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House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
May 12, 2010.

I hereby appoint the Honorable JOSÉ E. SERRANO to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

Reverend Dr. Timothy Goble, Grace Evangelical Free Church, Colville, Washington, offered the following prayer:

Most gracious Lord God, we are continually encouraged as we sense Your guardianship as You powerfully determine the destiny of this Republic. We acknowledge that the future of all of our political institutions are staked upon the capacity of each of us here to govern, control, and to sustain ourselves in accordance with the Word of God.

Today, we acknowledge our departure from Your Word and ask for Your forgiveness. May Your Word once again become the guiding light for our homes, our schools, our courtrooms, and workplaces. Lay upon the hearts of all those who serve in this great historical room the need to establish a personal relationship with You that will grow them into servant leaders, who make their constituents the beneficiary of every decision from Your divine perspective. May they walk humbly with each other, acknowledging their mutual duty of loving forbearance. All this we ask in the name of Jesus. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. POE of Texas 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.

WELCOMING REVEREND DR. TIMOTHY GOBLE

The SPEAKER pro tempore. Without objection, the gentlewoman from Washington (Mrs. MCMORRIS RODGERS) is recognized for 1 minute.

There was no objection.

Mrs. MCMORRIS RODGERS. Mr. Speaker, it is my great honor and pleasure to welcome Pastor Tim Goble, who gave the opening prayer to Congress this morning. He's the Pastor of Grace Evangelical Free Church in Colville, Washington, where he and his family have been faithfully serving our Lord in ministry to the people of that area for the past 23 years. He's been my pastor. Over the years, I've become friends with his wife, Jane, and their three sons, Nathan, Stephen, and Daniel.

His first job after seminary was serving as a youth pastor in northern Indiana from 1976 to 1986. He then moved across the country to Washington State in 1987, to become pastor of a new church plant of 35 people. Since then, the church has grown steadily, making a tremendous difference in the lives of all who have walked through its doors, including me and my family.

I admire Pastor Tim and his family and appreciate their leadership, service, commitment to our community, and their example to all of us. Thank you for coming to the United States Congress to lead us in prayer today.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

MOVE TO RENEWABLE ENERGY

(Mr. HALL of New York asked and was given permission to address the House for 1 minute.)

Mr. HALL of New York. Mr. Speaker, I rise today to say: It will not be the U.S. taxpayer who is stuck with the bill for the tragic oil spill that is still spewing hundreds of thousands of barrels of oil into the Gulf of Mexico. British Petroleum had $6 billion in profit last quarter alone. That's profit, not earnings. And that's the first place we should be looking to pay for this oil spill. We all know how much money Halliburton socked away, thanks to the last administration. Their deep pockets also need to be tapped to pay for their negligence.

For years, we've heard from the oil industry that offshore drilling is safer than ever, cleaner than ever. Not true. Meanwhile, oil companies like BP spent years making billions while gouging consumers. We in the House are going to make sure that they pay for cleaning up this unprecedented catastrophe. It's time to truly move beyond petroleum into renewable energy and energy efficiency.

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WARNING TO TEXAS STATE LEGISLATORS

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

Mr. POE of Texas. Mr. Speaker, the Texas Department of Public Safety has issued a stern safety warning to members of the Texas legislature living near the southern border: Remove your car license plates that say ''State official'' on them. Texas legislators were warned to remove their identifying car license plates because of threats from Mexican drug cartels. Based on intelligence estimates from information they have received, law enforcement cautioned that the drug cartels may target members of the Texas legislature for assaults and kidnappings, especially those living on the border region. Some of the members and their staffs have removed those ''State official'' license plates and some are seeking concealed carry permits. There have been earlier reports of Mexican officials being assaulted and kidnapped by the cartels in Mexico. Now the threats have crossed to our side of the porous border region.

Now it seems to me the National Guard is probably better suited to deal with the violent narco-terrorists than a bunch of legislative staffers with concealed weapons—even in Texas.

And that's just the way it is.

ESOP PROMOTION AND EXPANSION ACT

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

Mr. BLUMENAUER. This week, representatives from employee-owned S corporations from around America will be on Capitol Hill, giving a chance for Members and staff to hear directly from these employee owners how their investment and hard work facilitated by this unique ownership helps create jobs and helps their employee owners prepare for retirement; how they expanded jobs here in America, even in this difficult environment.

In 2008, for instance, ESOP increased employment 2 percent, while our economy overall shed almost 3 percent of the jobs. Employee-owned business wages increased at twice the national average. Each company is a unique American success story. That's why I hope you will join me in cosponsoring H.R. 3586, the ESOP Promotion and Expansion Act, to protect and enhance employee-owned corporations.

CONGRATULATING ALLEN AMERICANS HOCKEY TEAM

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

Mr. SAM JOHNSON of Texas. Today, I'd like to congratulate the players and coaches of the Allen Americans Hockey Team for capturing the Southern Conference championship title. This is the first time a first-season team has accomplished this. After a stellar inaugural, winning season, the minor league hockey team earned a slot in the playoffs. They won two playoff series against Laredo and Odessa. Their final postseason game against the Rapid City Rush ended in a double overtime battle. It's no surprise they sent four players up to the American Hockey League.

The Allen Americans play at the Allen Event Center, and folks should be proud to have such an accomplished, dedicated team representing their community. I've seen them—and they're good. I had the privilege of cheering on the Americans last season and I look forward to attending more games in the future.

I wish the team and its players all the best. Congratulations. God bless you. I salute you. As the fans like to cheer: Dread the Red!

ECONOMY TRENDING IN THE RIGHT DIRECTION

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

Mrs. MALONEY. Mr. Speaker, this is a chart prepared by the Joint Economic Committee, which I call the V chart—not for victory, or total victory, but it certainly shows success and that we're trending in the right direction in our economy. The red bars on the chart represent the job losses under the prior administration. The last month of the Bush administration, this country lost over 770,000 jobs. The blue bars represent the record of the Obama administration as we recover from the depths of an inherited economic disaster.

There is still much left to do as we recover from the great recession. Millions of Americans still suffer. But if we wish to avoid repeating history, we should first remember and understand it. The policies of the past drove our economy down. The policies of this Congress have begun to lift it up. You can see it here very clearly in a V and in red, white, and blue.

OPTING OUT OF ANOTHER GOVERNMENT MANDATE

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

Mr. FLEMING. Mr. Speaker, last week, Governor Bobby Jindal announced that Louisiana, along with 16 other States, would not participate in the government takeover of health care's temporary high risk pools. I commend Governor Jindal on this decision and for having the foresight not to put Louisiana on the hook for yet another tax-increasing, job-killing, unfunded mandate, and subjecting our citizens to more Federal inefficiency and bureaucracy.

While I have always supported the concept of high risk pools, this effort will thrust the burden onto the backs of Louisiana taxpayers, eventually saddling them with another federally mandated program they can ill afford. Louisianans have made it clear that they are sick and tired of carrying the water for an ever-expanding Federal Government. I commend our Governor for doing the right thing for our State and our country.

END KARZAI'S WAR IN AFGHANISTAN

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

Mr. KUCINICH. Afghan President Karzai is in Washington this week seeking another $33 billion to keep the war going, meeting with the White House to present his so-called ''peace proposal'' to allocate $160 million from international donors to fund new government bodies, pay off insurgents who agree to stop fighting, and to undermine efforts to establish local governance.

Ranked the second most corrupt government in the world, only behind Somalia, Mr. Karzai's blatant government corruption, his ties to Big Oil, and his ties to Afghanistan's most notorious drug pushers, including his own brother, is no secret. While he's being treated as royalty in Washington, millions of dollars shuffle through Kabul Airport, unaccounted for, as Mr. Karzai builds villas in Dubai. Meanwhile, I have constituents in Cleveland who are struggling to stay in their homes.

The longer this charade of nation building and counterinsurgency strategy in Afghanistan continues, the more U.S. soldiers and innocent Afghan civilians die. He wants $33 billion for war to continue in Afghanistan. Here at home, Americans need jobs and access to education and health care. Billions would be better spent rebuilding America than sending it to Afghanistan to continue a war.

Bring our troops home. End the war.

NETWORKS SHOW BIAS ON ARIZONA IMMIGRATION LAW

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

Mr. SMITH of Texas. Mr. Speaker, television network news stories about Arizona immigration enforcement law have been overwhelmingly negative, according to a new analysis by the Media Research Center. From April 23 to May 3, negative news reports on ABC, CBS, and NBC outnumbered positive reports by a margin of 12 to 1. This kind of extreme bias is a danger to democracy. And nowhere is it more evident than in reporting about immigration.

Only 10 percent of network reports acknowledged that a majority of Americans support the Arizona law and that

9 out of 10 say it is important to reduce illegal immigration. The networks should give Americans the facts about immigration, not just give them one side of the story.

□ 1015

BUTLER COUNTY UNITED WAY AND LABOR COMMUNITY SERVICE

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

Mrs. DAHLKEMPER. Mr. Speaker, I rise to express my gratitude to the United Way of Butler County, Pennsylvania, and their partners in the labor community for their annual service program Butler County Labor Month of Caring. The Butler County United Labor Council and the Butler County Building and Construction Trades are working with the United Way to help make homes safer in Butler. Safety equipment like smoke alarms and carbon monoxide detectors save lives. Yet many homes, particularly those of senior citizens, don't have these devices installed and working. Every Saturday throughout the month of May in Butler County, volunteer workers will install smoke and carbon monoxide detectors in homes whose residents cannot do so themselves due to age, health, or income limitations.

On behalf of the United States House of Representatives, I thank the Butler County labor community and United Way for their generosity in giving the gift of safety.

VALUE-ADDED TAX

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

Mr. PITTS. Mr. Speaker, consumer spending is critical to creating new jobs, and the last thing we want to do during a recovery is discourage it. Unfortunately, we are hearing whispers and rumblings that the President's debt commission could recommend a new value-added tax before the end of the year, a VAT tax. Close advisers to the President such as Paul Volcker and John Podesta have publicly supported this tax which is already widely used in Europe.

The problem is that European taxes mean European unemployment and European levels of job growth. From 1982 to 2007, the U.S. created 45 million new jobs, compared to only 10 million in Europe. VAT taxes raised the price of goods, directly reducing consumer purchasing power, and this means fewer jobs.

I think we need to make it clear to the debt commission that a VAT tax is no solution to our fiscal problems. The real solution is to restrain Federal Government spending that has far outstripped its traditional boundaries. I'm circulating a letter for signatures to the commission opposing the VAT tax, and I hope all my colleagues will stand with me against the VAT tax.

WORKING TOGETHER TO REBUILD THIS COUNTRY

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

Mr. KAGEN. Mr. Speaker, this past weekend, I met with people in Appleton, Shawano and Green Bay, Wisconsin, listening to their concerns. And what did they ask me to do? They asked me to cut their taxes and to help small business owners grow the jobs that we need to work our way back into prosperity.

Well, you may not have seen it on television or heard it on the radio, but President Obama and the Democrats here in Congress have already delivered the biggest tax cuts in American history. In USA Today 2 days ago, it said: ''Tax Bills in 2009 at Lowest Level Since 1950.'' But don't stop there. Let's take the word of President Reagan's domestic economic adviser Mr. Bartlett: ''Federal taxes are very considerably lower by every measure since Obama became President. According to the JCT, last year's $787 billion stimulus bill, enacted with no Republican support, reduced Federal taxes by almost $100 billion in 2009 and another $222 billion this year.''

But we all know that helping small business must be a top priority as well. And that's why we passed the bipartisan HIRE Act which will generate jobs. That's why we worked together with Republicans and Democrats to pass the HOME STAR Act. We're working together to rebuild this country.

PASS THE SHORT LINE RAILROAD TAX CREDIT

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

Mr. SCHOCK. Mr. Speaker, I rise today in support of the extension of the Short Line Railroad tax credits that have recently expired. Because this credit has not been extended for 2010, the Illinois & Midland and Tazewell & Peoria Railroads in my district have not been able to perform much-needed maintenance to their infrastructure. These companies depend on the extension of this credit to keep their track laborers working and to continue to invest in their track which is necessary to serve local businesses in my district. Companies like Caterpillar, Exelon, Midwest Generation, Reed Minerals, Aventine Renewable Energy, and many others may lose their connection to the national freight rail network.

The problems facing these companies in my district are not unique to the rail industry. The uncertainty of all of these expiring credits leave businesses in a state of flux, unwilling to make the necessary investments and long-term planning to expand their businesses and put people back to work. Over 250 Members of this body have already signed legislation which extends this credit. I urge the Speaker to call this bill and to pass the Short Line Railroad tax credit today.

WALL STREET REFORM

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

Mr. TONKO. Mr. Speaker, I rise today in support of Wall Street reform and ask, Which side are you on? In my opinion, the debate on Wall Street reform is straightforward. There are those who support hardworking American families and small businesses against those who wish to protect the status quo and big Wall Street banks which are to blame for the current recession.

For example, last year this House passed the Wall Street Reform and Consumer Protection Act. None—that's right, zero—of my colleagues on the other side of the aisle supported that bill. The other side can no longer ignore American families who have worked hard and played by the rules, only to see their homes foreclosed on, their retirement savings lost, their business destroyed, or their jobs wiped out.

We need commonsense reforms and stronger consumer protections to ensure that a crisis on this order of magnitude never happens again. It is time we streamlined government and put a cop on the beat of Wall Street to protect American families and businesses. Absent this cop, Wall Street will regulate itself as it did under the previous administration. The American economy cannot afford to live through real-life tragedy again and neither can her families.

REAUTHORIZE THE AMERICA COMPETES ACT

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of the reauthorization of the America COMPETES Act. Fifty years ago in Dallas, Texas, at Texas Instruments, Dr. Jack Kilby invented the microchip. This ground-breaking technology is arguably the catalyst of the information age and the entire field of modern microelectronics. At that time, this technology was unimaginable. If not for Dr. Kilby, it is feasible that sophisticated high-speed computers, large-scale semiconductors may cease to exist.

The example Dr. Kilby set proves it is the American people that will create the next technological feat. In order to become energy independent, create new jobs and exports, and develop the next great technology, we must invest robustly in scientific education and innovation. This is the goal of America

COMPETES, and I am pleased the provisions in this bill are for all Americans. I, along with my supportive colleagues, want to thank the House leadership for bringing this important legislation to the floor.

RETURNING STABILITY TO THE DAIRY INDUSTRY

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

Mr. COSTA. Mr. Speaker, today I will introduce legislation to help put our dairy legislation on track and prevent future dairy crashes like the one we're now in. The Daily Price Stabilization Act is not just about trying to elevate dairy prices. It's about returning stability to the dairy industry. I was raised on a dairy farm, and we know that dairy boom and bust cycles have always existed. But in the past decade, booms have gotten shorter and the busts longer and more severe. These highs and lows have forced many dairies to shut down. In the last 2 years, we've lost over $12 billion of equity in the industry; and, sadly, some dairymen have taken their own lives.

This unsustainable cycle must stop. Dairies can no longer survive on milk checks that are lower than their cost of production. Our bill gives dairymen the option to grow as they see fit, provides incentives to better align supply and demand. Mr. Speaker, we must take swift action now to protect our local dairy farmers across the Nation. I encourage my colleagues to join in this effort.

THE ECONOMY

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

Mr. MURPHY of Connecticut. Mr. Speaker, over the last several months, I have visited factory floors in Burlington, Meriden, and Waterbury, Connecticut, and the news is good. Orders are returning; revenue is up; access to capital is coming back. And we have seen it in the national numbers. Last week, the Department of Labor reported that 290,000 jobs were added in April, a larger-than-expected increase. And last year, thanks to the tax cuts that this House passed, consumer spending has started to increase, jumping up by 3.5 percent in the last report.

But we have to do more in Connecticut. Our economic recovery won't be complete until manufacturing completely rebounds, and that won't happen until this Congress decides to start spending U.S. taxpayer dollars here on U.S. jobs. Our economy is coming back, but its recovery will not be full until we make a commitment to buy American.

WE'RE BAILING OUT GREECE

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

Mr. PENCE. Our country is weary of borrowing and spending and bailouts from Washington, D.C. So the American people deserve to know we're bailing out Greece, and future Americans may be picking up the tab for as much as $50 billion in additional loan guarantees for the rest of Europe in the form of a bailout.

Here's how it works: the European Union's members and the IMF recently pledged $145 billion in a Greek bailout; $40 billion of that came from the International Monetary Fund. Since the United States pays 17 percent—we're the largest contributor to the IMF—American taxpayers are on the hook for $6.8 billion in loan guarantees from the IMF, and it may just be a down payment. The EU this last weekend talked about a $1 trillion bailout plan that could put U.S. taxpayers on the hook for $50 billion in additional loan guarantees to bail out Europe.

Look, the EU was formed to compete with the US of A economically, and it is simply not right to ask the people of the United States of America to provide loan guarantees to bail out an economic competitor in Europe. Nobody wants to see the EU fail, but we're not asking for their help in New Jersey or California. They shouldn't be asking our help for Portugal, Spain, or Greece.

DEPLOY THE NATIONAL GUARD TO THE U.S.-MEXICAN BORDER

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

Ms. GIFFORDS. Mr. Speaker, I rise today to urge President Barack Obama to improve security on our southern border by immediately deploying the National Guard. On March 27, Rob Krentz, whose family has been ranching along the U.S.-Mexico border for over 100 years, was tragically murdered, murdered on his own land. Three days later, I wrote to the President and asked him to send back the National Guard to protect our citizens who live and work along the border. I renewed that request 2 weeks ago and again last week.

Deployment of the National Guard is an essential first step in reassuring border residents of our commitment to their safety and security. The people that I represent do not believe that the Federal Government has heard their pleas, and they grow worse and worse every single day. Much has been done to improve border security, but our border is not yet secure, contrary to whatever people say.

Drug cartel violence increasingly threatens the lives of our citizens; and on behalf of the thousands of Americans who live in the troubled sections of the U.S.-Mexico border but particularly in southern Arizona, I ask again that the President immediately deploy the National Guard. The first responsibility of the government is to ensure the safety of its citizens, and we must take action.

THE AMERICA COMPETES ACT IS GOOD FOR OUR ECONOMIC FUTURE

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

Mr. YARMUTH. Mr. Speaker, earlier this year, I was proud to cofound the Congressional Task Force on American Competitiveness. The reason we did that is while this Democratic Congress makes the kind of short-term required investments to keep our economy stable and to grow it from the depths of a recession that we have just emerged from, we still need to keep our eyes on the prize, and that is growing an economy, investing in an economy that will provide vibrant job growth opportunities for our children and grandchildren.

This is why the task force strongly supports the reauthorization of the America COMPETES Act, a piece of legislation that will expand our growing commitment to science and technological education, to innovative research and also to utilizing our manufacturing base to grow the economies of the future. Yes, the America COMPETES Act will make the kind of long-term investment that will create the economy that will sustain our society for years to come and create the kind of futuristic jobs that we can all be proud of.

I urge all of my colleagues to support the America COMPETES Act which will sustain this economy in the future.

DOUBLING THE BUDGETS OF OUR BASIC RESEARCH AGENCIES

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

Mr. HOLT. Mr. Speaker, we learned last week that April was the fourth consecutive month of job growth in the United States. The tax cuts and investments made by the Recovery Act are turning the economy around. Funding for scientific research and infrastructure in that act has put to work scientists and construction workers and others.

But after years of underinvestment in research, this part of the Recovery Act, $22 billion, was merely a down payment on our future economic competitiveness. The America COMPETES Reauthorization Act in the House this week will build on these successes, among other things, by authorizing funding levels to continue to double the budgets of our basic research agencies. These investments will pay big dividends as recoveries and innovations lead to new industries, like Google and

Cisco and Genentech, that will keep our Nation competitive. If we intend to lead the global economy, we cannot afford to neglect innovation and the infrastructure that produces that innovation and that has produced these economic powerhouses.

As a member of the Congressional Task Force on Competitiveness, I urge my colleagues to support this important legislation.

□ 1030

WALL STREET REFORM

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

Ms. EDWARDS of Maryland. Mr. Speaker, I join millions of Americans to demand that finally Congress get to the business of reforming Wall Street. Let's get a bill to the President and let's let him sign something that benefits Main Street.

Eighteen months ago, I joined working families across the country in anger and frustration over lax regulation that led to unfettered greed, ultimately forcing Main Street to bear the burden of a Wall Street bailout. In the wake of these unprecedented, though necessary, actions, the American people demanded tough new regulations in exchange. Our party has introduced legislation to put an end to taxpayer-funded bailouts of Wall Street firms that bend the rules and avoid regulation.

But as I stand here today, these firms are nothing more than common thugs working with their allies on the other side of the aisle to continue their risky investing. So we have to send a clear message that we will stand up for working people and reform the industry that almost brought us to the brink of economic collapse.

Mr. Speaker, our colleagues in Congress face a choice: either stand up for working people and our values or protect the greed and risk of Wall Street. For me, the choice is really clear. It is time to put Wall Street back in line with Main Street.

TRIBUTE TO REV. JESSE SCOTT

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

Ms. TITUS. Mr. Speaker, I rise today to pay tribute to Rev. Jesse Scott, a fine hero and a lifelong civil rights leader who passed away on Monday.

A native of Louisiana, Reverend. Scott moved to Las Vegas in 1970 to become president of the local NAACP chapter. In that role, and later as executive director of the Nevada Equal Rights Commission, Reverend Scott was a loved and respected leader whose commitment to justice was unparalleled. Reverend Scott once said, ''God placed me in the position to help others as I have been helped by others.'' And by all accounts, that is exactly what he did.

His legacy will live on in the lives of all those he touched in his fight for equality, in his work at the Second Baptist Church, and in the acts of many public servants, including myself, whom he inspired and mentored. My thoughts and prayers are with Reverend Scott's family and friends during this sad time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

SATELLITE TELEVISION EXTENSION AND LOCALISM ACT

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3333) to extend the statutory license for secondary transmissions under title 17, United States Code, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3333

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 ''Satellite Television Extension and Localism Act of 2010''.

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

Sec. 1. Short title; table of contents.

TITLE I—STATUTORY LICENSES

Sec. 101. Reference.
Sec. 102. Modifications to statutory license for satellite carriers.
Sec. 103. Modifications to statutory license for satellite carriers in local markets.
Sec. 104. Modifications to cable system secondary transmission rights under section 111.
Sec. 105. Certain waivers granted to providers of local-into-local service for all DMAs.
Sec. 106. Copyright Office fees.
Sec. 107. Termination of license.
Sec. 108. Construction.

TITLE II—COMMUNICATIONS PROVISIONS

Sec. 201. Reference.
Sec. 202. Extension of authority.
Sec. 203. Significantly viewed stations.
Sec. 204. Digital television transition conforming amendments.
Sec. 205. Application pending completion of rulemakings.
Sec. 206. Process for issuing qualified carrier certification.
Sec. 207. Nondiscrimination in carriage of high definition digital signals of noncommercial educational television stations.
Sec. 208. Savings clause regarding definitions.
Sec. 209. State public affairs broadcasts.

TITLE III—REPORTS AND SAVINGS PROVISION

Sec. 301. Definition.
Sec. 302. Report on market based alternatives to statutory licensing.
Sec. 303. Report on communications implications of statutory licensing modifications.
Sec. 304. Report on in-state broadcast programming.
Sec. 305. Local network channel broadcast reports.
Sec. 306. Savings provision regarding use of negotiated licenses.
Sec. 307. Effective date; Noninfringement of copyright.

TITLE IV—SEVERABILITY

Sec. 401. Severability.

TITLE V—DETERMINATION OF BUDGETARY EFFECTS

Sec. 501. Determination of Budgetary Effects.

TITLE I—STATUTORY LICENSES

SEC. 101. REFERENCE.

Except as otherwise provided, whenever in this title an amendment is made to a section or other provision, the reference shall be considered to be made to such section or provision of title 17, United States Code.

SEC. 102. MODIFICATIONS TO STATUTORY LICENSE FOR SATELLITE CARRIERS.

(a) HEADING RENAMED.—

(1) IN GENERAL.—The heading of section 119 is amended by striking ''**superstations and network stations for private home viewing**'' and inserting ''**distant television programming by satellite**''.

(2) TABLE OF CONTENTS.—The table of contents for chapter 1 is amended by striking the item relating to section 119 and inserting the following:

''119. Limitations on exclusive rights: Secondary transmissions of distant television programming by satellite.''.

(b) UNSERVED HOUSEHOLD DEFINED.—

(1) IN GENERAL.—Section 119(d)(10) is amended—

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

''(A) cannot receive, through the use of an antenna, an over-the-air signal containing the primary stream, or, on or after the qualifying date, the multicast stream, originating in that household's local market and affiliated with that network of—

''(i) if the signal originates as an analog signal, Grade B intensity as defined by the Federal Communications Commission in section 73.683(a) of title 47, Code of Federal Regulations, as in effect on January 1, 1999; or

''(ii) if the signal originates as a digital signal, intensity defined in the values for the digital television noise-limited service contour, as defined in regulations issued by the Federal Communications Commission (section 73.622(e) of title 47, Code of Federal Regulations), as such regulations may be amended from time to time;'';

(B) in subparagraph (B)—

(i) by striking ''subsection (a)(14)'' and inserting ''subsection (a)(13),''; and

(ii) by striking ''Satellite Home Viewer Extension and Reauthorization Act of 2004'' and inserting ''Satellite Television Extension and Localism Act of 2010''; and

(C) in subparagraph (D), by striking ''(a)(12)'' and inserting ''(a)(11)''.

(2) QUALIFYING DATE DEFINED.—Section 119(d) is amended by adding at the end the following:

''(14) QUALIFYING DATE.—The term 'qualifying date', for purposes of paragraph (10)(A), means—

''(A) October 1, 2010, for multicast streams that exist on March 31, 2010; and

''(B) January 1, 2011, for all other multicast streams.''.

(c) FILING FEE.—Section 119(b)(1) is amended—

(1) in subparagraph (A), by striking ''and'' after the semicolon at the end;

(2) in subparagraph (B), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(C) a filing fee, as determined by the Register of Copyrights pursuant to section 708(a).''.

(d) DEPOSIT OF STATEMENTS AND FEES; VERIFICATION PROCEDURES.—Section 119(b) is amended—

(1) by amending the subsection heading to read as follows: ''(b) DEPOSIT OF STATEMENTS AND FEES; VERIFICATION PROCEDURES.—'';

(2) in paragraph (1), by striking subparagraph (B) and inserting the following:

''(B) a royalty fee payable to copyright owners pursuant to paragraph (4) for that 6-month period, computed by multiplying the total number of subscribers receiving each secondary transmission of a primary stream or multicast stream of each non-network station or network station during each calendar year month by the appropriate rate in effect under this subsection; and'';

(3) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(4) by inserting after paragraph (1) the following:

''(2) VERIFICATION OF ACCOUNTS AND FEE PAYMENTS.—The Register of Copyrights shall issue regulations to permit interested parties to verify and audit the statements of account and royalty fees submitted by satellite carriers under this subsection.'';

(5) in paragraph (3), as redesignated, in the first sentence—

(A) by inserting ''(including the filing fee specified in paragraph (1)(C))'' after ''shall receive all fees''; and

(B) by striking ''paragraph (4)'' and inserting ''paragraph (5)'';

(6) in paragraph (4), as redesignated—

(A) by striking ''paragraph (2)'' and inserting ''paragraph (3)''; and

(B) by striking ''paragraph (4)'' each place it appears and inserting ''paragraph (5)''; and

(7) in paragraph (5), as redesignated, by striking ''paragraph (2)'' and inserting ''paragraph (3)''.

(e) ADJUSTMENT OF ROYALTY FEES.—Section 119(c) is amended as follows:

(1) Paragraph (1) is amended—

(A) in the heading for such paragraph, by striking ''ANALOG'';

(B) in subparagraph (A)—

(i) by striking ''primary analog transmissions'' and inserting ''primary transmissions''; and

(ii) by striking ''July 1, 2004'' and inserting ''July 1, 2009'';

(C) in subparagraph (B)—

(i) by striking ''January 2, 2005, the Librarian of Congress'' and inserting ''June 1, 2010, the Copyright Royalty Judges''; and

(ii) by striking ''primary analog transmission'' and inserting ''primary transmissions'';

(D) in subparagraph (C), by striking ''Librarian of Congress'' and inserting ''Copyright Royalty Judges'';

(E) in subparagraph (D)—

(i) in clause (i)—

(I) by striking ''(i) Voluntary agreements'' and inserting the following:

''(i) VOLUNTARY AGREEMENTS; FILING.—Voluntary agreements''; and

(II) by striking ''that a parties'' and inserting ''that are parties''; and

(ii) in clause (ii)—

(I) by striking ''(ii)(I) Within'' and inserting the following:

''(ii) PROCEDURE FOR ADOPTION OF FEES.—

''(I) PUBLICATION OF NOTICE.—Within'';

(II) in subclause (I), by striking ''an arbitration proceeding pursuant to subparagraph (E)'' and inserting ''a proceeding under subparagraph (F)'';

(III) in subclause (II), by striking ''(II) Upon receiving a request under subclause (I), the Librarian of Congress'' and inserting the following:

''(II) PUBLIC NOTICE OF FEES.—Upon receiving a request under subclause (I), the Copyright Royalty Judges''; and

(IV) in subclause (III)—

(aa) by striking ''(III) The Librarian'' and inserting the following:

''(III) ADOPTION OF FEES.—The Copyright Royalty Judges'';

(bb) by striking ''an arbitration proceeding'' and inserting ''the proceeding under subparagraph (F)''; and

(cc) by striking ''the arbitration proceeding'' and inserting ''that proceeding'';

(F) in subparagraph (E)—

(i) by striking ''Copyright Office'' and inserting ''Copyright Royalty Judges''; and

(ii) by striking ''May 31, 2010'' and inserting ''December 31, 2014''; and

(G) in subparagraph (F)—

(i) in the heading, by striking ''COMPULSORY ARBITRATION'' and inserting ''COPYRIGHT ROYALTY JUDGES PROCEEDING'';

(ii) in clause (i)—

(I) in the heading, by striking ''PROCEEDINGS'' and inserting ''THE PROCEEDING'';

(II) in the matter preceding subclause (I)—

(aa) by striking ''May 1, 2005, the Librarian of Congress'' and inserting ''September 1, 2010, the Copyright Royalty Judges'';

(bb) by striking ''arbitration proceedings'' and inserting ''a proceeding'';

(cc) by striking ''fee to be paid'' and inserting ''fees to be paid'';

(dd) by striking ''primary analog transmission'' and inserting ''the primary transmissions''; and

(ee) by striking ''distributors'' and inserting ''distributors—'';

(III) in subclause (II)—

(aa) by striking ''Librarian of Congress'' and inserting ''Copyright Royalty Judges''; and

(bb) by striking ''arbitration''; and

(IV) by amending the last sentence to read as follows: ''Such proceeding shall be conducted under chapter 8.'';

(iii) in clause (ii), by amending the matter preceding subclause (I) to read as follows:

''(ii) ESTABLISHMENT OF ROYALTY FEES.—In determining royalty fees under this subparagraph, the Copyright Royalty Judges shall establish fees for the secondary transmissions of the primary transmissions of network stations and non-network stations that most clearly represent the fair market value of secondary transmissions, except that the Copyright Royalty Judges shall adjust royalty fees to account for the obligations of the parties under any applicable voluntary agreement filed with the Copyright Royalty Judges in accordance with subparagraph (D). In determining the fair market value, the Judges shall base their decision on economic, competitive, and programming information presented by the parties, including—'';

(iv) by amending clause (iii) to read as follows:

''(iii) EFFECTIVE DATE FOR DECISION OF COPYRIGHT ROYALTY JUDGES.—The obligation to pay the royalty fees established under a determination that is made by the Copyright Royalty Judges in a proceeding under this paragraph shall be effective as of January 1, 2010.''; and

(v) in clause (iv)—

(I) in the heading, by striking ''FEE'' and inserting ''FEES''; and

(II) by striking ''fee referred to in (iii)'' and inserting ''fees referred to in clause (iii)''.

(2) Paragraph (2) is amended to read as follows:

''(2) ANNUAL ROYALTY FEE ADJUSTMENT.—Effective January 1 of each year, the royalty fee payable under subsection (b)(1)(B) for the secondary transmission of the primary transmissions of network stations and non-network stations shall be adjusted by the Copyright Royalty Judges to reflect any changes occurring in the cost of living as determined by the most recent Consumer Price Index (for all consumers and for all items) published by the Secretary of Labor before December 1 of the preceding year. Notification of the adjusted fees shall be published in the Federal Register at least 25 days before January 1.''.

(f) DEFINITIONS.—

(1) SUBSCRIBER.—Section 119(d)(8) is amended to read as follows:

''(8) SUBSCRIBER; SUBSCRIBE.—

''(A) SUBSCRIBER.—The term 'subscriber' means a person or entity that receives a secondary transmission service from a satellite carrier and pays a fee for the service, directly or indirectly, to the satellite carrier or to a distributor.

''(B) SUBSCRIBE.—The term 'subscribe' means to elect to become a subscriber.''.

(2) LOCAL MARKET.—Section 119(d)(11) is amended to read as follows:

''(11) LOCAL MARKET.—The term 'local market' has the meaning given such term under section 122(j).''.

(3) LOW POWER TELEVISION STATION.—Section 119(d) is amended by striking paragraph (12) and redesignating paragraphs (13) and (14) as paragraphs (12) and (13), respectively.

(4) MULTICAST STREAM.—Section 119(d), as amended by paragraph (3), is further amended by adding at the end the following new paragraph:

''(14) MULTICAST STREAM.—The term 'multicast stream' means a digital stream containing programming and program-related material affiliated with a television network, other than the primary stream.''.

(5) PRIMARY STREAM.—Section 119(d), as amended by paragraph (4), is further amended by adding at the end the following new paragraph:

''(15) PRIMARY STREAM.—The term 'primary stream' means—

''(A) the single digital stream of programming as to which a television broadcast station has the right to mandatory carriage with a satellite carrier under the rules of the Federal Communications Commission in effect on July 1, 2009; or

''(B) if there is no stream described in subparagraph (A), then either—

''(i) the single digital stream of programming associated with the network last transmitted by the station as an analog signal; or

''(ii) if there is no stream described in clause (i), then the single digital stream of programming affiliated with the network that, as of July 1, 2009, had been offered by the television broadcast station for the longest period of time.''.

(6) CLERICAL AMENDMENT.—Section 119(d) is amended in paragraphs (1), (2), and (5) by striking ''which'' each place it appears and inserting ''that''.

(g) SUPERSTATION REDESIGNATED AS NON-NETWORK STATION.—Section 119 is amended—

(1) by striking ''superstation'' each place it appears in a heading and each place it appears in text and inserting ''non-network station''; and

(2) by striking ''superstations'' each place it appears in a heading and each place it appears in text and inserting ''non-network stations''.

(h) REMOVAL OF CERTAIN PROVISIONS.—

(1) REMOVAL OF PROVISIONS.—Section 119(a) is amended—

(A) in paragraph (2), by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C);

(B) by striking paragraph (3) and redesignating paragraphs (4) through (14) as paragraphs (3) through (13), respectively; and

(C) by striking paragraph (15) and redesignating paragraph (16) as paragraph (14).

(2) CONFORMING AMENDMENTS.—Section 119 is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking ''(5), (6), and (8)'' and inserting ''(4), (5), and (7)'';

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking ''subparagraphs (B) and (C) of this paragraph and paragraphs (5), (6), (7), and (8)'' and inserting ''subparagraph (B) of this paragraph and paragraphs (4), (5), (6), and (7)'';

(II) in subparagraph (B)(i), by striking the second sentence; and

(III) in subparagraph (C) (as redesignated), by striking clauses (i) and (ii) and inserting the following:

''(i) INITIAL LISTS.—A satellite carrier that makes secondary transmissions of a primary transmission made by a network station pursuant to subparagraph (A) shall, not later than 90 days after commencing such secondary transmissions, submit to the network that owns or is affiliated with the network station a list identifying (by name and address, including street or rural route number, city, State, and 9-digit zip code) all subscribers to which the satellite carrier makes secondary transmissions of that primary transmission to subscribers in unserved households.

