filed on or after the date of the enactment of this Act.

SEC. 203. ADJUSTMENTS IN AMOUNTS OF DEPENDENCY AND INDEMNITY COMPENSATION PAYABLE TO DISABLED SURVIVING SPOUSES AND TO PARENTS OF DECEASED VETERANS.

(a) INCREASE IN DIC PAYABLE TO DISABLED SURVIVING SPOUSES.—Section 1311 is amended—

(1) in subsection (c), by striking ''$271'' and inserting ''$325''; and

(2) in subsection (d), by striking ''$128'' and inserting ''$146''.

(b) INCREASE IN CERTAIN DIC AMOUNTS PAYABLE TO PARENTS.—

(1) IN GENERAL.—Section 1315 is amended—

(A) in subsection (b)—

(i) in paragraph (1), by striking ''$163'' and inserting ''$661''; and

(ii) in paragraph (2), by striking ''$5 monthly'' and inserting ''$100 monthly, as increased from time to time under section 5312 of this title''; and

(B) in subsection (c)(2), by striking ''$5 monthly'' and inserting ''$100 monthly, as increased from time to time under section 5312 of this title'';

(C) in subsection (d)(2), by striking ''$5 monthly'' and inserting ''$100 monthly, as increased from time to time under section 5312 of this title''; and

(D) in subsection (g), by striking ''$85'' and inserting ''$395''.

(2) ADDITIONAL AMOUNT PAYABLE TO HOUSEBOUND PARENTS.—Such section is further amended by adding at the end the following new subsection:

''(h) The monthly rate of dependency and indemnity compensation payable to a parent shall be increased by $146, as increased from time to time under section 5312 of this title, if such parent—

''(1) is, by reason of disability, permanently housebound; and

''(2) does not qualify for an increase in dependency and indemnity compensation under subsection (g) of this section.''.

(c) CODIFICATION OF INCREASE IN RATES OF DIC PAYABLE TO PARENTS.—Section 1315 is further amended—

(1) in subsection (b)(3), by striking ''$4,038'' and inserting ''$13,456'';

(2) in subsection (c)—

(A) in paragraph (1), by striking ''$115'' and inserting ''$412''; and

(B) in paragraph (3), by striking ''$4,038'' and inserting ''$13,456''; and

(3) in subsection (d)—

(A) in paragraph (1), by striking ''$109'' and inserting ''$387''; and

(B) in paragraph (3), by striking ''$5,430'' and inserting ''$18,087''.

(d) TECHNICAL AMENDMENT.—Subsection (f)(1)(A) of such section 1315 is amended by striking ''the six-months' death gratuity'' and inserting ''death gratuity payments by the Secretary concerned under sections 1475 through 1480 of title 10 (including payments under section 307 of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 (Public Law 102–25; 105 Stat. 82; 10 U.S.C. 1478 note))''.

(e) COST-OF-LIVING ADJUSTMENTS.—Section 5312(b)(1) is amended by striking ''the monthly rate provided in subsection (g), of section 1315 of this title'' and inserting ''the monthly rates provided in subsections (g) and (h), of section 1315 of this title, the minimum monthly amounts of dependency and indemnity compensation payable to parents under subsections (b)(2), (c)(2), and (d)(2) of such section,''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on October 1, 2009, and shall apply with respect to dependency and indemnity compensation payable for months beginning on or after that date.

(2) PROHIBITION ON COLA IN FISCAL YEAR 2010.—No increase shall be made under section 5312(b)(1) of title 38, United States Code, in the minimum monthly amounts of dependency and indemnity compensation payable under subsections (b)(2), (c)(2), and (d)(2) of section 1315 of such title (as amended by subsection (b)(1) of this section) during fiscal year 2010.

SEC. 204. INCREASE AND ANNUAL ADJUSTMENT IN LIMITATION ON PENSION PAYABLE TO HOSPITALIZED VETERANS AND OTHERS.

(a) INCREASE AND ANNUAL ADJUSTMENT.—

(1) IN GENERAL.—Section 5503 is amended—

(A) in subsection (a)(1)—

(i) in subparagraph (A), by striking ''$90 per month'' and inserting ''$100 per month, as increased from time to time under section 5312 of this title,''; and

(ii) in subparagraphs (B) and (C), by striking ''$90 per month'' each place it appears and inserting ''$100 per month, as so increased,''; and

(B) in subsection (d)(2), by striking ''$90 per month'' and inserting ''$100 per month, as increased from time to time under section 5312 of this title,''.

(2) ANNUAL ADJUSTMENT.—Section 5312(b)(1) is amended by striking ''5507(c)(2)(D) and'' and inserting ''5503, 5507(c)(2)(D), and''.

(b) APPLICABILITY OF LIMITATION TO PENSION PAYABLE TO CERTAIN CHILDREN OF VETERANS OF A PERIOD OF WAR.—Section 5503(d)(5) is amended—

(1) by inserting ''(A)'' after ''(5)''; and

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

''(B) The provisions of this subsection shall also apply with respect to a child entitled to pension under section 1542 of this title in the same manner as they apply to a veteran having neither spouse nor child.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect October 1, 2009. However no adjustment shall be made during fiscal year 2010 under section 5312(b)(1) of title 38, United States Code (as amended by subsection (a)(2)), in the limitation under section 5503 of title 38, United States Code (as amended by subsections (a)(1) and (b)), on amounts of pension payable to veterans and others.

TITLE III—BURIAL AND MEMORIAL MATTERS

SEC. 301. SUPPLEMENTAL BENEFITS FOR VETERANS FOR FUNERAL AND BURIAL EXPENSES.

(a) FUNERAL EXPENSES.—

(1) IN GENERAL.—Chapter 23 is amended by inserting after section 2302 the following new section:

''§ 2302A. Funeral expenses: supplemental benefits

''(a) IN GENERAL.—(1) Subject to the availability of funds specifically provided for purposes of this subsection in advance in an appropriations Act, whenever the Secretary makes a payment for the burial and funeral of a veteran under section 2302(a) of this title, the Secretary is also authorized and directed to pay the recipient of such payment a supplemental payment under this section for the cost of such burial and funeral.

''(2) No supplemental payment shall be made under this subsection if the Secretary has expended all funds that were specifically provided for purposes of this subsection in an appropriations Act.

''(b) AMOUNT.—The amount of the supplemental payment required by subsection (a) for any death is $900 (as adjusted from time to time under subsection (c)).

''(c) ADJUSTMENT.—With respect to deaths that occur in any fiscal year after fiscal year

2009, the supplemental payment described in subsection (b) shall be equal to the sum of—

''(1) the supplemental payment in effect under subsection (b) for the preceding fiscal year (determined after application of this subsection), plus

''(2) the sum of the amount described in section 2302(a) of this title and the amount under paragraph (1), multiplied by the percentage by which—

''(A) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

''(B) such Consumer Price Index for the 12-month period preceding the 12-month period described in subparagraph (A).

''(d) ESTIMATES.—(1) From time to time, the Secretary shall make an estimate of—

''(A) the amount of funding that would be necessary to provide supplemental payments under this section to all eligible recipients for the remainder of the fiscal year in which such an estimate is made; and

''(B) the amount that Congress would need to appropriate to provide all eligible recipients with supplemental payments under this section in the next fiscal year.

''(2) On the dates described in paragraph (3), the Secretary shall submit to the appropriate committees of Congress the estimates described in paragraph (1).

''(3) The dates described in this paragraph are the following:

''(A) April 1 of each year.

''(B) July 1 of each year.

''(C) September 1 of each year.

''(D) The date that is 60 days before the date estimated by the Secretary on which amounts appropriated for the purposes of this section for a fiscal year will be exhausted.

''(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—

''(1) the Committee on Appropriations and the Committee on Veterans' Affairs of the Senate; and

''(2) the Committee on Appropriations and the Committee on Veterans' Affairs of the House of Representatives.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 2302 the following new item:

''2302A. Funeral expenses: supplemental benefits.''.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Veterans Affairs such sums as may be necessary to carry out the provisions of section 2302A of title 38, United States Code (as added by this subsection).

(b) DEATH FROM SERVICE-CONNECTED DISABILITY.—

(1) IN GENERAL.—Chapter 23 is amended by inserting after section 2307 the following new section:

''§ 2307A. Death from service-connected disability: supplemental benefits for burial and funeral expenses

''(a) IN GENERAL.—(1) Subject to the availability of funds specifically provided for purposes of this subsection in advance in an appropriations Act, whenever the Secretary makes a payment for the burial and funeral of a veteran under section 2307(1) of this title, the Secretary is also authorized and directed to pay the recipient of such payment a supplemental payment under this section for the cost of such burial and funeral.

''(2) No supplemental payment shall be made under this subsection if the Secretary has expended all funds that were specifically provided for purposes of this subsection in an appropriations Act.

''(b) AMOUNT.—The amount of the supplemental payment required by subsection (a) for any death is $2,100 (as adjusted from time to time under subsection (c)).