''(ii) MONTHLY LISTS.—After the submission of the initial lists under clause (i), the satellite carrier shall, not later than the 15th of each month, submit to the network a list, aggregated by designated market area, identifying (by name and address, including street or rural route number, city, State, and 9-digit zip code) any persons who have been added or dropped as subscribers under clause (i) since the last submission under this subparagraph.''; and

(iii) in subparagraph (E) of paragraph (3) (as redesignated)—

(I) by striking ''under paragraph (3) or''; and

(II) by striking ''paragraph (12)'' and inserting ''paragraph (11)''; and

(B) in subsection (b)(1), by striking the final sentence.

(i) MODIFICATIONS TO PROVISIONS FOR SECONDARY TRANSMISSIONS BY SATELLITE CARRIERS.—

(1) PREDICTIVE MODEL.—Section 119(a)(2)(B)(ii) is amended by adding at the end the following:

''(III) ACCURATE PREDICTIVE MODEL WITH RESPECT TO DIGITAL SIGNALS.—Notwithstanding subclause (I), in determining presumptively whether a person resides in an unserved household under subsection (d)(10)(A) with respect to digital signals, a court shall rely on a predictive model set forth by the Federal Communications Commission pursuant to a rulemaking as provided in section 339(c)(3) of the Communications Act of 1934 (47 U.S.C. 339(c)(3)), as that model may be amended by the Commission over time under such section to increase the accuracy of that model. Until such time as the Commission sets forth such model, a court shall rely on the predictive model as recommended by the Commission with respect to digital signals in its Report to Congress in ET Docket No. 05–182, FCC 05–199 (released December 9, 2005).''.

(2) MODIFICATIONS TO STATUTORY LICENSE WHERE RETRANSMISSIONS INTO LOCAL MARKET AVAILABLE.—Section 119(a)(3) (as redesignated) is amended—

(A) by striking ''analog'' each place it appears in a heading and text;

(B) by striking subparagraphs (B), (C), and (D), and inserting the following:

''(B) RULES FOR LAWFUL SUBSCRIBERS AS OF DATE OF ENACTMENT OF 2010 ACT.—In the case of a subscriber of a satellite carrier who, on the day before the date of the enactment of the Satellite Television Extension and Localism Act of 2010, was lawfully receiving the secondary transmission of the primary transmission of a network station under the statutory license under paragraph (2) (in this subparagraph referred to as the 'distant signal'), other than subscribers to whom subparagraph (A) applies, the statutory license under paragraph (2) shall apply to secondary transmissions by that satellite carrier to that subscriber of the distant signal of a station affiliated with the same television network, and the subscriber's household shall continue to be considered to be an unserved household with respect to such network, until such time as the subscriber elects to terminate such secondary transmissions, whether or not the subscriber elects to subscribe to receive the secondary transmission of the primary transmission of a local network station affiliated with the same network pursuant to the statutory license under section 122.

''(C) FUTURE APPLICABILITY.—

''(i) WHEN LOCAL SIGNAL AVAILABLE AT TIME OF SUBSCRIPTION.—The statutory license under paragraph (2) shall not apply to the secondary transmission by a satellite carrier of the primary transmission of a network station to a person who is not a subscriber lawfully receiving such secondary transmission as of the date of the enactment of the Satellite Television Extension and Localism Act of 2010 and, at the time such person seeks to subscribe to receive such secondary transmission, resides in a local market where the satellite carrier makes available to that person the secondary transmission of the primary transmission of a local network station affiliated with the same network pursuant to the statutory license under section 122.

''(ii) WHEN LOCAL SIGNAL AVAILABLE AFTER SUBSCRIPTION.—In the case of a subscriber who lawfully subscribes to and receives the secondary transmission by a satellite carrier of the primary transmission of a network station under the statutory license under paragraph (2) (in this clause referred to as the 'distant signal') on or after the date of the enactment of the Satellite Television Extension and Localism Act of 2010, the statutory license under paragraph (2) shall apply to secondary transmissions by that satellite carrier to that subscriber of the distant signal of a station affiliated with the same television network, and the subscriber's household shall continue to be considered to be an unserved household with respect to such network, until such time as the subscriber elects to terminate such secondary transmissions, but only if such subscriber subscribes to the secondary transmission of the primary transmission of a local network station affiliated with the same network within 60 days after the satellite carrier makes available to the subscriber such secondary transmission of the primary transmission of such local network station.'';

(C) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (D), (E), and (F), respectively;

(D) in subparagraph (E) (as redesignated), by striking ''(C) or (D)'' and inserting ''(B) or (C)''; and

(E) in subparagraph (F) (as redesignated), by inserting ''9-digit'' before ''zip code''.

(3) STATUTORY DAMAGES FOR TERRITORIAL RESTRICTIONS.—Section 119(a)(6) (as redesignated) is amended—

(A) in subparagraph (A)(ii), by striking ''$5'' and inserting ''$250'';

(B) in subparagraph (B)—

(i) in clause (i), by striking ''$250,000 for each 6-month period'' and inserting ''$2,500,000 for each 3-month period''; and

(ii) in clause (ii), by striking ''$250,000'' and inserting ''$2,500,000''; and

(C) by adding at the end the following flush sentences:

''The court shall direct one half of any statutory damages ordered under clause (i) to be deposited with the Register of Copyrights for distribution to copyright owners pursuant to subsection (b). The Copyright Royalty Judges shall issue regulations establishing procedures for distributing such funds, on a proportional basis, to copyright owners whose works were included in the secondary transmissions that were the subject of the statutory damages.''.

(4) TECHNICAL AMENDMENT.—Section 119(a)(4) (as redesignated) is amended by striking ''and 509''.

(5) CLERICAL AMENDMENT.—Section 119(a)(2)(B)(iii)(II) is amended by striking ''In this clause'' and inserting ''In this clause,''.

(j) MORATORIUM EXTENSION.—Section 119(e) is amended by striking ''May 31, 2010'' and inserting ''December 31, 2014''.

(k) CLERICAL AMENDMENTS.—Section 119 is amended—

(1) by striking ''of the Code of Federal Regulations'' each place it appears and inserting '', Code of Federal Regulations''; and

(2) in subsection (d)(6), by striking ''or the Direct'' and inserting '', or the Direct''.

SEC. 103. MODIFICATIONS TO STATUTORY LICENSE FOR SATELLITE CARRIERS IN LOCAL MARKETS.

(a) HEADING RENAMED.—

(1) IN GENERAL.—The heading of section 122 is amended by striking ''**by satellite carriers within local markets**'' and inserting ''**of local television programming by satellite**''.

(2) TABLE OF CONTENTS.—The table of contents for chapter 1 is amended by striking the item relating to section 122 and inserting the following:

''122. Limitations on exclusive rights: Secondary transmissions of local television programming by satellite.''.

(b) STATUTORY LICENSE.—Section 122(a) is amended to read as follows:

''(a) SECONDARY TRANSMISSIONS INTO LOCAL MARKETS.—

''(1) SECONDARY TRANSMISSIONS OF TELEVISION BROADCAST STATIONS WITHIN A LOCAL MARKET.—A secondary transmission of a performance or display of a work embodied in a primary transmission of a television broadcast station into the station's local market shall be subject to statutory licensing under this section if—

''(A) the secondary transmission is made by a satellite carrier to the public;

''(B) with regard to secondary transmissions, the satellite carrier is in compliance with the rules, regulations, or authorizations of the Federal Communications Commission governing the carriage of television broadcast station signals; and

''(C) the satellite carrier makes a direct or indirect charge for the secondary transmission to—

''(i) each subscriber receiving the secondary transmission; or

''(ii) a distributor that has contracted with the satellite carrier for direct or indirect delivery of the secondary transmission to the public.

''(2) SIGNIFICANTLY VIEWED STATIONS.—

''(A) IN GENERAL.—A secondary transmission of a performance or display of a

work embodied in a primary transmission of a television broadcast station to subscribers who receive secondary transmissions of primary transmissions under paragraph (1) shall be subject to statutory licensing under this paragraph if the secondary transmission is of the primary transmission of a network station or a non-network station to a subscriber who resides outside the station's local market but within a community in which the signal has been determined by the Federal Communications Commission to be significantly viewed in such community, pursuant to the rules, regulations, and authorizations of the Federal Communications Commission in effect on April 15, 1976, applicable to determining with respect to a cable system whether signals are significantly viewed in a community.

''(B) WAIVER.—A subscriber who is denied the secondary transmission of the primary transmission of a network station or a non-network station under subparagraph (A) may request a waiver from such denial by submitting a request, through the subscriber's satellite carrier, to the network station or non-network station in the local market affiliated with the same network or non-network where the subscriber is located. The network station or non-network station shall accept or reject the subscriber's request for a waiver within 30 days after receipt of the request. If the network station or non-network station fails to accept or reject the subscriber's request for a waiver within that 30-day period, that network station or non-network station shall be deemed to agree to the waiver request.

''(3) SECONDARY TRANSMISSION OF LOW POWER PROGRAMMING.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), a secondary transmission of a performance or display of a work embodied in a primary transmission of a television broadcast station to subscribers who receive secondary transmissions of primary transmissions under paragraph (1) shall be subject to statutory licensing under this paragraph if the secondary transmission is of the primary transmission of a television broadcast station that is licensed as a low power television station, to a subscriber who resides within the same designated market area as the station that originates the transmission.

''(B) NO APPLICABILITY TO REPEATERS AND TRANSLATORS.—Secondary transmissions provided for in subparagraph (A) shall not apply to any low power television station that retransmits the programs and signals of another television station for more than 2 hours each day.

''(C) NO IMPACT ON OTHER SECONDARY TRANSMISSIONS OBLIGATIONS.—A satellite carrier that makes secondary transmissions of a primary transmission of a low power television station under a statutory license provided under this section is not required, by reason of such secondary transmissions, to make any other secondary transmissions.

''(4) SPECIAL EXCEPTIONS.—A secondary transmission of a performance or display of a work embodied in a primary transmission of a television broadcast station to subscribers who receive secondary transmissions of primary transmissions under paragraph (1) shall, if the secondary transmission is made by a satellite carrier that complies with the requirements of paragraph (1), be subject to statutory licensing under this paragraph as follows:

''(A) STATES WITH SINGLE FULL-POWER NETWORK STATION.—In a State in which there is licensed by the Federal Communications Commission a single full-power station that was a network station on January 1, 1995, the statutory license provided for in this paragraph shall apply to the secondary transmission by a satellite carrier of the primary transmission of that station to any subscriber in a community that is located within that State and that is not within the first 50 television markets as listed in the regulations of the Commission as in effect on such date (47 C.F.R. 76.51).

''(B) STATES WITH ALL NETWORK STATIONS AND NON-NETWORK STATIONS IN SAME LOCAL MARKET.—In a State in which all network stations and non-network stations licensed by the Federal Communications Commission within that State as of January 1, 1995, are assigned to the same local market and that local market does not encompass all counties of that State, the statutory license provided under this paragraph shall apply to the secondary transmission by a satellite carrier of the primary transmissions of such station to all subscribers in the State who reside in a local market that is within the first 50 major television markets as listed in the regulations of the Commission as in effect on such date (section 76.51 of title 47, Code of Federal Regulations).

''(C) ADDITIONAL STATIONS.—In the case of that State in which are located 4 counties that—

''(i) on January 1, 2004, were in local markets principally comprised of counties in another State, and

''(ii) had a combined total of 41,340 television households, according to the U.S. Television Household Estimates by Nielsen Media Research for 2004,

the statutory license provided under this paragraph shall apply to secondary transmissions by a satellite carrier to subscribers in any such county of the primary transmissions of any network station located in that State, if the satellite carrier was making such secondary transmissions to any subscribers in that county on January 1, 2004.

''(D) CERTAIN ADDITIONAL STATIONS.—If 2 adjacent counties in a single State are in a local market comprised principally of counties located in another State, the statutory license provided for in this paragraph shall apply to the secondary transmission by a satellite carrier to subscribers in those 2 counties of the primary transmissions of any network station located in the capital of the State in which such 2 counties are located, if—

''(i) the 2 counties are located in a local market that is in the top 100 markets for the year 2003 according to Nielsen Media Research; and

''(ii) the total number of television households in the 2 counties combined did not exceed 10,000 for the year 2003 according to Nielsen Media Research.

''(E) NETWORKS OF NONCOMMERCIAL EDUCATIONAL BROADCAST STATIONS.—In the case of a system of three or more noncommercial educational broadcast stations licensed to a single State, public agency, or political, educational, or special purpose subdivision of a State, the statutory license provided for in this paragraph shall apply to the secondary transmission of the primary transmission of such system to any subscriber in any county or county equivalent within such State, if such subscriber is located in a designated market area that is not otherwise eligible to receive the secondary transmission of the primary transmission of a noncommercial educational broadcast station located within the State pursuant to paragraph (1).

''(5) APPLICABILITY OF ROYALTY RATES AND PROCEDURES.—The royalty rates and procedures under section 119(b) shall apply to the secondary transmissions to which the statutory license under paragraph (4) applies.''.

(c) REPORTING REQUIREMENTS.—Section 122(b) is amended—

(1) in paragraph (1), by striking ''station a list'' and all that follows through the end and inserting the following: ''station—

''(A) a list identifying (by name in alphabetical order and street address, including county and 9-digit zip code) all subscribers to which the satellite carrier makes secondary transmissions of that primary transmission under subsection (a); and

''(B) a separate list, aggregated by designated market area (by name and address, including street or rural route number, city, State, and 9-digit zip code), which shall indicate those subscribers being served pursuant to paragraph (2) of subsection (a).''; and

(2) in paragraph (2), by striking ''network a list'' and all that follows through the end and inserting the following: ''network—

''(A) a list identifying (by name in alphabetical order and street address, including county and 9-digit zip code) any subscribers who have been added or dropped as subscribers since the last submission under this subsection; and

''(B) a separate list, aggregated by designated market area (by name and street address, including street or rural route number, city, State, and 9-digit zip code), identifying those subscribers whose service pursuant to paragraph (2) of subsection (a) has been added or dropped since the last submission under this subsection.''.

(d) NO ROYALTY FEE FOR CERTAIN SECONDARY TRANSMISSIONS.—Section 122(c) is amended—

(1) in the heading, by inserting ''FOR CERTAIN SECONDARY TRANSMISSIONS'' after ''REQUIRED''; and

(2) by striking ''subsection (a)'' and inserting ''paragraphs (1), (2), and (3) of subsection (a)''.

(e) VIOLATIONS FOR TERRITORIAL RESTRICTIONS.—

(1) MODIFICATION TO STATUTORY DAMAGES.—Section 122(f) is amended—

(A) in paragraph (1)(B), by striking ''$5'' and inserting ''$250''; and

(B) in paragraph (2), by striking ''$250,000'' each place it appears and inserting ''$2,500,000''.

(2) CONFORMING AMENDMENTS FOR ADDITIONAL STATIONS.—Section 122 is amended—

(A) in subsection (f), by striking ''section 119 or'' each place it appears and inserting the following: ''section 119, subject to statutory licensing by reason of paragraph (2)(A), (3), or (4) of subsection (a), or subject to''; and

(B) in subsection (g), by striking ''section 119 or'' and inserting the following: ''section 119, paragraph (2)(A), (3), or (4) of subsection (a), or''.

(f) DEFINITIONS.—Section 122(j) is amended—

(1) in paragraph (1), by striking ''which contracts'' and inserting ''that contracts'';

(2) by redesignating paragraphs (4) and (5) as paragraphs (6) and (7), respectively;

(3) in paragraph (3)—

(A) by redesignating such paragraph as paragraph (4);

(B) in the heading of such paragraph, by inserting ''NON-NETWORK STATION;'' after ''NETWORK STATION;''; and

(C) by inserting ''‘non-network station’,'' after ''‘network station’,'';

(4) by inserting after paragraph (2) the following:

''(3) LOW POWER TELEVISION STATION.—The term ‘low power television station’ means a low power TV station as defined in section 74.701(f) of title 47, Code of Federal Regulations, as in effect on June 1, 2004. For purposes of this paragraph, the term ‘low power television station’ includes a low power television station that has been accorded primary status as a Class A television licensee

under section 73.6001(a) of title 47, Code of Federal Regulations.'';

(5) by inserting after paragraph (4) (as redesignated) the following:

''(5) NONCOMMERCIAL EDUCATIONAL BROADCAST STATION.—The term 'noncommercial educational broadcast station' means a television broadcast station that is a noncommercial educational broadcast station as defined in section 397 of the Communications Act of 1934, as in effect on the date of the enactment of the Satellite Television Extension and Localism Act of 2010.''; and

(6) by amending paragraph (6) (as redesignated) to read as follows:

''(6) SUBSCRIBER.—The term 'subscriber' means a person or entity that receives a secondary transmission service from a satellite carrier and pays a fee for the service, directly or indirectly, to the satellite carrier or to a distributor.''.

SEC. 104. MODIFICATIONS TO CABLE SYSTEM SECONDARY TRANSMISSION RIGHTS UNDER SECTION 111.

(a) HEADING RENAMED.—

(1) IN GENERAL.—The heading of section 111 is amended by inserting at the end the following: ''**of broadcast programming by cable**''.

(2) TABLE OF CONTENTS.—The table of contents for chapter 1 is amended by striking the item relating to section 111 and inserting the following:

''111. Limitations on exclusive rights: Secondary transmissions of broadcast programming by cable.''.

(b) TECHNICAL AMENDMENT.—Section 111(a)(4) is amended by striking ''; or'' and inserting ''or section 122;''.

(c) STATUTORY LICENSE FOR SECONDARY TRANSMISSIONS BY CABLE SYSTEMS.—Section 111(d) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''A cable system whose secondary'' and inserting the following: ''STATEMENT OF ACCOUNT AND ROYALTY FEES.—Subject to paragraph (5), a cable system whose secondary''; and

(ii) by striking ''by regulation—'' and inserting ''by regulation the following:'';

(B) in subparagraph (A)—

(i) by striking ''a statement of account'' and inserting ''A statement of account''; and

(ii) by striking ''; and'' and inserting a period; and

(C) by striking subparagraphs (B), (C), and (D) and inserting the following:

''(B) Except in the case of a cable system whose royalty fee is specified in subparagraph (E) or (F), a total royalty fee payable to copyright owners pursuant to paragraph (3) for the period covered by the statement, computed on the basis of specified percentages of the gross receipts from subscribers to the cable service during such period for the basic service of providing secondary transmissions of primary broadcast transmitters, as follows:

''(i) 1.064 percent of such gross receipts for the privilege of further transmitting, beyond the local service area of such primary transmitter, any non-network programming of a primary transmitter in whole or in part, such amount to be applied against the fee, if any, payable pursuant to clauses (ii) through (iv);

''(ii) 1.064 percent of such gross receipts for the first distant signal equivalent;

''(iii) 0.701 percent of such gross receipts for each of the second, third, and fourth distant signal equivalents; and

''(iv) 0.330 percent of such gross receipts for the fifth distant signal equivalent and each distant signal equivalent thereafter.

''(C) In computing amounts under clauses (ii) through (iv) of subparagraph (B)—

''(i) any fraction of a distant signal equivalent shall be computed at its fractional value;

''(ii) in the case of any cable system located partly within and partly outside of the local service area of a primary transmitter, gross receipts shall be limited to those gross receipts derived from subscribers located outside of the local service area of such primary transmitter; and

''(iii) if a cable system provides a secondary transmission of a primary transmitter to some but not all communities served by that cable system—

''(I) the gross receipts and the distant signal equivalent values for such secondary transmission shall be derived solely on the basis of the subscribers in those communities where the cable system provides such secondary transmission; and

''(II) the total royalty fee for the period paid by such system shall not be less than the royalty fee calculated under subparagraph (B)(i) multiplied by the gross receipts from all subscribers to the system.

''(D) A cable system that, on a statement submitted before the date of the enactment of the Satellite Television Extension and Localism Act of 2010, computed its royalty fee consistent with the methodology under subparagraph (C)(iii), or that amends a statement filed before such date of enactment to compute the royalty fee due using such methodology, shall not be subject to an action for infringement, or eligible for any royalty refund or offset, arising out of its use of such methodology on such statement.

''(E) If the actual gross receipts paid by subscribers to a cable system for the period covered by the statement for the basic service of providing secondary transmissions of primary broadcast transmitters are $263,800 or less—

''(i) gross receipts of the cable system for the purpose of this paragraph shall be computed by subtracting from such actual gross receipts the amount by which $263,800 exceeds such actual gross receipts, except that in no case shall a cable system's gross receipts be reduced to less than $10,400; and

''(ii) the royalty fee payable under this paragraph to copyright owners pursuant to paragraph (3) shall be 0.5 percent, regardless of the number of distant signal equivalents, if any.

''(F) If the actual gross receipts paid by subscribers to a cable system for the period covered by the statement for the basic service of providing secondary transmissions of primary broadcast transmitters are more than $263,800 but less than $527,600, the royalty fee payable under this paragraph to copyright owners pursuant to paragraph (3) shall be—

''(i) 0.5 percent of any gross receipts up to $263,800, regardless of the number of distant signal equivalents, if any; and

''(ii) 1 percent of any gross receipts in excess of $263,800, but less than $527,600, regardless of the number of distant signal equivalents, if any.

''(G) A filing fee, as determined by the Register of Copyrights pursuant to section 708(a).'';

(2) in paragraph (2), in the first sentence—

(A) by striking ''The Register of Copyrights'' and inserting the following ''HANDLING OF FEES.—The Register of Copyrights''; and

(B) by inserting ''(including the filing fee specified in paragraph (1)(G))'' after ''shall receive all fees'';

(3) in paragraph (3)—

(A) by striking ''The royalty fees'' and inserting the following: ''DISTRIBUTION OF ROYALTY FEES TO COPYRIGHT OWNERS.—The royalty fees'';

(B) in subparagraph (A)—

(i) by striking ''any such'' and inserting ''Any such''; and

(ii) by striking ''; and'' and inserting a period;

(C) in subparagraph (B)—

(i) by striking ''any such'' and inserting ''Any such''; and

(ii) by striking the semicolon and inserting a period; and

(D) in subparagraph (C), by striking ''any such'' and inserting ''Any such'';

(4) in paragraph (4), by striking ''The royalty fees'' and inserting the following: ''PROCEDURES FOR ROYALTY FEE DISTRIBUTION.—The royalty fees''; and

(5) by adding at the end the following new paragraphs:

''(5) 3.75 PERCENT RATE AND SYNDICATED EXCLUSIVITY SURCHARGE NOT APPLICABLE TO MULTICAST STREAMS.—The royalty rates specified in sections 256.2(c) and 256.2(d) of title 37, Code of Federal Regulations (commonly referred to as the '3.75 percent rate' and the 'syndicated exclusivity surcharge', respectively), as in effect on the date of the enactment of the Satellite Television Extension and Localism Act of 2010, as such rates may be adjusted, or such sections redesignated, thereafter by the Copyright Royalty Judges, shall not apply to the secondary transmission of a multicast stream.

''(6) VERIFICATION OF ACCOUNTS AND FEE PAYMENTS.—The Register of Copyrights shall issue regulations to provide for the confidential verification by copyright owners whose works were embodied in the secondary transmissions of primary transmissions pursuant to this section of the information reported on the semiannual statements of account filed under this subsection for accounting periods beginning on or after January 1, 2010, in order that the auditor designated under subparagraph (A) is able to confirm the correctness of the calculations and royalty payments reported therein. The regulations shall—

''(A) establish procedures for the designation of a qualified independent auditor—

''(i) with exclusive authority to request verification of such a statement of account on behalf of all copyright owners whose works were the subject of secondary transmissions of primary transmissions by the cable system (that deposited the statement) during the accounting period covered by the statement; and

''(ii) who is not an officer, employee, or agent of any such copyright owner for any purpose other than such audit;

''(B) establish procedures for safeguarding all non-public financial and business information provided under this paragraph;

''(C)(i) require a consultation period for the independent auditor to review its conclusions with a designee of the cable system;

''(ii) establish a mechanism for the cable system to remedy any errors identified in the auditor's report and to cure any underpayment identified; and

''(iii) provide an opportunity to remedy any disputed facts or conclusions;

''(D) limit the frequency of requests for verification for a particular cable system and the number of audits that a multiple system operator can be required to undergo in a single year; and

''(E) permit requests for verification of a statement of account to be made only within 3 years after the last day of the year in which the statement of account is filed.

''(7) ACCEPTANCE OF ADDITIONAL DEPOSITS.—Any royalty fee payments received by the Copyright Office from cable systems for the secondary transmission of primary transmissions that are in addition to the payments calculated and deposited in accordance with this subsection shall be deemed to

have been deposited for the particular accounting period for which they are received and shall be distributed as specified under this subsection.''.

(d) EFFECTIVE DATE OF NEW ROYALTY FEE RATES.—The royalty fee rates established in section 111(d)(1)(B) of title 17, United States Code, as amended by subsection (c)(1)(C) of this section, shall take effect commencing with the first accounting period occurring in 2010.

(e) DEFINITIONS.—Section 111(f) is amended—

(1) by striking the first undesignated paragraph and inserting the following:

''(1) PRIMARY TRANSMISSION.—A 'primary transmission' is a transmission made to the public by a transmitting facility whose signals are being received and further transmitted by a secondary transmission service, regardless of where or when the performance or display was first transmitted. In the case of a television broadcast station, the primary stream and any multicast streams transmitted by the station constitute primary transmissions.'';

(2) in the second undesignated paragraph—

(A) by striking ''A 'secondary transmission' '' and inserting the following:

''(2) SECONDARY TRANSMISSION.—A 'secondary transmission' ''; and

(B) by striking '' 'cable system' '' and inserting ''cable system'';

(3) in the third undesignated paragraph—

(A) by striking ''A 'cable system' '' and inserting the following:

''(3) CABLE SYSTEM.—A 'cable system' ''; and

(B) by striking ''Territory, Trust Territory, or Possession'' and inserting ''territory, trust territory, or possession of the United States'';

(4) in the fourth undesignated paragraph, in the first sentence—

(A) by striking ''The 'local service area of a primary transmitter', in the case of a television broadcast station, comprises the area in which such station is entitled to insist'' and inserting the following:

''(4) LOCAL SERVICE AREA OF A PRIMARY TRANSMITTER.—The 'local service area of a primary transmitter', in the case of both the primary stream and any multicast streams transmitted by a primary transmitter that is a television broadcast station, comprises the area where such primary transmitter could have insisted'';

(B) by striking ''76.59 of title 47 of the Code of Federal Regulations'' and inserting the following: ''76.59 of title 47, Code of Federal Regulations, or within the noise-limited contour as defined in 73.622(e)(1) of title 47, Code of Federal Regulations''; and

(C) by striking ''as defined by the rules and regulations of the Federal Communications Commission,'';

(5) by amending the fifth undesignated paragraph to read as follows:

''(5) DISTANT SIGNAL EQUIVALENT.—

''(A) IN GENERAL.—Except as provided under subparagraph (B), a 'distant signal equivalent'—

''(i) is the value assigned to the secondary transmission of any non-network television programming carried by a cable system in whole or in part beyond the local service area of the primary transmitter of such programming; and

''(ii) is computed by assigning a value of one to each primary stream and to each multicast stream (other than a simulcast) that is an independent station, and by assigning a value of one-quarter to each primary stream and to each multicast stream (other than a simulcast) that is a network station or a noncommercial educational station.

''(B) EXCEPTIONS.—The values for independent, network, and noncommercial educational stations specified in subparagraph (A) are subject to the following:

''(i) Where the rules and regulations of the Federal Communications Commission require a cable system to omit the further transmission of a particular program and such rules and regulations also permit the substitution of another program embodying a performance or display of a work in place of the omitted transmission, or where such rules and regulations in effect on the date of the enactment of the Copyright Act of 1976 permit a cable system, at its election, to effect such omission and substitution of a nonlive program or to carry additional programs not transmitted by primary transmitters within whose local service area the cable system is located, no value shall be assigned for the substituted or additional program.

''(ii) Where the rules, regulations, or authorizations of the Federal Communications Commission in effect on the date of the enactment of the Copyright Act of 1976 permit a cable system, at its election, to omit the further transmission of a particular program and such rules, regulations, or authorizations also permit the substitution of another program embodying a performance or display of a work in place of the omitted transmission, the value assigned for the substituted or additional program shall be, in the case of a live program, the value of one full distant signal equivalent multiplied by a fraction that has as its numerator the number of days in the year in which such substitution occurs and as its denominator the number of days in the year.

''(iii) In the case of the secondary transmission of a primary transmitter that is a television broadcast station pursuant to the late-night or specialty programming rules of the Federal Communications Commission, or the secondary transmission of a primary transmitter that is a television broadcast station on a part-time basis where full-time carriage is not possible because the cable system lacks the activated channel capacity to retransmit on a full-time basis all signals that it is authorized to carry, the values for independent, network, and noncommercial educational stations set forth in subparagraph (A), as the case may be, shall be multiplied by a fraction that is equal to the ratio of the broadcast hours of such primary transmitter retransmitted by the cable system to the total broadcast hours of the primary transmitter.

''(iv) No value shall be assigned for the secondary transmission of the primary stream or any multicast streams of a primary transmitter that is a television broadcast station in any community that is within the local service area of the primary transmitter.'';

(6) by striking the sixth undesignated paragraph and inserting the following:

''(6) NETWORK STATION.—

''(A) TREATMENT OF PRIMARY STREAM.—The term 'network station' shall be applied to a primary stream of a television broadcast station that is owned or operated by, or affiliated with, one or more of the television networks in the United States providing nationwide transmissions, and that transmits a substantial part of the programming supplied by such networks for a substantial part of the primary stream's typical broadcast day.

''(B) TREATMENT OF MULTICAST STREAMS.—The term 'network station' shall be applied to a multicast stream on which a television broadcast station transmits all or substantially all of the programming of an interconnected program service that—

''(i) is owned or operated by, or affiliated with, one or more of the television networks described in subparagraph (A); and

''(ii) offers programming on a regular basis for 15 or more hours per week to at least 25 of the affiliated television licensees of the interconnected program service in 10 or more States.'';

(7) by striking the seventh undesignated paragraph and inserting the following:

''(7) INDEPENDENT STATION.—The term 'independent station' shall be applied to the primary stream or a multicast stream of a television broadcast station that is not a network station or a noncommercial educational station.'';

(8) by striking the eighth undesignated paragraph and inserting the following:

''(8) NONCOMMERCIAL EDUCATIONAL STATION.—The term 'noncommercial educational station' shall be applied to the primary stream or a multicast stream of a television broadcast station that is a noncommercial educational broadcast station as defined in section 397 of the Communications Act of 1934, as in effect on the date of the enactment of the Satellite Television Extension and Localism Act of 2010.''; and

(9) by adding at the end the following:

''(9) PRIMARY STREAM.—A 'primary stream' is—

''(A) the single digital stream of programming that, before June 12, 2009, was substantially duplicating the programming transmitted by the television broadcast station as an analog signal; or

''(B) if there is no stream described in subparagraph (A), then the single digital stream of programming transmitted by the television broadcast station for the longest period of time.

''(10) PRIMARY TRANSMITTER.—A 'primary transmitter' is a television or radio broadcast station licensed by the Federal Communications Commission, or by an appropriate governmental authority of Canada or Mexico, that makes primary transmissions to the public.

''(11) MULTICAST STREAM.—A 'multicast stream' is a digital stream of programming that is transmitted by a television broadcast station and is not the station's primary stream.

''(12) SIMULCAST.—A 'simulcast' is a multicast stream of a television broadcast station that duplicates the programming transmitted by the primary stream or another multicast stream of such station.

''(13) SUBSCRIBER; SUBSCRIBE.—

''(A) SUBSCRIBER.—The term 'subscriber' means a person or entity that receives a secondary transmission service from a cable system and pays a fee for the service, directly or indirectly, to the cable system.

''(B) SUBSCRIBE.—The term 'subscribe' means to elect to become a subscriber.''.

(f) TIMING OF SECTION 111 PROCEEDINGS.—Section 804(b)(1) is amended by striking ''2005'' each place it appears and inserting ''2015''.

(g) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CORRECTIONS TO FIX LEVEL DESIGNATIONS.—Section 111 is amended—

(A) in subsections (a), (c), and (e), by striking ''clause'' each place it appears and inserting ''paragraph'';

(B) in subsection (c)(1), by striking ''clauses'' and inserting ''paragraphs''; and

(C) in subsection (e)(1)(F), by striking ''subclause'' and inserting ''subparagraph''.

(2) CONFORMING AMENDMENT TO HYPHENATE NONNETWORK.—Section 111 is amended by striking ''nonnetwork'' each place it appears and inserting ''non-network''.

(3) PREVIOUSLY UNDESIGNATED PARAGRAPH.—Section 111(e)(1) is amended by

striking ''second paragraph of subsection (f)'' and inserting ''subsection (f)(2)''.

(4) REMOVAL OF SUPERFLUOUS ANDS.—Section 111(e) is amended—

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

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

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

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

(E) in paragraph (2)(A), by striking ''and'' at the end.

(5) REMOVAL OF VARIANT FORMS REFERENCES.—Section 111 is amended—

(A) in subsection (e)(4), by striking '', and each of its variant forms,''; and

(B) in subsection (f), by striking ''and their variant forms''.

(6) CORRECTION TO TERRITORY REFERENCE.—Section 111(e)(2) is amended in the matter preceding subparagraph (A) by striking ''three territories'' and inserting ''five entities''.

(h) EFFECTIVE DATE WITH RESPECT TO MULTICAST STREAMS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the amendments made by this section, to the extent such amendments assign a distant signal equivalent value to the secondary transmission of the multicast stream of a primary transmitter, shall take effect on the date of the enactment of this Act.

(2) DELAYED APPLICABILITY.—

(A) SECONDARY TRANSMISSIONS OF A MULTICAST STREAM BEYOND THE LOCAL SERVICE AREA OF ITS PRIMARY TRANSMITTER BEFORE 2010 ACT.—In any case in which a cable system was making secondary transmissions of a multicast stream beyond the local service area of its primary transmitter before the date of the enactment of this Act, a distant signal equivalent value (referred to in paragraph (1)) shall not be assigned to secondary transmissions of such multicast stream that are made on or before June 30, 2010.

(B) MULTICAST STREAMS SUBJECT TO PREEXISTING WRITTEN AGREEMENTS FOR THE SECONDARY TRANSMISSION OF SUCH STREAMS.—In any case in which the secondary transmission of a multicast stream of a primary transmitter is the subject of a written agreement entered into on or before June 30, 2009, between a cable system or an association representing the cable system and a primary transmitter or an association representing the primary transmitter, a distant signal equivalent value (referred to in paragraph (1)) shall not be assigned to secondary transmissions of such multicast stream beyond the local service area of its primary transmitter that are made on or before the date on which such written agreement expires.

(C) NO REFUNDS OR OFFSETS FOR PRIOR STATEMENTS OF ACCOUNT.—A cable system that has reported secondary transmissions of a multicast stream beyond the local service area of its primary transmitter on a statement of account deposited under section 111 of title 17, United States Code, before the date of the enactment of this Act shall not be entitled to any refund, or offset, of royalty fees paid on account of such secondary transmissions of such multicast stream.

(3) DEFINITIONS.—In this subsection, the terms ''cable system'', ''secondary transmission'', ''multicast stream'', and ''local service area of a primary transmitter'' have the meanings given those terms in section 111(f) of title 17, United States Code, as amended by this section.

SEC. 105. CERTAIN WAIVERS GRANTED TO PROVIDERS OF LOCAL-INTO-LOCAL SERVICE FOR ALL DMAS.

Section 119 is amended by adding at the end the following new subsection:

''(g) CERTAIN WAIVERS GRANTED TO PROVIDERS OF LOCAL-INTO-LOCAL SERVICE TO ALL DMAS.—

''(1) INJUNCTION WAIVER.—A court that issued an injunction pursuant to subsection (a)(7)(B) before the date of the enactment of this subsection shall waive such injunction if the court recognizes the entity against which the injunction was issued as a qualified carrier.