''(c) ADJUSTMENT.—With respect to deaths that occur in any fiscal year after fiscal year 2009, the supplemental payment described in subsection (b) shall be equal to the sum of—

''(1) the supplemental payment in effect under subsection (b) for the preceding fiscal year (determined after application of this subsection), plus

''(2) the sum of the amount described in section 2307(1) of this title and the amount under paragraph (1), multiplied by the percentage by which—

''(A) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

''(B) such Consumer Price Index for the 12-month period preceding the 12-month period described in subparagraph (A).

''(d) ESTIMATES.—(1) From time to time, the Secretary shall make an estimate of—

''(A) the amount of funding that would be necessary to provide supplemental payments under this section to all eligible recipients for the remainder of the fiscal year in which such an estimate is made; and

''(B) the amount that Congress would need to appropriate to provide all eligible recipients with supplemental payments under this section in the next fiscal year.

''(2) On the dates described in paragraph (3), the Secretary shall submit to the appropriate committees of Congress the estimates described in paragraph (1).

''(3) The dates described in this paragraph are the following:

''(A) April 1 of each year.

''(B) July 1 of each year.

''(C) September 1 of each year.

''(D) The date that is 60 days before the date estimated by the Secretary on which amounts appropriated for the purposes of this section for a fiscal year will be exhausted.

''(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—

''(1) the Committee on Appropriations and the Committee on Veterans' Affairs of the Senate; and

''(2) the Committee on Appropriations and the Committee on Veterans' Affairs of the House of Representatives.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 2307 the following new item:

''2307A. Death from service-connected disability: supplemental benefits for burial and funeral expenses.''.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Veterans Affairs such sums as may be necessary to carry out the provisions of section 2307A of title 38, United States Code (as added by this subsection).

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2009, and shall apply with respect to deaths occurring on or after that date.

SEC. 302. SUPPLEMENTAL PLOT ALLOWANCES.

(a) IN GENERAL.—Chapter 23 is amended by inserting after section 2303 the following new section:

''§ 2303A. Supplemental plot allowance

''(a) IN GENERAL.—(1) Subject to the availability of funds specifically provided for purposes of this subsection in advance in an appropriations Act, whenever the Secretary makes a payment for the burial and funeral of a veteran under section 2303(a)(1)(A) of this title, or for the burial of a veteran under paragraph (1) or (2) of section 2303(b) of this title, the Secretary is also authorized and directed to pay the recipient of such payment a supplemental payment under this section for the cost of such burial and funeral or burial, as applicable.

''(2) No supplemental plot allowance payment shall be made under this subsection if the Secretary has expended all funds that were specifically provided for purposes of this subsection in an appropriations Act.

''(b) AMOUNT.—The amount of the supplemental payment required by subsection (a) for any death is $445 (as adjusted from time to time under subsection (c)).

''(c) ADJUSTMENT.—With respect to deaths that occur in any fiscal year after fiscal year 2009, the supplemental payment described in subsection (b) shall be equal to the sum of—

''(1) the supplemental payment in effect under subsection (b) for the preceding fiscal year (determined after application of this subsection), plus

''(2) the sum of the amount described in section 2303(a)(1)(A) of this title and the amount under paragraph (1), multiplied by the percentage by which—

''(A) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

''(B) such Consumer Price Index for the 12-month period preceding the 12-month period described in subparagraph (A).

''(d) ESTIMATES.—(1) From time to time, the Secretary shall make an estimate of—

''(A) the amount of funding that would be necessary to provide supplemental plot allowance payments under this section to all eligible recipients for the remainder of the fiscal year in which such an estimate is made; and

''(B) the amount that Congress would need to appropriate to provide all eligible recipients with supplemental plot allowance payments under this section in the next fiscal year.

''(2) On the dates described in paragraph (3), the Secretary shall submit to the appropriate committees of Congress the estimates described in paragraph (1).

''(3) The dates described in this paragraph are the following:

''(A) April 1 of each year.

''(B) July 1 of each year.

''(C) September 1 of each year.

''(D) The date that is 60 days before the date estimated by the Secretary on which amounts appropriated for the purposes of this section for a fiscal year will be exhausted.

''(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—

''(1) the Committee on Appropriations and the Committee on Veterans' Affairs of the Senate; and

''(2) the Committee on Appropriations and the Committee on Veterans' Affairs of the House of Representatives.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 2303 the following new item:

''2303A. Supplemental plot allowance.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2009, and shall apply with respect to deaths occurring on or after that date.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Veterans Affairs such sums as may be necessary to carry out the provisions of section 2303A of title 38, United States Code (as added by subsection (a)).

TITLE IV—OTHER MATTERS

SEC. 401. ELIGIBILITY OF DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES WITH SEVERE BURN INJURIES FOR AUTOMOBILES AND ADAPTIVE EQUIPMENT.

(a) ELIGIBILITY.—Paragraph (1) of section 3901 is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking ''or (iii) below'' and inserting ''(iii), or (iv)''; and

(B) by adding at the end the following new clause:

''(iv) A severe burn injury (as determined pursuant to regulations prescribed by the Secretary).''; and

(2) in subparagraph (B), by striking ''or (iii)'' and inserting ''(iii), or (iv)''.

(b) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in the matter preceding paragraph (1), by striking ''chapter—'' and inserting ''chapter:'';

(2) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''means—'' and inserting ''means the following:'';

(B) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking ''any veteran'' and inserting ''Any veteran'';

(ii) in clauses (i) and (ii), by striking the semicolon at the end and inserting a period; and

(iii) in clause (iii), by striking ''or'' and inserting a period; and

(C) in subparagraph (B), by striking ''any member'' and inserting ''Any member''.

SEC. 402. SUPPLEMENTAL ASSISTANCE FOR PROVIDING AUTOMOBILES OR OTHER CONVEYANCES TO CERTAIN DISABLED VETERANS.

(a) IN GENERAL.—Chapter 39 is amended by inserting after section 3902 the following new section:

''§ 3902A. Supplemental assistance for providing automobiles or other conveyances

''(a) IN GENERAL.—(1) Subject to the availability of funds specifically provided for purposes of this subsection in advance in an appropriations Act, whenever the Secretary makes a payment for the purchase of an automobile or other conveyance for an eligible person under section 3902 of this title, the Secretary is also authorized and directed to pay the recipient of such payment a supplemental payment under this section for the cost of such purchase.

''(2) No supplemental payment shall be made under this subsection if the Secretary has expended all funds that were specifically provided for purposes of this subsection in an appropriations Act.

''(b) AMOUNT OF SUPPLEMENTAL PAYMENT.—Supplemental payment required by subsection (a) is equal to the excess of—

''(1) the payment which would be determined under section 3902 of this title if the amount described in section 3902 of this title were increased to the adjusted amount described in subsection (c), over

''(2) the payment determined under section 3902 of this title without regard to this section.

''(c) ADJUSTED AMOUNT.—The adjusted amount is $22,484 (as adjusted from time to time under subsection (d)).

''(d) ADJUSTMENT.—(1) Effective on October 1 of each year (beginning in 2009), the Secretary shall increase the adjusted amount described in subsection (c) to an amount equal to 80 percent of the average retail cost of new automobiles for the preceding calendar year.

''(2) The Secretary shall establish the method for determining the average retail cost of new automobiles for purposes of this subsection. The Secretary may use data developed in the private sector if the Secretary determines the data is appropriate for purposes of this subsection.

''(e) ESTIMATES.—(1) From time to time, the Secretary shall make an estimate of—

''(A) the amount of funding that would be necessary to provide supplemental payment under this section for every eligible person for the remainder of the fiscal year in which such an estimate is made; and

''(B) the amount that Congress would need to appropriate to provide every eligible person with supplemental payment under this section in the next fiscal year.

''(2) On the dates described in paragraph (3), the Secretary shall submit to the appropriate committees of Congress the estimates described in paragraph (1).

''(3) The dates described in this paragraph are the following:

''(A) April 1 of each year.

''(B) July 1 of each year.

''(C) September 1 of each year.

''(D) The date that is 60 days before the date estimated by the Secretary on which amounts appropriated for the purposes of this section for a fiscal year will be exhausted.

''(f) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—

''(1) the Committee on Appropriations and the Committee on Veterans' Affairs of the Senate; and

''(2) the Committee on Appropriations and the Committee on Veterans' Affairs of the House of Representatives.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 3902 the following new item:

''3902A. Supplemental assistance for providing automobiles or other conveyances.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Veterans Affairs such sums as may be necessary to carry out the provisions of section 3902A of title 38, United States Code (as added by subsection (a)).

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2009, and shall apply with respect to payments made in accordance with section 3902 of title 38, United States Code, on or after that date.

By Mr. DURBIN (for himself, Mr. LUGAR, Mr. REID, Mr. MARTINEZ, Mr. LEAHY, Mr. LIEBERMAN, Mr. KENNEDY, and Mr. FEINGOLD):

S. 729. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes; to the Committee on the Judiciary.

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

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

S. 729

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Development, Relief, and Education for Alien Minors Act of 2009'' or the ''DREAM Act of 2009''.