''(2) LIMITED TEMPORARY WAIVER.—

''(A) IN GENERAL.—Upon a request made by a satellite carrier, a court that issued an injunction against such carrier under subsection (a)(7)(B) before the date of the enactment of this subsection shall waive such injunction with respect to the statutory license provided under subsection (a)(2) to the extent necessary to allow such carrier to make secondary transmissions of primary transmissions made by a network station to unserved households located in short markets in which such carrier was not providing local service pursuant to the license under section 122 as of December 31, 2009.

''(B) EXPIRATION OF TEMPORARY WAIVER.—A temporary waiver of an injunction under subparagraph (A) shall expire after the end of the 120-day period beginning on the date such temporary waiver is issued unless extended for good cause by the court making the temporary waiver.

''(C) FAILURE TO PROVIDE LOCAL-INTO-LOCAL SERVICE TO ALL DMAS.—

''(i) FAILURE TO ACT REASONABLY AND IN GOOD FAITH.—If the court issuing a temporary waiver under subparagraph (A) determines that the satellite carrier that made the request for such waiver has failed to act reasonably or has failed to make a good faith effort to provide local-into-local service to all DMAs, such failure—

''(I) is actionable as an act of infringement under section 501 and the court may in its discretion impose the remedies provided for in sections 502 through 506 and subsection (a)(6)(B) of this section; and

''(II) shall result in the termination of the waiver issued under subparagraph (A).

''(ii) FAILURE TO PROVIDE LOCAL-INTO-LOCAL SERVICE.—If the court issuing a temporary waiver under subparagraph (A) determines that the satellite carrier that made the request for such waiver has failed to provide local-into-local service to all DMAs, but determines that the carrier acted reasonably and in good faith, the court may in its discretion impose financial penalties that reflect—

''(I) the degree of control the carrier had over the circumstances that resulted in the failure;

''(II) the quality of the carrier's efforts to remedy the failure; and

''(III) the severity and duration of any service interruption.

''(D) SINGLE TEMPORARY WAIVER AVAILABLE.—An entity may only receive one temporary waiver under this paragraph.

''(E) SHORT MARKET DEFINED.—For purposes of this paragraph, the term 'short market' means a local market in which programming of one or more of the four most widely viewed television networks nationwide as measured on the date of the enactment of this subsection is not offered on the primary stream transmitted by any local television broadcast station.

''(3) ESTABLISHMENT OF QUALIFIED CARRIER RECOGNITION.—

''(A) STATEMENT OF ELIGIBILITY.—An entity seeking to be recognized as a qualified carrier under this subsection shall file a statement of eligibility with the court that imposed the injunction. A statement of eligibility must include—

''(i) an affidavit that the entity is providing local-into-local service to all DMAs;

''(ii) a motion for a waiver of the injunction;

''(iii) a motion that the court appoint a special master under Rule 53 of the Federal Rules of Civil Procedure;

''(iv) an agreement by the carrier to pay all expenses incurred by the special master under paragraph (4)(B)(ii); and

''(v) a certification issued pursuant to section 342(a) of Communications Act of 1934.

''(B) GRANT OF RECOGNITION AS A QUALIFIED CARRIER.—Upon receipt of a statement of eligibility, the court shall recognize the entity as a qualified carrier and issue the waiver under paragraph (1). Upon motion pursuant to subparagraph (A)(iii), the court shall appoint a special master to conduct the examination and provide a report to the court as provided in paragraph (4)(B).

''(C) VOLUNTARY TERMINATION.—At any time, an entity recognized as a qualified carrier may file a statement of voluntary termination with the court certifying that it no longer wishes to be recognized as a qualified carrier. Upon receipt of such statement, the court shall reinstate the injunction waived under paragraph (1).

''(D) LOSS OF RECOGNITION PREVENTS FUTURE RECOGNITION.—No entity may be recognized as a qualified carrier if such entity had previously been recognized as a qualified carrier and subsequently lost such recognition or voluntarily terminated such recognition under subparagraph (C).

''(4) QUALIFIED CARRIER OBLIGATIONS AND COMPLIANCE.—

''(A) CONTINUING OBLIGATIONS.—

''(i) IN GENERAL.—An entity recognized as a qualified carrier shall continue to provide local-into-local service to all DMAs.

''(ii) COOPERATION WITH COMPLIANCE EXAMINATION.—An entity recognized as a qualified carrier shall fully cooperate with the special master appointed by the court under paragraph (3)(B) in an examination set forth in subparagraph (B).

''(B) QUALIFIED CARRIER COMPLIANCE EXAMINATION.—

''(i) EXAMINATION AND REPORT.—A special master appointed by the court under paragraph (3)(B) shall conduct an examination of, and file a report on, the qualified carrier's compliance with the royalty payment and household eligibility requirements of the license under this section. The report shall address the qualified carrier's conduct during the period beginning on the date on which the qualified carrier is recognized as such under paragraph (3)(B) and ending on April 30, 2012.

''(ii) RECORDS OF QUALIFIED CARRIER.—Beginning on the date that is one year after the date on which the qualified carrier is recognized as such under paragraph (3)(B), but not later than December 1, 2011, the qualified carrier shall provide the special master with all records that the special master considers to be directly pertinent to the following requirements under this section:

''(I) Proper calculation and payment of royalties under the statutory license under this section.

''(II) Provision of service under this license to eligible subscribers only.

''(iii) SUBMISSION OF REPORT.—The special master shall file the report required by clause (i) not later than July 24, 2012, with the court referred to in paragraph (1) that issued the injunction, and the court shall transmit a copy of the report to the Register of Copyrights, the Committees on the Judiciary and on Energy and Commerce of the House of Representatives, and the Committees on the Judiciary and on Commerce, Science, and Transportation of the Senate.

''(iv) EVIDENCE OF INFRINGEMENT.—The special master shall include in the report a statement of whether the examination by

the special master indicated that there is substantial evidence that a copyright holder could bring a successful action under this section against the qualified carrier for infringement.

''(v) SUBSEQUENT EXAMINATION.—If the special master's report includes a statement that its examination indicated the existence of substantial evidence that a copyright holder could bring a successful action under this section against the qualified carrier for infringement, the special master shall, not later than 6 months after the report under clause (i) is filed, initiate another examination of the qualified carrier's compliance with the royalty payment and household eligibility requirements of the license under this section since the last report was filed under clause (iii). The special master shall file a report on the results of the examination conducted under this clause with the court referred to in paragraph (1) that issued the injunction, and the court shall transmit a copy to the Register of Copyrights, the Committees on the Judiciary and on Energy and Commerce of the House of Representatives, and the Committees on the Judiciary and on Commerce, Science, and Transportation of the Senate. The report shall include a statement described in clause (iv).

''(vi) COMPLIANCE.—Upon motion filed by an aggrieved copyright owner, the court recognizing an entity as a qualified carrier shall terminate such designation upon finding that the entity has failed to cooperate with the examinations required by this subparagraph.

''(vii) OVERSIGHT.—During the period of time that the special master is conducting an examination under this subparagraph, the Comptroller General shall monitor the degree to which the entity seeking to be recognized or recognized as a qualified carrier under paragraph (3) is complying with the special master's examination. The qualified carrier shall make available to the Comptroller General all records and individuals that the Comptroller General considers necessary to meet the Comptroller General's obligations under this clause. The Comptroller General shall report the results of the monitoring required by this clause to the Committees on the Judiciary and on Energy and Commerce of the House of Representatives and the Committees on the Judiciary and on Commerce, Science, and Transportation of the Senate at intervals of not less than six months during such period.

''(C) AFFIRMATION.—A qualified carrier shall file an affidavit with the district court and the Register of Copyrights 30 months after such status was granted stating that, to the best of the affiant's knowledge, it is in compliance with the requirements for a qualified carrier. The qualified carrier shall attach to its affidavit copies of all reports or orders issued by the court, the special master, and the Comptroller General.

''(D) COMPLIANCE DETERMINATION.—Upon the motion of an aggrieved television broadcast station, the court recognizing an entity as a qualified carrier may make a determination of whether the entity is providing local-into-local service to all DMAs.

''(E) PLEADING REQUIREMENT.—In any motion brought under subparagraph (D), the party making such motion shall specify one or more designated market areas (as such term is defined in section 122(j)(2)(C)) for which the failure to provide service is being alleged, and, for each such designated market area, shall plead with particularity the circumstances of the alleged failure.

''(F) BURDEN OF PROOF.—In any proceeding to make a determination under subparagraph (D), and with respect to a designated market area for which failure to provide service is alleged, the entity recognized as a qualified carrier shall have the burden of proving that the entity provided local-into-local service with a good quality satellite signal to at least 90 percent of the households in such designated market area (based on the most recent census data released by the United States Census Bureau) at the time and place alleged.

''(5) FAILURE TO PROVIDE SERVICE.—

''(A) PENALTIES.—If the court recognizing an entity as a qualified carrier finds that such entity has willfully failed to provide local-into-local service to all DMAs, such finding shall result in the loss of recognition of the entity as a qualified carrier and the termination of the waiver provided under paragraph (1), and the court may, in its discretion—

''(i) treat such failure as an act of infringement under section 501, and subject such infringement to the remedies provided for in sections 502 through 506 and subsection (a)(6)(B) of this section; and

''(ii) impose a fine of not less than $250,000 and not more than $5,000,000.

''(B) EXCEPTION FOR NONWILLFUL VIOLATION.—If the court determines that the failure to provide local-into-local service to all DMAs is nonwillful, the court may in its discretion impose financial penalties for noncompliance that reflect—

''(i) the degree of control the entity had over the circumstances that resulted in the failure;

''(ii) the quality of the entity's efforts to remedy the failure and restore service; and

''(iii) the severity and duration of any service interruption.

''(6) PENALTIES FOR VIOLATIONS OF LICENSE.—A court that finds, under subsection (a)(6)(A), that an entity recognized as a qualified carrier has willfully made a secondary transmission of a primary transmission made by a network station and embodying a performance or display of a work to a subscriber who is not eligible to receive the transmission under this section shall reinstate the injunction waived under paragraph (1), and the court may order statutory damages of not more than $2,500,000.

''(7) LOCAL-INTO-LOCAL SERVICE TO ALL DMAS DEFINED.—For purposes of this subsection:

''(A) IN GENERAL.—An entity provides 'local-into-local service to all DMAs' if the entity provides local service in all designated market areas (as such term is defined in section 122(j)(2)(C)) pursuant to the license under section 122.

''(B) HOUSEHOLD COVERAGE.—For purposes of subparagraph (A), an entity that makes available local-into-local service with a good quality satellite signal to at least 90 percent of the households in a designated market area based on the most recent census data released by the United States Census Bureau shall be considered to be providing local service to such designated market area.

''(C) GOOD QUALITY SATELLITE SIGNAL DEFINED.—The term 'good quality satellite signal' has the meaning given such term under section 342(e)(2) of Communications Act of 1934.''.

SEC. 106. COPYRIGHT OFFICE FEES.

Section 708(a) is amended—

(1) in paragraph (8), by striking ''and'' after the semicolon;

(2) in paragraph (9), by striking the period and inserting a semicolon;

(3) by inserting after paragraph (9) the following:

''(10) on filing a statement of account based on secondary transmissions of primary transmissions pursuant to section 119 or 122; and

''(11) on filing a statement of account based on secondary transmissions of primary transmissions pursuant to section 111.''; and

(4) by adding at the end the following new sentence: ''Fees established under paragraphs (10) and (11) shall be reasonable and may not exceed one-half of the cost necessary to cover reasonable expenses incurred by the Copyright Office for the collection and administration of the statements of account and any royalty fees deposited with such statements.''.

SEC. 107. TERMINATION OF LICENSE.

(a) TERMINATION.—Section 119 of title 17, United States Code, as amended by this Act, shall cease to be effective on December 31, 2014.

(b) CONFORMING AMENDMENT.—Section 1003(a)(2)(A) of Public Law 111-118 (17 U.S.C. 119 note) is repealed.

SEC. 108. CONSTRUCTION.

Nothing in section 111, 119, or 122 of title 17, United States Code, including the amendments made to such sections by this title, shall be construed to affect the meaning of any terms under the Communications Act of 1934, except to the extent that such sections are specifically cross-referenced in such Act or the regulations issued thereunder.

TITLE II—COMMUNICATIONS PROVISIONS

SEC. 201. REFERENCE.

Except as otherwise provided, whenever in this title an amendment is made to a section or other provision, the reference shall be considered to be made to such section or provision of the Communications Act of 1934 (47 U.S.C. 151 et seq.).

SEC. 202. EXTENSION OF AUTHORITY.

Section 325(b) is amended—

(1) in paragraph (2)(C), by striking ''May 31, 2010'' and inserting ''December 31, 2014''; and

(2) in paragraph (3)(C), by striking ''June 1, 2010'' each place it appears in clauses (ii) and (iii) and inserting ''January 1, 2015''.

SEC. 203. SIGNIFICANTLY VIEWED STATIONS.

(a) IN GENERAL.—Paragraphs (1) and (2) of section 340(b) are amended to read as follows:

''(1) SERVICE LIMITED TO SUBSCRIBERS TAKING LOCAL-INTO-LOCAL SERVICE.—This section shall apply only to retransmissions to subscribers of a satellite carrier who receive retransmissions of a signal from that satellite carrier pursuant to section 338.

''(2) SERVICE LIMITATIONS.—A satellite carrier may retransmit to a subscriber in high definition format the signal of a station determined by the Commission to be significantly viewed under subsection (a) only if such carrier also retransmits in high definition format the signal of a station located in the local market of such subscriber and affiliated with the same network whenever such format is available from such station.''.

(b) RULEMAKING REQUIRED.—Within 270 days after the date of the enactment of this Act, the Federal Communications Commission shall take all actions necessary to promulgate a rule to implement the amendments made by subsection (a).

SEC. 204. DIGITAL TELEVISION TRANSITION CONFORMING AMENDMENTS.

(a) SECTION 338.—Section 338 is amended—

(1) in subsection (a), by striking ''(3) EFFECTIVE DATE.—No satellite'' and all that follows through ''until January 1, 2002.''; and

(2) by amending subsection (g) to read as follows:

''(g) CARRIAGE OF LOCAL STATIONS ON A SINGLE RECEPTION ANTENNA.—

''(1) SINGLE RECEPTION ANTENNA.—Each satellite carrier that retransmits the signals of local television broadcast stations in a local market shall retransmit such stations in such market so that a subscriber may receive such stations by means of a single reception antenna and associated equipment.

''(2) ADDITIONAL RECEPTION ANTENNA.—If the carrier retransmits the signals of local

television broadcast stations in a local market in high definition format, the carrier shall retransmit such signals in such market so that a subscriber may receive such signals by means of a single reception antenna and associated equipment, but such antenna and associated equipment may be separate from the single reception antenna and associated equipment used to comply with paragraph (1).''.

(b) SECTION 339.—Section 339 is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B), by striking ''Such two network stations'' and all that follows through ''more than two network stations.''; and

(B) in paragraph (2)—

(i) in the heading for subparagraph (A), by striking ''TO ANALOG SIGNALS'';

(ii) in subparagraph (A)—

(I) in the heading for clause (i), by striking ''ANALOG'';

(II) in clause (i)—

(aa) by striking ''analog'' each place it appears; and

(bb) by striking ''October 1, 2004'' and inserting ''October 1, 2009'';

(III) in the heading for clause (ii), by striking ''ANALOG''; and

(IV) in clause (ii)—

(aa) by striking ''analog'' each place it appears; and

(bb) by striking ''2004'' and inserting ''2009'';

(iii) by amending subparagraph (B) to read as follows:

''(B) RULES FOR OTHER SUBSCRIBERS.—

''(i) IN GENERAL.—In the case of a subscriber of a satellite carrier who is eligible to receive the signal of a network station under this section (in this subparagraph referred to as a 'distant signal'), other than subscribers to whom subparagraph (A) applies, the following shall apply:

''(I) In a case in which the satellite carrier makes available to that subscriber, on January 1, 2005, the signal of a local network station affiliated with the same television network pursuant to section 338, the carrier may only provide the secondary transmissions of the distant signal of a station affiliated with the same network to that subscriber if the subscriber's satellite carrier, not later than March 1, 2005, submits to that television network the list and statement required by subparagraph (F)(i).

''(II) In a case in which the satellite carrier does not make available to that subscriber, on January 1, 2005, the signal of a local network station pursuant to section 338, the carrier may only provide the secondary transmissions of the distant signal of a station affiliated with the same network to that subscriber if—

''(aa) that subscriber seeks to subscribe to such distant signal before the date on which such carrier commences to carry pursuant to section 338 the signals of stations from the local market of such local network station; and

''(bb) the satellite carrier, within 60 days after such date, submits to each television network the list and statement required by subparagraph (F)(ii).

''(ii) SPECIAL CIRCUMSTANCES.—A subscriber of a satellite carrier who was lawfully receiving the distant signal of a network station on the day before the date of enactment of the Satellite Television Extension and Localism Act of 2010 may receive both such distant signal and the local signal of a network station affiliated with the same network until such subscriber chooses to no longer receive such distant signal from such carrier, whether or not such subscriber elects to subscribe to such local signal.'';

(iv) in subparagraph (C)—

(I) by striking ''analog'';

(II) in clause (i), by striking ''the Satellite Home Viewer Extension and Reauthorization Act of 2004; and'' and inserting the following: ''the Satellite Television Extension and Localism Act of 2010 and, at the time such person seeks to subscribe to receive such secondary transmission, resides in a local market where the satellite carrier makes available to that person the signal of a local network station affiliated with the same television network pursuant to section 338 (and the retransmission of such signal by such carrier can reach such subscriber); or''; and

(III) by amending clause (ii) to read as follows:

''(ii) lawfully subscribes to and receives a distant signal on or after the date of enactment of the Satellite Television Extension and Localism Act of 2010, and, subsequent to such subscription, the satellite carrier makes available to that subscriber the signal of a local network station affiliated with the same network as the distant signal (and the retransmission of such signal by such carrier can reach such subscriber), unless such person subscribes to the signal of the local network station within 60 days after such signal is made available.'';

(v) in subparagraph (D)—

(I) in the heading, by striking ''DIGITAL'';

(II) by striking clauses (i), (iii) through (v), (vii) through (ix), and (xi);

(III) by redesignating clause (vi) as clause (i) and transferring such clause to appear before clause (ii);

(IV) by amending such clause (i) (as so redesignated) to read as follows:

''(i) ELIGIBILITY AND SIGNAL TESTING.—A subscriber of a satellite carrier shall be eligible to receive a distant signal of a network station affiliated with the same network under this section if, with respect to a local network station, such subscriber—

''(I) is a subscriber whose household is not predicted by the model specified in subsection (c)(3) to receive the signal intensity required under section 73.622(e)(1) or, in the case of a low-power station or translator station transmitting an analog signal, section 73.683(a) of title 47, Code of Federal Regulations, or a successor regulation;

''(II) is determined, based on a test conducted in accordance with section 73.686(d) of title 47, Code of Federal Regulations, or any successor regulation, not to be able to receive a signal that exceeds the signal intensity standard in section 73.622(e)(1) or, in the case of a low-power station or translator station transmitting an analog signal, section 73.683(a) of such title, or a successor regulation; or

''(III) is in an unserved household, as determined under section 119(d)(10)(A) of title 17, United States Code.'';

(V) in clause (ii)—

(aa) by striking ''DIGITAL'' in the heading;

(bb) by striking ''digital'' the first two places such term appears;

(cc) by striking ''Satellite Home Viewer Extension and Reauthorization Act of 2004'' and inserting ''Satellite Television Extension and Localism Act of 2010''; and

(dd) by striking '', whether or not such subscriber elects to subscribe to local digital signals'';

(VI) by inserting after clause (ii) the following new clause:

''(iii) TIME-SHIFTING PROHIBITED.—In a case in which the satellite carrier makes available to an eligible subscriber under this subparagraph the signal of a local network station pursuant to section 338, the carrier may only provide the distant signal of a station affiliated with the same network to that subscriber if, in the case of any local market in the 48 contiguous States of the United States, the distant signal is the secondary transmission of a station whose prime time network programming is generally broadcast simultaneously with, or later than, the prime time network programming of the affiliate of the same network in the local market.''; and

(VII) by redesignating clause (x) as clause (iv); and

(vi) in subparagraph (E), by striking ''distant analog signal or'' and all that follows through ''(B), or (D))'' and inserting ''distant signal'';

(2) in subsection (c)—

(A) by amending paragraph (3) to read as follows:

''(3) ESTABLISHMENT OF IMPROVED PREDICTIVE MODEL AND ON-LOCATION TESTING REQUIRED.—

''(A) PREDICTIVE MODEL.—Within 270 days after the date of the enactment of the Satellite Television Extension and Localism Act of 2010, the Commission shall develop and prescribe by rule a point-to-point predictive model for reliably and presumptively determining the ability of individual locations, through the use of an antenna, to receive signals in accordance with the signal intensity standard in section 73.622(e)(1) of title 47, Code of Federal Regulations, or a successor regulation, including to account for the continuing operation of translator stations and low power television stations. In prescribing such model, the Commission shall rely on the Individual Location Longley-Rice model set forth by the Commission in CS Docket No. 98–201, as previously revised with respect to analog signals, and as recommended by the Commission with respect to digital signals in its Report to Congress in ET Docket No. 05–182, FCC 05–199 (released December 9, 2005). The Commission shall establish procedures for the continued refinement in the application of the model by the use of additional data as it becomes available.

''(B) ON-LOCATION TESTING.—The Commission shall issue an order completing its rulemaking proceeding in ET Docket No. 06–94 within 270 days after the date of enactment of the Satellite Television Extension and Localism Act of 2010. In conducting such rulemaking, the Commission shall seek ways to minimize consumer burdens associated with on-location testing.'';

(B) by amending paragraph (4)(A) to read as follows:

''(A) IN GENERAL.—If a subscriber's request for a waiver under paragraph (2) is rejected and the subscriber submits to the subscriber's satellite carrier a request for a test verifying the subscriber's inability to receive a signal of the signal intensity referenced in clause (i) of subsection (a)(2)(D), the satellite carrier and the network station or stations asserting that the retransmission is prohibited with respect to that subscriber shall select a qualified and independent person to conduct the test referenced in such clause. Such test shall be conducted within 30 days after the date the subscriber submits a request for the test. If the written findings and conclusions of a test conducted in accordance with such clause demonstrate that the subscriber does not receive a signal that meets or exceeds the requisite signal intensity standard in such clause, the subscriber shall not be denied the retransmission of a signal of a network station under section 119(d)(10)(A) of title 17, United States Code.'';

(C) in paragraph (4)(B), by striking ''the signal intensity'' and all that follows through ''United States Code'' and inserting ''such requisite signal intensity standard''; and

(D) in paragraph (4)(E), by striking ''Grade B intensity''.

(c) SECTION 340.—Section 340(i) is amended by striking paragraph (4).

SEC. 205. APPLICATION PENDING COMPLETION OF RULEMAKINGS.

(a) IN GENERAL.—During the period beginning on the date of the enactment of this Act and ending on the date on which the Federal Communications Commission adopts rules pursuant to the amendments to the Communications Act of 1934 made by section 203 and section 204 of this title, the Federal Communications Commission shall follow its rules and regulations promulgated pursuant to sections 338, 339, and 340 of the Communications Act of 1934 as in effect on the day before the date of the enactment of this Act.

(b) TRANSLATOR STATIONS AND LOW POWER TELEVISION STATIONS.—Notwithstanding subsection (a), for purposes of determining whether a subscriber within the local market served by a translator station or a low power television station affiliated with a television network is eligible to receive distant signals under section 339 of the Communications Act of 1934, the rules and regulations of the Federal Communications Commission for determining such subscriber's eligibility as in effect on the day before the date of the enactment of this Act shall apply until the date on which the translator station or low power television station is licensed to broadcast a digital signal.

(c) DEFINITIONS.—As used in this subtitle:

(1) LOCAL MARKET; LOW POWER TELEVISION STATION; SATELLITE CARRIER; SUBSCRIBER; TELEVISION BROADCAST STATION.—The terms ''local market'', ''low power television station'', ''satellite carrier'', ''subscriber'', and ''television broadcast station'' have the meanings given such terms in section 338(k) of the Communications Act of 1934.

(2) NETWORK STATION; TELEVISION NETWORK.—The terms ''network station'' and ''television network'' have the meanings given such terms in section 339(d) of such Act.

SEC. 206. PROCESS FOR ISSUING QUALIFIED CARRIER CERTIFICATION.

Part I of title III is amended by adding at the end the following new section:

''SEC. 342. PROCESS FOR ISSUING QUALIFIED CARRIER CERTIFICATION.

''(a) CERTIFICATION.—The Commission shall issue a certification for the purposes of section 119(g)(3)(A)(iii) of title 17, United States Code, if the Commission determines that—

''(1) a satellite carrier is providing local service pursuant to the statutory license under section 122 of such title in each designated market area; and

''(2) with respect to each designated market area in which such satellite carrier was not providing such local service as of the date of enactment of the Satellite Television Extension and Localism Act of 2010—

''(A) the satellite carrier's satellite beams are designed, and predicted by the satellite manufacturer's pre-launch test data, to provide a good quality satellite signal to at least 90 percent of the households in each such designated market area based on the most recent census data released by the United States Census Bureau; and

''(B) there is no material evidence that there has been a satellite or sub-system failure subsequent to the satellite's launch that precludes the ability of the satellite carrier to satisfy the requirements of subparagraph (A).

''(b) INFORMATION REQUIRED.—Any entity seeking the certification provided for in subsection (a) shall submit to the Commission the following information:

''(1) An affidavit stating that, to the best of the affiant's knowledge, the satellite carrier provides local service in all designated market areas pursuant to the statutory license provided for in section 122 of title 17, United States Code, and listing those designated market areas in which local service was provided as of the date of enactment of the Satellite Television Extension and Localism Act of 2010.

''(2) For each designated market area not listed in paragraph (1):

''(A) Identification of each such designated market area and the location of its local receive facility.

''(B) Data showing the number of households, and maps showing the geographic distribution thereof, in each such designated market area based on the most recent census data released by the United States Census Bureau.

''(C) Maps, with superimposed effective isotropically radiated power predictions obtained in the satellite manufacturer's prelaunch tests, showing that the contours of the carrier's satellite beams as designed and the geographic area that the carrier's satellite beams are designed to cover are predicted to provide a good quality satellite signal to at least 90 percent of the households in such designated market area based on the most recent census data released by the United States Census Bureau.

''(D) For any satellite relied upon for certification under this section, an affidavit stating that, to the best of the affiant's knowledge, there have been no satellite or sub-system failures subsequent to the satellite's launch that would degrade the design performance to such a degree that a satellite transponder used to provide local service to any such designated market area is precluded from delivering a good quality satellite signal to at least 90 percent of the households in such designated market area based on the most recent census data released by the United States Census Bureau.

''(E) Any additional engineering, designated market area, or other information the Commission considers necessary to determine whether the Commission shall grant a certification under this section.

''(c) CERTIFICATION ISSUANCE.—

''(1) PUBLIC COMMENT.—The Commission shall provide 30 days for public comment on a request for certification under this section.

''(2) DEADLINE FOR DECISION.—The Commission shall grant or deny a request for certification within 90 days after the date on which such request is filed.

''(d) SUBSEQUENT AFFIRMATION.—An entity granted qualified carrier status pursuant to section 119(g) of title 17, United States Code, shall file an affidavit with the Commission 30 months after such status was granted stating that, to the best of the affiant's knowledge, it is in compliance with the requirements for a qualified carrier.

''(e) DEFINITIONS.—For the purposes of this section:

''(1) DESIGNATED MARKET AREA.—The term 'designated market area' has the meaning given such term in section 122(j)(2)(C) of title 17, United States Code.

''(2) GOOD QUALITY SATELLITE SIGNAL.—

''(A) IN GENERAL.—The term ''good quality satellite signal'' means—

''(i) a satellite signal whose power level as designed shall achieve reception and demodulation of the signal at an availability level of at least 99.7 percent using—

''(I) models of satellite antennas normally used by the satellite carrier's subscribers; and

''(II) the same calculation methodology used by the satellite carrier to determine predicted signal availability in the top 100 designated market areas; and

''(ii) taking into account whether a signal is in standard definition format or high definition format, compression methodology, modulation, error correction, power level, and utilization of advances in technology that do not circumvent the intent of this section to provide for non-discriminatory treatment with respect to any comparable television broadcast station signal, a video signal transmitted by a satellite carrier such that—

''(I) the satellite carrier treats all television broadcast stations' signals the same with respect to statistical multiplexer prioritization; and

''(II) the number of video signals in the relevant satellite transponder is not more than the then current greatest number of video signals carried on any equivalent transponder serving the top 100 designated market areas.

''(B) DETERMINATION.—For the purposes of subparagraph (A), the top 100 designated market areas shall be as determined by Nielsen Media Research and published in the Nielsen Station Index Directory and Nielsen Station Index United States Television Household Estimates or any successor publication as of the date of a satellite carrier's application for certification under this section.''.

SEC. 207. NONDISCRIMINATION IN CARRIAGE OF HIGH DEFINITION DIGITAL SIGNALS OF NONCOMMERCIAL EDUCATIONAL TELEVISION STATIONS.

(a) IN GENERAL.—Section 338(a) is amended by adding at the end the following new paragraph:

''(5) NONDISCRIMINATION IN CARRIAGE OF HIGH DEFINITION SIGNALS OF NONCOMMERCIAL EDUCATIONAL TELEVISION STATIONS.—

''(A) EXISTING CARRIAGE OF HIGH DEFINITION SIGNALS.—If, before the date of enactment of the Satellite Television Extension and Localism Act of 2010, an eligible satellite carrier is providing, under section 122 of title 17, United States Code, any secondary transmissions in high definition format to subscribers located within the local market of a television broadcast station of a primary transmission made by that station, then such satellite carrier shall carry the signals in high-definition format of qualified noncommercial educational television stations located within that local market in accordance with the following schedule:

''(i) By December 31, 2010, in at least 50 percent of the markets in which such satellite carrier provides such secondary transmissions in high definition format.

''(ii) By December 31, 2011, in every market in which such satellite carrier provides such secondary transmissions in high definition format.

''(B) NEW INITIATION OF SERVICE.—If, on or after the date of enactment of the Satellite Television Extension and Localism Act of 2010, an eligible satellite carrier initiates the provision, under section 122 of title 17, United States Code, of any secondary transmissions in high definition format to subscribers located within the local market of a television broadcast station of a primary transmission made by that station, then such satellite carrier shall carry the signals in high-definition format of all qualified noncommercial educational television stations located within that local market.''.

(b) DEFINITIONS.—Section 338(k) is amended—

(1) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively;

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

''(2) ELIGIBLE SATELLITE CARRIER.—The term 'eligible satellite carrier' means any satellite carrier that is not a party to a carriage contract that—

''(A) governs carriage of at least 30 qualified noncommercial educational television stations; and

''(B) is in force and effect within 150 days after the date of enactment of the Satellite

Television Extension and Localism Act of 2010.'';

(3) by redesignating paragraphs (6) through (9) (as previously redesignated) as paragraphs (7) through (10), respectively; and

(4) by inserting after paragraph (5) (as so redesignated) the following new paragraph:

''(6) QUALIFIED NONCOMMERCIAL EDUCATIONAL TELEVISION STATION.—The term 'qualified noncommercial educational television station' means any full-power television broadcast station that—

''(A) under the rules and regulations of the Commission in effect on March 29, 1990, is licensed by the Commission as a noncommercial educational broadcast station and is owned and operated by a public agency, nonprofit foundation, nonprofit corporation, or nonprofit association; and

''(B) has as its licensee an entity that is eligible to receive a community service grant, or any successor grant thereto, from the Corporation for Public Broadcasting, or any successor organization thereto, on the basis of the formula set forth in section 396(k)(6)(B) of this title.''.

SEC. 208. SAVINGS CLAUSE REGARDING DEFINITIONS.

Nothing in this title or the amendments made by this title shall be construed to affect—

(1) the meaning of the terms ''program related'' and ''primary video'' under the Communications Act of 1934; or

(2) the meaning of the term ''multicast'' in any regulations issued by the Federal Communications Commission.

SEC. 209. STATE PUBLIC AFFAIRS BROADCASTS.

Section 335(b) is amended—

(1) by inserting ''**STATE PUBLIC AFFAIRS,**'' after ''**EDUCATIONAL,**'' in the heading;

(2) by striking paragraph (1) and inserting the following:

''(1) CHANNEL CAPACITY REQUIRED.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Commission shall require, as a condition of any provision, initial authorization, or authorization renewal for a provider of direct broadcast satellite service providing video programming, that the provider of such service reserve a portion of its channel capacity, equal to not less than 4 percent nor more than 7 percent, exclusively for noncommercial programming of an educational or informational nature.

''(B) REQUIREMENT FOR QUALIFIED SATELLITE PROVIDER.—The Commission shall require, as a condition of any provision, initial authorization, or authorization renewal for a qualified satellite provider of direct broadcast satellite service providing video programming, that such provider reserve a portion of its channel capacity, equal to not less than 3.5 percent nor more than 7 percent, exclusively for noncommercial programming of an educational or informational nature.'';

(3) in paragraph (5), by striking ''For purposes of the subsection—'' and inserting ''For purposes of this subsection:''; and

(4) by adding at the end of paragraph (5) the following:

''(C) The term 'qualified satellite provider' means any provider of direct broadcast satellite service that—

''(i) provides the retransmission of the State public affairs networks of at least 15 different States;

''(ii) offers the programming of State public affairs networks upon reasonable prices, terms, and conditions as determined by the Commission under paragraph (4); and

''(iii) does not delete any noncommercial programming of an educational or informational nature in connection with the carriage of a State public affairs network.

''(D) The term 'State public affairs network' means a non-commercial non-broadcast network or a noncommercial educational television station—

''(i) whose programming consists of information about State government deliberations and public policy events; and

''(ii) that is operated by—

''(I) a State government or subdivision thereof;

''(II) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of such Code and that is governed by an independent board of directors; or

''(III) a cable system.''.

TITLE III—REPORTS AND SAVINGS PROVISION

SEC. 301. DEFINITION.

In this title, the term ''appropriate Congressional committees'' means the Committees on the Judiciary and on Commerce, Science, and Transportation of the Senate and the Committees on the Judiciary and on Energy and Commerce of the House of Representatives.

SEC. 302. REPORT ON MARKET BASED ALTERNATIVES TO STATUTORY LICENSING.

Not later than 18 months after the date of the enactment of this Act, and after consultation with the Federal Communications Commission, the Register of Copyrights shall submit to the appropriate Congressional committees a report containing—

(1) proposed mechanisms, methods, and recommendations on how to implement a phase-out of the statutory licensing requirements set forth in sections 111, 119, and 122 of title 17, United States Code, by making such sections inapplicable to the secondary transmission of a performance or display of a work embodied in a primary transmission of a broadcast station that is authorized to license the same secondary transmission directly with respect to all of the performances and displays embodied in such primary transmission;

(2) any recommendations for alternative means to implement a timely and effective phase-out of the statutory licensing requirements set forth in sections 111, 119, and 122 of title 17, United States Code; and

(3) any recommendations for legislative or administrative actions as may be appropriate to achieve such a phase-out.

SEC. 303. REPORT ON COMMUNICATIONS IMPLICATIONS OF STATUTORY LICENSING MODIFICATIONS.

(a) STUDY.—The Comptroller General shall conduct a study that analyzes and evaluates the changes to the carriage requirements currently imposed on multichannel video programming distributors under the Communications Act of 1934 (47 U.S.C. 151 et seq.) and the regulations promulgated by the Federal Communications Commission that would be required or beneficial to consumers, and such other matters as the Comptroller General deems appropriate, if Congress implemented a phase-out of the current statutory licensing requirements set forth under sections 111, 119, and 122 of title 17, United States Code. Among other things, the study shall consider the impact such a phase-out and related changes to carriage requirements would have on consumer prices and access to programming.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall report to the appropriate Congressional committees the results of the study, including any recommendations for legislative or administrative actions.

SEC. 304. REPORT ON IN-STATE BROADCAST PROGRAMMING.

Not later than 18 months after the date of the enactment of this Act, the Federal Communications Commission shall submit to the appropriate Congressional committees a report containing an analysis of—

(1) the number of households in a State that receive the signals of local broadcast stations assigned to a community of license that is located in a different State;

(2) the extent to which consumers in each local market have access to in-state broadcast programming over the air or from a multichannel video programming distributor; and

(3) whether there are alternatives to the use of designated market areas, as defined in section 122 of title 17, United States Code, to define local markets that would provide more consumers with in-state broadcast programming.

SEC. 305. LOCAL NETWORK CHANNEL BROADCAST REPORTS.

(a) REQUIREMENT.—

(1) IN GENERAL.—On the 270th day after the date of the enactment of this Act, and on each succeeding anniversary of such 270th day, each satellite carrier shall submit an annual report to the Federal Communications Commission setting forth—

(A) each local market in which it—

(i) retransmits signals of 1 or more television broadcast stations with a community of license in that market;

(ii) has commenced providing such signals in the preceding 1-year period; and

(iii) has ceased to provide such signals in the preceding 1-year period; and

(B) detailed information regarding the use and potential use of satellite capacity for the retransmission of local signals in each local market.

(2) TERMINATION.—The requirement under paragraph (1) shall cease after each satellite carrier has submitted 5 reports under such paragraph.

(b) FCC STUDY; REPORT.—

(1) STUDY.—If no satellite carrier files a request for a certification under section 342 of the Communications Act of 1934 (as added by section 206 of this title) within 270 days after the date of the enactment of this Act, the Federal Communications Commission shall initiate a study of—

(A) incentives that would induce a satellite carrier to provide the signals of 1 or more television broadcast stations licensed to provide signals in local markets in which the satellite carrier does not provide such signals; and

(B) the economic and satellite capacity conditions affecting delivery of local signals by satellite carriers to these markets.

(2) REPORT.—Within 1 year after the date of the initiation of the study under paragraph (1), the Federal Communications Commission shall submit a report to the appropriate Congressional committees containing its findings, conclusions, and recommendations.

(c) DEFINITIONS.—In this section—

(1) the terms ''local market'' and ''satellite carrier'' have the meaning given such terms in section 339(d) of the Communications Act of 1934 (47 U.S.C. 339(d)); and

(2) the term ''television broadcast station'' has the meaning given such term in section 325(b)(7) of such Act (47 U.S.C. 325(b)(7)).

SEC. 306. SAVINGS PROVISION REGARDING USE OF NEGOTIATED LICENSES.

(a) IN GENERAL.—Nothing in this Act, title 17, United States Code, the Communications Act of 1934, regulations promulgated by the Register of Copyrights under this title or title 17, United States Code, or regulations promulgated by the Federal Communications Commission under this Act or the Communications Act of 1934 shall be construed to prevent a multichannel video programming distributor from retransmitting a performance or display of a work pursuant to an authorization granted by the copyright owner

or, if within the scope of its authorization, its licensee.

(b) LIMITATION.—Nothing in subsection (a) shall be construed to affect any obligation of a multichannel video programming distributor under section 325(b) of the Communications Act of 1934 to obtain the authority of a television broadcast station before retransmitting that station's signal.

SEC. 307. EFFECTIVE DATE; NONINFRINGEMENT OF COPYRIGHT.

(a) EFFECTIVE DATE.—Unless specifically provided otherwise, this Act, and the amendments made by this Act, shall take effect on February 27, 2010, and with the exception of the reference in subsection (b), all references to the date of enactment of this Act shall be deemed to refer to February 27, 2010, unless otherwise specified.

(b) NONINFRINGEMENT OF COPYRIGHT.—The secondary transmission of a performance or display of a work embodied in a primary transmission is not an infringement of copyright if it was made by a satellite carrier on or after February 27, 2010, and prior to enactment of this Act, and was in compliance with the law as in existence on February 27, 2010.

TITLE IV—SEVERABILITY

SEC. 401. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of such provision or amendment to any person or circumstance shall not be affected thereby.

TITLE V—DETERMINATION OF BUDGETARY EFFECTS

SEC. 501. DETERMINATION OF BUDGETARY EFFECTS.

(a) IN GENERAL.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

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

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

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield 10 minutes to the gentleman from Virginia (Mr. BOUCHER) and ask unanimous consent that he be allowed to control that time.

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

There was no objection.

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

Mr. Speaker, the Satellite Television Extension and Localism Act of 2010 reauthorizes the satellite compulsory license until December 31, 2014, and modernizes the copyright licenses for satellite and cable television.

This has required an amazing amount of negotiation, not only between the members of the two committees involved, but as well among the many major players in this very complicated area of technology. For more than a year, there have been hearings, discussions, fact-finding among the four committees, local broadcasters, copyright owners, satellite companies, and here is what has resulted:

We have been able to resolve the phantom signal problem in the cable case. We have been able to make it possible for all satellite consumers to get their local broadcast programming. And then we have the satellite companies. We have created a way for them to use the license where there is a multicast.

And so we join with a wide variety of dedicated leaders in the House so that local broadcasters can send several streams of programming over one digital system.

And I thank my friend RICK BOUCHER for his dual role in this very long operation. And, of course, as unusual, LAMAR SMITH has been invaluable, as well as Chairman HENRY WAXMAN and Ranking Member JOE BARTON of the Energy and Commerce Committee.

It was not easy to develop this consensus between very strong entities in this technology, but I am happy to bring this bill to the floor today.

Mr. Speaker, the ''Satellite Television Extension and Localism Act of 2010'' reauthorizes the satellite compulsory license until December 31, 2014, and modernizes the copyright licenses for satellite and cable television.

The bill before us today is based on H.R. 3570, legislation I introduced last September, which was reported by our committee unanimously, combined with legislation reported by the Energy and Commerce Committee, and passed by the House overwhelmingly in December.

It includes a small number of further clarifications worked out in bipartisan coordination between our two Committees and our Senate counterparts.

It is the product of more than a year of hearings, fact-finding, and extensive discussions between the four Committees and local broadcasters, copyright owners, satellite companies, cable companies, public television, consumer groups, the Copyright Office, and other experts.

The result is licenses that meet the challenges of the digital age to enhance the efficiency and competition that provides consumers with more—and better—options.

First, the bill solves the so-called ''phantom signal'' problem in the cable license.

Under current law, cable companies have believed they were being asked to pay for programming that not all their customers were receiving. At the same time, copyright owners have believed that they were underpaid.

After much negotiation, this bill designs a new way to calculate cable license royalties. Now cable providers have more certainty, and copyright owners get more compensation.

Second, the bill makes it possible for all satellite consumers to get their local broadcast programming.

Under current law, DISH network is not permitted to use the Section 119 satellite license. At the same time, there are many television markets where customers do not get local programming with their satellite service. This is because rebroadcasting local programming takes money and satellite space.

If the market is too small, satellite companies don't offer the service. Some of these customers live in rural areas, and cannot even get their local networks over the air.

Every customer should be able to get local news, weather, and sports. So to close this service gap, DISH will get to use the Section 119 license again if, and only if, it accepts the burden of local programming in every single market.

We have worked together to make sure this deal is as fair as possible to copyright owners, local broadcasters, and consumers.

Third, this bill explains how satellite companies can use the license when there is a ''multicast.''

For the first time, local broadcasters can now send several streams of programming over one digital signal. This is called ''multicasting.''

Satellite companies are only allowed to use the license to give substitute programming to customers who don't get network from their local broadcaster. We call those customers ''unserved.''

But there was confusion over whether a customer was considered ''unserved'' if it got a network by multicasting, instead of over the air.

Now it will be clear that a household is considered ''served'' no matter how it gets the signal from its local broadcaster. However, because this is a significant change, satellite providers will also be allowed some time to transition to this new system. That way there will be minimal disruption for consumers.

Finally, this bill provides a badly-needed audit right for copyright owners. For the first time, copyright owners can check and make sure that cable and satellite companies are paying them fairly.

Among the many Members who have contributed to the progress of this important legislation, I want to particularly thank my good friend from Virginia, RICK BOUCHER, for his invaluable contributions in his dual role as a senior Member of our Committee and the Chair of the Telecommunications Subcommittee.

I also want to thank Ranking Member LAMAR SMITH for helping us work to improve the bill in several ways, and HENRY WAXMAN and JOE BARTON, Chairman and Ranking Member of the Energy and Commerce Committee, for working with us to develop this consensus product.

I urge my colleagues to support this important legislation.

I reserve the balance of my time.

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

Mr. Speaker, this bill is the single most important copyright bill to be considered by this Congress to date. It represents the culmination of a legislative process that began with hearings in the House Judiciary and Energy and Commerce Committees in February 2009.

Though bearing a Senate bill number, many of the policy positions contained in this bill originated in earlier

House versions of the legislation, including H.R. 3570, which overwhelmingly passed the House last year.

The legislation that previously passed the House and is incorporated into S. 3333 actually integrates two separate bills:

H.R. 3570, introduced by Chairman CONYERS and reported by the Judiciary Committee on September 16, 2009; and

H.R. 2994, which was the Energy and Commerce Committee's related measure to amend the Communications Act.

The principal purpose of this measure is to extend the compulsory license in section 119 of the Copyright Act that authorizes satellite carriers to deliver distant network programming to subscribers.

While fewer consumers rely upon the distant license to receive network programming than in years past, about 1 million households still derive some benefit from it. The absence of an immediate market alternative makes it necessary once again for Congress to extend the license temporarily until December 31, 2014. My hope is that this will be the last time Congress reauthorizes what was originally envisioned to be a temporary license.

In addition to amending the satellite license in section 119 of the Copyright Act, this bill also contains a number of significant amendments to the cable license in section 111 and a separate satellite license in section 122. The former governs the retransmission of both local and distant programming by cable providers, while the latter governs the satellite retransmission of local-into-local programming.

Perhaps the most significant amendment to the cable license is a resolution of the phantom signal issue. The provision in the bill was negotiated and is supported by both program owners and the cable industry. While circumstances prevented Congress from being able to further harmonize or eliminate these licenses, I am pleased we were able to make substantial improvements and address some of the most urgent concerns.

I thank Chairman CONYERS for bringing this legislation to the floor and want to recognize Chairman BERMAN and Senators LEAHY and SESSIONS for their support as well.

The inclusion of enhanced penalties for any future violation, along with provisions that require active judicial oversight and GAO review of DISH's compliance, coupled with an obligation that DISH certify its compliance to a Federal court, reflects critical and necessary improvements from prior versions of this bill.

I urge my colleagues to support S. 3333, the Satellite Television Extension and Localism Act. When enacted, the bill will both preserve and expand the ability of Americans to view network and independent station programming without interruption. And it will do so while taking into account the vital property interest of those whose programming is made subject to the licensing.

Mr. Speaker, I have no other speakers on this side, and I yield back the balance of my time.

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

Mr. Speaker, today we take the final step in adopting legislation that will ensure the continued satellite delivery of network television programming to rural homes that cannot receive that programming by means of an outdoor antenna or rabbit ears from a local television station.

Over the course of the last year, the House and Senate Commerce and Judiciary Committees have closely cooperated in a bipartisan process to revise and to modernize the law, and I want to say thanks to all of the members of the four committees who have been involved in this effort and have worked together in order to achieve the result and the success that we celebrate this morning.

My major goal in reforming the Satellite Home Viewer Act has been to bring to all 210 local television markets across the Nation what we refer to as local-into-local television service through which local television signals are transmitted by satellite to homes in the market where those television signals originate. With the passage of the bill that is now under consideration, we will achieve that goal.

Today, 28 of the 210 local television markets around the Nation do not have the benefit of local-into-local satellite service. And those local signals are tremendously important. Families routinely rely on local television to bring news about emergency weather conditions, to bring news about school closings and other events in the community, the timely knowledge of which is very important to the families that watch television in order to receive that information. And there are 28 rural markets across the United States where those very valuable local television signals are not available through satellite delivery. These are very rural markets, and most of them do not have a full complement of network-affiliated local television stations within the market. We call these short markets because they are missing one or more of the major network affiliates—ABC, NBC, CBS, and FOX—and in virtually all of these markets, one or more of those network programs are not available by means of a local television station.

Until today, their short-market status has made it economically unattractive for the satellite carriers to provide local television signals in these markets. So those markets currently are without that service, and that will soon change.

Last year I spoke to the chief executive officer of EchoStar, also known as DISH Network, one of the two major providers of satellite-based TV services across the United States. I asked him if working together we could find a way for his company to serve the 28 rural markets that do not have local television service at the present time. He responded that if we revise the law to enable DISH to import distant network signals from stations located outside of these rural markets to the extent necessary to supply the network signals that are missing in those markets, DISH would then commit to serve all 210 local TV markets across the Nation.

The legislation before the House today makes that key change. Its passage means that in the near future EchoStar will begin serving the 28 rural markets that lack vital local television signals at the present time. The satellite necessary to deliver those services has been launched, the plans to uplink the signals of the stations and import distant network signals to the extent necessary to provide a full complement of network affiliates in those markets have been made. All that is now waiting is the passage of this bill in the House and its signature into law by the President.

And so with the act that we take today, we can be assured that in the very near future, all 210 local television markets across the country will receive this important service.

□ 1045

I want to commend the leadership of DISH Network for making the commitment. Millions of homes in America's most rural regions will be the beneficiaries.

I also want to say special thanks to Chairman CONYERS of the House Judiciary Committee and to our friend Mr. SMITH from Texas for their tremendous work and cooperation as our two committees together have fashioned this revision of the Satellite Home Viewer Act. It is an important step that we take.

And Mr. Speaker, I urge that the House approve this measure.

Mr. GOODLATTE. Mr. Speaker, I rise in support of S. 3333, the Satellite Television Extension and Localism Act. This legislation contains important provisions to enhance television services in rural areas.

Consumers in rural and mountainous areas, like my congressional district, are often beyond the reach of cable lines and do not have access to the types of programming that those who live in urban areas enjoy. I believe it is crucial for consumers in rural areas to have access to local news and emergency information, as well as robust television options.

I have worked hard for years to enhance the programming options for those in rural areas, including making sure satellite companies provide local channels. In fact, I was a member of the conference committee in the 106th Congress that negotiated the final version of the law that originally permitted satellite television companies to provide local television stations, which has made satellite companies more effective competitors to cable operators. Cable had been able to provide local broadcast network stations to their subscribers for years.

While that law eliminated the legal barriers to satellite companies providing local stations, it did not assure delivery of local television via satellite to all television markets. Since then, I

have continued to work to encourage satellite companies to expand the areas where they provide local television stations, and we have had many successes.

However, there are still problems that we need to fix. For example, while everyone in my district has access to local programming from at least one satellite company, many folks still cannot receive all four network stations via satellite.

I am pleased to report that I helped insert a provision into this legislation that would change the definition of ''unserved household'' to eliminate a major impediment to satellite companies wishing to offer all four television networks to consumers in so-called short markets (those that do not have a full complement of all 4 networks locally). This provision will help ensure that all consumers in short markets have access to all four network television stations.

In addition, this legislation contains a provision that will allow DISH Network to again be permitted to offer network programming from other areas when there are no stations of the same network in the local market. DISH Network had previously been prohibited from offering these ''distant'' network television stations. Under S. 3333, DISH Network would be able to offer these distant channels only after it rolls out local television channels via satellite in all 210 television markets. This provision will inject competition into the satellite television market, especially in rural areas where often there is either one or no satellite providers.

The transition to digital television presented new issues for this reauthorization. As such, S. 3333 contains technical updates to reflect the reality that television broadcasts are now digital rather than analog.

This legislation is a big step forward in updating the laws governing satellite television in rural areas, and I urge the Members of this body to support this important legislation.

Mr. BOUCHER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I have no speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, S. 3333.

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

A motion to reconsider was laid on the table.

CLARIFYING MINIMUM ESSENTIAL COVERAGE

Mr. LEVIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5014) to clarify the health care provided by the Secretary of Veterans Affairs that constitutes minimum essential coverage, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5014

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

SECTION 1. CLARIFICATION OF HEALTH CARE PROVIDED BY THE SECRETARY OF VETERANS AFFAIRS THAT CONSTITUTES MINIMUM ESSENTIAL COVERAGE.

(a) IN GENERAL.—Clause (v) of section 5000A(f)(1)(A) of the Internal Revenue Code of 1986, as added by section 1501(b) of the Patient Protection and Affordable Care Act, is amended to read as follows:

''(v) a health care program under chapter 17 or 18 of title 38, United States Code, as determined by the Secretary of Veterans Affairs, in coordination with the Secretary of Health and Human Services and the Secretary,''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in section 1501(b) of the Patient Protection and Affordable Care Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. LEVIN) and the gentleman from California (Mr. HERGER) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. LEVIN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to add extraneous materials.

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

There was no objection.

Mr. LEVIN. Mr. Speaker, I rise today in strong support of H.R. 5014, a bill to reinforce that health care provided by the Department of Veteran Affairs constitutes minimum essential coverage under the individual mandate.

Very specifically, this bill clarifies that coverage at the VA for individuals who have spina bifida as a result of their parents exposure to Agent Orange counts as minimum essential coverage.

I want to be clear that this bill does not in any way change veterans health care, nor does it put anyone but the Secretary of Veteran Affairs in control of veterans benefits.

The bill has no cost. A similar version of this legislation passed the Senate by unanimous consent. This legislation is consistent with the commitment that the Congress has made to the veterans of our Nation.

Finally, I would like to highlight that it is supported by numerous veterans service organizations such as the Veterans of Foreign Wars, the American Legion, the AMVETS, and the Disabled American Veterans.

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

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

Mr. Speaker, millions of American workers are in danger of losing their health care coverage because of the Democrats' unprecedented social experiment. One of the central flaws of the Democrats' health care overhaul is that it forces every American to buy health insurance and allows Federal bureaucrats to decide if their coverage is acceptable. If your insurance does not meet the government's standards, then you will be taxed. That's why we're considering this bill today.

Certainly, none of us wants to see hundreds of disabled children of veterans lose their health insurance because of the Democrats' grand experiment on health care. I agree with the goal of this legislation and intend to support it.

However, where is the fix for the millions of American workers and retirees who will be forced out of the health care coverage they currently have?

Fortune.com reported internal company documents from four major U.S. employers reveal they are considering ''dumping the health care coverage they provide to their workers in exchange for paying penalty fees to the government.''

These companies currently offer health benefits to well over 2.3 million employees, retirees, and their dependents, a number that exceeds the population of 15 States as well as the District of Columbia.

AT&T reports they could save $4.1 billion per year if they simply dump their employee health care coverage and pay the employer mandate tax instead. When will the Democrats put a bill on the floor that protects 1.2 million AT&T employees, retirees, and their dependents from losing their coverage?

Caterpillar would reduce its expenses by 70 percent if they eliminate health benefits and, instead, pay the tax. Where's the protection for these employees?

A survey conducted by the City University of New York for the Financial Executives Research Foundation found that three-quarters of chief financial officers believe the Democrat health overhaul will be ''negative both for Americans and for their own companies.''

Sixty-two percent of CFOs say they will have to increase employee copays by 48 percent. Forty-eight percent believe they will have to reduce the quality of the health care package they offer employees. And 46 percent say they will have to reduce employee benefits.

Even more troubling, The Philadelphia Inquirer recently interviewed legal experts who advise employers on how to structure their health plans. According to their report, some health care benefit managers ''see a future in which employers no longer provide coverage because the cost of dropping health insurance for employees, about $2,000 per person in Federal penalties to employers, is far less than the current cost of providing family coverage, about $12,000 per employee. There is an opportunity to get out of providing health benefits to employees.''

While I support the goal of the legislation before us, it is not enough. We must repeal this dangerous experiment with government control of health care and replace it with reforms that will allow all Americans to keep their health coverage.

Mr. Speaker, I yield so much time as he may consume to the ranking member of the Veterans Affairs Committee, the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. We're doing some unnecessary housecleaning today. I'm not certain whether you're cleaning out the garage or you're cleaning up the bedroom or cleaning up the mess you made in the kitchen. But one thing's clear: we're cleaning up a mess, a mess that we don't have to have done today, a mess that I tried to fix with the chairman the day before we voted on the health bill, and you wouldn't even do it then.

Yeah, we're cleaning up a mess, a mess because it was all about political expediency. Well, we've got to get a bill. The President's got political capital out there. We've got to get a bill.

Eighteen years I've been in this town. Whenever this town gives into a do-something mentality built on the emotion of the moment, people are going to get hurt, and that's exactly what's happened. People get hurt.

The health bill was never intended to have been signed into law by the President. It was a political document that was passed in the United States Senate to achieve 60 votes, to get to the conference table.

Oh, no. We'll just take that document that was drafted, not even vetted, and just bring it over to the House with all of its errors and just pass it, even when those of us with earnestness and sincerity to correct your bill, a Republican conservative to correct your mistakes, and you wouldn't even take it.

I go to the Rules Committee, to the Rules Committee, and lay out the mistakes in your bill. The stench that comes from the Rules Committee, with their pride, is that we stop all those amendments.

Are you kidding me? You stopped all those amendments. Oh, what pride.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman is reminded to address his remarks to the Chair.

Mr. BUYER. All right.

Mr. Speaker, there was a stench that came out of the Rules Committee. The stench was pride. They wouldn't swallow their pride to correct a bill when they had the opportunity to do it, so they came to the floor saying that, geez, we're not going to take any of those amendments.

So, now, Mr. Speaker, we're having to take up your time and this precious time on the floor to correct a bill that we shouldn't have to do. That's what we're doing here today, Mr. Speaker. And we're doing it with veterans.

Now let's talk about political corruption. Oh, Steve, you're dancing on the edge here; you mean there could have actually been political corruption on the night of the health bill? You bet.

What is the difference between politics and the super bowl of politics in the arena and corruption? Where do you cross the line? Is it really crossed? When do you end up in the nebulous?

Let me tell you about the Congressional Budget Office, the nonpartisan referee of the Congressional Budget Office, okay?

What was supposed to have happened? Let's do a little flashback here. Sunday, we're going to vote on the health bill. What happens? At midnight on Friday night, that bill that came over from the Senate, we finally get to see it. What's wrong? There are problems in the bill.

The drafting of the bill only mentioned TRICARE For Life, not the protection of TRICARE. So IKE SKELTON immediately, the chairman of the Armed Services Committee, files a bill to be brought to the floor for which Chairman LEVIN, you were here, and it was the Ike Skelton bill to protect TRICARE, a correction that had to be made. But it was made outside of the bill. I sought to make it a correction inside the bill.

We also had the problem with the drafting on the protection of veterans programs of title 38 under chapter 17, veterans programs. Well, there are other veterans programs under chapter 17 that were left out, including chapter 18, which is the spina bifida program, a serious problem. Oh, no, no, no, Steve. We're not going to take care of that. I guess we'll do it later.

□ 1100

Chairman LEVIN, you kept your word. You kept your word to me, so you are a gentleman. We tried to get it done on that day, and it didn't get done. And you kept your word to me, and we are back here today. But we shouldn't have to have been back here today I guess is my point.

Now, let me go back to the corruption. The corruption was I was still in earnest to have this corrected in the bill. The VFW was also very upset. So was the American Legion. So was DAV. So was the uniformed services. A couple other VSOs went ahead and rolled over like a political dog and let you scratch their belly. But I will tell you what, these other ones stood firm because they knew the bill was flawed.

Here is a quote from the commander of the VFW: The President and the Democrat leadership are betraying America's veterans, and what makes matters worse is the leadership and the President know the bill is flawed, yet are pushing for passage today like it's a do-or-die situation. This Nation deserves the best from their elected officials, and the rush to pass legislation of this magnitude is not it.

He's right. That's what happened on that day. That's why we are having to come back and clean up the mess.

Now we go to the day of the bill itself. What are we going to do? We are going to have the motion to recommit the bill. So what's Mr. BUYER going to do? We are going to put in the motion to recommit the bill to correct these mistakes with regard to the TRICARE program to cover our military and their dependents and protect their jurisdiction, also make sure that the other veterans programs, the CHAMPVA and the spina bifida program are protected. And what happened?

I get a ring, ring, ring, ring, ring, a phone call from CBO. CBO says, We believe that your bill may score at $4.4 billion. Are you kidding me, $4.4 billion? We just did IKE SKELTON's bill on Saturday, and it did not score. But my bill is now going to score on Sunday and IKE's didn't score on Saturday? Are you kidding me?

Now the stench is coming from somewhere else, Mr. Speaker. CBO, the Congressional Budget Office. What happened to fair dealing? What happened to being a referee and nonpartisanship? So I say to CBO in that phone conference—some of the individuals who were in that conference are sitting right here; correct me if I am inaccurate—Go back and look at your numbers and call me back because there is no way this can score. They then call back and they come back and said, We have concerns; your bill may score at $4.4 billion.

Okay, I tell you what. This is what I told CBO: do not send me a letter tomorrow that says the bill doesn't score. In my heart, I know what you are doing. You are blocking to prevent me from bringing a motion to recommit the health bill on the House floor so the Democratic leadership and Democrats do not have to take a tough vote and actually admit that the VFW and the American Legion and DAV were right that the bill is flawed and doesn't protect veterans.

Now, because all this is boiling, what does the White House do? The White House does not want to recreate another Joe Wilson moment where someone stands up and challenges the President's veracity. So what do they do? The White House press shop goes and contacts the Secretary of the Veterans Affairs, and they get the Secretary of the VA to say what BUYER has brought out is unfounded. They get the Secretary of the VA to do the dirty work. The individuals who are serving the Secretary of the VA are not serving that man well at all, because whatever that he said was unfounded has been founded. It's been founded because we are correcting what I said the mistakes were made.

Let me continue on with the corruption wave. Let me talk about those who sit up on the perch. Oh, my gosh, they are not there. Our friends in the media, they are not there. Where are they? No, they are not there because let me tell you what they did that night. They participated in the marginalization of me, the mistakes, because they said, well, we have got four Democratic chairmen say there were no mistakes. The Secretary of the VA says there are no mistakes. The bill must be okay. BUYER, you must be an alarmist.

And so Tom Philpott, a very good writer, someone who I respect in this

town, with the Baltimore Sun, actually writes an article about how I must have been an alarmist because the four leading chairmen and the Democratic leadership and the White House and the Secretary of the VA say, Steve, what you are talking about with regard to TRICARE and spina bifida and the other veterans programs was unfounded.

Then why are we here today correcting those mistakes? Because they are founded. They are real. So where is the press now to write the story that the VFW, you were right when you challenged the leadership for passing a flawed bill?

Well, let me tell you now, let me close the loop with the corruption in the CBO. I didn't bring that motion to recommit the bill, did I? I couldn't bring it because they said the bill scored at $4.4 billion. So I couldn't bring it here on the floor. So I told CBO, guess what, you win. I can't bring it. But if you tomorrow, you send me a letter that says it didn't score, I tell you what I am going to do. Because you said it scores at $4.4 billion, that means that the savings that the Democratic leadership was talking about as a pay-for for their health bill, the savings of $4.4 billion was taken out of veterans programs. That's where the savings came from.

So I said, okay, fine, if my motion to recommit scores at $4.4 billion, then the savings that they talked about over here, where you got savings in the health bill, let's vote for the health bill, it was taken out of the veterans programs. That's where it came from.

So what happens on Monday morning? I issue a press release that says $4.4 billion is taken out of the veterans savings programs. Within 2 hours what does CBO do, Mr. Speaker? They issue a statement to me that says the bill doesn't score. My amendment didn't score. Oh, my gosh.

To every Member out there who has had an experience over the years dealing with CBO, protect yourself. Right now you cannot trust CBO. You cannot trust their veracity. I stand here with a gentleman with honor, and I am sickened by what CBO had done. I was sickened by the super bowl of politics that occurred on that night, that here we had a bill that is very meaningful to the American people, we know there are errors. The gentleman whom I have complimented knew in his heart that there were problems with the bill we are going to have to come back and correct. We shouldn't have had to do this.

I felt compelled, though, to tell the story. I am a retiring Member of Congress. There are things I love and defend about this institution. But there are also things that are called the dark side of human behavior that are toxic and poisonous, and they disturb me to no end. So to Members: hold onto your honor, put your face into the cold wind, and do not accept it when individuals act with corruption. Stand and shove them back. Our country is too great.

Especially to have played politics with veterans programs is the ultimate to me. The children of Korean and Vietnam war-era veterans with spina bifida, are you kidding me? That's who we are going to play games with? The other veterans programs, who are those individuals? They are the widows, they are the war widows, and we are going to play politics with war widows.

There is a word, I guess, we don't like to use very often. It's called ''shame.'' It's because it's a very, very powerful word. That's shameful what we did. When an error is in front of you and you have got the opportunity to correct that error, you correct it. If you do not, it is shameful. And I will accept responsibility, too.

But if I am going to accept responsibility as a leader of this House that I was unable to see it through, someone else better also step forward and accept responsibility, Madam Speaker. And you turn and you then face the veterans at the conventions this summer and you tell them, Yes, the bill was flawed, but I apologize and the bill was corrected; and with the issues that were brought up by Mr. BUYER, they were founded. I apologize for challenging his veracity because what he said was right. And the Madam Speaker should say, I was wrong.

And under the President, you should also say to the Secretary of the VA, I apologize to you, Mr. Secretary; we put you in an uncomfortable position whereby you laid your honor on the line and made a statement that was not truthful. And the President should apologize then to the Secretary of the VA. That's how you clean up the mess.

So it's not just the legislative mess; there is a mess here with regard to individuals' integrity and their honor. And so if you wonder why the American people are upset and disgusted with Washington, DC, it is because they see that this is what's happening. I assure you we lost our majority, and you are about to lose yours.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all Members that they should direct their remarks to the Chair and not to others in the second person.

Members also are reminded that it is not in order to draw attention to occupants of the gallery.

Mr. LEVIN. How much time is remaining?

The SPEAKER pro tempore. The gentleman from California has no time remaining. The gentleman from Michigan has 18½ minutes remaining.

Mr. LEVIN. Let me say a few words. I really regret that the minority has decided to use this bill as an opportunity to talk about the health care bill I think in totally irresponsible ways. I don't think it is fitting for the service of the veterans of the United States of America that you decide to essentially use this time to talk about issues unrelated. I don't think that is consonant with why you are here and why we are here. So I am not going to debate the health care bill.

We are talking today about a bill to make very clear, if there is any need, about one provision. Talk about playing politics, that's what's been endeavored here by the minority speakers. And I think it's deeply regrettable. There is a difference of opinion as to whether there was any mistake at all on this specific issue. There is a difference of opinion.

The Secretary of the VA said that this issue was already covered. That was his judgment. There is no need for anybody to apologize to the Secretary. And so there was this difference of opinion as to whether there was any need to correct. And a lot of us said there was no such need. When it was raised, this issue by Mr. BUYER, we said that. So instead of acting on something that we thought was not necessary, what we said was we will take further steps to make sure there is no concern.

There was a lot of rhetoric that went around regarding that issue. And I want to just read a letter that came out shortly thereafter from the commander in chief of the VFW. It was a letter to our Speaker.

□ 1115

It was a letter to our Speaker, and this is what the letter said:

''Dear Madam Speaker, I want to apologize for saying in a Sunday press release that you and the Democratic leadership are betraying Americans, America's veterans. Your support of America's veterans, military, and their families is and has been above reproach.'' Above reproach.

And so now using this opportunity to try to cast any aspersion, I think, is more than unfortunate, if I might say so, it is disgraceful.

There was said something about we were doing something in health care reform on the emotion of the moment. Talk about emotions?

Now, we had worked on this, health care reform, in our country for decade after decade after decade after decade after decade, and more decades. Health care reform was an effort in the best American tradition to try to advance what has made this country great—and that is acting as a community to meet the needs of individuals, to combine responsibility and community.

So, let me get back. If you want to go out and talk about repeal, as the gentleman from California has, go and talk to the seniors who are going to benefit from the health reform bill, go and talk to the kids who are under 26 who are going to receive coverage through this bill, go and talk to the people who otherwise would have their health care rescinded as some entities tried and then, to their credit, backed off when we raised the issue.

Now, if anybody is playing politics today, it's no one on this side led by our distinguished Speaker.

So I urge adoption of this legislation, and I will enter into the record three letters.

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, DC, May 12, 2010.

Hon. BOB FILNER,
Chairman, House Veterans Affairs Committee, Cannon House Office Building, Washington, DC.

DEAR CHAIRMAN FILNER: On behalf of the 2.1 million members of the Veterans of Foreign Wars and its Auxiliaries, I would like to offer our very strong support for your legislation H.R. 5014, which would clarify and protect all VA health care programs under Title 38, Chapter 17 and 18 to constitute as minimum essential health care coverage.

VFW applauds your efforts to clarify this critical issue. We sincerely appreciate your commitment to America's veterans and their families and we look forward to continuing to work with you on issues of concern.

Very Truly Yours,

ROBERT E. WALLACE,
Executive Director.

THE AMERICAN LEGION,
Washington, DC, May 12, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives, The Capitol, Washington, DC.

DEAR SPEAKER PELOSI: The American Legion fully supports the amended language to H.R. 5014, to clarify the health care provided by the Secretary of Veterans Affairs that constitutes minimum essential coverage.

After careful review, The American Legion believes this legislative change would provide the Secretary of Veterans Affairs with the continued authority to provide timely access to the nation's best quality of health care for veterans and their eligible family members consistent with the recently enacted Patient Protection and Affordable Care Act, especially those covered under chapters 17 and 18 of title 38, United States Code.

The American Legion applauds your leadership on this critical issue and your continued support of America's veterans' community.

Sincerely,

PETER S. GAYTAN,
Executive Director.

VIETNAM VETERANS OF AMERICA,
Silver Spring, MD, May 12, 2010.

Hon. NANCY PELOSI,
Speaker of the House, The Capitol, Washington, DC.

DEAR MADAM SPEAKER, Please know that Vietnam Veterans of America (VVA) endorses and supports enactment of H.R. 5014, which effectively clarifies for veterans that the health care provided by the Department of Veterans Affairs does in fact constitute the minimum essential coverage required under the recently enacted Patient Protection and Affordable Care Act.

This should put to rest, finally, any and all qualms of any and all veterans and their families who might feel uneasy that the provisions of the new law might adversely affect their health care through the VA. Passage of H.R. 5014 should reassure them, and we look forward to its swift enactment.

Thank you again for your continuing commitment to our nation's veterans.

Sincerely,

JOHN ROWAN,
National President.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. LEVIN) that the House suspend the rules and pass the bill, H.R. 5014, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

EXPRESSING SYMPATHY FOR FLOOD VICTIMS IN SOUTHEAST

Mr. COHEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1337) expressing the sympathy and condolences of the House of Representatives to those people affected by the flooding in Tennessee, Kentucky, and Mississippi in May 2010.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1337

Whereas, beginning on May 2, 2010, the State of Tennessee was hit by unprecedented rainfall that resulted in the massive flooding of areas in and around Nashville;

Whereas according to the National Weather Service of the National Oceanic and Atmospheric Administration, the two-day rainfall totals of 13.53 inches more than doubles the previous record of 6.68 inches set in September, 1979;

Whereas the storms causing the rainfall claimed the lives of dozens of people across Tennessee, Kentucky, and Mississippi;

Whereas the storms destroyed homes and displaced thousands of people across Tennessee;

Whereas the flooding affected travel along hundreds of roads throughout Tennessee, including interstate highways 40 and 24;

Whereas the storms closed schools and universities across the region;

Whereas Tennessee Governor Phil Bredesen has worked with Federal, State, and local officials and agencies to coordinate rescue and recovery efforts;

Whereas, on May 3, 2010, Governor Bredesen declared a state of emergency for 52 counties, requesting Federal assistance for areas that were affected by the storms;

Whereas, on May 4, 2010, President Obama declared that a major disaster exists in the State of Tennessee and directed the Federal Emergency Management Agency to work closely with Tennessee to monitor the response efforts relating to the storms and flooding and identify and respond to any immediate emergency needs for the citizens and communities of Tennessee that are impacted by the devastating floods;

Whereas citizens and emergency responders of all stripes worked together to aid their neighbors after the storm; and

Whereas volunteers are giving their time to help ensure that evacuees are sheltered, clothed, fed, and comforted through the trauma caused by the storm: Now, therefore, be it

Resolved, That the House of Representatives—

(1) offers its deepest sympathy and condolences to the families of those who lost their lives as the result of flooding beginning on May 2, 2010, in the States of Tennessee, Kentucky, and Mississippi;

(2) expresses its condolences to the families who lost their homes and other property in the flooding throughout Tennessee, Kentucky, and Mississippi;

(3) expresses gratitude and appreciation to the people of the State of Tennessee and the surrounding States, who continue to work to protect people from the floodwaters and aid in the recovery efforts;

(4) expresses its support as the Federal Emergency Management Agency continues its efforts to respond to any needs of the citizens and communities affected by the flooding and assists in the recovery efforts; and

(5) honors the emergency responders across Tennessee for their bravery and sacrifice during this tragedy.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. COHEN) and the gentleman from Tennessee (Mr. DUNCAN) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. COHEN).