SEC. 2. DEFINITIONS.

In this Act:

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

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

SEC. 3. RESTORATION OF STATE OPTION TO DETERMINE RESIDENCY FOR PURPOSES OF HIGHER EDUCATION BENEFITS.

(a) IN GENERAL.—Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1623) is repealed.

(b) EFFECTIVE DATE.—The repeal under subsection (a) shall take effect as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 110 Stat. 3009–546).

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

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

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

(A) the alien has been physically present in the United States for a continuous period of not less than 5 years immediately preceding the date of enactment of this Act, and had not yet reached the age of 16 years at the time of initial entry;

(B) the alien has been a person of good moral character since the time of application;

(C) the alien—

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

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

(D) the alien, at the time of application, has been admitted to an institution of higher education in the United States, or has earned a high school diploma or obtained a general education development certificate in the United States;

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

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

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

(F) the alien had not yet reached the age of 35 years on the date of the enactment of this Act.

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

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

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

(c) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—

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

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

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

(e) REGULATIONS.—

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

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

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

SEC. 5. CONDITIONAL PERMANENT RESIDENT STATUS.

(a) IN GENERAL.—

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

(2) NOTICE OF REQUIREMENTS.—

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

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

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

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

(b) TERMINATION OF STATUS.—

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

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

(B) has become a public charge; or

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

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

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

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

(2) ADJUDICATION OF PETITION TO REMOVE CONDITION.—

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

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

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

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

(d) DETAILS OF PETITION.—

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

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

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

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

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

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

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

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

(2) HARDSHIP EXCEPTION.—

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

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

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

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

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

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

SEC. 6. RETROACTIVE BENEFITS UNDER THIS ACT.

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

SEC. 7. EXCLUSIVE JURISDICTION.

(a) IN GENERAL.—The Secretary of Homeland Security shall have exclusive jurisdiction to determine eligibility for relief under this Act, except where the alien has been placed into deportation, exclusion, or removal proceedings either prior to or after filing an application for relief under this Act, in which case the Attorney General shall have exclusive jurisdiction and shall assume

all the powers and duties of the Secretary until proceedings are terminated, or if a final order of deportation, exclusion, or removal is entered the Secretary shall resume all powers and duties delegated to the Secretary under this Act.

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

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

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

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

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

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

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

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

SEC. 8. PENALTIES FOR FALSE STATEMENTS IN APPLICATION.

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

SEC. 9. CONFIDENTIALITY OF INFORMATION.

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

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

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

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

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

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

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

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

SEC. 10. EXPEDITED PROCESSING OF APPLICATIONS; PROHIBITION ON FEES.

Regulations promulgated under this Act shall provide that applications under this Act will be considered on an expedited basis and without a requirement for the payment by the applicant of any additional fee for such expedited processing.

SEC. 11. HIGHER EDUCATION ASSISTANCE.

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

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

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

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

SEC. 12. GAO REPORT.

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

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

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

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

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

Mr. LEAHY. Mr. President, I am pleased to join Senator DURBIN once again to introduce the Development, Relief, and Education for Alien Minors Act, DREAM. This legislation has the potential to change the lives of many young people in an extraordinary and positive way and is an investment in America's future.

The Senate has attempted several times to pass the DREAM Act, but the bitter politics of immigration have stalled our best efforts in the past. I appreciate Senator DURBIN's persistence, and I share his commitment to the young people whose lives this bill would profoundly improve. Those who came to the U.S. as minors under the care of their parents are not guilty of their parents' transgressions. For many, the U.S. is the only home they know. We will further the Federal policy that supports educational opportunity and military service if we exercise the forbearance to defer rigid application of our laws upon those who have the potential to be citizens that will move our country forward. We all recognize the value of higher education and service to our country. To serve these Federal policy interests by giving legal stability and opportunity to young people caught in the limbo of our laws through no fault of their own is the right thing to do.

As Congress and the administration work through the immediate challenges that lie ahead, and begin to restore the faith of Americans in our economy and our government, I hope Congress will not shy away from other important issues such as immigration reform. When our Federal Government confronts the issue of immigration, I hope we will see not only the opportunity to correct what is wrong, but also to improve and build upon what is good and just about the traditions of welcoming and refuge that define our immigration system. The promise this bill holds for so many young people will reinforce the spirit that underlies the history of American immigration and the diversity that has moved us so far.

I thank Senator DURBIN and hope all Senators will join us in support of this legislation.

By Mr. AKAKA (for himself, Mr. SPECTER, Mr. CARDIN, Mr. SCHUMER, Mr. VOINOVICH, Mr. BROWN, and Mr. CASEY):

S. 732. A bill to amend the National Dam Safety Program Act to establish a program to provide grant assistance to States for the rehabilitation and repair of deficient dams; to the Committee on Environment and Public Works.

Mr. SPECTER. Mr. President, I seek recognition to comment on my cosponsorship of the Dam Rehabilitation and Repair Act of 2009 and clarify my intent with respect to Davis-Bacon prevailing wage requirements under this bill.

This bill would establish a grant program within the Federal Emergency Management Agency to provide assistance to states for the rehabilitation of publicly-owned dams that fail to meet minimum safety standards. I am cosponsoring this bill because it is my understanding that there are at least 3,040 deficient dams in the United States, including 369 in Pennsylvania. These dams pose an unacceptable level of risk to the public and should be rehabilitated expeditiously.

I cosponsored similar legislation in the 110th Congress, however, I am advised that it was not considered by the Committee on Environment and Public Works due to concerns over language in the bill which would have required that dam repair work funded under the act adhere to Davis-Bacon locally prevailing wage requirements. As a result, this year's version of the bill, as introduced, does not contain Davis-Bacon prevailing wage requirements out of deference to the Ranking Member of the Committee. However, I am a strong supporter of Davis-Bacon, having voted in favor of preserving it 23 separate times on the Senate floor since 1982. Accordingly, it is my intention to work to reinsert Davis-Bacon requirements into the bill either in committee or on the Senate floor.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 86—DESIGNATING APIRL 18, 2009, AS ''NATIONAL AUCTIONEERS DAY''

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

S. RES. 86

Whereas auctions have played an important role in the sale and exchange of goods for nearly 2,000 years;

Whereas auctions have been an integral part of the marketplace in the United States and around the world;

Whereas auctioneers sold nearly $268,400,000,000 in goods and assets in 2008;

Whereas the National Auctioneers Association has 5,000 members and has its headquarters in Overland Park, Kansas;

Whereas, in 2008, members of the National Auctioneers Association raised $16,000,000,000 for charity through benefit auctions;

Whereas auctions are growing in popularity and are used with increasing frequency in the marketplace;

Whereas, through competitive bidding, auctions demonstrate how the free enterprise system establishes fair market value;

Whereas trained professional auctioneers ensure that auctions are conducted in a manner that is fair to both buyers and sellers;

Whereas, in the past, Federal, State, and local governments have designated days and weeks to celebrate auctioneers; and

Whereas the designation by the Senate of April 18, 2009, as ''National Auctioneers Day'' will heighten awareness of the contributions made by auctions and auctioneers to the economy, culture, and way of life of the people of the United States: Now, therefore, be it

Resolved, That the Senate designates April 18, 2009, as ''National Auctioneers Day''.

SENATE RESOLUTION 87—EXPRESSING THE SENSE OF THE SENATE THAT PUBLIC SERVANTS SHOULD BE COMMENDED FOR THEIR DEDICATION AND CONTINUED SERVICE TO THE NATION DURING PUBLIC SERVICE RECOGNITION WEEK, MAY 4 THROUGH 10, 2009

Mr. AKAKA (for himself, Mr. VOINOVICH, Mr. LIEBERMAN, Ms. COLLINS, Mr. LEVIN, and Mr. CARPER) submitted the following resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. RES. 87

Whereas Public Service Recognition Week provides an opportunity to recognize and promote the important contributions of public servants and honor the diverse men and women who meet the needs of the Nation through work at all levels of government;

Whereas millions of individuals work in government service in every city, county, and State across America and in hundreds of cities abroad;

Whereas public service is a noble calling involving a variety of challenging and rewarding professions;

Whereas Federal, State, and local governments are responsive, innovative, and effective because of the outstanding work of public servants;

Whereas the United States of America is a great and prosperous Nation, and public service employees contribute significantly to that greatness and prosperity;

Whereas the Nation benefits daily from the knowledge and skills of these highly trained individuals;

Whereas public servants—

(1) defend our freedom and advance United States interests around the world;

(2) provide vital strategic support functions to our military and serve in the National Guard and Reserves;

(3) fight crime and fires;

(4) ensure equal access to secure, efficient, and affordable mail service;

(5) deliver social security and medicare benefits;

(6) fight disease and promote better health;

(7) protect the environment and the Nation's parks;

(8) enforce laws guaranteeing equal employment opportunity and healthy working conditions;

(9) defend and secure critical infrastructure;

(10) help the Nation recover from natural disasters and terrorist attacks;

(11) teach and work in our schools and libraries;