GENERAL LEAVE

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

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

There was no objection.

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

In the first weekend of May, the great storms came through from the West and struck in Arkansas, Mississippi, Tennessee, and Kentucky. The flooding damage was record-breaking. The damage done in all States was great but in the State of Tennessee was the most severe, my home State. The most destruction, I guess, and the most damages occurred in the district of the Honorable JIM COOPER of Davidson County and environs. But in my own County of Shelby, there was extensive damage.

I joined with my colleagues in calling on our Governor to issue a request for a declaration of emergency, and that was done by Governor Bredesen. The Federal Government has responded in a magnificent manner.

President Barack Obama, in his historic speech to the Democratic National Convention in 2004, said how there was not a red United States of America and there was not a blue United States of America, but there was only one United States of America. And in this particular instance where people suffer in States that are all considered politically red States, the United States of America has responded with all of its resources to help our people, and our people need help.

FEMA's been on the ground. FEMA Director Fugate was in Tennessee in no time. Secretary Napolitano has been to Nashville. Secretary Donovan of HUD and Secretary Locke of Commerce have been to Memphis and to Nashville as well. And others have been there. I had FEMA officials at my town hall meeting on Saturday. They have let

people know that the Federal Government is there to help. The people have been very responsive, and our local governments are responsive.

When I went to Millington on Monday and toured some of the damage there, the people in the neighborhood said that the Shelby County officials had been outstanding in their response. They now feel the Federal Government's officials have been outstanding.

Secretaries Locke and Donovan visited the Ed Rice Community Center that's now a shelter in Frayser, part of my district. They visited in Millington, also. There are people in the Midtown, more of the heart of my district, who had great flooding damage. And people know now to call 1–800–621–FEMA to lodge their notice of their damages and to get on the list to start to have inspectors to come out, which they're doing, to assess the damages and ascertain which individuals are qualified for the $29,900 in recovery funds that can be had for the damages for their residential establishment and/or their primary vehicle.

The SBA has been there and the head of the SBA, and the SBA is set up to help in losses over $29,900 and to businesses for their losses as well. City and county governments and State governments will be eligible to qualify for debris removal and for goods that have been distributed.

Overall, the Volunteer State has responded as a Volunteer State should, and from its naming, volunteers have come from everywhere to help the people who have been damaged, and we have been contributing.

Hillary Clinton, quoting an African proverb, ''It takes a village to raise a child.'' Well, it takes a village and a government to come together to help its people in times of great distress and natural disaster, and we have seen the Federal Government do that—and this government in particular—and I'm proud that we've done so. And I appreciate the response that I've seen in my State of Tennessee.

And I regret the damage, and I know the people have withstood it well. And I hope it never happens, and we know it will, but the Federal Government's been there.

So with that, I reserve the balance of my time.

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

Mr. Speaker, House Resolution 1337 was introduced by the Tennessee delegation last week to express the sympathy and condolences of the House of Representatives to those impacted by the recent flooding in Tennessee, Kentucky, and Mississippi.

As we all know, earlier this month, Tennessee and Kentucky and Mississippi experienced severe rainfall resulting in unprecedented flooding, and it hit my home State of Tennessee the hardest of all. And while my district, fortunately, was spared from any of this flooding, our official title is United States Representative from whatever State we're from, and I think that the Tennessee delegation has always worked together and joined together to try to represent the whole State even though we do each run in districts.

And on May 4, the President issued a major disaster declaration for Tennessee authorizing Federal assistance to supplement the State and local response and recovery efforts. And as our colleague, the gentleman from the 9th District, Mr. COHEN, has just stated, the outpouring of support for the people affected by this flooding has just been tremendous in, as he mentioned, our great Volunteer State of which we are so proud.

Unfortunately, as a result of these floods, in these three States dozens of people were killed and hundreds of homes were destroyed. Thousands of people were displaced and forced to take shelter. In Tennessee, the Governor declared 52 of Tennessee's 95 counties as disaster areas, and key landmarks like the Grand Ole Opry House were flooded with several feet of water. In Tennessee, it hit primarily the districts of our colleagues Congressman COOPER and Congresswoman BLACKBURN and Congressman GORDON.

In Kentucky, the Governor declared a state of emergency in 79 of its 120 counties and issued boiled water advisories affecting nearly 83,000 residents.

In Mississippi, nearly 250 homes were destroyed or suffered major damage, and the Governor has requested six counties receive a major disaster declaration.

But even in this tragic situation, we saw and continue to see many examples of heroism. As we have seen in previous disasters, people in the community, first responders, and volunteers have responded and in a big, big way. The State and local officials, along with organizations like the American Red Cross, continue to provide assistance and aid to those affected by this flooding. And FEMA's assistance has and will help supplement these efforts.

I strongly support passage of this resolution and urge all of my colleagues to do the same, and I'm sure they will.

I reserve the balance of my time.

Mr. COHEN. Mr. Speaker, I would like to yield as much time as the gentleman from Davidson County, Tennessee (Mr. COOPER) needs. He's the primary author of this particular resolution and the distinguished Congressperson from the district that suffered the greatest in our country, Mr. COOPER.

Mr. COOPER. Mr. Speaker, I thank all of my colleagues for their unanimous bipartisan support of this resolution honoring the people of the three State areas that were affected.

We suffered one of the great rainfalls of modern times, literally doubled the prior record—13 inches of rain in a 2-day period—and that led to a real disaster, particularly in the area of middle Tennessee that I represent.

The mayor of Nashville, Karl Dean, who's done a magnificent job responding to this crisis, has estimated the damage already at at least $1.5 billion. But the response of the community has been magnificent.

And the real message of our resolution today is Nashville is open for business. Tourists are welcome. Most all of the sites will be available and ready to welcome you. A few are down temporarily, but we are rebuilding, and we are rebuilding because of the magnificent volunteer spirit of our people. Wherever you went to help a homeowner clean up a mess or to help a business recover, you were greeted with dozens, sometimes hundreds of volunteers.

There's a group called Hands On Nashville that did a wonderful job coordinating these efforts. Churches, other places of worship were magnificent delivering sandwiches to the hungry, sheltering the homeless, taking care of whatever needed to be taken care of in our community. So, the volunteer spirit was magnificent.

Now it's time for the government to step up. Whether it be FEMA or SBA or any other alphabet soup of Federal agencies, it's time for government to do its part.

So we look forward to working with the disaster victims to make sure that everybody is helped to the extent possible because this was an unforeseen and unforeseeable calamity. It affected our district. Unfortunately, it did not get the publicity it deserved because of the New York terrorist incident and the spill in the gulf.

But when Anderson Cooper of CNN came down, his initial headline for a story was ''Nashville Flooding.'' As soon as he saw the magnificent response of our people, he changed that headline to ''Nashville Rising.'' And that's our real message here. We are coming back and we are coming back strong.

So please, come visit Nashville, Tennessee. Spend your tourist dollars in our community. We need your help. And together, we'll restore the rightful place of country music and other forms of music in this country.

□ 1130

Mr. DUNCAN. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from Knoxville for yielding the time.

I rise today, and all of the people of Tennessee, so many of the families in my district have lost most or even all of what they had. Some have suffered loss of family members, and we express our sympathies to those families.

You know, homes are gone, businesses are wiped out, schools are flooded. School is even out for the year in some communities. Roads and bridges are absolutely washed away. And the road back for Tennessee is going to be a very long road. It is going to be difficult, also, but Tennesseans are undaunted.

I chose to stay in my district last week. All 15 of my counties are Federal disaster areas, and I wanted to make certain that my staff and I had the opportunity to get into those communities, into those counties, and to assess the needs and make certain that needs were being met.

This photo that I am showing you shows the extent of damage in one of the counties, Cheatham County, there in my district. But you know, it could have been taken over in Mr. DAVIS' district or Mr. TANNER's district or in Mr. COOPER's district. But it shows you what has happened with how roads are completely washed away. This is one of only hundreds and hundreds of roads that have been washed out by the storm. This one, you will see the road actually lies about 60 yards from the roadbed and where it originally was placed. The terrible force of the waters washed it out and onto the foundation of three homes that were completely washed away.

While the rain fell, neighbors stepped up to help neighbors, and those who had dry homes took people into those homes. And then, they started to get ready to rebuild. And what they are doing is forming purchasing pools to buy the supplies and help clear the homes and to rebuild those homes. I can't count the number of empty foundations that I saw across the district last week, or the skeletons of churches and homes and businesses that are now sitting on riverbanks.

I spoke to residents who have nothing, nothing at all, where their home used to be, some who have only parts of a foundation left. One resident was wearing only the clothes on his back. And he didn't talk about what his needs were or how great his loss was. What he talked about was rebuilding that community. And he talked about how he could replace material goods, but also about the richness of people helping people and coming together.

Our local governments, as Mr. COOPER was saying, the State of Tennessee and the Federal Government are responding. Aid that began to hit our urban areas around Nashville and Memphis is now making it out into the rural counties. The road back for those counties is going to be very difficult, but I commend those local elected officials for how they have stepped up, how they had a disaster plan and they also had an implementation plan, and they put it to work and responded in the appropriate way, being there to help all of their local citizens.

I commend FEMA and the administration for the aid that I know will eventually come to Tennessee and to our rural communities. And, most of all, I commend the families who once again have displayed why we are the Volunteer State.

Mr. COHEN. Mr. Speaker, I now yield such time as he may consume to the Honorable BART GORDON, who represents a district just south and southeast of Davidson County.

Mr. GORDON of Tennessee. I thank my friend from Memphis for yielding, and I thank my friend JIM COOPER from Nashville for bringing forth this good resolution. And I join my friend from Knoxville and Franklin and from our Kentucky neighbors in rising to support H. Res. 1337.

My district in middle Tennessee was among those devastated by historic rainfall and subsequent flooding on May 1 and 2. Seeing this kind of devastation just breaks your heart. Many Tennesseans were displaced, including my mother. While it was just a temporary inconvenience for her, and I am grateful for that, for some it was an ongoing disruption, and for others it was a life-changing event.

Even as many people in Tennessee return to normal routines, those families who were most affected will still be working to rebuild their lives. Those families will continue to need our compassion and support through the coming months. Federal assistance is available and will make a difference for many families, and that is why I encourage everyone in the affected counties to document their damage and contact FEMA. Apply even if you have insurance. If you find out months from now that insurance won't cover any damages, or all your damages, it might be too late to apply for FEMA assistance at that time. My staff in Murfreesboro, Gallatin, and Cookeville are standing ready to help anyone who has questions about how to apply for assistance.

A lot of good-hearted people have been pitching in to lend a hand after they just dried themselves off. Their generosity of spirit is inspiring to see, but it is not surprising. Our communities have rebounded after tornados and storms. This time, we will work together to rise above the floodwaters.

I urge my colleagues to support this resolution and to keep Tennessee in their thoughts and prayers.

Mr. DUNCAN. Mr. Speaker, I will close by saying that almost all Tennesseans have friends and relatives, including me, people who were affected by this flooding. And I want to commend all the people from my district who volunteered and who went to the aid of those people who were touched by this tragedy. And I want to commend the gentleman from Nashville, my friend Mr. COOPER, for bringing this resolution to the floor.

Again, I wish to express my sympathy and condolences to all those who were hurt or harmed in some way by this flooding or who have lost family members, and I urge support for this resolution.

I yield back the balance of my time.

Mr. COHEN. Mr. Speaker, I, too, thank Mr. COOPER for bringing this resolution, Mr. GORDON for testifying, and Mr. DUNCAN and Mrs. BLACKBURN for their testimony, all the members of the delegation who came together in a bipartisan manner and who I think, by their actions, indicated that they believe government can and is an effective tool to help people, and can, when used properly, efficiently, and effectively, as FEMA is now, be an important part of a government response to a crisis to help the American people.

As Mr. COOPER said, Nashville is open for business. And Nashville is a great city with a great tourist economy. While the Opryland Hotel may be closed temporarily, the Grand Ole Opry is still in business. There is still lots of music and lots of hotels open, and there is also the Music Highway that can take you right down I–40 to Memphis, and we would love to see you there, too.

Ms. PELOSI. Mr. Speaker, the flood waters in Tennessee, Kentucky, and Mississippi have begun to recede, but the thoughts and prayers of all Members of Congress remain with the residents of those States. As thousands of Americans work to put their lives back together in the aftermath of record-breaking flooding, this Congress stands with them.

We are particularly saddened by the tragic loss of more than 20 people. For families who have lost loved ones, the sympathies of all Americans are with them in these tragic times.

The Nation has been particularly affected by the situation in Nashville, where entire neighborhoods were under water. But as Russ Hazelton, resident of Nashville, said, "We have no choice but to solve this problem, and we're going to solve it with enthusiasm . . ." That enthusiasm will be matched by the Federal Government.

President Obama has declared the situation in Tennessee to be a major disaster. Congress will continue to work with those Members whose constituents have been affected by this tragedy to provide the assistance necessary.

With this resolution today, we also honor the efforts of our brave first responders, and State and local government officials, who have risked life and limb and worked tirelessly to safely evacuate people and return communities to normalcy. We stand with them today, and in the days ahead.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H. Res. 1337, a resolution to express the sympathy and condolences of the House of Representatives to those people affected by the flooding in Tennessee, Kentucky, and Mississippi in May 2010.

I express my heartfelt condolences to families and communities who have lost loved ones from these devastating floods in Tennessee, Kentucky, and Mississippi. I also express my sympathy for those whose homes were damaged or destroyed. Unfortunately, several times in recent years, I have come to the floor to express sympathy and condolences in the wake of nature's wrath and floods are the most common type of disaster our nation faces.

I would also like to express my appreciation for the men and women who have responded to this disaster, and those who are aiding in the recovery including police officers, firefighters, emergency managers, and emergency medical personnel. Twenty four hours a day, every day of the year, all over this country, when any type of tragedy enters our lives, from a medical emergency facing a neighbor to a large-scale natural disaster, terrorist attack, or other incident, our nation's emergency

responders and charitable organizations are the first on the scene to provide professional services, expert help, aid, and comfort. These well-trained, highly-skilled individuals are truly on the front lines in preparing for, responding to, recovering from, and mitigating damages from a variety of hazards.

As the waters recede, we will begin the inevitable and necessary process of rebuilding these homes and communities. As we do, it is important that we re-build safer and better to reduce the risk to lives and property. This is known as ''mitigation''. In the case of a flood, we can mitigate future risks by elevating the structure or key elements such as furnaces and electrical panels, or in some cases by acquiring the property and converting the land to open space.

Mitigation is an investment. According to two Congressionally-mandated studies, for every dollar invested in mitigation there is a return of at least three dollars. This is an investment that not only benefits the Federal Government, but State and local governments and citizens as well. According to the Federal Emergency Management Agency, previous mitigation investments have already been shown to pay off in the areas of Tennessee, Kentucky, and Mississippi that were flooded in this disaster.

I urge my colleagues to join me in supporting H. Res. 1337.

Mr. WAMP. Mr. Speaker, last week, flood waters devastated many businesses and homes of hardworking families in Tennessee. The torrential downpours and rise of the Cumberland River in Nashville was a 1,000-year event that no one could have predicted because this area is not in a flood plain. Therefore, a vast number of Tennesseans did not have flood insurance, leaving them hurting financially because of the high cost of home repairs and in need of additional support. Many are now homeless after this truly unique and devastating event in our State's history and my heart goes out to all affected, especially those who lost loved ones.

While Tennessee's capitol city and surrounding areas have been severely damaged, the volunteer spirit of its residents has shined. Tennesseans are helping themselves and their neighbors recover and move forward. Cleanup efforts are well underway and fundraisers are being held for the thousands who lost their homes or so many of their belongings. We have a long way to go before our cities and towns are completely restored, and I am committed to doing all I can to help Middle and West Tennessee rebuild after these devastating floods.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and agree to the resolution, H. Res. 1337.

The question was taken.

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

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

The yeas and nays were ordered.

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

INTERNATIONAL LEARN TO FLY DAY

Mr. COHEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1284) supporting the goals and ideals of International Learn to Fly Day, and for other purposes, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1284

Whereas, since the birth of flight, aviation has had a tremendous impact on the imagination, innovation, and economy of the United States;

Whereas many of the Nation's heroes have been pilots, including the Wright brothers, Charles Lindbergh, Amelia Earhart, Charles ''Chuck'' Yeager, the Nation's astronauts and military aviators, and the flight crew of U.S. Airways Flight 1549, among others;

Whereas every one of these individuals had to learn to fly before they could achieve their greatness;

Whereas there are approximately 600,000 pilots and approximately 230,000 commercial and general aviation airplanes in the United States;

Whereas flight brings joy, inspiration, and a sense of accomplishment to those who fly for recreation, pleasure, and work;

Whereas flight allows the movement of people and commodities across the Nation and around the world quickly and efficiently; and

Whereas the third Saturday in May is an appropriate day to observe International Learn to Fly Day: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Learn to Fly Day; and

(2) recognizes the contributions of flight instructors, flight schools, aviation groups, and industry in promoting and teaching the Nation's next generation of pilots.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. COHEN) and the gentleman from Missouri (Mr. GRAVES) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. COHEN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material.

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

There was no objection.

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

I rise in support of the resolution, H. Res. 1284, as amended, introduced by the gentleman from Florida (Mr. BOYD) which supports the goals and ideals of International Learn to Fly Day and recognizes the contributions of flight instructors, flight schools, aviation groups, and industry in promoting and teaching the Nation's next generation of pilots.

International Learn to Fly Day was established on May 15, 2009, to increase interest in flying and to encourage the aviation community to get others involved in aviation. The event was announced at the Experimental Aviation Association's AirVenture in Oshkosh, Wisconsin. Aviation groups, industry partners, flight schools, and flight instructors have come together to create a day dedicated to inspiring national interest in flight.

On International Learn to Fly Day, flight schools, airports, and independent flight instructors will offer free or discounted flight instruction and other educational aviation events. The aviation community will lend its time and expertise to introduce people to the thrill of flying and the opportunity to reflect back on Orville Wright. Airlines must be able to attract the next generation of commercial pilots. International Learn to Fly Day will be an important day to promote the experience of learning to fly, and to attract people to the pilot profession, of which my home city is the home to Federal Express, which employs many fine pilots and will, indeed, many more in the years to come as they continue to deliver cargo to the world.

International Learn to Fly Day will be observed each year on the third Saturday of May. I look forward to this first celebration on May 15, 2010, and urge my colleagues to join me in supporting H. Res. 1284.

I reserve the balance of my time.

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

Mr. Speaker, I rise today in strong support of H. Res. 1284, which is a resolution obviously supporting the goals and ideals of International Learn to Fly Day. And I would like to thank Mr. BOYD and Mr. EHLERS for sponsoring this meaningful piece of legislation. Both of these individuals are great advocates of aviation, and they need to be commended for this bill.

Mr. Speaker, aviation plays an important role in America and throughout the world, and it expands business opportunities, creates very well-paying jobs, and it inspires innovation. Without flight instructors, flight schools, aviation groups, and industry promoting and teaching the next generation of pilots, many of these benefits are not going to be realized.

Unfortunately, in recent years the U.S. pilot population has declined. And as a pilot, actually a commercial pilot, myself, it was easy for me because I grew up across the road from the airport. I played in airplane wrecks as a kid. I pumped gas and washed windshields and washed airplanes, any way to mooch a ride and get a lesson. I grew up with it and grew up next to it, so I was able to learn to fly.

I find the news that the pilot population is declining extremely disappointing. In response, the International Learn to Fly Day was established, and it is the third Saturday in

May. This goal is to increase interest in flying and to encourage the aviation community and others to get involved in aviation.

There are a lot of groups out there, the Experimental Aircraft Association, the Aircraft Owners and Pilots Association. I know the General Aviation Manufacturers Association, which are all here this week, they are all coming up with programs and working on programs to encourage young people to fly and trying to either get them their first lesson or get them ground school, whatever the case may be. But this is a very worthy cause, and I am very proud to support it.

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

Mr. COHEN. Mr. Speaker, with your indulgence, I recognize the gentleman from west Tennessee (Mr. TANNER) out of order for such time as he may consume.

Mr. TANNER. Mr. Speaker, I was in a conference committee and could not get to the floor when the Tennessee delegation was speaking about the unprecedented flooding. Sixteen of the 19 counties in the Eighth District have been declared a disaster, and we expect the other three.

Mr. Speaker, I rise today in support of H. Res. 1337 to acknowledge the difficulties facing many Tennesseans as a result of the severe weather that struck our area recently.

Sadly, the storms that hit our area took seven lives in the 19 counties that make up the Eighth District, which we are honored to represent in this chamber. Our thoughts and prayers are with those families.

Additionally, there remains damage in all 19 counties that make up the Eighth District. We are appreciative that at the time we consider this resolution, 16 of those counties have been declared federal disaster areas, giving Tennessee families and businesses access to much-needed assistance as they get back on their feet. We are hopeful that the necessary assessments will be completed soon to allow federal assistance to all the counties we represent and others across the State.

Tennesseans always rise to the occasion when our neighbors are in need, and that was the case in this disaster as well. We commend the swift response from first responders, State and local leaders, volunteer organizations and members of the community. Both the Tennessee Emergency Management Agency, TEMA, and the Federal Emergency Management Agency, FEMA, were also on the ground immediately to begin their work helping those affected and ensuring assistance is on the way.

Mr. Speaker, I thank Mr. COOPER and our colleagues from Tennessee for bringing this resolution forward so the House has an opportunity to express its condolences to Tennesseans who are just beginning the recovery process.

Mr. COHEN. Mr. Speaker, I now yield such time as he may consume to the author of the resolution and a pilot himself, Mr. BOYD of Florida.

□ 1145

Mr. BOYD. I thank my friend, Mr. COHEN, for yielding me time.

Mr. Speaker, I rise today as cochairman of the General Aviation Caucus, with my friend, VERN EHLERS, my fellow cochair, in support of this resolution honoring International Learn to Fly Day. I want to thank Chairman OBERSTAR and Ranking Member JOHN MICA for their work on this bill to get it out of the Transportation and Infrastructure Committee. I also want to thank the original cosponsor of the bill, Representative GRAVES, for his work.

International Learn to Fly Day will be celebrated this Saturday, May 15, with opportunities throughout the country to learn more about the wonders of flying, how to get your pilots license, what to expect during flight training, and career options for you once you achieve that goal.

As many of you may surmise, I am a pilot myself, and I would encourage anyone I know to pursue their desire to learn to fly. You will not be disappointed. It's never too late to learn. Unlike Mr. GRAVES, I didn't grow up around flying, but in the service I became very interested in flying when I got an opportunity to spend a lot of time in a plane. When I came home and went into my profession, I continued to do that from time to time, and then, only less than 4 years ago, I achieved a lifelong goal of getting my private pilots license. I'm telling you, it has not been a disappointing experience.

I think it's very clear to us that when you travel around the country from time to time and go to these airports, particularly some of the smaller municipal airports, and see the general aviation activity, we learn how dependent we are in this country upon flying, and particularly the general aviation business. We have seen a good example in the recent volcano activity in Europe that our economies and our lives are limited without the ability to fly.

Mr. Speaker, Congress will surely earn its wings today if we pass this resolution. I urge support of H.R. 1284, and your local International Learn to Fly Day activities.

Mr. GRAVES. Mr. Speaker, I would yield such time as he may consume to one of the original sponsors, the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. I thank the gentleman for yielding and I also want to recognize that Mr. GRAVES has been a real stalwart on the Transportation Committee, particularly the Aviation Subcommittee, with his wealth of experience in flying. The knowledge that he brings to it has just been invaluable. I really appreciate all that Mr. GRAVES has done for aviation in the Congress. That's very important because last year the Congress developed a negative impression of flying. You all recall, I suspect, that some corporate leaders came in asking for government funds, and they flew here in their private jets. That made headlines across the country. Unfortunately, the news media didn't leave it there, but continued to pursue the entire issue of flying and presented the portrait of the average flyer as being very wealthy and having an airplane as a toy to play with. That is far from the truth. Most pilots do not have a lot of money. Very few of them own their own airplanes. This negative impression that was formed here by the Congress and in the Congress really troubled those of us who know something about flying.

I am not a professional pilot. I would love to be, but I've never had either the time or the money to do it. But I recognize injustice when it takes place. It took place right here in the Congress of the United States. And that led to a lot of activity on our part to try to educate the public about flying, about who the pilots are, what they accomplish for the economy as a whole, and in particular, what good works they do. A good example of that is the tremendous amount of effort the private pilots of the United States exerted in helping the island of Haiti.

Just last week, we had Harrison Ford here to describe what he had done. He owns several airplanes and did a number of flights into Haiti transporting doctors, medicines, and so forth. He is an example of what I'm talking about. Not everyone who took part is a movie star, as Harrison Ford is, but he was representing a lot of people who expended a lot of their own money to aid the people in Haiti through the use of airplanes flying goods in and out, flying patients out to the United States for medical treatment when they were in serious trouble, etc. And this is just one example of the many things that pilots and aviation in general do to help the public at large.

So I'm very proud to stand here and say we have to help aviation and private pilots in every way that we can. And one good way is to encourage them to learn to fly. Many individuals normally would not think of flying, but when they see that they can accomplish so much good with aviation, we hope that they will take the time to learn how to fly and to at least join a flying club or perhaps eventually own their own airplane so that they can really go forth and help a lot of people.

It's amazing how many people do this sort of thing in various fields. For years, I was interested in ham radio. Again, a tremendous help to the economy and to the people at large is done during emergencies by ham radio operators. It's very similar with pilots. When the need is there, they will rise to the occasion and they will provide the transportation that's necessary.

In my area, we have an Angels of Mercy program, which has done tremendous good work flying people to hospitals. The patients cannot afford to take a commercial plane to get distant medical treatment. They're not in good enough shape to travel by car. And so the Angels of Mercy fly individuals at essentially no cost or very low cost so that the patients can get medical treatment in the right place at the right time.

It is high time that we recognize the good service that these pilots provide and that we do everything we can to help them in that effort. This resolution is part of that—simply encouraging people to learn to fly. I know there's a local group in my district that has taken advantage of this to publicize flight lessons in my area. They have a number of people signed up already who are willing to learn to fly so that they can accomplish good for other people.

So I strongly urge that we adopt this resolution and recognize the good work that aviation does for the general welfare of our Nation.

Mr. GRAVES. Mr. Speaker, I have no further requests for time. I would just, again, like to express my strong support for this resolution. There's a lot of groups out there, again, that are encouraging flight. The Experimental Aircraft Association's Young Eagles program will give that young person their very first flight for free. I'd encourage anybody that would like to take advantage of that for a young person and to learn the joys of flying, to do that at their local airport.

Mr. OBERSTAR. Mr. Speaker, I rise in support of this resolution, H. Res. 1284, as amended, introduced by the gentleman from Florida (Mr. BOYD), which supports the goals and ideals of International Learn to Fly Day, and recognizes the contributions of flight instructors, flight schools, aviation groups, and industry in promoting and teaching the nation's next generation of pilots.

As an effort to increase interest in flying, and to encourage the aviation community to get others involved in aviation, International Learn to Fly Day was established on May 15, 2009. Learn to Fly Day was announced at the Experimental Aviation Association's AirVenture in Oshkosh, Wisconsin, with the support of aviation groups, industry partners, flight schools, and flight instructors. The day was founded to cultivate a new generation of pilots to act as role models and to ensure that airlines are able to meet future needs for airline travel.

On Learn to Fly Day, flight schools, airports, and independent flight instructors will offer free or discounted flight instruction courses and other educational aviation events. The aviation community will lend its time and expertise to increase public interest in flying.

Many of the nation's heroes have been pilots, including the Wright brothers, Amelia Earhart, and most recently, Captain Chesley "Sully" B. Sullenberger III and First Officer Jeffrey Skiles. Flight has always been a national and international source of fascination and inspiration. To continue the significant legacy of flight, the United States needs to ensure that it can attract the next generation of commercial and recreational pilots.

International Learn to Fly Day will be an important day to promote the experience of learning to fly. This year will be the first year that the day will be celebrated, with events taking place across the country, and some internationally. International Learn to Fly Day will be observed each year on the third Saturday of May.

I urge my colleagues to join me in supporting H. Res. 1284.

Mr. PETRI. Mr. Speaker, the resolution before us—introduced by the co-chairs of the GA Caucus, Dr. EHLERS and Mr. BOYD—expresses support for the designation of the third Saturday in May as "International Learn to Fly Day."

The resolution recognizes aviation's tremendous impact on the imagination, innovation, and economy of the United States.

Pilots are obviously a critical component of our aviation system and this resolution recognizes the need to cultivate the Nation's next generation of pilots.

It is fitting to recognize the international nature of aviation. The era of flight has certainly brought the world closer together.

Positioned between two major general aviation events in the United States, Sun and Fun in Lakeland, Florida and the EAA AirVenture in Oshkosh, Wisconsin, International Learn to Fly Day is a great time to encourage young people to take an interest in flying.

These air shows offer a great opportunity to get an up-close and personal look at the aircraft and interact with the pilots who make general aviation such a vibrant part of the aviation community in the United States, and around the world.

The International Learn to Fly Day is also a great way to encourage would-be aviators to follow in the footsteps of other aviators who have helped create the aviation system we all enjoy today.

Mr. Speaker, I support the adoption of the resolution, and urge my colleagues to support the resolution.

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

Mr. COHEN. Mr. Speaker, I thank Mr. BOYD and Mr. EHLERS for bringing this resolution, and ask that all Members unanimously support H. Res. 1284, as amended.

With that, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and agree to the resolution, H. Res. 1284, as amended.

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

The title was amended so as to read: "Resolution supporting the goals and ideals of International Learn to Fly Day, and for other purposes.".

A motion to reconsider was laid on the table.

RECOGNIZING AVIATION CONTRIBUTIONS IN HAITI EARTHQUAKE RELIEF

Mr. COHEN. Mr. Speaker, I move to suspend the rules and concur in the concurrent resolution (S. Con. Res. 61) expressing the sense of the Congress that general aviation pilots and industry should be recognized for the contributions made in response to Haiti earthquake relief efforts.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

S. CON. RES. 61

Whereas on January 12, 2010, the country of Haiti suffered a devastating earthquake;

Whereas after the earthquake, general aviation pilots rallied to provide transportation for medical staff and relief personnel;

Whereas more than 4,500 relief flights were made by general aviators in the first 30 days after the earthquake;

Whereas business aircraft alone conducted more than 700 flights, transporting 3,500 passengers, and over 1,000,000 pounds of cargo and supplies;

Whereas relief flights were fully paid for by individual pilots and aircraft owners;

Whereas smaller general aviation aircraft were able to deliver supplies and medical personnel to areas outside Port-Au-Prince which larger aircraft could not serve; and

Whereas the selfless efforts of the general aviation community have saved countless lives and provided humanitarian assistance in a time of need: Now, therefore, be it

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

(1) recognizes the many contributions of the general aviation pilots and industry to the Haiti earthquake relief efforts; and

(2) encourages the continued generosity of general aviation pilots and operators in the ongoing humanitarian relief efforts in Haiti.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. COHEN) and the gentleman from Missouri (Mr. GRAVES) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. COHEN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and add extraneous material as necessary on S. Con. Res. 61.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of S. Con. Res. 61, a resolution which recognizes the many contributions of private pilots and the general aviation industry to the Haiti earthquake relief efforts and encourages the continued generosity of general aviation pilots and operators in ongoing humanitarian relief efforts in Haiti.

On January 12, 2010, a devastating earthquake struck Haiti, leaving up to 300,000 dead and 300,000 injured. Private pilots and businesses banded together to conduct an estimated 4,500 relief flights during the 30-day period following the earthquake. Business aircraft transported approximately 3,500 passengers and delivered over 1 million pounds of cargo and supplies to the Haitian people.

General aviation aircraft were vital for getting help to smaller communities that otherwise faced great difficulty in receiving aid. Media accounts described pilots ferrying supplies between nearby countries, like the Dominican Republic, to small towns in Haiti. They would often land on not much more than dirt roads. General aviation aircraft transported

critical supplies like food, blankets, medication, and medical equipment as well. The fuel from these aircraft was even used in some cases to help generators continue running. The aircraft carried medical staff and relief personnel from the United States to Haiti to assist in relief efforts, including a group that came from my hometown of Memphis, from LeBonheur Children's Hospital. They spent quite a bit of time down there.

I urge my colleagues to join me in supporting S. Con. Res. 61.

I reserve the balance of my time.

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

Mr. Speaker, I rise in strong support of Senate Concurrent Resolution 61, a resolution recognizing general aviation pilots and the general aviation industry for their contributions in response to the Haiti earthquake relief efforts. As we all know, on January 12, 2010, the country of Haiti suffered a devastating earthquake. Immediately after the earthquake, general aviation pilots began providing transportation for medical staff and relief personnel. More than 4,500 flights were made by general aviators in the first 30 days, and business aircraft alone conducted more than 700 flights, transporting 3,500 passengers and over 1 million pounds of cargo—fully paid for by individual pilots and aircraft owners.

I would also like to take this opportunity to recognize the efforts of the Corporate Aviation Responding in Emergencies organization, called CARE, one of the largest contributors to Haiti response efforts. CARE is a group of volunteers from the business aviation community that coordinate relief flights in response to disasters. It was formed in response to Hurricane Katrina, and participants flew about 175 missions and moved approximately 1,000 people and 250,000 pounds of supplies.

The earthquake in Haiti produced another situation that was the fundamental case for business and general aviation. It needed quick reaction, decentralized response, and efficiency. Business and general aviation was the only response entity that could do all three. CARE Operation Haiti has included more than 750 flights with 4,000 passengers, and over a million pounds of critical medical supplies. CARE passengers have included medical personnel, relief workers, newly adopted children, injured patients, and missionaries. Over 100 aircraft have been activated for the program, flying more than $5 million worth of flight hours.

□ 1200

Again, I would like to recognize the contributions of CARE and all those who took part in relief efforts in Haiti. I also would like to extend my deepest sympathies to the victims and families who have been impacted by this devastating disaster.

Madam Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. I thank the gentleman for yielding. I said much of what I could say on this particular resolution when I discussed the previous one, and noted that it is important to recognize that general aviation is very, very important to our Nation. It serves so many people so well. I will not bother to repeat all the points I made earlier, but I simply want to say that I think this is an excellent resolution, and I hope that everyone in this Chamber will vote for it and that it will go into effect.

Mr. COHEN. I continue to reserve the balance of my time.

Mr. GRAVES. Madam Speaker, I have no further requests for time. I urge my colleagues to support this resolution, and I yield back the balance of my time.