(12) develop new technologies and explore the earth, moon, and space to help improve our understanding of how our world changes;

(13) improve and secure our transportation systems;

(14) promote economic growth; and

(15) assist active duty service members and veterans;

Whereas members of the uniformed services and civilian employees at all levels of government make significant contributions to the general welfare of the United States, and are on the front lines in the fight against terrorism and in maintaining homeland security;

Whereas public servants work in a professional manner to build relationships with other countries and cultures in order to better represent America's interests and promote American ideals;

Whereas public servants alert Congress and the public to government waste, fraud, abuse, and dangers to public health;

Whereas the men and women serving in the Armed Forces of the United States, as well as those skilled trade and craft Federal employees who provide support to their efforts, are committed to doing their jobs regardless of the circumstances, and contribute greatly to the security of the Nation and the world;

Whereas public servants have bravely fought in armed conflict in defense of this Nation and its ideals and deserve the care and benefits they have earned through their honorable service;

Whereas government workers have much to offer, as demonstrated by their expertise and innovative ideas, and serve as examples by passing on institutional knowledge to train the next generation of public servants;

Whereas May 4 through 10, 2009, has been designated Public Service Recognition Week to honor America's Federal, State, and local government employees; and

Whereas Public Service Recognition Week is celebrating its 25th anniversary through job fairs, student activities, and agency exhibits: Now, therefore, be it

Resolved, That the Senate—

(1) commends public servants for their outstanding contributions to this great Nation during Public Service Recognition Week and throughout the year;

(2) salutes government employees for their unyielding dedication and spirit for public service;

(3) honors those government employees who have given their lives in service to their country;

(4) calls upon all generations to consider a career in public service; and

(5) encourages efforts to promote public service careers at all levels of government.

Mr. AKAKA. Mr. President, today I rise to recognize America's public servants, who provide the essential services upon which this nation relies. As the chairman of the Senate Homeland Security and Governmental Affairs Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, I am honored to introduce a resolution paying tribute to these employees in celebration of Public Service Recognition Week.

This is the 25th anniversary of Public Service Recognition Week, which always takes place the first full week of May. It is a time set aside each year to honor the men and women who serve America as Federal, State, and local government employees, and commend their dedication to serving others.

The contributions of hardworking, talented government employees maintain our quality of life. They protect our borders from drug and weapon trafficking; conduct research to prevent future epidemics; and bring hope to those who live in poverty. Public servants teach our children; protect our homes and communities; secure our public water systems and critical infrastructure; preserve our natural resources; and defend the principles of liberty and freedom that we hold dear.

The men and women who serve in the armed forces, and the civilian employees who support their missions, are prime examples of public service. They embody the spirit of service, characterized by a willingness to defend this nation. Despite the many hardships of serving through long conflicts, these men and women serve with bravery and unwavering devotion. They have sacrificed their lives so that we might continue to be free.

President Obama has called for action to ''encourage a renewed spirit of national service for this and future generations.'' While Public Service Recognition Week provides the opportunity to honor and celebrate the works of federal employees, it also serves as an opportunity for all Americans to explore the various careers in public service. Through job fairs, agency sponsored events, and special exhibits, Public Service Recognition Week allows the American public to gain a deeper appreciation of the challenging and rewarding work available in the government. It is my hope that through these sponsored events, many young professionals will decide to embrace a career as a public servant.

I encourage my colleagues to recognize the hard work and the services provided by government employees in their states and join in this annual celebration.

SENATE RESOLUTION 88—HONORING THE LIFE OF DR. JOHN HOPE FRANKLIN

Mrs. HAGAN (for herself, Mr. BURR, Mr. KENNEDY, and Mr. SCHUMER) submitted the following resolution; which was considered and agreed to:

S. RES. 88

Whereas Dr. John Hope Franklin was born on January 2, 1915 in Rentiesville, Oklahoma, the grandson of a slave and the son of Buck Colbert Franklin, one of the first African-American lawyers in the Oklahoma Indian Territory, and Mollie Parker Franklin, a schoolteacher and community leader;

Whereas in 1936, Dr. Franklin was appointed to the faculty of Fisk University as instructor of history and subsequently served as professor of history at St. Augustine's College, North Carolina College, and Howard University;

Whereas Dr. Franklin taught at the University of Chicago from 1964 to 1982, serving as professor of American history, chairperson of the department of history, John Matthews Manly Distinguished Service Professor, and professor emeritus of history;

Whereas Dr. Franklin was on faculty at Duke University from 1982 until his passing, serving as the James B. Duke Professor of History, professor of legal history at Duke University Law School, and the James B. Duke Professor of History Emeritus, Duke University;

Whereas Dr. Franklin broke numerous racial barriers, serving as the first African-American department chair at a predominantly white institution as chairman of the department of history at Brooklyn College from 1956 to 1964, as the first African-American professor to hold an endowed chair at Duke University, and as the first African-American president of the American Historical Association;

Whereas Dr. Franklin authored ''From Slavery to Freedom: A History of Negro Americans'' in 1947, widely considered the preeminent history of the African-American experience in the United States, as well as numerous other notable books including his influential autobiography ''Mirror to America: The Autobiography of John Hope Franklin'';

Whereas the research of Dr. Franklin contributed to the success of Thurgood Marshall and the legal victory of the National Association for the Advancement of Colored People (NAACP) in the landmark Supreme Court case, Brown v. Board of Education (347 U.S. 483), which ended the ''separate but equal'' doctrine in public schools in the United States;

Whereas in 1996, Dr. Franklin was named ''Historian of the Century'' by Duke University, North Carolina State University, North Carolina Central University, and the University of North Carolina at Chapel Hill;

Whereas Dr. Franklin received the Presidential Medal of Freedom in 1995, and was appointed chairman of the advisory board of President William J. Clinton's Initiative on Race in 1997;

Whereas Dr. Franklin served as the head of the 3 major historical associations in the United States: the Organization of American Historians, the American Historical Association, and the Southern Historical Association;

Whereas Dr. Franklin was inducted into the North Carolina Literary Hall of Fame in 1998;

Whereas Dr. Franklin received the Benjamin Franklin Medal for Distinguished Public Service from the American Philosophical Society in 2007, and a Gold Medal for distinguished achievement in history from the American Academy of Arts and Letters in 2002;

Whereas Dr. Franklin inspired the John Hope Franklin Center for Interdisciplinary and International Studies at Duke University, a consortium of academic programs that encourages creative scholarship, the exchange of ideas, and a variety of perspectives and methodologies to revitalize notions of how knowledge is gained and shared;

Whereas Dr. Franklin was a scholar who helped create the field of African-American history and literature;

Whereas Dr. Franklin described historians as ''the conscience of the nation, if honesty and consistency are factors that nurture the conscience'', and his contributions to the study of American history fundamentally challenged and changed the manner in which the Nation collectively interprets its past and understands its present;

Whereas generations of young historians have been inspired and personally influenced by Dr. Franklin's keen intellect, graceful humility, and humor in the classroom, and will ensure the endurance of his towering legacy;

Whereas Dr. Franklin passed away on March 25, 2009 in Durham, North Carolina; and

Whereas Dr. John Hope Franklin will be deeply missed but leaves an enduring legacy of public service, scholarship, and perseverance that inspires all Americans: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the life and accomplishments of John Hope Franklin; and

(2) honors the contributions that John Hope Franklin made to United States society.

AMENDMENTS SUBMITTED AND PROPOSED

SA 721. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, entitled ''The Edward M. Kennedy Serve America Act, an Act to reauthorize and reform the national service laws.''

SA 722. Mr. BURR proposed an amendment to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra.

SA 723. Mr. FEINGOLD (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 724. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 725. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 726. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 727. Mr. BURR (for himself and Ms. MIKULSKI) proposed an amendment to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra.

SA 728. Ms. MIKULSKI (for herself and Mr. ENZI) submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra.

SA 729. Mr. HATCH proposed an amendment to the bill H.R. 1388, supra.

TEXT OF AMENDMENTS

SA 721. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, entitled ''The Edward M. Kennedy Serve America Act, an Act to reauthorize and reform the national service laws.''; as follows:

At the appropriate place, insert the following:

SEC. —. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds the following:

(1) President John F. Kennedy said, ''The raising of extraordinarily large sums of money, given voluntarily and freely by millions of our fellow Americans, is a unique American tradition . . . Philanthropy, charity, giving voluntarily and freely . . . call it what you like, but it is truly a jewel of an American tradition''.

(2) Americans gave more than $300,000,000,000 to charitable causes in 2007, an amount equal to roughly 2 percent of the gross domestic product.

(3) The vast majority of those donations, roughly 75 percent or $229,000,000,000, came from individuals.

(4) Studies have shown that Americans give far more to charity than the people of any other industrialized nation—more than twice as much, measured as a share of gross domestic product, than the citizens of Great Britain, and 10 times more than the citizens of France.

(5) 7 out of 10 American households donate to charities to support a wide range of religious, educational, cultural, health care, and environmental goals.

(6) These charities provide innumerable valuable public services to society's most vulnerable citizens during difficult economic times.

(7) Congress has provided incentives through the Internal Revenue Code of 1986 to encourage charitable giving by allowing individuals to deduct contributions made to tax-exempt charities.

(8) 41,000,000 American households, constituting 86 percent of taxpayers who itemize deductions, took advantage of this deduction to give to the charities of their choice.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should preserve the income tax deduction for charitable contributions through the Internal Revenue Code of 1986 and look for additional ways to encourage charitable giving.

SA 722. Mr. BURR proposed an amendment to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, entitled ''The Edward M. Kennedy Serve America Act, an Act to reauthorize and reform the national service laws.''; as follows:

On page 213, line 21, strike ''Code.'.'' and insert the following: ''Code.

''(d) SPECIAL RULE FOR INDIVIDUALS WORKING WITH VULNERABLE POPULATIONS.—

''(1) IN GENERAL.—Notwithstanding subsection (b) or any other provision of law, on and after the date that is 2 years after the date of enactment of the Serve America Act, a criminal history check under subsection (a) for each individual described in paragraph (2) shall, except in a case approved for good cause by the Corporation, include—

''(A) a drug test for controlled substances, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802);

''(B) the searches described in subsection (b)(1) and subparagraph (A) of subsection (b)(2); and

''(C) the background check described in subsection (b)(2)(B).

''(2) INDIVIDUALS WITH ACCESS TO VULNERABLE POPULATIONS.—An individual described in this paragraph is an individual who—

''(A) serves in a position in which the individual receives a living allowance, stipend, national service educational award, or salary through a program receiving assistance under the national service laws; and

''(B) as a result of such individual's service in such position, has or will have access, on a recurring basis, to—

''(i) children age 17 years or younger;

''(ii) individuals age 60 years or older; or

''(iii) individuals with disabilities.''.

SA 723. Mr. FEINGOLD (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 1388, entitled ''The Edward M. Kennedy Serve America Act, an Act to reauthorize and reform the national service laws.''; which was ordered to lie on the table; as follows:

Strike title V and insert the following:

TITLE V—VOLUNTEERS FOR PROSPERITY PROGRAM

SEC. 5101. FINDINGS.

Congress makes the following findings:

(1) Americans engaged in international volunteer service, and the organizations deploying them—

(A) play critical roles in responding to the needs of people living throughout the developing world; and

(B) advance the international public diplomacy of the United States.

(2) In light of the barriers many Americans face to volunteering overseas—

(A) paid fellowships would help reduce financial barriers for Americans otherwise unable to afford volunteer service; and

(B) flexibility in the duration of volunteering opportunities would reduce another barrier, helping to expand the number of Americans able to participate in international volunteering opportunities.

(3) The Volunteers for Prosperity Program has successfully promoted international volunteer service by skilled American professionals.

(4) In its first 4 years, the VfP Program helped to mobilize thousands of skilled Americans, including doctors, nurses, engineers, businesspeople, and teachers, through a network of 250 nonprofit organizations and companies in the United States, to carry out development and humanitarian efforts for those affected by great global challenges in health, the environment, poverty, illiteracy, financial literacy, disaster relief, and other challenges.

(5) The VfP Program has undertaken activities, including—

(A) direct outreach to leading nonprofit organizations and companies in the United States;

(B) promotion of the work of skilled Americans and nonprofit organizations and companies in the United States as it relates to international volunteer service;

(C) public recognition of skilled American volunteers;

(D) support for organizations that utilize skilled Americans as volunteers;

(E) participation in the development of special initiatives to further opportunities for skilled Americans; and

(F) leadership of an innovative public-private partnership to provide eligible skilled Americans with financial assistance for volunteer assignments.

SEC. 5102. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and

(B) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

(2) VFP OFFICE.—The term ''VfP Office'' means the Office of Volunteers for Prosperity of the United States Agency for International Development.

(3) VFP PROGRAM.—The term ''VfP Program'' means the Volunteers for Prosperity Program established through Executive Order 13317.

(4) VFPSERVE.—The term ''VfPServe'' means a program established by the VfP Office, in cooperation with the USA Freedom Corps, to provide eligible skilled professionals with grants to offset the travel, living, and other related costs of volunteering abroad.

(5) VFP LEADERS.—The term ''VfP Leaders'' means a program established by the VfP Office created for those who wish to apply for grants of up to 80 percent of volunteers' expenses to offset travel, living, and other related costs of volunteering abroad and who commit to sharing their volunteer experiences with their communities when they return. VfP Leaders shall be selected from applicants by the Administrator of the United States Agency for International Development based on criteria developed by the Administrator.

SEC. 5103. VOLUNTEERS FOR PROSPERITY PROGRAM.

(a) ESTABLISHMENT.—The President is authorized to establish, under the auspices of the United States International Agency for Development, the Volunteers for Prosperity Program, to promote long-term, sustainable, and broad based development by addressing the needs of those living in the poorest areas of the world.

(b) OFFICE OF VOLUNTEERS FOR PROSPERITY.—The President may establish an Office of Volunteers for Prosperity to carry out the purpose of subsection (a).

(c) FUNCTIONS.—The VfP Office shall pursue the objectives of the VfP Program described in subsection (d) by—

(1) implementing the VfPServe Program to provide eligible skilled professionals with matching grants to offset the travel, living, and other related costs of volunteering abroad with nonprofit organizations;

(2) implementing the VfP Leaders Program to provide those Americans who are accepted into the program with grants of up to 80 percent of volunteer's expenses to offset travel, living, and other related costs of volunteering abroad;

(3) otherwise encouraging participating nonprofit organizations to promote short- and long-term international volunteer service by skilled American professionals, including connecting such professionals with nonprofit organizations, to achieve such objectives;

(4) helping nonprofit organizations in the United States recruit and effectively manage additional skilled American professionals for volunteer assignments throughout the developing world;

(5) providing recognition for skilled American volunteers and the nonprofit organizations deploying them;

(6) helping nonprofit organizations and corporations in the United States to identify resources and opportunities in international volunteer service utilizing skilled Americans;

(7) encouraging the establishment of international volunteer programs for employees of United States corporations; and

(8) encouraging international voluntary service by highly skilled Americans to further the objectives set forth in subsection (d).

(d) VFP PROGRAM OBJECTIVES.—The objectives of the VfP Program should include—

(1) eliminating extreme poverty;

(2) reducing world hunger and malnutrition;

(3) increasing access to safe potable water;

(4) enacting universal education;

(5) reducing child mortality and childhood disease;

(6) combating the spread of preventable diseases, including HIV, malaria, and tuberculosis, as well as providing general medical and dental healthcare and prevention;

(7) providing educational and work skill support for girls and empowering women to achieve independence;

(8) creating sustainable business and entrepreneurial opportunities, including developing global partnerships in the areas of economic growth, microenterprise, asset development, and agricultural and rural development;

(9) increasing access to information technology;

(10) contributing to disaster and humanitarian response efforts; and

(11) promoting cross-cultural exchange, including citizen diplomacy and improving international and intercultural understanding, language education, and conflict management and resolution.

(e) VOLUNTEERS FOR PROSPERITY SERVE PROGRAM.—To further carry out the purpose of subsection (a), the President may establish the Volunteers for Prosperity Serve (VfPServe) Program to provide eligible skilled professionals with grants to offset the travel, living, and other related costs while volunteering abroad.

(f) VOLUNTEER LEADERS PROGRAM.—To further carry out the purpose of subsection (a), the President may establish the Volunteers for Prosperity Leaders (VfP Leaders) Program to provide eligible individuals who commit to sharing their volunteer experiences with their communities when they return and are selected by the Administrator of the United States Agency for International Development with grants of up to 80 percent of the travel, living, and other related costs while volunteering abroad.

(g) MANAGEMENT.—The VfP Program shall be managed by the Administrator of the United States Agency for International Development and shall be operated by employees of the Office of Volunteers for Prosperity and may not be managed on a contracting basis by a nongovernmental entity.

(h) USE OF FUNDS.—

(1) IN GENERAL.—The VfP Office may provide grants to offset the travel, living, and other related costs of volunteering abroad to any participating nonprofit organization that has members who possess skills relevant to addressing any objective described in subsection (d) and—

(A) provides a dollar-for-dollar match for VfPServe grants —

(i) through the nonprofit organization with which the individual is serving; or

(ii) by raising or providing private funds; or

(B) has been selected to participate in the VfP Leaders Program.

(2) NONDISCRIMINATION REQUIREMENT.—The VfP Office may not provide a stipend to an individual under paragraph (1) unless the nonprofit organization to which the individual is assigned has certified to the VfP Office that it does not discriminate with respect to any project or activity receiving Federal financial assistance, including a stipend under this title, because of race, religion, color, national origin, sex, political affiliation, or beliefs.