Mr. COHEN. Madam Speaker, before we close, I want to take an opportunity, because I don't know if I will have the opportunity on the floor to do it. Mr. EHLERS is retiring during this Congress. When I was a freshman in 2006, he was the head of the Committee on House Administration that helped welcome all the freshmen and get us oriented to Congress, and he was one of the first influences on my experience in Congress. It was an excellent one. You are a gentleman. It's been an honor serving with you, and I thank you for your contributions to the Class of 2006. I wish you Godspeed.

Mr. PETRI. Madam Speaker, I rise in support of Senate Concurrent Resolution 61, Expressing the sense of the Congress that general aviation pilots and industry should be recognized for the contributions made in response to Haiti earthquake relief efforts.

On January 12, 2010, Haiti experienced a disastrous earthquake that overwhelmed its disaster relief capabilities. The world responded.

In addition to relief offered by governments from around the world, individual general aviation pilots did what they could to support the relief effort.

To help meet the desperate need for supplies to help those displaced by the earthquake, general aviation pilots made over 4,500 relief flights within the first thirty days after the disaster.

Some 3,500 passengers and 1 million pounds of cargo were transported by large general aviation aircraft, and general aviation pilots in smaller aircraft were able to serve areas that larger aircraft could not access, delivering critical medical personnel and supplies.

This concurrent resolution recognizes the magnanimous efforts of the general aviation community in the response to this terrible disaster. The extraordinary efforts of these general aviation pilots and the general aviation community saved countless lives and helped to ease the suffering of those in need.

The Senate adopted this resolution by unanimous consent on April 29, 2010. On this, the 4-month anniversary of the earthquake, I urge my colleagues to adopt this resolution recognizing the efforts of those who came to the aid of the people of Haiti.

Mr. OBERSTAR. Madam Speaker, I rise in strong support of this resolution, S. Con. Res. 61, which recognizes the many contributions of the private pilots and the general aviation industry to the Haiti earthquake relief efforts and encourages the continued generosity of general aviation pilots and operators in ongoing humanitarian relief efforts in Haiti.

On January 12, 2010, the Republic of Haiti experienced a devastating earthquake, leaving up to an estimated 300,000 dead and 300,000 injured. It is also estimated that more than 4,500 relief flights were conducted by general aviation aircraft during the 30-day period following the earthquake. Business aircraft transported approximately 3,500 passengers and delivered more than one million pounds of cargo and supplies to the Haitian people. All of this was accomplished through the generosity of individual pilots and aircraft owners.

General aviation aircraft were vital for getting help to smaller communities that were impacted in the Haitian countryside. Light planes landed on shorter airstrips and distributed urgently-needed supplies to medical professionals and people on the ground, bypassing the congested Port-au-Prince airport.

General aviation aircraft and pilots assisted in delivering supplies, including water purification kits, tarps, medical supplies, blankets, and towels. Medical staff and relief personnel were also transported on these aircraft from the United States to Haiti to conduct relief work. Companies, business aviation and private pilots, nongovernmental relief organizations, aviation groups, and others banded together in the earthquake's aftermath to assist in the Haiti relief effort.

I urge my colleagues to join me in supporting S. Con. Res. 61.

Mr. COHEN. I would like to ask that all of our Members join in supporting S. Con. Res. 61. I yield back the balance of my time.

The SPEAKER pro tempore (Ms. MCCOLLUM). The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and concur in the concurrent resolution, S. Con. Res. 61.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

RECOGNIZING THE SIGNIFICANT ACCOMPLISHMENTS OF AMERICORPS

Ms. TITUS. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1338) recognizing the significant accomplishments of AmeriCorps and encouraging all citizens to join in a national effort to raise awareness about the importance of national and community service.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1338

Whereas, since its inception in 1994, the AmeriCorps national service program has proven to be a highly effective way to engage Americans in meeting a wide range of local and national needs and promoting the ethic of service and volunteering;

Whereas, each year, AmeriCorps provides opportunities for 85,000 citizens across the Nation to give back in an intensive way to their communities;

Whereas those same individuals improve the lives of the Nation's most vulnerable citizens, protect the environment, contribute to public safety, respond to disasters, and strengthen the educational system;

Whereas AmeriCorps members serve thousands of nonprofit organizations, schools, and faith-based and community organizations each year;

Whereas AmeriCorps members, after their terms of service end, are more likely to remain engaged in their communities as volunteers, teachers, and nonprofit professionals;

Whereas, on April 21, 2009, President Barack Obama signed the Edward M. Kennedy Serve America Act, passed by bi-partisan majorities in both the House of Representatives and the Senate, which reauthorized and will expand AmeriCorps programs;

Whereas national service programs have engaged millions of Americans in results-driven service in the Nation's most vulnerable communities, providing hope and help to people facing economic and social needs;

Whereas, this year, as the economic downturn puts millions of Americans at risk, national service and volunteering are more important than ever; and

Whereas 2010's AmeriCorps Week, observed May 8 through May 15, provides the perfect opportunity for AmeriCorps members, alumni, grantees, program partners, and friends to shine a spotlight on the work done by members and to motivate more Americans to serve their communities: Now, therefore, be it

Resolved, That the House of Representatives—

(1) encourages all citizens to join in a national effort to salute AmeriCorps members and alumni and raise awareness about the importance of national and community service;

(2) acknowledges the significant accomplishments of the AmeriCorps members, alumni, and community partners; and

(3) recognizes the important contributions to the lives of our citizens by AmeriCorps members.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Nevada (Ms. TITUS) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Nevada.

GENERAL LEAVE

Ms. TITUS. Madam Speaker, I request 5 legislative days during which time Members may revise and extend and insert extraneous material on H. Res. 1338 into the RECORD.

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

There was no objection.

Ms. TITUS. Madam Speaker, I yield myself such time as I may require.

I rise today in full support of House Resolution 1338, which recognizes the substantial contributions of AmeriCorps. Since 1994, AmeriCorps programs have engaged over 570,000 individuals of all ages in national service programs, totaling 705 million hours of service to our Nation. AmeriCorps was launched following the establishment of the Corporation for National and Community Service under the National and Community Service Trust Act. The organization is composed of AmeriCorps State and national programs: the National Civilian Community Corps, or NCCC, and the Volunteers in Service to America, or VISTA program. The initial class of 20,000 volunteers helped establish and grow this wonderful program of volunteer service. AmeriCorps now involves 75,000 individuals each year to improve the lives of the Nation's most vulnerable citizens, protect the environment, contribute to public safety, respond to disasters, and strengthen our educational system.

AmeriCorps participants have tackled many timely and important issues, including health care, gang violence, drug abuse, environmental cleanup, and homelessness. They have partnered with thousands of organizations, including Habitat for Humanity and the Red Cross. AmeriCorps VISTA participants have been on the front lines in the fight against poverty in America. VISTA's 6,500 participants provide assistance each year to low-income communities by helping businesses, expanding access to technology, recruiting literacy volunteers, strengthening antipoverty groups, and creating sustainable programs that help people rise out of poverty.

National Civilian Community Corps participants have led service projects in areas of critical national need, including disaster response, infrastructure improvement, environment and energy conservation, and urban and rural development. Corps volunteers have responded to every nationally declared disaster since 1994 as well as helped communities prepare for the next emergency.

Most importantly, AmeriCorps members continue to serve their community even after their terms of service. In fact, many former workers continue as volunteers, teachers, nonprofit professionals, and government employees.

Madam Speaker, for those struggling to make ends meet during this tough economy, volunteers in the national service are more important than ever. The Edward M. Kennedy Serve America Act signed in 2009 by President Obama expands the AmeriCorps program to incorporate 250,000 volunteers each year, and the strength of our Nation depends on individuals who take action towards building better communities.

This week is AmeriCorps Week, when we recognize and thank the commitment of these volunteers so that future generations will continue to support the ideal of national service. It's important for us to highlight the important work done by the organization and to motivate others to become engaged and to volunteer, whether through AmeriCorps or other service opportunities throughout the country.

So I would ask that my colleagues join me in full support of House Resolution 1338 and to take a moment and appreciate the contributions by our many AmeriCorps participants. I want to thank Representative MATSUI for bringing this resolution to the floor, and I urge my colleagues to pass it.

I reserve the balance of my time.

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

I rise today in support of House Resolution 1338, a resolution recognizing AmeriCorps Week. This year marks the fourth annual AmeriCorps Week, which is May 8 to May 15. As a co-Chair of the National Service Caucus, I am honored to recognize the individuals who participate in the AmeriCorps program and dedicate their time and effort to helping others in local communities. Last year, President Obama signed the latest reauthorization of the Corporation for National and Community Service, the Serve America Act. This act aims to ensure additional accountability to national service programs, helps smaller organizations participate in national service, and works to ensure America's veterans can participate in service.

Americans have a long history of service to each other and to their country, and AmeriCorps creates a web of opportunities for Americans to serve. I saw ample evidence of this just yesterday when I participated in a ceremony in Grand Rapids, Michigan, my hometown. It was just striking to me what a multiplier effect we have with the AmeriCorps program. The room was filled with volunteers, but not all of them were AmeriCorps members. AmeriCorps had energized a lot of different organizations and a lot of different volunteers to put in time during the course of the past year, and many of them received rewards because of the quality of work they did. I was not only happy to see that the Federal Government had assisted in the formation of this group but also that we were getting so much for so little Federal money because the AmeriCorps people working there who did receive some Federal funds had, in fact, recruited a large number of other people to work with them, and so we accomplished a great deal in my community with very, very little Federal funding. I think that serves as a model for the Nation.

Nationwide, AmeriCorps provides 85,000 opportunities annually to serve communities from across the Nation and gives Americans the opportunity to offer their services in tutoring and mentoring disadvantaged youth, fighting illiteracy, building affordable housing, and assisting communities in times of natural disaster. In fact, there was a group of volunteers yesterday who were supposed to receive a reward for all their good work with Habitat for Humanity, and they were not there to receive it because they were putting up another house. That's an example of how these efforts are multiplied throughout the different communities.

A couple of examples of this ongoing service include AmeriCorps members assisting the American Red Cross in managing shelters for residents who

have evacuated their homes due to the flooding brought on by the heavy rain in Nashville, Tennessee, and partnering with Second Harvest Food Bank in greater New Orleans to assemble and ship emergency food boxes bound for the Louisiana coastal fishing communities whose livelihood is being impacted by the recent oil spill.

I want to take this opportunity to thank my colleagues Ms. MATSUI, Mr. PLATTS, Mr. PRICE and others for introducing this resolution with me.

I reserve the balance of my time.

Ms. TITUS. Madam Speaker, I am pleased at this time to yield 3 minutes to the gentlewoman from California (Ms. MATSUI), the sponsor of the resolution.

Ms. MATSUI. I thank the gentlewoman for yielding me time.

Madam Speaker, I rise today in support of House Resolution 1338, which recognizes the significant accomplishments of AmeriCorps volunteers and helps raise awareness about the importance of national and community service. I would like to thank the Education and Labor Committee and especially Chairman MILLER for their support of this legislation and my fellow co-chairs of the National Service Caucus, Representatives EHLERS, PLATTS and PRICE, for their partnership. As a co-chair of the National Service Caucus, it is a pleasure to call attention to the tremendous work of those involved in service at every level.

We are now in the midst of National AmeriCorps Week which is celebrated each year to honor the important work that AmeriCorps volunteers provide to our communities. At this time last year, the President had just recently signed the Senator Edward M. Kennedy Serve America Act, with strong bipartisan support in both the House and the Senate; and we have seen since then a tremendous increase in the number of AmeriCorps applications and interest in service as a whole.

The bill answered the call for Americans of all generations to help get the country through the recent economic crisis by serving in their communities. In times of strife, the American people have always shown a spirit of service and ingenuity, and investments in service and volunteer programs help prepare us to handle the unforeseen crises.

In my hometown of Sacramento, the AmeriCorps National Civilian Community Corps, or as we say NCCC, provides important benefits to our region. For example, Sacramento-based NCCC members served thousands of hours to help fight the fires that devastated the lives and livelihoods of thousands of Californians and, in doing so, helped protect thousands more. AmeriCorps NCCC members are disaster trained and available for immediate deployment in the event of a natural disaster anywhere within the United States. Through programs such as AmeriCorps, State and national Volunteers in Service to America, or VISTA, and NCCC, servicemembers address critical needs in our communities, and we should continue to make national service more accessible to the millions of Americans who want to serve their country by contributing to their community.

Madam Speaker, AmeriCorps Week offers us an opportunity to honor the important work of AmeriCorps volunteers in our own districts and across the country. I urge my colleagues to support this resolution and take this opportunity to thank AmeriCorps volunteers for their dedication to improving our Nation one neighborhood at a time.

Mr. EHLERS. I have no further requests for time, and I yield back the balance of my time.

Ms. TITUS. Madam Speaker, I would just reiterate the points that have been made earlier but in a more brief fashion to say that I hope our colleagues will join in supporting this resolution and to say thank you to the many volunteers who are on the front lines helping us during times of crisis, whether it's economic, physical disaster or sociological change. We need their help, and we appreciate it. This is a resolution to do that. So I thank the sponsors. I thank the chairman of the Service Caucus and urge your support.

Mr. LOEBSACK. Madam Speaker, I rise today to honor the fourth annual Americorps Week.

I am fortunate to come from Iowa where a sense of community is the norm. In 2008, we were hit by the worst disaster in the state's history. The flooding destroyed homes and businesses, but Iowans pitched in to help their neighbors, and volunteers from across the nation came to assist our communities.

Americorps members came to Cedar Rapids and other flood-affected areas immediately after the disaster hit, helping to meet people's basic needs in the aftermath of the emergency.

Americorps volunteers continue to work in the area rebuilding homes, coordinating volunteer efforts, and revitalizing local community organizations. To date, about 1,700 Americorps members have volunteered to help with the flood recovery effort.

Iowans owe a debt of gratitude to Americorps, VISTA, and NCCC members who have worked so hard for our communities, so I am pleased to have the opportunity to thank them today.

Ms. TITUS. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Nevada (Ms. TITUS) that the House suspend the rules and agree to the resolution, H. Res. 1338.

The question was taken.

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

Mr. BROUN of Georgia. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

□ 1215

RECOGNIZING NATIONAL NURSES WEEK

Ms. WOOLSEY. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1261) recognizing National Nurses Week, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1261

Whereas since 1990, National Nurses Week is celebrated annually from May 6, also known as National Recognition Day for Nurses, through May 12, the birthday of Florence Nightingale, the founder of modern nursing;

Whereas National Nurses Week is a time of year to reflect on the important contributions that nurses make to provide safe, high-quality health care;

Whereas nurses are known to be patient advocates, acting to protect the lives of those under their care;

Whereas nurses represent the largest single component of the health care profession with 3,100,000 jobs;

Whereas the work of nurses encompasses a wide scope of scientific inquiry including clinical research, health systems and outcomes research, and nursing education research;

Whereas nurses help inform and educate the public and Congress to improve the recruitment, education, retention, and the practice of all nurses and, more importantly, the health and safety of the patients they care for;

Whereas the American Association of Colleges of Nursing (AACN) released final survey data showing that enrollments in entry-level baccalaureate programs in nursing rose by 3.6 percent in 2009, and though this marks the ninth consecutive year of enrollment growth, the annual increase in student capacity in 4-year nursing programs has declined sharply since 2003 when enrollment was up by 16.6 percent;

Whereas United States nursing programs were forced to reject almost 119,000 qualified applications to nursing programs according to the National League for Nursing's most recent survey of all prelicensure nursing programs;

Whereas according to the Bureau of Labor Statistics, employment of registered nurses is expected to grow by 22 percent from 2008 to 2018, much faster than the average for all occupations;

Whereas according to new survey data by the AACN, enrollment in doctoral nursing programs increased by more than 20 percent this year, signaling strong interest among students in careers as nursing scientists, faculty, primary care providers, and specialists;

Whereas according to the AACN, expanding capacity in baccalaureate and graduate programs is critical to sustaining a healthy nursing workforce and providing patients with the best care possible;

Whereas nursing colleges and universities across the country are struggling to meet the rising demand for nurses; and

Whereas increased support is needed to enhance efforts to educate nursing students at all levels, to increase the number of faculty members to educate nursing students, and to

create educational opportunities to retain nurses in the profession: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Nurses Week, as founded by the American Nurses Association; and

(2) acknowledges the importance of quality higher education in nursing, including baccalaureate and graduate programs and programs that help expand the supply of nursing program faculty, to meet the needs of one of the Nation's fastest growing labor fields.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WOOLSEY) and the gentleman from Minnesota (Mr. KLINE) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WOOLSEY. Madam Speaker, I request 5 legislative days in which Members may revise and extend their remarks and insert extraneous material on H. Res. 1261 into the RECORD.

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

There was no objection.

Ms. WOOLSEY. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of H. Res. 1261, which recognizes National Nurses Week and the significant contributions that nurses make to our Nation's health care system. National Nurses Week also stresses the importance of quality higher education in nursing to meet the needs of one of the fastest growing professions.

National Nurses Week began on May 6, a day also known as National Recognition Day for Nurses. Today marks the end of the week of recognition as we celebrate the birthday of Florence Nightingale, the founder of modern nursing.

All across the Nation, communities have spent this week recognizing our Nation's 3.1 million nurses for their heroic acts, years of service to the community, and commitment to the nursing profession. Today's health care system requires nurses to be present at every stage of patient care, including partnering with physicians, pharmacists and other health care professionals to direct and manage patient needs. We thank them for their hard work and dedication.

The number of nurses in the United States is expected to grow rapidly in the near future. The Bureau of Labor Statistics anticipates that the employment of registered nurses will grow by 22 percent from 2008 to 2018. The growth in nursing job openings, along with an increasing number of nurses retiring or leaving the profession, is likely to lead to a continued demand for nursing professionals. In fact, it is estimated that there could be a shortage of more than 1 million nurses by the end of this decade.

Madam Speaker, while we honor America's nurses, we know we must do more to expand and sustain the profession. According to the National League for Nursing's most recent survey of all prelicensure nursing programs, thousands of qualified applicants have been rejected from nursing programs nationwide in the last few years. According to the League, the lack of capacity in nursing programs is due in part to a continuing shortage of nursing educators. It is vital that we support efforts to enhance existing education programs at both the baccalaureate and graduate level.

Madam Speaker, once again I express my support for National Nurses Week and the focus on the contributions of our Nation's many nurses to our health care system. We honor the excellent work done by nurses and encourage them to continue making a difference each and every day.

I thank the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for introducing this resolution, and I urge my colleagues to support this bill.

I reserve the balance of my time.

Mr. KLINE of Minnesota. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in strong support of House Resolution 1261, recognizing National Nurses Week. The gentlewoman from California (Ms. WOOLSEY) explained in some detail the history of this week and the importance of nurses to our communities, to our States, and to our Nation. I strongly endorse and identify myself with her remarks.

I want to just take a personal moment. This is an especially important week in my house and my life. My wife, Vicky, has spent her entire adult life as a nurse, as a registered nurse. She did a career in the Army as an Army nurse and worked for years in emergency rooms and trauma centers literally around the country as I was transferred from duty station to duty station. And so I feel the importance that comes with this very noble and important profession.

I know the care and compassion that comes with this profession, the lifesaving skills and the dedication. In my family, literally in Vicky's family, the nursing profession has long been part of that family. Her mother was a nurse. I have a niece, her niece is serving as an Army nurse. I have a sister-in-law who spent her adult life as a nurse. This is a profession that is, indeed, lifesaving and so important to our families.

I want to extend my grateful congratulations to all those nurses, men and women, who have dedicated their lives to serving those in need here and around the world. I ask that my colleagues support this resolution.

I reserve the balance of my time.

Ms. WOOLSEY. Madam Speaker, I am pleased to recognize for such time as she may consume the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), the author of H. Res. 1261.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I thank Ms. WOOLSEY for yielding me this time. It is a privilege to offer this resolution celebrating this resolution recognizing National Nurses Week, which ends today.

Nurses have been called the patient's first advocate, but their work also encompasses a wide scope of scientific inquiry, including clinical research, health systems research, and nursing education research.

Every day, nurses make a commitment to providing quality patient care, growing and adapting to the new challenges that our changing health care system requires.

I began my career as a registered professional nurse where I provided hands-on patient care for 15 years as a psychiatric nurse at the Veterans Administration Hospital in Dallas, Texas. This is why I remain a strong nursing ally today, advocating on behalf of the nursing profession to ensure that they have the means necessary to perform their jobs safely, with the best resources possible.

I would like to thank my fellow colleagues, the gentlewoman from California (Mrs. CAPPS) and the gentlewoman from New York (Mrs. MCCARTHY), who are also nurses and champions of this resolution and the nursing profession. The Congressional Nursing Caucus was also helpful in promoting this legislation, and I appreciate all of the efforts to generate support for the resolution.

Nurses are a key component to our Nation's health care system and will become even more vital with the full implementation of health care reform. Nurses work in emergency rooms, school-based clinics, community health centers, skilled nursing facilities, hospitals, physician offices, and on the battlefield. Their roles take many shapes from staff nurse to nurse educator, all while remaining committed to patient safety and working to influence the broader health care policy for the benefit of the greater good. Nurses are extremely dedicated individuals who must be intelligent and detail oriented, ready to act at the spur of the moment. A caring and compassionate heart is required for the tough work that nurses perform, usually under duress.

As important as the nursing industry is, we still face a nursing shortage. Enrollment rose in 2009 for entry-level B.A. programs, but the annual increase in student capacity in 4-year nursing programs has declined sharply since 2003.

It is imperative that we expand capacity in B.A. and graduate programs to sustain a healthy nursing workforce and provide patients with the best care possible.

As we try to meet the demands of the nursing profession, we must also tackle the challenges related to the impact of faculty shortages on educational capacity.

Increased Federal and State support is needed to enhance existing programs and create new programs to educate nursing students at all levels, to increase the number of faculty members to educate nursing students, and to retain nurses in the profession.

Mr. KLINE of Minnesota. Madam Speaker, I don't have any other speakers at this time, and I reserve the balance of my time.

Ms. WOOLSEY. Madam Speaker, I am pleased to recognize the gentlewoman from California (Mrs. CAPPS), who is also a nurse, for such time as she may consume.

Mrs. CAPPS. Madam Speaker, I rise in support of H. Res. 1261, recognizing National Nurses Week, and I thank the leadership in the Congress for bringing this bill to the floor and acknowledge the close personal ties that many of us have with nurses.

I am very honored and pleased to be cosponsoring this resolution with my House colleagues and fellow nurses, Ms. EDDIE BERNICE JOHNSON and also CAROLYN MCCARTHY.

The recent debate in Congress on health care reform and the passage of the Patient Protection and Affordable Care Act have provided us an opportunity to highlight the importance of nurses to our health care system. Nurses are the backbone of health care delivery, and I know that because occasionally I will be approached by a colleague who wants to tell me about a recent medical event in their life, some situation, procedure, or surgery or some hospital stay. And inevitably it isn't the kind of doctor care they had; it is the nurses that they want to tell me about, especially the outstanding ones who made all of the difference in their recovery. I know because it is nurses who spend countless hours at patient bedsides. It is nurses who are in all walks of life, educating their communities about public health, and that is what I did for most of my career as a nurse, caring for the children and their families in our public school system in my community.

Nurses are also case managers. They are health system administrators. They are educators. They are members of the military. They are primary providers, and this list goes on and on. So I am proud to see our House of Representatives recognizing the immeasurable contributions that nurses make to the daily health and well-being of all Americans.

Madam Speaker, I know as individuals we each recognize the important roles nurses play. Of course, too often this recognition and appreciation doesn't come until after we have had our own adverse health experiences, as I have been relating to you. As I said, many of my colleagues come up to me after a hospitalization or that of a family member, and again they say, Wow, if it hadn't been for the care of the nurses.

Today, we have an opportunity to collectively thank and show appreciation to the nurses in our lives and all of the nurses that serve our country every day in the armed services and in our communities, the nurses who are our constituents and our family members and our friends, and to renew our commitment to supporting the profession by providing greater opportunities for scholarship and loan repayment, just as we did in our newly enacted health reform law. We have a shortage of nurses and other health providers, and we want to do what we can to increase their numbers so that better patient care can be delivered.

We need to also increase funding for existing programs to improve the training and recruitment of our next generation of nurses. I urge all of my colleagues to support this resolution. I am pleased to be standing on the floor in its favor.

Mr. LATOURETTE. Madam Speaker, it is fitting that today, May 12, we are on the floor to honor our nation's nurses on the 20th anniversary of National Nurses Week. Why is May 12th significant? Because it is the birthday of Florence Nightingale, the founder of modern nursing.

As co-chair of the House Nursing Caucus, I am a proud supporter of H. Res. 1261, which was introduced by my colleague, Rep. EDDIE BERNICE JOHNSON.

More than three million jobs in this country are held by nurses, and they represent the largest single component of the health care profession. Nurses are the rock stars of the medical profession, and often are patients' greatest advocates. They do not get the recognition they deserve.

They work tirelessly, and often are the greatest source of comfort and compassion for the sick. They are American heroes with huge hearts and sensible shoes. Nurses have probably done more to popularize CROCS clogs than any other single profession. Whoever runs CROCS should give the nursing profession a high five for helping make their footwear a staple from coast to coast.

If you know a nurse, or have received kind and professional care from a nurse, take a moment to thank them. Today, which marks the close of National Nurses Week, is a perfect time to do it. Our nation's nurses deserve our praise, thanks and support, and I am proud to be here today to honor them.

Mr. CONYERS. Madam Speaker, I rise in strong support of H. Res. 1261, a resolution to recognize National Nurses Week and acknowledge the importance of quality nurse education programs.

The crucial role of nurses in our health care system cannot be overstated. Across the country, dedicated nurses work tirelessly to ensure that their patients receive quality care. In addition to their countless clinical responsibilities, nurses are a source of medical knowledge and compassion for families and patients when they are going through difficult times.

Sadly, many talented nurses are forced from their profession because of injuries sustained while on the job. Every year, thousands of nurses and health care workers sustain back and neck injuries while lifting or transferring patients. Not only are these injuries very expensive for hospitals and providers because of costs that are associated with workers' compensation, retraining and replacement, but they are also often devastating to the personal and professional lives of nurses. Fortunately, the musculoskeletal injuries in facilities that use assistive patient handling have significantly decreased. That is why I have introduced H.R. 2381, the "Nurse and Health Care Worker Protection Act of 2009." This legislation would require the Secretary of Labor to promulgate a rule creating a standard for safe patient handling to prevent more nurses from being injured while assisting patients. Additionally, health facilities would be required to purchase an adequate number of mechanical lifting devices. Senator FRANKEN has introduced the companion bill, and just yesterday the Senate Subcommittee on Employment and Workplace Safety held a hearing on this critical issue.

I commend my friend Representative EDDIE BERNICE JOHNSON for introducing H. Res. 1261 which honors the necessary and valuable work that nurses do every day. I encourage my colleagues to support this resolution.

Mr. DEUTCH. Madam Speaker, as the old saying goes, "Save one life, you're a hero. Save 10,000, you're a nurse."

I rise today on the birthday of Florence Nightingale to honor America's nearly 3.1 million registered nurses as they celebrate this year's National Nurses Week themed "Nurses: Caring Today for a Healthier Tomorrow." Nursing is a profession that welcomes dedicated people with a variety of interests, strengths, and passions attracted by the numerous opportunities that the profession offers. Their dedication to improving the health of our Nation is unmatched, and with the recent passage of health reform, America's demand for nurses is greater than ever as we recruit more nurses to ensure patients' access to high-quality, affordable care, now and in the future.

America's nurses are especially important to our rural and underserved areas as they are the most cost-effective and often the only preventive and primary health care providers available. Our registered nurses are there for patients during times of disaster and crisis, and they serve us well in our schools and at our offices. They devote their lives to improving the quality of life of others and frequently adapt to meet the public's growing needs. The indispensible contributions of our nurses to our health care system are far too often overlooked.

I urge my colleagues to join with me in thanking America's nurses for their role in ensuring the health and well-being of our Nation. Nurses are experts in addressing patient needs. They make a difference every day in all of our lives. When you see a nurse today, thank them for their exceptional work because our caring nurses are ensuring a healthier tomorrow.

Mr. KLINE of Minnesota. Madam Speaker, I have no other speakers and I encourage my colleagues to support H. Res. 1261, and I yield back the balance of my time.

Ms. WOOLSEY. Madam Speaker, I urge my colleagues to support H. Res. 1261, recognizing National Nurses Week and recognizing the significant contributions that nurses make to our Nation's health care system.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution, H. Res. 1261, as amended.

The question was taken; and (two-thirds being in the affirmative) the

rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

OFFICER DANIEL FAULKNER CHILDREN OF FALLEN HEROES SCHOLARSHIP ACT

Ms. WOOLSEY. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 959) to increase Federal Pell Grants for the children of fallen public safety officers, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 959

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Officer Daniel Faulkner Children of Fallen Heroes Scholarship Act of 2010''.

SEC. 2. CALCULATION OF ELIGIBILITY.

Section 473(b) of the Higher Education Act of 1965 (20 U.S.C. 1087mm(b)) is amended—

(1) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by inserting ''(in the case of a student who meets the requirement of subparagraph (B)(i)), or academic year 2011–2012 (in the case of a student who meets the requirement of subparagraph (B)(ii)),'' after ''academic year 2009–2010''; and

(B) by amending subparagraph (B) to read as follows:

''(B) whose parent or guardian was—

''(i) a member of the Armed Forces of the United States and died as a result of performing military service in Iraq or Afghanistan after September 11, 2001; or

''(ii) was actively serving as a public safety officer and died in the line of duty while performing as a public safety officer; and'';

(2) in paragraph (3)—

(A) by striking ''Notwithstanding'' and inserting the following:

''(A) ARMED FORCES.—Notwithstanding'';

(B) by striking ''paragraph (2)'' and inserting ''subparagraphs (A), (B)(i), and (C) of paragraph (2)''; and

(C) by adding at the end the following:

''(B) PUBLIC SAFETY OFFICERS.—Notwithstanding any other provision of law, unless the Secretary establishes an alternate method to adjust the expected family contribution, for each student who meets the requirements of subparagraphs (A), (B)(ii), and (C) of paragraph (2), a financial aid administrator shall—

''(i) verify with the student that the student is eligible for the adjustment;

''(ii) adjust the expected family contribution in accordance with this subsection; and

''(iii) notify the Secretary of the adjustment and the student's eligibility for the adjustment.''; and

(3) by adding at the end the following:

''(4) TREATMENT OF PELL AMOUNT.—Notwithstanding section 1212 of the Omnibus Crime Control and Safe Streets Act of 1968, in the case of a student who receives an increased Federal Pell Grant amount under this section, the total amount of such Federal Pell Grant, including the increase under this subsection, shall not be considered in calculating that student's educational assistance benefits under the Public Safety Officer's Benefits program.

''(5) DEFINITIONS.—For purposes of this subsection—

''(A) the term 'public safety officer' means an individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, as a firefighter, or as a member of a rescue squad or ambulance crew;

''(B) the term 'law enforcement officer' means an individual who—

''(i) is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law; and

''(ii) has statutory powers of arrest or apprehension;

''(C) the term 'firefighter' means an individual who is trained in the suppression of fire or hazardous-materials response and has the legal authority to engage in these duties;

''(D) the term 'member of a rescue squad or ambulance crew' means an individual who is an officially recognized or designated public employee member of a rescue squad or ambulance crew; and

''(E) the term 'public agency' means the United States, any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, any territory or possession of the United States, or any unit of local government, department, agency, or instrumentality of any of the foregoing, and the Amtrak Police and Federal Reserve Police departments.''.

SEC. 3. CALCULATION OF PELL GRANT AMOUNT.

Section 401(b)(2) of the Higher Education Act of 1965, as amended by the SAFRA Act (Public Law 111–152), is amended—

(1) in subparagraph (A), in the matter preceding clause (i), by striking ''The Amount'' and inserting ''Subject to subparagraph (C), the amount''; and

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

''(C) In the case of a student who meet the requirements of subparagraphs (A), (B)(ii), and (C) of section 473(b)(2)—

''(i) clause (ii) of subparagraph (A) of this paragraph shall be applied by substituting 'from the amounts appropriated in the last enacted appropriation Act applicable to that award year, an amount equal to the amount of the increase calculated under paragraph (8)(B) for that year' for 'the amount of the increase calculated under paragraph (8)(B) for that year'; and

''(ii) such student—

''(I) shall be provided an amount under clause (i) of this subparagraph only to the extent that funds are specifically provided in advance in an appropriation Act to such students for that award year; and

''(II) shall not be eligible for the amounts made available pursuant to clauses (i) through (iii) of paragraph (8)(A).''.

SEC. 4. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SEC. 5. EFFECTIVE DATE.

This Act, and the amendments made by this Act, shall take effect on July 1, 2011.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WOOLSEY) and the gentleman from Minnesota (Mr. KLINE) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

□ 1230

GENERAL LEAVE

Ms. WOOLSEY. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H.R. 959 into the RECORD.

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

There was no objection.

Ms. WOOLSEY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in full support of H.R. 959, which offers financial assistance for higher education to the children of police officers, firefighters, and other first responders who made the ultimate sacrifice in the line of duty.

Madam Speaker, it is an American responsibility to look after the children of our fallen heroes. A small but important gesture to fulfilling this commitment is to make a college education possible for the children who have lost a parent in the line of duty. These mothers and fathers have given their lives so that we might be safe. We should do all that we can to help their sons and daughters be successful.

We know that the loss of a parent can make it difficult for families to make ends meet, let alone send their kids to college. Making their children eligible for the maximum Pell Grant is the way to thank the officers for their sacrifice and to give their children an education which they might not otherwise be able to afford.

Under this bill, a child of a fallen police officer, firefighter, or other first responder who is eligible for a Pell Grant would become automatically eligible for the maximum Pell award. This legislation would waive the income eligibility requirements in such cases.

With passage of the 2008 Higher Education Opportunity Act, we expanded Pell Grants to survivors of soldiers killed in Iraq and Afghanistan in a similar manner. As a result, these children will be eligible for more than $20,000 in grants for college over 4 years.

Whether it's a sacrifice made on a distant battlefield or protecting our citizens here at home, it's time we extended this benefit to all of the children of our fallen heroes. Our fallen heroes deserve our thanks and they deserve our respect, and we can honor them by supporting their children as they seek out a higher education.

I ask that my colleagues join me in full support of H.R. 959, and to take a moment to appreciate the daily sacrifices made by America's police officers, firefighters, and first responders.

I want to thank Representative MURPHY for bringing this resolution to the floor, and I urge my colleagues to pass this resolution.

I also want to thank Chairman CONYERS of the Judiciary Committee for working with the Education and Labor

Committee on allowing this bill to move expeditiously to the floor.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, May 10, 2010.

Hon. GEORGE MILLER,
Chairman, Committee on Education and Labor, House of Representatives, Washington, DC.

DEAR CHAIRMAN MILLER: In recognition of the desire to expedite consideration of H.R. 959, the Officer Daniel Faulkner Children of Fallen Heroes Scholarship Act of 2010, the Committee on the Judiciary agrees to waive formal consideration of the bill as to provisions that fall within its rule X jurisdiction.

The Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 959 at this time, it does not waive any jurisdiction over subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as the bill or similar legislation moves forward, so that we may address any remaining issues in our jurisdiction. The Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for any such request.

I would appreciate your including this letter in the Congressional Record during consideration of the bill on the House floor.

Thank you for your attention to this matter, and for the cooperative working relationship between our two committees.

Sincerely,

JOHN CONYERS, Jr.,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON EDUCATION AND LABOR,
Washington, DC, May 10, 2010.

Hon. JOHN CONYERS,
Chairman, Committee on the Judiciary, Rayburn House Office Building, House of Representatives, Washington, DC.

DEAR CHAIRMAN CONYERS: Thank you for your May 10, 2010, letter regarding H.R. 959, Officer Daniel Faulkner Children of Fallen Heroes Scholarship Act of 2010. Your support for this legislation and your assistance in ensuring its timely consideration are greatly appreciated.

I agree that provisions in the bill are within the jurisdiction of the Committee on the Judiciary. I acknowledge that by waiving rights to further consideration at this time of H.R. 959, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on the Judiciary has jurisdiction in H.R. 959, or similar legislation. A copy of our letters will be placed in the Congressional Record during consideration of the bill on the House floor.