(3) COMPLIANCE WITH INELIGIBLE SERVICE CATEGORIES.—Service carried out by a volunteer receiving funds under this section may not provide a direct benefit to any—

(A) business organized for profit;

(B) labor union;

(C) partisan political organization; or

(D) religious or faith-based organization for the purpose of proselytization, worship or any other explicitly religious activity.

SEC. 5104. COORDINATION AND REPORT.

(a) COORDINATION.—The VfP Office shall coordinate its efforts with other United States Government and private efforts that aim to send skilled professionals to serve in developing countries.

(b) REPORTS.—

(1) FISCAL YEAR 2010.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the United States Agency for International Development shall submit to the appropriate congressional committees a report detailing plans to establish the VfP Program as a program operated under the United States Agency for International Development for the first year of operations in fiscal year 2010.

(2) FISCAL YEARS 2011 THROUGH 2014.—Not later than one year after the date of the enactment of this Act, the Administrator of the United States Agency for International Development shall submit to the appropriate congressional committees a report detailing plans to implement the VfP Program for fiscal years 2011 through 2014 and ongoing activities of the program.

(3) CONTENT OF PLANNING REPORTS.—The reports required under this subsection shall describe—

(A) the budget needs and expectations for the VfP Program;

(B) the annual objectives for the VfP Program;

(C) the number of volunteers to receive programming services from the VfP Program or grants from VfPServe and VfP Leaders;

(D) a system of financial accountability to ensure that grants provided under VfPServe and VfP Leaders are provided to volunteers to enable individual volunteer service;

(E) the creation of systems to ensure that each volunteer's activities meet the objectives of the VfP Program identified in section 5103;

(F) the systems of coordination with other Federal agencies; and

(G) the personnel and staff needs for the following fiscal year.

SEC. 5105. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title $10,000,000 for fiscal year 2010, and such sums as may be necessary for each of the fiscal years 2011 through 2014.

(b) ALLOCATION OF FUNDS.—Not more than 10 percent of the amounts appropriated pursuant to subsection (a) may be expended for the administrative costs of the United States Agency for International Development to manage the VfP Program, and the remainder shall be divided evenly between VfPServe and VfP Leaders grants.

On page 26, line 25, strike ''for this part'' and insert ''for this subtitle''.

On page 60, line 11, strike ''the report'' and insert ''the report described in subsection (c)''.

On page 67, line 15, strike ''places'' and insert ''place''.

On page 81, line 4, insert before the semicolon the following: '', and sending care packages to Members of the Armed Forces who are deployed''.

On page 92, line 25, strike ''heath'' and insert ''health''.

On page 103, lines 16 and 17, strike ''subtitles B and C'' and insert ''subtitle B''.

On page 272, line 17, strike ''be focused'' and insert ''propose to focus''.

On page 272, line 21, strike ''be focused'' and insert ''propose to focus''.

On page 276, line 6, strike ''the highest'' and insert ''high''.

SA 724. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1388, entitled ''The Edward M. Kennedy Serve America Act, an Act to reauthorize and reform the national service laws.''; which was ordered to lie on the table; as follows:

TITLE VII—MILLIONAIRE EXEMPTION

SEC. 701. EXEMPTION FOR MILLIONAIRES.

(a) IN GENERAL.—Notwithstanding any other provision of this Act, no wealthy individual who participates in a program under this Act may receive stipend, living allowance, education award, or other compensation by virtue of such participation.

(b) WEALTHY INDIVIDUAL.—In this section, the term ''wealthy individual'' means an individual who is from a family with a taxable annual income of more than $1,000,000.

SA 725. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 1388, entitled ''The Edward M. Kennedy Serve America Act, an Act to reauthorize and reform the national service laws.''; which was ordered to lie on the table; as follows:

Subtitle F of title I of the National and Community Service Act of 1990 (42 U.S.C. 12631 et seq.), as amended by section 1612, is further amended by adding at the end the following:

''SEC. 189E. SEX EDUCATION PROGRAMS AND DISTRIBUTION OF MATERIALS.

''(a) SEX EDUCATION PROGRAMS.—Assistance made available under the national service laws to develop or distribute materials, or operate programs or courses of instruction, related to sex education for young people shall be used for materials, programs, or courses that—

''(1) include education on both abstinence and contraception for the prevention of teenage pregnancy and sexually transmitted infections, including HIV and AIDS; and

''(2)(A) are age appropriate and medically accurate;

''(B) stress the value of abstinence while not ignoring those young people who have had or are having sexual intercourse;

''(C) provide information about the health benefits and side effects of all contraceptive methods (including barrier methods) used—

''(i) as a means to prevent pregnancy; and

''(ii) to reduce the risk of contracting sexually transmitted infections, including HIV and AIDS;

''(D) encourage family communication between a parent and a child about sexuality;

''(E) teach young people the skills to make responsible decisions about sexuality, including how to avoid unwanted verbal, physical, and sexual advances and how to avoid making verbal, physical, and sexual advances that are not wanted by the other party;

''(F) teach young people the skills to develop healthy relationships, including skills to prevent dating violence and sexual violence;

''(G) teach young people how alcohol and drug use can affect responsible decision-making; and

''(H) not teach or promote religion.

''(b) DISTRIBUTION OF MATERIALS.—No assistance made available under the national service laws shall be used to distribute, or aid in the distribution by any organization of, obscene materials to minors on school grounds.''.

SA 726. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, entitled ''The Edward M. Kennedy Serve America Act, an Act to reauthorize and reform the national service laws.''; which was ordered to lie on the table; as follows:

On page 1, line 5, strike ''Serve America Act'' and insert ''Edward M. Kennedy Serve America Act''.

On page 57, line 20, insert ''Edward M. Kennedy'' before ''Serve America Act''.

On page 65, line 10, insert ''Edward M. Kennedy'' before ''Serve America Act''.

On page 116, line 14, insert ''Edward M. Kennedy'' before ''Serve America Act''.

On page 196, line 16, insert ''Edward M. Kennedy'' before ''Serve America Act''.

On page 206, line 20, insert ''Edward M. Kennedy'' before ''Serve America Act''.

On page 223, line 9, insert ''Edward M. Kennedy'' before ''Serve''.

On page 227, line 4, insert ''Edward M. Kennedy'' before ''Serve America Act''.

On page 227, line 17, insert ''Edward M. Kennedy'' before ''Serve America Act''.

On page 237, line 24, insert ''Edward M. Kennedy'' before ''Serve America''.

On page 319, line 3, insert ''Edward M. Kennedy'' before ''Serve America Act''.

On page 320, line 16, insert ''Edward M. Kennedy'' before ''Serve America Act''.

On page 321, line 1, insert ''Edward M. Kennedy'' before ''Serve America Act''.

On page 325, line 19, insert ''Edward M. Kennedy'' before ''Serve America Act''.

On page 334, line 24, insert ''Edward M. Kennedy'' before ''Serve America Act''.

On page 335, line 3, insert ''Edward M. Kennedy'' before ''Serve America Act''.

SA 727. Mr. BURR (for himself and Ms. MIKULSKI) proposed an amendment to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, entitled ''The Edward M. Kennedy Serve America Act, and Act to reauthorize and reform the national service laws.''; as follows:

On page 213, after line 21, insert the following:

SEC. 1613. CRIMINAL HISTORY CHECKS FOR INDIVIDUALS WORKING WITH VULNERABLE POPULATIONS.

(a) AMENDMENT.—Section 189D, as added by section 1612, is further amended by adding at the end the following:

''(d) SPECIAL RULE FOR INDIVIDUALS WORKING WITH VULNERABLE POPULATIONS.—

''(1) IN GENERAL.—Notwithstanding subsection (b), on and after the date that is 2 years after the date of enactment of the Serve America Act, a criminal history check under subsection (a) for each individual described in paragraph (2) shall, except for an entity described in paragraph (3), include—

''(A) a name-based search of the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.);

''(B) a search of the State criminal registry or repository in the State in which the program is operating and the State in which the individual resides at the time of application; and

''(C) submitting fingerprints to the Federal Bureau of Investigation for a national criminal history background check.

''(2) INDIVIDUALS WITH ACCESS TO VULNERABLE POPULATIONS.—An individual described in this paragraph is an individual age 18 or older who—

''(A) serves in a position in which the individual receives a living allowance, stipend, national service educational award, or salary through a program receiving assistance under the national service laws; and

''(B) as a result of such individual's service in such position, has or will have access, on a recurring basis, to—

''(i) children age 17 years or younger;

''(ii) individuals age 60 years or older; or

''(iii) individuals with disabilities.

''(3) EXCEPTIONS.—The provisions of this subsection shall not apply to an entity—

''(A) where the service provided by individuals serving with the entity to a vulnerable population described in paragraph (2)(B) is episodic in nature or for a 1-day period;

''(B) where the cost to the entity of complying with this subsection is prohibitive;

''(C) where the entity is not authorized, or is otherwise unable, under State law, to access the national criminal history background check system of the Federal Bureau of Investigation;

''(D) where the entity is not authorized, or is otherwise unable, under Federal law, to access the national criminal history background check system of the Federal Bureau of Investigation; or

''(E) to which the Corporation otherwise provides an exemption from this subsection for good cause.''.

(b) FEASIBILITY STUDY FOR A SYSTEM OF CRIMINAL HISTORY CHECKS FOR EMPLOYEES AND VOLUNTEERS.—

(1) FEASIBILITY STUDY ON EFFICIENCY AND EFFECTIVENESS REGARDING CRIMINAL HISTORY CHECK.—The Attorney General of the United States shall conduct a study that shall examine, to the extent discernible and as of the date of the study, the following:

(A) The state of criminal history checks (including the use of fingerprint collection) at the State and local level, including—

(i) the available infrastructure for conducting criminal history checks;

(ii) the State system capacities to conduct such criminal history checks; and

(iii) the time required for each State to process an individual's fingerprints for a national criminal history background check through the Federal Bureau of Investigation, from the time of fingerprint collection to the submission to the Federal Bureau of Investigation.

(B) The likelihood that each State would participate in a nationwide system of criminal history checks to provide information regarding participants to entities receiving assistance under the national service laws.

(C) The number of participants that would require a fingerprint-based national criminal history background check under the national service laws.

(D) The impact of the national service laws on the Integrated Automated Fingerprint Identification System of the Federal Bureau of Investigation in terms of capacity and impact on other users of the system, including the effect on the work practices and staffing levels of the Federal Bureau of Investigation.

(E) The fees charged by the Federal Bureau of Investigation, States, local agencies, and private companies to collect and process fingerprints and conduct criminal history checks.

(F) The existence of model or best practice programs regarding conducting criminal history checks that could easily be expanded and duplicated in other States.

(G) The extent to which private companies are currently performing criminal history checks, and the possibility of using private companies in the future to perform any of the criminal history check process, including the collection and transmission of fingerprints and fitness determinations.

(H) The cost of development and operation of the technology and the infrastructure necessary to establish a nationwide fingerprint-based and other criminal background check system.

(I) The extent of State participation in the procedures for background checks under the National Child Protection Act of 1993 (42 U.S.C. 5119 et seq.).

(J) The extent to which States provide access to nationwide criminal history checks to organizations that serve children.

(K) The extent to which States permit volunteers and other individuals to appeal adverse fitness determinations, and whether similar procedures are required at the Federal level.

(L) Any privacy concerns that may arise from nationwide criminal background checks for participants.

(M) Any other information determined relevant by the Attorney General.

(2) INTERIM REPORT.—Based on the findings of the study under paragraph (1), the Attorney General shall, not later than 6 months after the date of the enactment of this Act, submit to the appropriate committees of Congress an interim report, which may include recommendations regarding criminal history checks for individuals that seek to volunteer with organizations that work with children, the elderly, or individuals with disabilities.

(3) FINAL REPORT.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary and the Committee on Health, Education, Labor, and Pensions of the Senate and to the Committee on the Judiciary and the Committee on Education and Labor of the House of Representatives, a final report including recommendations regarding criminal history checks for participants under the national service laws, which may include—

(A) a proposal for grants to States to develop or improve programs to collect fingerprints and perform criminal history checks for individuals that seek to volunteer with organizations that work with children, the elderly, or individuals with disabilities; and

(B) recommendations for amendments to the National Child Protection Act of 1993 and the Volunteers for Children Act so that entities receiving assistance under the national service laws can promptly and affordably conduct nationwide criminal history background checks on their employees and volunteers.

(4) DEFINITIONS.—In this subsection, the terms ''authorizing committees'', ''participants'', and ''national service laws'' have the meanings given such terms in section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511).

(c) EFFECTIVE DATE.—Notwithstanding section 6101, subsection (b) shall take effect on the date of enactment of this Act.

SA 728. Ms. MIKULSKI (for herself and Mr. ENZI) submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, entitled ''The Edward M. Kennedy Serve America Act, an Act to reauthorize and reform the national service law.''; as follows:

On page 26, line 25, strike ''for this part'' and insert ''for this subtitle''.

On page 60, line 11, strike ''the report'' and insert ''the report described in subsection (c)''.

On page 67, line 15, strike ''places'' and insert ''place''.

On page 81, line 4, insert before the semicolon the following: '', and sending care packages to Members of the Armed Forces who are deployed''.

On page 92, line 25, strike ''heath'' and insert ''health''.

On page 103, lines 16 and 17, strike ''subtitles B and C'' and insert ''subtitle B''.

On page 272, line 17, strike ''be focused'' and insert ''propose to focus''.

On page 272, line 21, strike ''be focused'' and insert ''propose to focus''.

On page 276, line 6, strike ''the highest'' and insert ''high''.

SA 729. Mr. HATCH proposed an amendment to the bill H.R. 1388, ''Entitled The Edward M. Kennedy Serve America Act, an Act to reauthorize and reform the national service law.''; as follows:

Amend the title so as to read: Entitled The Edward M. Kennedy Serve America Act, and Act to reauthorize and reform and national service laws.''

NOTICE OF HEARING

Mr. BINGAMAN. Mr. President, I would like to announce that the Senate Committee on Energy and Natural Resources will hold a business meeting on Tuesday, March 31, 2009 at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the Business Meeting is to consider pending legislation and the nomination of Thomas L. Strickland to be Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior.

For further information, please contact Sam Fowler at (202) 224–7571 or Amanda Kelly at (202) 224–6836.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, March 26, 2009, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 26, 2009 at 9:30 a.m., to conduct a hearing entitled ''Enhancing Investor Protection and the Regulation of Securities Markets—Part II.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, March 26, 2009, at 10:30 a.m., in room 50 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Thursday, March 26, 2009, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, March 26, 2009 at 10 a.m. in room 406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 26, 2009, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 26, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Finance will meet on Thursday, March 26, 2009, at 10 a.m., in room 215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Thursday, March 26, 2009, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Thursday, March 26, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct an executive business meeting on Thursday, March 26, 2009, at 9:30 a.m. in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 26, 2009 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Subcommittee on Airland of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, March 26, 2009, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Ms. LANDRIEU. Mr. President, I ask unanimous consent to grant floor privilege to Brian Carter, a fellow on the Committee on Health, Education, Labor and Pensions for the duration of the debate on H.R. 1388.

The PRESIDING OFFICER. Without objection, it is so ordered.

CALLING ON BRAZIL TO COMPLY WITH THE CONVENTION ON THE CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION

On Tuesday, March 24, 2009, the Senate agreed to S. Res. 37, as amended, with its preamble, as amended, as follows:

S. RES. 37

Whereas Sean Goldman is the son of David Goldman and Bruna Goldman, and is a United States citizen and a resident of Tinton Falls, New Jersey;

Whereas Bruna Goldman took Sean Goldman to Brazil on June 16, 2004;

Whereas after Bruna and Sean Goldman arrived in Brazil, Bruna Goldman informed David Goldman that she would remain permanently in Brazil and would not return Sean Goldman to David Goldman in New Jersey;

Whereas on August 26, 2004, the Superior Court of New Jersey issued a ruling awarding David Goldman physical and legal custody of Sean Goldman and ordering that Sean Goldman be immediately returned to the United States;

Whereas David Goldman initiated judicial proceedings in the Federal Court of Rio de Janeiro, under the Convention on the Civil Aspects of International Child Abduction, done at the Hague October 25, 1980 (TIAS 11670) (the ''Convention''), to which both the United States and Brazil are parties;

Whereas the Convention requires that a child who is a habitual resident of a country that is a party to the Convention, and who has been removed from or retained in a country that is also a party to the Convention in violation of the custodial rights of a parent of that child, be returned to the country of habitual residence;

Whereas despite the petition filed in the Federal Court of Rio de Janeiro by David Goldman for the return of his child, less than one year after Sean Goldman was taken to Brazil, David Goldman was prevented from exercising his legal custody of Sean Goldman by rulings of the Federal Regional Court and the 3rd Chamber of the Superior Court of Justice of Brazil;

Whereas Bruna Goldman passed away in August 2008, and her new husband filed a petition to replace the name of David Goldman with his own name on the birth certificate of Sean Goldman;

Whereas the new husband of Bruna Goldman filed a petition for custody of Sean Goldman with the 2nd Family Court of Brazil on August 28, 2008;

Whereas the 2nd Family Court of Brazil granted temporary custody to the new husband of Bruna Goldman, despite specific provisions in the Convention that prohibit action by a family court while a case brought under the Convention is pending;

Whereas Sean Goldman remains in the temporary custody of the new husband of Bruna Goldman;

Whereas the Convention requires the Government of Brazil to ''take all appropriate measures to secure within [its territory] the implementation of the objects of the Convention'' and ''to use the most expeditious procedures available'';

Whereas the Goldman case has been pending in the courts of Brazil since 2004;

Whereas the Department of State reported in the 2008 report on compliance with the Convention, as required under section 2803 of the Foreign Affairs Reform and Restructuring Act of 1998 (42 U.S.C. 11611), that the judicial authorities of Brazil ''continued to demonstrate patterns of noncompliance with the Convention'';

Whereas the Special Secretariat for Human Rights of the Presidency of the Republic of Brazil, the central authority for carrying out the Convention in Brazil, wrote to the Office of the Attorney General of Brazil to express concern with the manner in which the 2d Family Court of Brazil conducted the case of Sean Goldman and to state that the issuance of temporary custody rights by the 2d Family Court of Brazil was a violation of the Convention;

Whereas Sean Goldman is being deprived of his rightful opportunity to live with and be raised by his biological father, David Goldman; and

Whereas it is consistent with international law that Sean Goldman be reunited with his father, David Goldman, in New Jersey: Now, therefore, be it

Resolved, That the Senate calls on Brazil—

(1) to fulfill its obligations under the Convention on the Civil Aspects of International Child Abduction, done at the Hague October 25, 1980 (TIAS 11670); and

(2) to assist in the safe return of Sean Goldman to his father, David Goldman, in the United States.