I value your cooperation and look forward to working with you as we move ahead with this important legislation.

Sincerely,

GEORGE MILLER,
Chairman.

I reserve the balance of my time.

Mr. KLINE of Minnesota. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H.R. 959, the Officer Daniel Faulkner Children of Fallen Heroes Scholarship Act of 2010. I'm sure we're going to hear from my colleague from Pennsylvania (Mr. PATRICK J. MURPHY) something about Officer Daniel Faulkner.

He represents a profession where the men and women serving put their lives on the line every day. And H.R. 959 honors this ultimate sacrifice that fallen heroic police officers and firefighters make by providing their children with a helping hand that they cannot be there to provide in furthering their education.

Children of fallen Active Duty service men and women are already afforded this same assistance. This act ensures police officers and firefighters are honored in the same manner as our brave soldiers, sailors, airmen, and Marines for giving their lives to protect our safety.

Every year hundreds of police officers, firefighters, and other public safety officers die in the line of duty. Their jobs are inherently dangerous, and they accept this risk to protect America's citizens. It is important that we recognize their sacrifice and honor their lives. The Officer Daniel Faulkner Children of Fallen Heroes Scholarship Act provides a fiscally responsible way to convey our gratitude and respect for those who sacrifice their lives to protect us.

Madam Speaker, I reserve the balance of my time.

Ms. WOOLSEY. Madam Speaker, I am pleased to recognize the author of H.R. 959, the gentleman from Pennsylvania, Congressman PATRICK MURPHY, for as much time as he may consume.

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I thank the gentlelady from California, and also the gentleman from Minnesota, Congressman KLINE, my Republican colleague, thank you so much for your service to our country in the Marine Corps and for supporting this bill. I do appreciate it.

Madam Speaker, I would also like to thank my colleague from across the aisle, Republican TODD PLATTS from Pennsylvania. He has been my battle buddy and my partner on this bipartisan bill. But his steadfast commitment to our Nation's first responders is second to none. We've worked on this bill together for 3 years now and today, finally, it will come to fruition, and it's been an honor to partner with him.

Madam Speaker, you know that this is National Police Week and Saturday is National Peace Officers Memorial Day. During these times of recognition and reflection, it's critical that we pause and thank those who bravely and selflessly protect us and our families.

But unfortunately, Madam Speaker, far too often we never get the chance to truly express our deep appreciation because too often a police officer, a firefighter, an EMS professional is taken from us too soon.

Last year, in 2009 alone, 126 law enforcement officers and 90 firefighters were killed in the line of duty. They and their families gave the ultimate sacrifice. These heroes sacrificed their lives for the most noble of causes, serving their community and their country.

And Madam Speaker, as so many of us remember, such was a tragedy 29 years ago when Officer Daniel Faulkner was murdered in Philadelphia during a routine traffic stop in Center City.

Officer Faulkner served in the Army prior to joining the Philadelphia Police Department. At the time of his death, just a few weeks before his 26th birthday, Danny was working toward his bachelor's degree in criminal justice at night, hoping to eventually work in the district attorney's office as a prosecutor. But because of the actions of a cold-blooded killer, he never got that chance.

Madam Speaker, it was his example of service, of valor and dedication that inspired me to introduce the Officer Daniel Faulkner Children of Fallen Heroes Scholarship Act. Under our legislation, if a child of one of these fallen heroes is eligible for any amount of Pell Grant money, they will become automatically eligible for the maximum grant available. In 2010, this means $5,550 to help pay for college and nearly $6,000 by 2017.

This bill is in honor of Officer Faulkner and the thousands of other heroes, including 11 officers, 21 firefighters, and two EMS workers who have lost their lives in Bucks County, Pennsylvania. This bill is for Middletown Police Officer Christopher Jones, killed in 2009; for paramedic Daniel McIntosh, killed just a few months ago in March 2010; and for countless others who have made the ultimate sacrifice. I'd like to submit for the RECORD the list of names of Bucks County police officers, firefighters, and EMS workers who did give the ultimate sacrifice. They are our community's heroes.

BUCKS COUNTY FIRST RESPONDERS KILLED IN THE LINE OF DUTY

Following is the list of Bucks County's fallen Police, Firefighters, and Paramedics killed over the past century:

POLICE

Sheriff Abraham L. Kulp

Shot to death on Feb. 24th, 1927 while trying to serve a warrant in Bedminster Township.

Chief Eli Myers

Chief of Police Myers was directing traffic at the scene of a brush fire when he was struck from behind by a vehicle he had waved through the intersection. Chief Myers was transported to a nearby hospital where he died a short time later. Dublin Borough, died Oct. 31, 1965. Struck on foot by vehicle. Aged 50 years, Chief Myers served 10 years.

Sgt. George Stuckey

Detective Sergeant Stuckey was shot and killed during a traffic stop. The suspects were speeding when Sergeant Stuckey pulled them over in front of the Bristol Twp Police Department. Unbeknownst to Sergeant Stuckey, the suspects had just robbed a bank. Bristol Township, died March 29, 1972. Aged 33 years, Sergeant Stuckey served 7 years.

Officer James Armstrong

Officer Armstrong was overpowered by a robbery suspect. The suspect gained control of Officer Armstrong's service weapon and shot him with his own gun. Officer Armstrong's K–9 dog was also killed by the suspect. The suspect received a life sentence.

Officer Armstrong died Apr. 15, 1975. He was aged 27 years and had served 4.

Officer Robert Yezzi

Officer Yezzi was struck by a passing vehicle while struggling with suspect. Bensalem Township, died Aug. 12th, 1980. Aged 29 years, Officer Yezzi served 5 years.

Deputy Sheriffs Thomas Bateman and George Warta

Deputy Bateman and Deputy George Warta were killed when their patrol car was struck head on by a tractor trailer on Sept. 22, 1986. Deputy Bateman was aged 31 years, and served 9 and Deputy Warta was aged 47 years and served 7 years.

Ranger Stanley Flynn

On September 22nd, 1986, Deputy Bateman was returning to his patrol area after leaving a prisoner at the jail. He and Deputy George Warta were involved in a traffic accident on Street Road in Warrington Township. Their vehicle went out of control and they were struck head on by a vehicle traveling in the opposite direction.

Officer Joseph E. Hanusey

Officer Hanusey was killed in an automobile accident while responding to assist another officer. The officer requesting back up had initiated a DUI traffic stop and was not responding to the Bucks County Dispatch Officer's calls. While en route, in heavy rain, Patrolman Hanusey's patrol car left the roadway and struck some trees at US Route 611 and Haring Road in Plumville, Pennsylvania. Officer Hanusey died May 18th, 2002. He was aged 30 years, and had served 5.5 years.

Officer Brian Gregg

Newtown Police Officer Gregg was killed on September 29, 2005 in an emergency room massacre at St. Mary Medical Center in Middletown Township.

Officer Chris Jones

Detective Chris Jones was struck and killed by a drunk driver while conducting a traffic stop on Route 1, near the I–95 interchange. As he was returning to his patrol car, two cars collided and careened into his vehicle, which then struck him. He was transported to a local hospital where he succumbed to his injuries a short time later. The driver who struck Detective Jones was charged with homicide by vehicle and several other charges. Detective Jones had served with the Middletown Township Police Department for 10 years and was posthumously promoted to the rank of Detective. He is survived by his wife and three children. Officer Jones died Jan. 29th, 2009. He was aged 37 years, and served 10 years.

FIRE

Walter L. Moore, Foreman:

Bristol Fire Company No. 1, Station 51

On April 21st 1915, Foreman Moore was killed in the line of duty while his apparatus he was riding in was struck by a train while responding to house boat fires.

Willis Sames, Fireman:

Perkasie Fire Company, Station 26

On April 1st 1926, firefighter Sames was killed in the line of duty when his apparatus he was in crashed while going to a drill in Quakertown.

Jacob C. Crouthamel, Fireman:

Perkasie Fire Company, Station 26

On April 1st 1926, firefighter Crouthamel was killed in the line of duty when his apparatus he was in crashed while going to a drill in Quakertown.

James F. Hurley, Fireman:

Yardley-Makefield Fire Company, Station 0

In April 1949, firefighter Hurley was killed in the line of duty on box 0–1, when he was crushed between the ladder truck and the fire station bay door.

William Bell, Fire Police Captain:

Warrington Fire Company, Station 29

On January 19th, 1964, fire police captain Bell was killed in the line of duty while directing traffic at an accident scene.

David S. Rubright, Assistant Chief:

Levittown Fire Company No. 1, Station 32

On November 15th, 1969, Assistant Chief Rubright was killed in the line of duty with a heart attack shortly after performing search and rescue on box 32–4, 16 Narcissus Lane.

Walter D. Miller, Fireman:

Croydon Fire Company, Station 11

On September 28th, 1970, Firefighter Miller was killed in the line of duty while operating on box 11–34, falling from the apparatus at State Road and Cedar Avenue.

Rudolph W. Bisler, Fireman:

Feasterville Fire Company, Station 1

On April 8th, 1971, firefighter Bisler died in the line of duty after a suffering a heart attack while driving an engine to a fire at the Phoenix Swim Club in Lower Southampton Twp.

Robert Roberts, Fireman:

Hartsville Fire Company Station 93

Watson Eyre Wright Jr., Fireman:

Warwick Fire Company Station 66

On Dec. 7th, 1974, died in the line of duty of a heart attack after returning from a dwelling fire.

Henry Costello, Fire Police Captain:

Line Lexington Fire Company, Station 60

On October 21st, 1975, fire police captain Costello died in the line of duty on box 60–01, the Hillside Inn 1903 Bethlehem Pike.

Wesley Evans, Fireman:

Bristol Consolidated Fire Company, Station 50

On December 12th, 1975, firefighter Evans died in the line of duty of a heart attack while operating on box 53–35, 332 Cleveland Street.

Geary Von Hoffman, Fireman:

Falls Township Fire Company No. 1, Station 30

On April 26th, 1976, firefighter Hoffman was killed in the line of duty while operating on box 30–41 when a flashover occurred at the St. George's Diner on Lincoln Highway.

John S. Buranich III, Fireman:

Edgely Fire Company, Station 10

On November 10th, 1976, firefighter Buranich died in the line of duty from injuries which occurred on July 23, 1976, while responding on box 10–36.

Julian R. Bley, Sr., Assistant Chief:

Bristol Fire Company No. 1, Station 51

On June 8th, 1984, Assistant Chief Bley was killed in the line of duty when he was electrocuted on box 53–16 at the Purex Corp, Radcliffe Street.

Thomas J. Gibson, Fireman:

Union Fire Company, Station 37

On March 6th, 1985 firefighter Gibson was killed in the line of duty when he fell from an aerial ladder while operating on box 11–33.

Stanley R. Konefal, Fire Chief:

Cornwells Fire Company No. 1, Station 16

On November 15th, 1986, Chief Konefal died in the line of duty when he was overcome by fumes while operating on box 16–4, 1154 Tennis Avenue.

Milton E. Majors, Fire Police Captain:

Union Fire Company, Station 37

Tom Graver, Fire Police Captain:

Feasterville Fire Company, Station 1

On February 19th, 1974, Fire Police Captain Graver was killed in the line of duty while directing traffic at Street Road and Pennsylvania Blvd.

Nelson ''Snooky'' Margerum, Fire Chief:

Yardley-Makefield Fire Company, Station 0

Chief Margerum died in the line of duty on March 15th, 1992, after suffering a heart attack while operating on box 0–5, 326 Big Oak Road.

Walter F. Vaughan, Fire Police Officer:

Warminster Fire Company, Station 90

On November 13th, 1999 fire police officer Vaughan was killed in the line of duty while directing traffic on box 92–36, 1575 West Street Road.

EMS/PARAMEDIC:

Dale Francis
Died in 2001
Dan Macintosh (Paramedic)
Died in 2010
March 7, 2010

Madam Speaker, every first responder deserves to know that if the unthinkable were to happen, their children would be taken care of and that their family would not be alone. This legislation is a small step in that direction.

The work these heroes do every day puts an incredible strain on their families, too. I know it because my father, Jack Murphy, spent over 20 years in the Philadelphia Police Department. Fortunately for my family, he came home every night. But when he left for work, I could see the strain in my mother's face. She always said to us three children, Make sure you kiss your father good-bye because you never know if that's the last time you'll see him. She knew the risks of my dad's profession. But she also knew that he was doing his duty to protect all of us.

So many families in our communities are just like mine. And with this bill, this Congress can come together as Democrats and Republicans, as Americans, to do our part to ensure that the children of our fallen heroes can still afford to go to college despite their profound loss.

We have received tremendous support for this bill. It has been endorsed by the Fraternal Order of Police, the International Association of Firefighters, and Members on both sides of this aisle.

Madam Speaker, I urge my colleagues to vote for this bill because we must never forget what American heroes like Danny Faulkner, like Christopher Jones, like Daniel McIntosh, and countless others have given, and we must keep faith with those who love them.

Mr. KLINE of Minnesota. Madam Speaker, I encourage my colleagues to support H.R. 959, and I yield back the balance of my time.

Ms. WOOLSEY. Madam Speaker, I urge my colleagues to support H.R. 959, which offers financial assistance for higher education to the children of police officers, firefighters, and other first responders who made the ultimate sacrifice in the line of duty.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and pass the bill, H.R. 959, as amended.

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

A motion to reconsider was laid on the table.

CHILDREN'S BOOK WEEK

Ms. WOOLSEY. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1333) expressing support for the goals and ideals of Children's Book Week.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1333

Whereas research has indicated that children who are read to three or four times a week are more likely to recognize the letters of the alphabet, be able to count to 20, and write their own names;

Whereas children's books are instrumental in teaching children to read by providing simple phrases that promote reading techniques, including phonics, and retaining children's interest;

Whereas many teachers use children's books in the classroom as a tool to promote and teach literacy to their students;

Whereas Children's Book Week has been celebrated nationally since 1919 and is founded on the declaration that a ''great nation is a reading nation'';

Whereas Children's Book Week highlights the importance of parents and guardians taking the time to read with their children and encourages libraries, schools, and community organizations to hold events to promote reading; and

Whereas Children's Book Week is recognized May 10 to May 16, 2010: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Children's Book Week; and

(2) encourages parents to read with their children and schools, libraries, and community organizations to hold events to encourage children and students of all ages to read.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WOOLSEY) and the gentleman from Minnesota (Mr. KLINE) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WOOLSEY. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Res. 1333 into the RECORD.

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

There was no objection.

Ms. WOOLSEY. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I rise today in support of House Resolution 1333, a resolution in support of the goals and ideals of Children's Book Week, to be held from May 10 through May 16, 2010.

Children's Book Week is a great time to highlight the importance of reading to our children and our students. Educators, librarians, booksellers, and families have long celebrated children's books and the love of reading.

Since 1919 children's books and Children's Book Week have put an annual spotlight on this vitally important activity for a child's education and cognitive development. Through storytelling, parties, and author and illustrator appearances, this week helps to encourage a love of reading in our children.

Today, even the very youngest child in America is growing up immersed in media, spending hours a day watching TV and playing video games. Parents and teachers promote better learning for these children when they turn off the TV and pull out a book and either sit with the child and read it or have the child read it on his or her own.

This year, official Children's Book Week events will be hosted in 10 cities and in classrooms, libraries, bookstores, and homes all across this country.

□ 1245

In addition, the Children's Choice Book Awards will honor important authors who bring their gifts of writing and imagination to our kids.

Madam Speaker, once again I express my support for Children's Book Week and celebrate reading for students of all ages. I thank Representative ROE for introducing this resolution, and I urge my colleagues to support this bill.

I reserve the balance of my time.

Mr. KLINE of Minnesota. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of House Resolution 1333. This resolution supports and honors Children's Book Week, which is in itself a celebration of the written word. And as my colleague so aptly said, today our children are immersed in a multimedia world. I know my grandchildren are unbelievably expert at video games. And I can't tell you how happy I am, how thrilled I am, when I see them sitting with a book.

I was so pleased to see that my oldest grandson followed in the line of his father and grandfather and great grandfather of seeking every available minute to get into the world of literature, to get into the written word, to read these books, going to the point of getting under the covers with a flashlight way after lights out time for bed. I think that's an important part of our children growing up.

I am concerned that many of our children are losing this touch with the written word. So I believe that the Congress expressing our support for the goals and ideals of Children's Book Week, the written word, is an important statement.

I urge my colleagues to support this resolution, and I yield back the balance of my time.

Ms. WOOLSEY. Madam Speaker, I thank the gentleman from Minnesota for working with us on these last three resolutions.

I urge my colleagues to support H. Res. 1333, a resolution in support of the goals and ideals of Children's Book Week.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution, H. Res. 1333.

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

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 5116, AMERICA COMPETES REAUTHORIZATION ACT OF 2010

Mr. PERLMUTTER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1344 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1344

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5116) to invest in innovation through research and development, to improve the competitiveness of the United States, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Science and Technology. After general debate the bill shall be considered for amendment under the five-minute rule.

SEC. 2. (a) It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science and Technology now printed in the bill modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. (b) Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules accompanying this resolution and amendments en bloc described in section 3 of this resolution. (c) Each amendment printed in part B of the report of the Committee on Rules may be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. (d) All points of order against amendments printed in part B of the report of the Committee on Rules or amendments en bloc described in section 3 of this resolution are waived except those arising under clause 9 or 10 of rule XXI.

SEC. 3. It shall be in order at any time for the chair of the Committee on Science and Technology or his designee to offer amendments en bloc consisting of amendments

printed in part B of the report of the Committee on Rules accompanying this resolution not earlier disposed of. Amendments en bloc offered pursuant to this section shall be considered as read, shall be debatable for 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Science and Technology or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

SEC. 4. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 5. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Science and Technology or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

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

Mr. PERLMUTTER. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to my friend from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. PERLMUTTER. I ask unanimous consent that all Members be given 5 legislative days within which to revise and extend their remarks on House Resolution 1344.

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

There was no objection.

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

Madam Speaker, House Resolution 1344 provides for consideration of H.R. 5116, the America COMPETES Act. It is a structured rule, making in order 54 amendments. It also provides 1 hour of general debate, equally divided between the chairman and ranking member from the Committee on Science. It considers the amendment in the nature of a substitute to be considered as an original bill. The rule waives all points of order against consideration of the motion except clause 9 and 10 of rule XXI. Finally, the rule provides authority to the chairman of the Committee on Science or his designee to move amendments en bloc.

Madam Speaker, our Nation's economy fell off a cliff in the fall of 2008. By the end of the Bush administration, we were losing at least 700,000 jobs a month. In the last month of the Bush administration, that number was up to 780,000 jobs in that month alone. Congress then, working in tandem with the Obama administration, passed various pieces of legislation to stabilize our economy in the short term and invest in various fields for the long-run growth of our country.

Fifteen months since the passage of the Recovery Act, we are seeing its impact. We went from 780,000 jobs lost the last month of the Bush administration to 290,000 jobs created in April 2010, a pretty significant swing given the fact that the loss was so drastic and so quick in the fall of 2008 and the first month of 2009. But we are not out of the woods yet. We are turning the tide.

This Congress recognizes no country on Earth can match the creativity, productivity, and hard work of the American entrepreneur. The America COMPETES Act builds upon this idea by investing in scientific research, industrial innovation, and hard science education. It gives our Nation's most creative scientists and engineers the resources they need to develop the breakthroughs which will change the world as we know it and make America even more competitive.

The bill reauthorizes programs in the National Science Foundation, the National Institute for Standards and Technology, and the Department of Energy to capture their full potential. This empowers our universities, which are undergoing tremendous strain as they weather the recent financial collapse.

In my own district, the Colorado School of Mines and the University of Colorado Health Science Center will have access to more funding to develop green energy, medical communications, and other technologies. The bill improves science, technology, engineering, and math education to ensure that our Nation's workforce has the training and know-how to maximize the investments that we make. It gives our innovators the chance to compete for more resources so they can research, develop, commercialize, and eventually transform our economy.

As we speak, there are scientists, inventors, and engineers in our Nation who are devising the next groundbreaking advances. We cannot afford to let those ideas wither on the vine. So I urge the passage of the rule and the underlying bill, which will create jobs and solidify the foundation for the long-term growth and prosperity of the United States.

With that, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I would like to thank my friend, the gentleman from Colorado (Mr. PERLMUTTER), for the time. I yield myself such time as I may consume.

In order for the United States to compete in today's global marketplace and to spur long-term growth, we must invest in basic science research and development. In 2005, the National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine, collectively known as the National Academies, published the report ''Rising Above the Gathering Storm.'' The report concluded that the United States faces a serious challenge with regard to our future competitiveness and standard of living. That report led to the bipartisan enactment of the America COMPETES Act of 2007, which implemented the report's recommendations.

Today we are set to consider H.R. 5116, the America COMPETES Reauthorization Act of 2010. The bill reauthorizes the America COMPETES Act for 5 years, increases authorization spending levels to $86 billion, and creates new programs.

I understand and I support the underlying principles of the America COMPETES Act, prioritizing and strengthening investments in basic research and development and STEM: science, technology, engineering, and mathematics education. But we need to have an economic strategy that encourages companies, businesses in the United States, to compete, to grow, and to hire new workers, a strategy that includes the streamlining of burdensome regulations, a strategy that reduces taxation, that brings our Federal spending under control, and controls the spiraling national debt.

□ 1300

So, Madam Speaker, as much as I would prefer to support the underlying legislation, I believe that at this time of severe budgetary constraints, the underlying legislation includes excessive spending levels.

The bill has an overall authorization of nearly $86 billion, which represents approximately $20 billion in new funding above the fiscal base of this year. That is a significant increase when we're facing record budget deficits. And that is after the so-called stimulus bill injected 6 billion additional dollars into the agencies funded by this bill.

The current national debt projections and the majority's insatiable appetite for spending are unsustainable. And if we continue on that trajectory, the America that we know, love, and admire will be severely threatened. Our excessive spending threatens the very foundation of our economy and our way of life. We could very well find ourselves in a position, soon, similar to today's Greece.

As we saw last week when the House considered the legislation on credits for refurbishing homes by my friend from Vermont (Mr. WELCH), Congress is beginning to realize the magnitude of the Nation's fiscal problem—though the congressional majority leadership has not yet realized it or simply does not care.

I may have voted in favor of the underlying legislation if the majority, nevertheless, had allowed the House to consider and vote on amendments that would have reduced the spending levels on the bill.

For example, my colleague Representative MARIO DIAZ-BALART of Florida came before the Rules Committee yesterday to request that the

committee allow the House to consider his amendment to cut the authorization of the bill from 5 years to 3 years. His amendment would have lowered the cost of the overall bill. It would also have given Congress the ability to come back in 3 years and determine if the legislation was achieving its intended purpose.

Perhaps if that amendment had been allowed, a number of Members like myself who are concerned about the uncontrolled spending of this majority could have voted for the bill. Instead, the majority in the Rules Committee decided that they would block consideration of the Mario Diaz-Balart amendment and also the Sessions amendment, amendments that sought to reduce the spending in the bill. Not only did they block the Diaz-Balart and Sessions amendments, they blocked out almost three-fourths of the Republican amendments submitted to the Rules Committee, while allowing nearly 90 percent of the Democrat amendments. So today we will consider four Republican amendments and 48 Democrat amendments. That's quite a contrast.

It's especially glaring when you consider that we were told that it would not be this way. The distinguished Speaker promised the American people that her party would run the most open and bipartisan Congress in history; yet week after week the majority continues to block an open process. We have yet to consider even one open rule during this entire Congress—not even on the historically open appropriations process. It is quite sad.

I reserve my time.

Mr. PERLMUTTER. Madam Speaker, I would like to respond to a couple of the things my friend from Florida said.

First, I'd remind him that at the end of the Clinton administration there was a budget that was balanced. There was, in fact, a surplus going forward; but under the Bush administration with tax cuts for the wealthiest, the prosecution of two wars without paying for them, and a financial sector in total disarray at the end of the Bush administration, the Obama administration inherited a $1.3 trillion deficit.

But in moving forward with the actions taken by this Congress to stabilize the financial system and put people back to work, there's been a swing now from the last month of the Bush administration, where almost 800,000 jobs were lost, to a gain last month of 260,000, well over a million-job swing towards putting this country back on track. That will assist with revenues as the economy gets better. That deals with budget deficits.

My friend is right. We have to look at the spending that this country is engaging in, but we have got to put people back to work. This America COMPETES Act does that by building on our science foundation. We have, in this bill, endorsements and support from virtually every kind of company and association possible, from business associations like the U.S. Chamber of Commerce, the National Association of Manufacturers, TechNet, et cetera, to various societies, the American Association for the Advancement of Science, university associations as well, and a whole host of businesses, because they know how important this bill is towards the investment that we're going to make in the future for this country. But it's jobs today.

With that, I would like to yield 2 minutes to my friend from Missouri (Mr. CARNAHAN).

Mr. CARNAHAN. Madam Speaker, I can't think of a better time than now to invest in America's can-do spirit. I would like to thank our chairman, BART GORDON, for his years of devotion working to ensure that America is prepared to compete globally.

America has been at the forefront of every technological innovation of the last century, and most of our jobs since World War II have been created by new technology and innovation. I believe we can continue to lead the world in innovation and technology, and my constituency in St. Louis, Missouri, can play a major role in that effort.

Earlier this morning, I spoke with Missourians closely watching our progress on this landmark innovation jobs bill, America COMPETES, including Washington University in St. Louis and the University of Missouri. Because of America COMPETES, these two great universities will be able to work locally with teachers to spark interest in math and science for future generations, as well as to continue research looking into the next breakthrough technologies.

Today, I also heard from Chuck Gerding of Gerding Enterprises, a small specialty manufacturer from Dittmer, Missouri, who has been assisted by the Missouri Enterprise Program that helps small- and medium-sized manufacturers. America COMPETES would strengthen the Missouri Enterprise Program, helping manufacturers compete in the global economy and hire more workers.

The section of this bill I am particularly proud of will strengthen regional economies through Energy Innovation Hubs to help advance the U.S. transition to a clean energy economy and to support the growth of new sectors of the economy and jobs that come with them. In order for the U.S. to remain competitive, we need to invest in the technologies now that will create jobs immediately and make our economy stronger for the long term.

The America COMPETES Act will strengthen how America competes and empower American innovation.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I want to thank my friend, Mr. PERLMUTTER, for reminding us of the Clinton years.

I was elected to Congress when President Clinton was elected President. Two years later, we, the Republicans, captured the majority here in the Congress, and I remember how we had to fight tooth and nail to balance the budget. President Clinton never submitted a budget with a deficit less than $200 billion a year. I remember ad infinitum his budgets at least had $200 billion of deficits. It used to be, Madam Speaker, that $200 billion was a lot of money for a deficit. And I remember how this Congress had to fight day in and day out, and we finally achieved, in very arduous negotiations with the executive, a balanced budget. So that's the record.

I would like, at this point, to yield such time as he may consume to the distinguished ranking member of the Rules Committee from California (Mr. DREIER).

Mr. DREIER. Madam Speaker, I thank my friend for yielding.

I rise in strong opposition to this rule and in strong support of Muftiah McCartin. And I'd like to begin by outlining my opposition to the rule, and then I'm going to take some time to talk about my support of Muftiah McCartin.

Madam Speaker, my friend from Miami is absolutely right when he focuses on the need and the importance for us to be fiscally responsible. My friend from Colorado has made the same argument: Everyone around here regularly decries wasteful Federal spending.

Now, this bill is extraordinarily well-intentioned, and as I said in the Rules Committee yesterday, I've been a strong supporter of the STEM concept. Science, technology, engineering, and math are very high priorities. If we, as a nation, are going to remain competitive in this global economy, it is absolutely imperative that we do all that we can to focus on STEM education.

The concern with this measure is the fact that it's $22 billion over the baseline, going up to $86 billion. I was asked in the Rules Committee hearing yesterday by the chairman of the Science Committee what level I believe to be appropriate as we focus on STEM education, and that area would be at least at that baseline level, which would take the $86 billion in funding and bring it down to what would be $64 billion. That would be a more acceptable level. Why? Because, while we know how important this is, we also know that if we don't focus on our spending that has been going on for so many years under both political parties, we're not going to be able to compete globally at all.

Now, there are other concerns about this measure. I have just obviously been talking about the amendment that the manager on this side's brother—he simply described him as his ''colleague.'' He also happens to be his brother, MARIO DIAZ-BALART, who very thoughtfully came before the Rules Committee, and that amendment was not made in order.

Mr. BILBRAY, sitting behind me, has an amendment focusing on the very important issue of ensuring that people who work in this country are here legally.

And, of course, the very, very, very important issue that the ranking member of this committee, RALPH HALL, brought before the Rules Committee. By unanimous vote in the Committee on Science and Technology, they incorporated language to ensure that there would be a prioritization of those 59,700 disabled veterans who want to have an opportunity to participate in the STEM program at the undergraduate level and 8,700 who want to have the opportunity to participate at the postgraduate level. That was agreed on by the committee, but, unfortunately, when the measure got before the Rules Committee, it was stricken. As Mr. HALL has described to me, some very, very watered-down version which does undermine the ability of our Nation's disabled veterans to be able to take advantage of this program the way they should is, in fact, denied.

And so the fact that these measures are not made in order, Madam Speaker, I am a strong opponent of this rule because I believe that we can do better. And as Mr. DIAZ-BALART said, having an open amendment process—which we have not had in this entire Congress—should have been the model for this bill in light of the fact that it has, in the past, been reported out under suspension of the rules.

Now, having spoken about my opposition to the rule itself, Madam Speaker, I'd like to speak briefly about my support for Muftiah McCartin.

□ 1315

Madam Speaker, in 1976, she was obviously a child, and this institution was probably violating child labor laws when Muftiah McCartin came to work as a clerk in the Parliamentarian's Office. That is 34 years ago. In that 34-year period of time, she has had an amazing career which has been, from my perspective, capped by her service as the majority staff director of the House Rules Committee.

She was the first woman named as a parliamentarian back in 1991, and she has worked for both Republicans and Democrats on the House Appropriations Committee, and her work there was very important. As I said, the fact that she has come to the House Rules Committee is a very appropriate spot for her.

When she began her work, she pursued both her undergraduate and law degrees when she began in the 1970s, and has been able to utilize those skills extraordinarily well.

Madam Speaker, we are very sorry that she will be leaving us. In fact, unless there is a massive disruption in the operations of this institution through the week, this will be the last rule that will be considered on the House floor during her period of time. I do know that her husband, Terry, her four children, and her new grandchild will anxiously look forward to spending more time with her.

The Rules Committee, as we all know, Madam Speaker, tends to be a rough and tumble place, and Muftiah has had an extraordinarily good and close working relationship with those of us in the minority. When I had the privilege of being chairman of the Rules Committee, we worked extraordinarily closely with her in her role in the Parliamentarian's Office. And I know that things may still be rough and tumble within her family; it will certainly be a great joy for all of her family members to have her back. And so, Madam Speaker, I would like to extend congratulations to Muftiah McCartin for her extraordinary 34 years of service to this institution. And I know that her family is the only thing that she loves more than this place, which we all respect and love so much.

Mr. PERLMUTTER. Madam Speaker, I thank my friend from California for his remarks regarding Muftiah.

I now yield 3 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. I want to thank my colleague from Colorado for yielding me the time.

Madam Speaker, I rise in strong support of the rule for the America COMPETES Act, and more importantly, I also rise in strong support and to pay tribute to the staff director of the Rules Committee, Muftiah McCartin, as she finishes up her last week here in the House of Representatives and prepares to move on to a new phase in her life.

Madam Speaker, Muftiah is an amazing woman. She has worked in this body for 34 years, first in the Office of the Parliamentarian, then for the Appropriations Committee, and finally on the Rules Committee. She leaves as the top staffer on the Rules Committee, someone who not only made the trains run on time, but also someone who definitely worked through the dicey political and policy issues that the Rules Committee is required to work through.

Muftiah will be missed here in the House, but I can honestly say this body is better because of her hard work over the past 34 years. Over that time she has shown dedication and passion for this institution. Whether it was advising the presiding officer as parliamentarian, or working for Congressman OBEY and Chairwoman SLAUGHTER, Muftiah excelled at her job and helped us do our jobs better. But what we will miss most is the way Muftiah brings everyone together. She unified the Rules professional and associate staff. She made sure we, as Members of Congress, were prepared and ready to do the business at hand. But she also worked as both a mentor to her staff and to the associate staff. I can honestly say that I and my staff do our jobs better today because of Muftiah and the leadership that she has provided over the past few years in the Rules Committee.

And while she has spent the last three decades here in the House, she also has a life outside of this Chamber. She has a wonderful husband, Terry, four children, Marissa, Elaine, Sandra, and Luke. And she just became a grandmother for the first time, a young grandson named Thaddeus.

Madam Speaker, I was a staffer before I was elected to Congress, although I have to say that I started working here a few years after Muftiah started her career on the Hill. But I understand the role the staff play here, and I know this institution would not be the great body it is without the dedicated staff that puts so much of their lives into what we all do here. Muftiah embodies that dedication, and we are going to miss her.

Let me say, Madam Speaker, in conclusion, to Muftiah, I want to thank you for all the incredible work that you have done here. You will be missed, and we love you.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, we have great differences, great disagreements often here on the floor of this House. Rare is the occasion when there is no debate, when there are no differences.

Muftiah McCartin enjoys the admiration of all Members on both sides of the aisle who have worked with her. She personifies the best of this institution. She personifies competence, professionalism, and courtesy. And as someone who has had the privilege of working with her, I thank her for her service and commend her for her professionalism, competence, and that courtesy.

So the best to you, Muftiah, and your family as you move on to other endeavors. You are an example of the wonderful men and women who have through the years made possible what this Congress gets accomplished. And so I join all of my colleagues in wishing Muftiah the best.

I yield 3 minutes to my distinguished friend and colleague from Georgia, Dr. BROUN.

Mr. BROUN of Georgia. Madam Speaker, I rise today in strong opposition to this rule.

I applaud the fact that 54 amendments were made in order, which is the most amendments that the Democratic leadership have allowed in a long time, maybe ever since they have been in control of this House of Representatives in the 110th Congress.

I am pleased that one of my amendments to remove some new programs that are in this bill will be debated later on this afternoon. However, at a time when our deficits are projected to remain above $1 trillion for the foreseeable future, I can't understand why two of my other very important amendments dealing with fiscal responsibility were ruled out of order.

My first amendment would have simply changed the authorization level to 3 years from 5 years, and would have frozen spending to this year's levels, and it would save over $45 billion of taxpayers' money. The 2007 COMPETES bill was originally a 3-year authorization. In these tough economic

times, why are we expanding yet another Federal program?

My second amendment would have streamlined the overall COMPETES program by removing all of the newly created programs. Again, in these tough economic times, we can't do everything that we want to do. So we need to prioritize our resources while ensuring basic research in science.

Many of the new programs are duplicative of other existing programs. For example, the loan guarantees are similar to the Small Business Administration's loan guarantee program for which manufacturers are eligible. Also, the HUD program appears to be redundant with existing Department of Energy activities. These are only two examples of duplicative programs that are in this bill.

Expanding the size and cost of this reauthorization while creating duplicative programs is not what the American people want and certainly not what they need. American families and American small businesses have been forced to make difficult spending decisions. Shouldn't the Federal Government do the same? We need to stop spending money that we do not have on new programs that further increase our ever-expanding debt.

Madam Speaker, our children and grandchildren are dependent upon us being fiscally responsible. This rule and this bill is not fiscally responsible. I urge my colleagues to reject this rule so that sensible amendments, like the two that I have discussed and others that Mr. DIAZ-BALART discussed, can be included in this important debate.

Mr. PERLMUTTER. Madam Speaker, I say to my good friend, Congressman BROUN, that he has forgotten that this bill satisfies the PAYGO rules which CBO has scored at zero, so that there is not an increase, a rule that my friends on the Republican side of the aisle eliminated, which helped drive up the debt of this country.