CONGRATULATING THE ROCKY MOUNTAIN COLLEGE BATTLIN' BEARS

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 85 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 85) congratulating the Rocky Mountain College Battlin' Bears for winning the 2009 National Association of Intercollegiate Athletics Men's Basketball National Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, there be no intervening action or debate, and any statements related to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 85) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 85

Whereas, on March 24, 2009, the Rocky Mountain College Battlin' Bears won the 2009 National Association of Intercollegiate Athletics Men's Basketball National Championship title with a stunning 77-61 triumph over the Columbia College Cougars;

Whereas Rocky Mountain College, located in Billings, Montana, is one of the premier liberal arts schools in the State of Montana;

Whereas Rocky Mountain College forward Devin Uskoski was named the Most Valuable Player of the National Association of Intercollegiate Athletics men's basketball tournament;

Whereas Devin Uskoski averaged 17.4 points per game and 11 rebounds per game throughout his senior season;

Whereas the Battlin' Bears finished the 2009 season with a record of 30-8 and won 10 of their final 11 games;

Whereas Rocky Mountain College fans across Montana supported and encouraged the Battlin' Bears throughout the basketball season;

Whereas Rocky Mountain College President Michael R. Mace and Athletic Director Robert Beers have shown great leadership in bringing academic and athletic success to Rocky Mountain College; and

Whereas the people of the State of Montana celebrate the success and share the pride of Rocky Mountain College: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Rocky Mountain College Battlin' Bears for winning the 2009 National Association of Intercollegiate Athletics Men's Basketball National Championship;

(2) recognizes the achievements of the players, coaches, students, and staff whose hard work and dedication helped the Rocky Mountain College Battlin' Bears win the championship; and

(3) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution for appropriate display to—

(A) the President of Rocky Mountain College, Michael R. Mace;

(B) the Athletic Director of Rocky Mountain College, Robert Beers; and

(C) the Head Coach of the Rocky Mountain College basketball team, Bill Dreikosen.

HONORING THE LIFE OF DR. JOHN HOPE FRANKLIN

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 88.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 88) honoring the life of Dr. John Hope Franklin.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 88) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 88

Whereas Dr. John Hope Franklin was born on January 2, 1915 in Rentiesville, Oklahoma, the grandson of a slave and the son of Buck Colbert Franklin, one of the first African-American lawyers in the Oklahoma Indian Territory, and Mollie Parker Franklin, a schoolteacher and community leader;

Whereas in 1936, Dr. Franklin was appointed to the faculty of Fisk University as instructor of history and subsequently served as professor of history at St. Augustine's College, North Carolina College, and Howard University;

Whereas Dr. Franklin taught at the University of Chicago from 1964 to 1982, serving as professor of American history, chairperson of the department of history, John Matthews Manly Distinguished Service Professor, and professor emeritus of history;

Whereas Dr. Franklin was on faculty at Duke University from 1982 until his passing, serving as the James B. Duke Professor of History, professor of legal history at Duke University Law School, and the James B. Duke Professor of History Emeritus, Duke University;

Whereas Dr. Franklin broke numerous racial barriers, serving as the first African-American department chair at a predominantly white institution as chairman of the department of history at Brooklyn College from 1956 to 1964, as the first African-American professor to hold an endowed chair at Duke University, and as the first African-American president of the American Historical Association;

Whereas Dr. Franklin authored "From Slavery to Freedom: A History of Negro Americans" in 1947, widely considered the preeminent history of the African-American experience in the United States, as well as numerous other notable books including his influential autobiography "Mirror to America: The Autobiography of John Hope Franklin";

Whereas the research of Dr. Franklin contributed to the success of Thurgood Marshall and the legal victory of the National Association for the Advancement of Colored People (NAACP) in the landmark Supreme Court case, Brown v. Board of Education (347 U.S. 483), which ended the "separate but equal" doctrine in public schools in the United States;

Whereas in 1996, Dr. Franklin was named "Historian of the Century" by Duke University, North Carolina State University, North Carolina Central University, and the University of North Carolina at Chapel Hill;

Whereas Dr. Franklin received the Presidential Medal of Freedom in 1995, and was appointed chairman of the advisory board of President William J. Clinton's Initiative on Race in 1997;

Whereas Dr. Franklin served as the head of the 3 major historical associations in the United States: the Organization of American Historians, the American Historical Association, and the Southern Historical Association;

Whereas Dr. Franklin was inducted into the North Carolina Literary Hall of Fame in 1998;

Whereas Dr. Franklin received the Benjamin Franklin Medal for Distinguished Public Service from the American Philosophical Society in 2007, and a Gold Medal for distinguished achievement in history from the American Academy of Arts and Letters in 2002;

Whereas Dr. Franklin inspired the John Hope Franklin Center for Interdisciplinary and International Studies at Duke University, a consortium of academic programs that encourages creative scholarship, the exchange of ideas, and a variety of perspectives and methodologies to revitalize notions of how knowledge is gained and shared;

Whereas Dr. Franklin was a scholar who helped create the field of African-American history and literature;

Whereas Dr. Franklin described historians as "the conscience of the nation, if honesty and consistency are factors that nurture the conscience", and his contributions to the study of American history fundamentally challenged and changed the manner in which the Nation collectively interprets its past and understands its present;

Whereas generations of young historians have been inspired and personally influenced by Dr. Franklin's keen intellect, graceful humility, and humor in the classroom, and will ensure the endurance of his towering legacy;

Whereas Dr. Franklin passed away on March 25, 2009 in Durham, North Carolina; and

Whereas Dr. John Hope Franklin will be deeply missed but leaves an enduring legacy of public service, scholarship, and perseverance that inspires all Americans: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the life and accomplishments of John Hope Franklin; and

(2) honors the contributions that John Hope Franklin made to United States society.

BUDGET COMMITTEE PERMISSION TO FILE

Mr. REID. Mr. President, I ask unanimous consent that on Friday, March 27, the Budget Committee be permitted to file the committee-reported concurrent resolution on the budget, and they be allowed to do this between the hours of 11 a.m. and 1 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, MARCH 30, 2009

Mr. REID. Mr. President, I now ask unanimous consent that when the Senate completes its business today, it adjourn until 11 a.m. Monday, March 30; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate begin consideration of the budget resolution reported by the Budget Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. As previously announced, there will be no rollcall votes on Monday. However, the Senate will begin consideration of the budget resolution and Senators CONRAD and GREGG will be here on Monday to get debate started on the resolution. All Senators also

have the opportunity to make any statements they want regarding this measure.

ADJOURNMENT UNTIL MONDAY, MARCH 30, 2009, AT 11 A.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate this evening, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:09 p.m., adjourned until Monday, March 30, 2009, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF ENERGY

STEVEN ELLIOT KOONIN, OF CALIFORNIA, TO BE UNDER SECRETARY FOR SCIENCE, DEPARTMENT OF ENERGY, VICE RAYMOND L. ORBACH, RESIGNED.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

YVETTE ROUBIDEAUX, OF ARIZONA, TO BE DIRECTOR OF THE INDIAN HEALTH SERVICE, DEPARTMENT OF HEALTH AND HUMAN SERVICES, FOR THE TERM OF FOUR YEARS, VICE ROBERT G. MCSWAIN, RESIGNED.

DEPARTMENT OF TRANSPORTATION

JOSEPH C. SZABO, OF ILLINOIS, TO BE ADMINISTRATOR OF THE FEDERAL RAILROAD ADMINISTRATION, VICE JOSEPH H. BOARDMAN.

DEPARTMENT OF STATE

LUIS C. DE BACA, OF VIRGINIA, TO BE DIRECTOR OF THE OFFICE TO MONITOR AND COMBAT TRAFFICKING, WITH RANK OF AMBASSADOR AT LARGE, VICE MARK P. LAGON, RESIGNED.

DEPARTMENT OF LABOR

T. MICHAEL KERR, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE PATRICK PIZZELLA, RESIGNED.

NATIONAL MEDIATION BOARD

LINDA A. PUCHALA, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2009, VICE READ VAN DE WATER, TERM EXPIRED.

LINDA A. PUCHALA, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2012. (REAPPOINTMENT)