And I would just say to my friend, the investments that are being made in science and technology and in the education of scientists and engineers and mathematicians is the kind of investment for the long-term health of this country that has to be made right now.

I yield to my friend from California (Ms. MATSUI) 2 minutes.

Ms. MATSUI. I thank the gentleman from Colorado for yielding me time.

Madam Speaker, I rise today in support of the rule and the underlying legislation.

Investing in research and STEM education will help our country take the lead in scientific, technological, and economic advancements. This bill will also assist my hometown of Sacramento, where we are positioned to become a leader in the clean technology sector. That is why I am pleased that Chairman GORDON has pledged to support two smart grid-related amendments that I plan to offer to the bill.

My first amendment will ensure that new smart grid technologies are an important part of the Department of Energy's research and development. My second amendment will ensure that smart grid technologies are included in the list of research and development activities undertaken by the Department of Energy innovation hubs. Both of these amendments will be extremely valuable to Sacramento's continued leadership in the field of smart grid technologies.

Now, Madam Speaker, I just want to take a moment to recognize the departing staff director of the Rules Committee. Muftiah McCartin, Muf, affectionately known, has steered the Rules Committee through a challenging period, and she has done so with skill and grace. We all know that the Rules Committee can sometimes be a very contentious place. I know I speak for my staff and for my colleagues when I say that Muftiah will be sorely missed on the Rules Committee. We all wish her the very best in her new position. And thank you for your very hard work, Muftiah, and your dedication. And enjoy the next chapter of your life.

Mr. LINCOLN DIAZ-BALART. Madam Speaker, I yield 3 minutes to my friend from California (Mr. BILBRAY).

Mr. BILBRAY. Madam Speaker, as a member of the committee of jurisdiction, I have been trying to work in a bipartisan effort with this bill. I want to support this bill even though it has an $85.6 billion price tag. But sadly, the fact is that, just trying to do some of those little things that the American people want us to move forward, commonsense things, like making sure that the $85.6 billion, that no portion of that is going in to financing illegal behavior such as illegal employment, sadly, the Rules Committee has said we don't have time to bother with assuring the American people that their money is not going to be spent in the commission of a crime of illegal employment.

It is bad enough, Madam Speaker, that we have a bill that does not specifically require anyone who gets Federal funds or Federal grant guarantees to do the thing that you and I do as Members of Congress, the Federal Government does, that every contractor does since President Obama has mandated; this bill doesn't require that the recipients of Federal funds under this program have to make sure they check the employment status of somebody before they start paying them with Federal funds. Common decency.

But what is worse than that, Madam Speaker, is the Rules Committee has denied both sides of the aisle the ability to vote on this issue. The Rules Committee has denied us the ability, as Republicans and Democrats and Independents, to go on record with the American people and say, look, we want to make sure that your money is not spent for illegal activities such as illegal employment.

I tried to work across the aisle on this issue. I have worked with Chairman GORDON on this issue. All we asked was the common decency to give Democrats and Republicans the ability to go on record and do a little thing that the American people have been demanding for much too long, and that is, when you spend money, even if it is more than we want, make sure that you are not financing the violation of Federal law. That is all I asked. But the Rules Committee couldn't find the decency to allow a bipartisan vote on something that is so commonsense, so common decency, as to make sure that we keep our promise to the American people, that we uphold the Constitution, and make sure that our Federal funds are not engaged in illegal activity.

□ 1330

Madam Speaker, sadly, that is where I am today. I like a lot of this bill. But if you ask me to go back to San Diego and face off my constituents—right, left, Republican, Democrat—how can I look at them with a straight face and say, I've done everything I can to make sure your money is spent appropriately and legally. Sadly, this rule does not require that little bit of common decency of making sure the constituency gets legal expenditure of their $85.6 billion. That's the price tag of not being bipartisan leadership.

Mr. PERLMUTTER. Madam Speaker, I would say to the gentleman from California, it is common sense. The Rules Committee understands that Federal funds can only be used for legal purposes. That must be in the statutes 550 times. So he just wants to have a little more redundancy in the law.

With that, I would like to yield 3 minutes to my friend from Colorado (Mr. POLIS).

Mr. POLIS. Madam Speaker, I thank my colleague from Colorado.

Madam Speaker, I rise today in support of H.R. 5116, the America COMPETES Reauthorization Act of 2010. I commend Chairman GORDON on his hard work and his leadership on this important legislation. This bill is the product of our Nation's understanding that economic prosperity and international competitiveness is the result of American innovation and forward thinking. I'd also like to address the comments made by my colleague from California, as well. As the gentleman from California is aware, there is in fact widespread violation of Federal laws that are out of touch with reality with regard to immigration. We don't know who is here, what they're doing, where they are going. The America COMPETES Act, of course, is not the proper legislative vehicle for addressing that, but I do encourage my colleague from California to join me and many others in sponsoring comprehensive immigration reform, which will ensure, going forward, no one works in this country illegally and that we have a way of tracking who is here and enforcing the rule of law across this Nation.

I want to take this opportunity to thank Muftiah McCartin of our Rules Committee. She is our Rules Committee staff director—the only Rules Committee staff director that I have known in my time in Congress who, as you know, is leaving us. On many occasions, Muftiah has trekked to the fifth floor of Cannon, where my office is, and advised my staff and me on important issues and parliamentary procedures and asked us our questions and concerns and addressed them promptly. Of course, when I found out today in these remarks that she had been here 34 years, I began to think it was a different Muftiah than the one I know that is retiring. I find it hard to believe that our Muftiah McCartin has worked in this wonderful building for 34 years. Perhaps that time is calculated because she frequently works until midnight, or even until 3 in the morning. I have borne witness to that. Perhaps for every year she works, it's counted as 2 years time in, because that's the only logical explanation that I was able to figure out for how she could have possibly worked in this body for 34 years and is moving on to other opportunities.

Her dedication to this body, this institution, this committee, both in her current job and previous jobs, is something that I hope we all strive to emulate with our accomplishments on committee and the House floor, which are really a great testimony to her commitment of many years. As a freshman member of the Rules Committee, she's repeatedly assisted me and our colleagues on the sometimes Byzantine legislative processes and has worked tirelessly to ensure that our Members and districts have been able on walk away with success.

Thank you, Muftiah, for your service. You will be sorely missed.

Mr. PERLMUTTER. Madam Speaker, I would ask how much time each side has remaining.

The SPEAKER pro tempore. The gentleman from Colorado has 13½ minutes remaining. The gentleman from Florida has 8½ minutes remaining.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I reserve the balance of my time.

Mr. PERLMUTTER. Madam Speaker, I would yield 2 minutes to my friend from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Madam Speaker, I thank my good friend and colleague on the Rules Committee for yielding the time.

Madam Speaker, I rise today in support of this rule and the underlying legislation. But I would also like to take a brief moment to bid a fond farewell to Muftiah McCartin, the staff director of the Committee on Rules. We've heard that she's done this for 34 years. I came in contact with her first when she was with the Office of the Parliamentarian. She was as diligent then and hardworking as she has been with us. Muftiah has been an asset to this body and it is better for her having served here as a staff member of the Rules Committee.

I've personally, as you've heard my other colleagues say, relied on her more times than I can count. And I do need to say that I'm speaking for Fred, David, Alex, Lale, and the entire staff in my office. She combines a vast knowledge of congressional procedures with an unflappable patience, putting both Members and staff alike at ease when approached about complicated legislative matters, even during the most politically heated moments.

More admirable than her remarkable career in the House, however, is her incredible devotion to her family. While spending seemingly countless hours at work, she's also managed to raise, with her husband Terry, four beautiful children—Marissa, Elaine, Sandra, and Luke—and is now a grandmother as well. I remember when she was at the Parliamentarian's Office when she was carrying one of those children. I didn't know how she was able to do it.

After her years of service to the Rules Committee and to the House of Representatives, Muftiah is leaving us to embark on the next chapter of her professional career. You're going to be missed, Muf, but I—and I'm sure all of my colleagues—wish you much happiness and success in your future endeavors, and my great hope is that you will continue to flourish.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I continue to reserve the balance of my time.

Mr. PERLMUTTER. Madam Speaker, I would like to now yield 2 minutes to the gentleman from Florida (Mr. KLEIN).

Mr. KLEIN of Florida. Madam Speaker, I thank the gentleman from Colorado for his leadership on the America COMPETES Act. I rise in strong support of the rule and the America COMPETES Act itself. I believe it will play an integral role in creating jobs and turning our economy around. I also rise in support of an amendment which I introduced, which has been made in order under the rule, to instruct the director of the Hollings Manufacturing Extension Partnership to evaluate challenges that are unique to small manufacturers and facilitate improved communication between the MEP centers so they can readily share with one another which solutions best address particular problems faced by small firms, which really are the bulk of the types of manufacturing businesses in my district in Florida.

In my meetings with many of the manufacturers in Palm Beach and Broward Counties in Florida, as well as the South Florida Manufacturing Association, I've been told that while MEP services are helpful for some businesses, they often have greater expertise in developing business solutions for medium- to large-sized businesses. Small manufacturers, such as Uniweld, which is in Fort Lauderdale, a family-owned business which has been run by a World War II veteran and his two sons for many years, make up a large sector of the manufacturing firms in Florida, and as a result, they are critical to our industrial and technological competitiveness. In these challenging times, small manufacturers in my home State have faced many obstacles, financing being one of them, but many of the support services by the MEPs can truly make a difference to our small manufacturers as well.

While basic research investment is important to advancing our Nation's innovation infrastructure, we must build and sustain a strong manufacturing base in the United States which will bridge the gap between research and commercial development of new technologies. That's where these small manufacturing businesses and the MEPs together can accomplish that goal. Under my amendment, we will be able to provide increased assistance to reduce manufacturing costs and increase productivity, thereby allowing our small manufacturing base businesses to significantly improve their bottom line.

I thank the gentleman for yielding the time, and urge a ''yes'' vote on this amendment and the underlying bill.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I continue to reserve the balance of my time.

Mr. PERLMUTTER. Madam Speaker, I would just reiterate what Mr. KLEIN from Florida was saying about the purpose and the need for this bill at this time in this legislation. The America COMPETES Act is about moving this country forward, making sure that for the next 20 years we continue to have a strong science and engineering and technological future for the country. The bill, as we said, provides all sorts of funding to the National Science Foundation, to NIST, to NOAA, and to the Department of Energy, so that we can do research in a whole variety of ways across this country through our universities and other kinds of facilities and institutions of higher learning.

Now I guess I'd like to speak on behalf of Muftiah—or speak to Muftiah. Many people have presented a lot of accolades that I can't top. But what I can say is, as a new member to the Rules Committee, that we have had some very contentious, rough and tumble bills, to use a couple of the terms Mr. DREIER used, Ms. MATSUI, but we can look to Muftiah—I can look to Muftiah—to give good advice and to bring a calming influence to the committee and certainly to me as we were going through the whole list of parliamentary procedures—what's in order, what's not in order, why is it in order. She has stood out as somebody who really knows the rules, understands the policy, and is willing to work with both sides of the aisle and with all the members certainly on the Democratic side of the Rules Committee to make sure we do the best job that we can do. I thought I brought a lot of experience from the practice of law, having served also in the legislature in Colorado. But the rules and the

approach that's taken in the Congress, there are many more layers and many more things that have to be understood.

I would say to you, Muftiah, you are a heck of an adviser. You are a great teacher. I just wish you the best, as I know all the other members of the Rules Committee and the Members of the House just wish you the best in whatever you do, whether it's practicing law or raising your family or just enjoying life, because we put in a lot of hours. Thank you very much.

With that, I would like to yield 1 minute to the Speaker of the House, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Madam Speaker, I thank the gentleman for yielding. Before I begin my remarks on the legislation before us today, I want to join my colleagues in saluting the wonderful work of Muftiah McCartin. She began her work on the Hill—it couldn't be 1976. I can't believe that. She has worked on the Appropriations Committee and is now leaving her tenure as staff director on the Rules Committee.

We all know that she loves this institution. She has poured her heart and soul into her work. We were all so proud when she became the staff director of the Rules Committee. Her policy and technical expertise have served both sides of the aisle over many years. She is a mother of four children. It's hard to imagine she is now a grandmother. We have been blessed with her service over many, many years. She will be sorely missed.

Muftiah, thank you very much for all that you have done. This is coming as news to me, by the way, so I'm quite taken aback by the fact that you're leaving us. But thank you for your service. I wish you well in the future. We have been very blessed by your service. Congratulations on where you're going next.

Madam Speaker, 10 years ago, President Kennedy summed up America's commitment to innovation when he launched the ''man on the Moon initiative'' to send a man to the Moon and back—in those days, they said a man—but a man to the Moon and back safely in 10 years. At that time, he said, ''The vows of this Nation can be fulfilled only if we are first, and therefore, we intend to be first. Our leadership in science and industry, our hopes for peace and security, our obligations to ourselves as well as others, all require us to make this effort.''

□ 1345

Over the past half century since then, Americans have lived up to these words. Science and technological innovation have formed the backbone of our progress as a people and our prosperity as a Nation. And today in passing this innovation bill, this COMPETES Act, we are reaffirming our leadership in science and in industry, and we are keeping America first.

Few have done more for the cause of innovation in the Congress than Chairman BART GORDON, and I'm sorry he is not on the floor yet—he will be momentarily to manage this bill—who was first in sounding the alarm and heeding the call of the report, ''Rising Above the Gathering Storm.'' That was a report presented by a great innovation leader, Norm Augustine, and the National Academy of Sciences. It provoked us to send a team of Members, legislators around the country.

Congresswoman ANNA ESHOO and Congresswoman ZOE LOFGREN from the Silicon Valley invited Chairman GEORGE MILLER, chairman of the Democratic Policy Committee and the Education and Labor Committee, to a meeting at Stanford University to launch a series of meetings in a bipartisan way to develop an innovation agenda.

We met, of course, with academics. We met with workers. We met with venture capitalists to see where the private dollar would go because we believed that this had to be a market-oriented initiative to build the competitiveness of America. We met with every aspect of putting together an innovation agenda, and we met all across the country to do that. We had particularly strong presentations from members of the Asian American community who were quite impatient with the lack of progress that was happening in terms of public policy, and that accelerated the pace of our time table for this.

So what came from that was the COMPETES Act that Chairman BART GORDON was instrumental in bringing to the floor in 2007. We had strong bipartisan support in passing that legislation, I am pleased to say. And again, we are here today to reauthorize the COMPETES Act, to spur innovation, invest in cutting-edge research, modernize manufacturing, and increase opportunity. And I thank you for your remarks, Mr. PERLMUTTER, and your leadership on this subject as well.

As a result, new industries will provide good jobs for our workers, markets for American products will expand, we will reassert our leadership throughout the world and give future generations a better chance to realize the American Dream. It's about jobs, jobs, jobs, jobs.

Simply put, this legislation supports our efforts to keep America number one, following President Kennedy's lead to keep America first and following the call of President Obama at his inauguration for swift, bold action now to do just that. The COMPETES Act will keep our Nation on the path that we promised, to double the funding for the scientific research over 10 years, create jobs with innovation technology loan guarantees for small- and medium-sized manufacturers and enhanced manufacturing extension partnerships—these MEPs are a very valuable tool for job creation, promote regional innovation clusters—this is new—that strengthen regional economies and expand scientific collaboration, and invest in high-risk/high-reward research through ARPA-E—again, this is a major initiative of Mr. GORDON—helping ensure American energy independence.

Since we know that innovation begins in the classroom, I want to commend Mr. MILLER for yielding to Chairman GORDON because we didn't want this bill held up by one jurisdiction or another of committee, and Mr. GORDON has carried that principle that innovation begins in the classroom, and we have those considerations in the bill. This bill will help raise up the next generation of entrepreneurs by improving science, math, technology and engineering education at all levels. It will also train young people to think in an entrepreneurial way and will secure a central role for women and minorities in these fields.

As we go forward with this innovation—we had the industrial revolution, we had the technological revolution, and now we have this revolution—we want to do so in a way that brings everyone into the fullest participation in the new prosperity of America and will strengthen and diversify our workforce as, again, we create jobs, jobs, jobs, and jobs.

In this Congress, in addition to jobs, jobs, jobs, jobs, which is a four-letter word we use all the time, there are four words that describe our agenda. They are: science, science, science and science. Science to provide health care for all Americans. And in our health care bill that we passed and in the Recovery Act of last year, we have major investments in science and technology to make America healthier; science to keep America number one in innovation. In the new technologies to protect the environment and the rest, we have to be competitive. Science and technology will take us there; science to keep our air clean and our water clean for our children and the safety of the environment in which they live; and science to promote our national security by reducing our dependence on foreign oil and to advance the technologies to keep us preeminent in terms of our country's defense.

This bill comes down to good-paying jobs for Americans, strong American leadership in the global economy and long-term growth for America's workers and families. It does so in a way that doesn't just put people back to work as we are trying to address the need for more jobs. It puts them back to work in better jobs. It puts more people to work, some who have been unemployed no matter how well educated they are or how economically deprived their areas have been. Some of this is really ground floor, ground floor. We're bringing women, minorities, people from urban areas and rural areas, again, people with a wide range of educational backgrounds but with a prospect for great success.

So with this, we are not just solidifying the disparities in our economy. We are opening up avenues for, again,

everyone to participate in the prosperity for our country.

With that, Madam Speaker, I urge all of our colleagues to make a very strong bipartisan vote for jobs, for science, and to keep America number one by voting for the COMPETES Act.

Mr. LINCOLN DIAZ-BALART of Florida. I continue to reserve the balance of my time.

Mr. PERLMUTTER. Madam Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman for yielding. I rise in strong support of the rule on the COMPETES Act, and I will speak later on the bill itself.

But I rise to pay tribute to Muftiah McCartin. Muftiah is a good friend of mine, so I want you to take this as a totally subjective analysis. I don't pretend to be objective. I think Muftiah McCartin is one of the most able people with whom I have worked during the 30 years I have been here. Muftiah came here when she was just a child 35 years ago and has served this institution extraordinarily well during that period of time. She served the Parliamentarians that I have served with myself, Bill Brown and Charlie Johnson and John Sullivan, and she did so with extraordinary skill.

Our Parliamentarian's Office, for those who have the opportunity to watch us, are the truest nonpartisan, bipartisan people that we have in this institution, who give both sides advice and counsel as to how to conform to the rules and how to conduct business in the most appropriate fashion. Muftiah McCartin was a giant in that service. She cares deeply about this institution and all its Members, not from a partisan sense but from an institutional sense. She has served the American people extraordinarily well, and what an example of success she is.

She came here shortly after high school, working here, and went to night school to get her undergraduate degree and completed her law degree in night school. She showed the same tenacity that warranted the private sector wanting her to come and be with them. Her service to this institution cannot be calculated in any kind of numbers of years served. Her service to this institution is measured by the commitment she made to each and every one of us and to this institution.

Perhaps Terry, her husband, and her four children—her three girls and Luke—will have more time now with Muftiah because she was with us around the clock sometimes. When I first came here, we didn't have a rule that said you have to end at 12 o'clock. When I first came here in the early eighties, as Mr. RANGEL will recall and Muftiah I know will recall, we sometimes went until 3 o'clock, 4 o'clock or 5 o'clock in the morning. They went home quickly and then came right back here to open the session at 9 o'clock or 10 o'clock, and of course they had to be here an hour or so earlier than that.

Muftiah, we cannot possibly—if I took an hour, which I could take with my 1 minute as majority leader—but if I took that hour or if I took multiple hours, I could not express the depths of our gratitude to you or the respect we have for the professionalism that you have demonstrated in the performance of your duties and the extraordinary affection we have for you as our friend, as our colleague. And we wish you the very, very best of success in the years ahead. God bless you, and thank you.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I thank my friend, Mr. PERLMUTTER, for his courtesy and for his management on the majority side of this rule.

While reiterating that I am so pleased that Members on both sides of the aisle have joined to commend and wish the best to Muftiah McCartin, with regard to the legislation that we are bringing to the floor with this rule, I would say, Mr. Speaker, while not minimizing its importance because I think it's obviously dealing with a very important set of subjects that enjoy bipartisan support in this Congress, I would bring to the attention once again of all Members what we saw last week with legislation on—I believe it was a $6 billion tax credit to allow—I remember it was a credit for home refurbishings, brought to the floor by my good friend Mr. WELCH. And I noticed at that time a—I think it was a change in attitude.

I was impressed. I was certainly impacted by what I perceived as a change in the Congress on what normally I think would have faced little opposition. Certainly it would have been expected that that legislation would have faced little opposition. We saw—what I saw, what I perceived was a ground swell of concern on the spending. You know, refurbishing one's home and encouraging citizens to refurbish their homes to keep them energy efficient, you know, that's not something that in itself would have opposition. It was the spending that touched a nerve because of the moment we're living. And so with the legislation that we bring to the floor today that is being increased from the basic spending by about $20 billion, I certainly would not be surprised if we see a similar nerve being touched. That doesn't mean that the subject is not of great importance.

□ 1400

Science, education, keeping the U.S. leading edge, cutting edge in so many ways, that is obviously something that has enjoyed bipartisan support, and it should. But I think the majority is failing to sense that moment that the Nation at large and the Congress now is finally manifesting or reacting to. There is concern about the path we are on with regard to spending.

Having said that, I again thank Mr. PERLMUTTER for his courtesy and management of this rule, as well as thanking all who have participated in this debate today.

I yield back the balance of my time.

Mr. PERLMUTTER. Mr. Speaker, I thank my friend for his courtesy in how he debates these bills, debates the rules; I just appreciate that. But he and I differ very much on the passage of this rule. This rule and this bill should be passed.

In listening to some of my friends on the Republican side of the aisle who are wanting to draw back, wanting to draw down at a time when America must really move forward, must look to its long-term future and towards its prosperity and its ability to compete in the world, this is the rule and this is the bill that moves us forward, with its investments in science and technology and math and engineering. Those are very key things.

It reminds me of those who would have asked Abraham Lincoln to stop building the dome and rebuilding this Capitol during the Civil War because of its costs and the country should look towards the Civil War and worry about that. Legitimate concerns, but President Lincoln said: No, this country is going to succeed. Its long-term prosperity is going to occur, and I am going to keep moving forward with the construction of the dome of the Capitol. I'm not going to back off.

We in this country, Americans, look forward. We are a forward-looking people. We believe in our future, and there is no place like continuing to build our abilities in science, technology, math, and engineering. That is the place where we have to start putting our investments. It is jobs today, and it is long-term investment in the prosperity and success of this country.

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

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. CAPUANO). The question is on the resolution.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on agreeing to House Resolution 1344 will be followed by 5-minute votes on suspending the rules with regard to H.R. 5014 and House Concurrent Resolution 268.

The vote was taken by electronic device, and there were—yeas 243, nays 177, not voting 10, as follows:

[Roll No. 259]

YEAS—243

Ackerman	Baldwin	Bishop (GA)
Adler (NJ)	Barrow	Bishop (NY)
Altmire	Bean	Blumenauer
Andrews	Becerra	Boccieri
Arcuri	Berkley	Boren
Baca	Berman	Boswell
Baird	Berry	Boucher

Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—177

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Conaway
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Barrett (SC)
Carney
Cole
Davis (AL)
Hoekstra
Jackson Lee (TX)
Meeks (NY)
Rangel
Souder
Wamp

□ 1431

Messrs. DANIEL E. LUNGREN of California and PETRI changed their vote from ''yea'' to ''nay.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CLARIFYING MINIMUM ESSENTIAL COVERAGE

The SPEAKER pro tempore (Mr. CUELLAR). The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 5014, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. LEVIN) that the House suspend the rules and pass the bill, H.R. 5014, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 13, as follows:

[Roll No. 260]

YEAS—417

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney

Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—13

Barrett (SC)
Carnahan
Carney
Cole
Davis (AL)
Hoekstra
Jackson Lee (TX)
Meeks (NY)
Melancon
Putnam
Souder
Tsongas
Wamp

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining to vote.

□ 1439

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PUTNAM. Madam Speaker, on rollcall No. 260, I was unavoidably detained. Had I been present, I would have voted "yea."

NATIONAL WOMEN'S HEALTH WEEK

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 268, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TOWNS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 268.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 12, as follows:

[Roll No. 261]

YEAS—418

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—12

Barrett (SC)
Carney
Cole
Davis (AL)
Donnelly (IN)
Hoekstra
Jackson Lee (TX)
King (IA)
Meeks (NY)
Souder
Wamp
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes left on this vote.

□ 1447

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. WOOLSEY. Mr. Speaker, on May 12, 2010, I was unavoidably detained and was unable to record my vote for rollcall No. 261. Had I been present I would have voted: Rollcall No. 261. "Yes"—Supporting the goals and ideals of National Women's Health Week, and for other purposes.

□ 1445

GENERAL LEAVE

Mr. GORDON of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, H.R. 5116, the America COMPETES Reauthorization Act.

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

There was no objection.

AMERICA COMPETES REAUTHORIZATION ACT OF 2010

The SPEAKER pro tempore. Pursuant to House Resolution 1344 and rule XVIII, the Chair declares the House in

the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 5116.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5116) to invest in innovation through research and development, to improve the competitiveness of the United States, and for other purposes, with Ms. NORTON in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Tennessee (Mr. GORDON) and the gentleman from Texas (Mr. HALL) each will control 30 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. GORDON of Tennessee. Madam Chair, I yield myself such time as I may consume.

On October 12, 2005, in response to a bipartisan request by the Science and Technology Committee and some of our colleagues in the Senate, the National Academies released the report ''Rising Above the Gathering Storm.'' The distinguished panel, led by Norm Augustine, the former CEO of Lockheed Martin, and which also included Craig Barrett of Intel, the current Secretary of Energy, Steve Chu, and a cast of other distinguished academic and business leaders, painted a very dire picture. The report made clear that without action, the future was bleak for our children and grandchildren. This report was, without question, a call to arms.

The Science and Technology Committee, along with several committees in the Senate, moved forward by turning the ''Gathering Storm'' recommendation into legislative language. The final result was the enactment of the America COMPETES Act of 2007, with the bipartisan support of 365 Members. Moreover, with the leadership of Senators ALEXANDER and BINGAMAN and 69 Senate cosponsors, the Senate approved the conference report by unanimous consent. Now, after 3 years, we are back to work on reauthorizing the America COMPETES Act.

Since the enactment of America COMPETES, the Science and Technology Committee has held 48 hearings on areas addressed in the bill considered by the House today. Going through regular order, our subcommittee, in a bipartisan process, brought the full committee to a strong body of work. The bill was approved by the Science and Technology Committee on April 28, with a bipartisan vote of 29–8.

I want to thank all of the members of our committee for their work, and more importantly, their contribution to this bill.

Since I became chairman of the committee, it has been my goal for this to be a committee of good ideas and consensus. But more importantly, I have wanted an inclusive process that encouraged members on all sides to bring forward ideas and to discuss them.

I am proud of the process that we've used in bringing this bill to the House, and I believe this is a better bill today because of the hard work of our members. So I thank them for their efforts.

I would also like to thank the majority and minority staffs for the many hours of thoughtful work they have committed to this bill.

Many significant pieces of legislation come before this House. We all know that. But, honestly, I feel strongly that this bill is a big deal and it's important. It's a big deal and important for our country and for this Congress. It's a big deal and an important step in leading our Nation's innovation agenda in the face of growing global competition. It's a big deal and important for the business community, including the U.S. Chamber of Commerce, the National Association of Manufacturers, and the Business Roundtable, which is why they have been so supportive. It's a big deal and important to our universities and our national labs, and it's a big deal and important to our children and grandchildren so they will not be the first generation of Americans to inherit a standard of living lower than their parents.

If we are to reverse the trend of the last 20 years where our country's technological edge in the world has diminished, we must make the investments necessary today. The statistics speak for themselves. More than 50 percent of our economic growth since World War II can be attributed to the development and adoption of new technologies.

The path is simple. Research and education lead to innovation. Innovation leads to economic development and good-paying jobs and the revenue to pay for more research. And as private firms underinvest in research and development because the returns are too far off in the future, there is a clear and necessary role of government to help our Nation keep pace with the rest of the world.

To quickly summarize, the America COMPETES Reauthorization Act of 2010, H.R. 5116, makes investments in science innovation, education to strengthen U.S. scientific economic leadership, supports business, and creates jobs in the short, mid, and long term.

In the short term, Federal programs like the innovative technological Federal loan guarantees addresses the immediate need of small- and medium-sized manufacturers. In the midterm, the bill will strengthen regional economies through programs like the regional innovation clusters.

To ensure its scientific and technological leadership now and long into the future, the bill makes investments in the basic research. The bill includes a reauthorization of the Advanced Research Projects Agency for Energy, ARPA-E. Even before the price of oil hit today's record highs, ''Gathering Storm'' recommended greater energy independence. But as we move to a cleaner, more efficient and more balanced economic portfolio, we should not trade our dependency on foreign oil for a dependency on foreign technology. This is why ARPA-E is so important.

The bill also includes an authorization for Energy Innovation Hubs which will each focus on overcoming a single technological barrier to achieving our national energy innovation goals. The bill will double authorization funding for our basic research programs, the National Science Foundation, the Department of Energy Office of Science, the labs at the National Institute of Standards and Technology over the next 10 years.

Throughout the committee process, there was a lot of legitimate discussion about Federal deficits. And I agree, we must address the challenges presented by our deficits, but we also must invest in our country's future. I remember Newt Gingrich saying one of his greatest regrets was not doubling the funding for NSF when he put NIH on a doubling path.

During the committee consideration of this bill, we made some significant changes to the bill's authorization levels. But we will maintain a doubling path for our research accounts over the next 10 years. We do so on a slightly less aggressive trajectory.

The bill, as introduced, included authorizations totaling approximately $93 billion over 5 years. The bill we consider today includes authorizations of approximately $84 billion. This represents a 10.3 percent reduction in funding for the introduction of the bill, or a reduction of more than $9.6 billion over 5 years.

This bill provides a stable, sustainable, and achievable set of authorization levels that balance the importance of these investments with the reality of our current budget deficits.

Another important element of the funding roadmap in the bill is certainty. As we know, most successful businesses do not operate in a 1-year timetable. They generate plans years in advance. In fact, many businesses operate using at least a 5-year plan. So as we continue to climb out of the worst economic downturn in a generation, we need a 5-year plan to reinvest in our intellectual capital, our research enterprise, and our workforce training. This becomes even more important when comparing our efforts to other nations.

Our global competitors, most notably China, increase innovation in 5-year windows. They write a 5-year plan, watch its progress, and in year 4, they begin on the next 5-year plan. The time has come for our country to establish a clear path forward with a thoughtful, responsible 5-year plan.

Finally, let me say that more than 50 years ago when DARPA was first created, no one had an idea that the research it would fund would be responsible for creation of the Internet or the proliferation of GPS technologies, but it did. Those innovations started with Federal dollars, as did countless other game-changing technologies.

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There is an undeniable relationship between the investment in R&D and the creation of jobs, the creation of companies, and economic growth. But don't just take my word for it. The Joint Economic Committee released a report this week that shows the economic benefits from Federal investment in research.

The Science Coalition, a nonprofit, nonpartisan organization of the Nation's leading research universities, released a report this week entitled ''Sparking Economic Growth: How Federally Funded University Research Creates Innovation, New Companies, and Jobs.'' This report tells the stories of 100 companies, including Google, Cisco, SAS, Genentech, Orbital Sciences, Sun Power, Medtronic, and Hewlett-Packard, that were all created based on research funded with Federal dollars.

And, last, there are the sponsors of this important legislation. The U.S. Chamber of Commerce, the Business Roundtable, the National Association of Manufacturers, the Council of Competitiveness, the Task Force of American Innovation, the American Chemical Society, as well as a growing list of over 1,000 major companies, universities, trade associations, and professional organizations, all understanding the benefits to U.S. companies of making a sustained commitment to research and STEM education.

COMPETES is and will continue to be a bipartisan, bicameral effort that every Member of this House can feel ownership of and should take bragging rights on.

I reserve the balance of my time.

Mr. HALL of Texas. Madam Chair, I yield myself such time as I may consume.

I rise today to speak on H.R. 5116, a bill reauthorizing the America COMPETES Act. COMPETES was originally authorized in 2007 in response to recommendations in the National Academies Report, ''Rising Above the Gathering Storm,'' and initiatives proposed in President Bush's American Competitiveness Initiative that stressed the need for increased investments in basic science research and development. The 2007 House-passed bill was a 3-year authorization that placed three agencies, the National Science Foundation, the National Institute of Standards and Technology, and the Office of Science at the Department of Energy on a 10-year doubling path.

I remain committed to the underlying goals of the America COMPETES Act. I like the thrust. I like the goals. Most of us on our side of the docket did. We believe that we should continue to prioritize investments in basic research and science, technology, engineering, and mathematics—the STEM—education. These long-term investments, coupled with policies that reduce tax burdens, streamline Federal regulations, and balance the Federal budget, are necessary steps for our Nation to remain competitive in the global marketplace.

However, the bill goes far beyond the original intent and scope of the COMPETES legislation. One of my primary concerns is the cost of the overall package. At $86 billion, it represents over $22 billion in new funding above the fiscal year 2010 basic level. Even if you consider the 10-year doubling path for the three agencies as opposed to flat funding, the bill is still almost $8 billion over that amount.

It is also important to note that these agencies received an additional $5 billion in the American Recovery and Reinvestment Act. Given the current state of our national economy and the fact that our Nation's budget deficit has increased 50 percent since the last authorization 3 years ago, we have to be mindful of our spending if America is to continue to compete globally.

I am also concerned by the creation of several new programs in this bill, including Energy Innovation Hubs at DOE, a loan guarantee program at the Department of Commerce, and regional innovation clusters at the Department of Commerce. Several of these new programs fund activities beyond basic science research and development, and many are potentially duplicative of current efforts and could divert money away from priority basic research.

Given the number of new programs in this bill, it is especially troubling that the authorization length is 5 years, as it limits congressional oversight opportunities and calls for out-year funding increases without regard to the current and future fiscal environment.

At the full committee markup in April, Republicans offered 39 amendments to, among other things, address increased costs, shifts in priorities, duplications of programs, and congressional oversight. Some of these concerns will be debated today as part of our amendment process.

Before I close, I would also like to thank and acknowledge my staff for all of the hard work they have done on this bill. I also want to thank Chairman GORDON and his staff for all of their efforts. Chairman GORDON and I have worked together in this body for several years, and I will absolutely miss working with him when he retires at the end of this year. As a matter of fact, as he leaves this session, I hope we can name part of this program after BART GORDON because he is the father of it.

I reserve the balance of my time.

Mr. GORDON of Tennessee. Madam Chair, how much time do we have?

The CHAIR. The gentleman from Tennessee has 20½ minutes remaining.

Mr. GORDON of Tennessee. Madam Chair, I yield to the gentleman from Oregon (Mr. WU), the chairman of our Technology and Innovation Subcommittee, 1½ minutes.

Mr. WU. I thank the chairman.

I rise today in strong support of America COMPETES, and I want to recognize the tremendous leadership which Chairman GORDON has given in this effort. He is the father of this bill. He has created the ARPA–E energy initiative in this bill and has shown tremendous leadership by pushing this effort forward.

I am particularly proud of the contribution that my subcommittee, the Technology and Innovation Subcommittee, has made to this legislation. Innovation is absolutely crucial to our Nation's long-term global competitiveness. It is our economic seed corn, and we have a responsibility to support the kind of economic environment that empowers our Nation's private sector to innovate and create jobs.

The bipartisan legislation we are considering today will strengthen our Nation's economic competitiveness by creating an environment that encourages innovation and facilitates economic growth. It will create high wage, middle class jobs through innovation and technologic development. Among other things, the bill makes critical investments in the Manufacturing Extension Partnership, which will help this vital program better address the needs of our Nation's small- and medium-sized manufacturers.

Of particular importance is the new focus of the MEP program on finding out what the local job market really needs and helping community colleges focus job training on these particular needs so that the retrained workers can find work nearby. America COMPETES is the cornerstone of our Nation's global competitiveness, and today's reauthorization bill represents another crucial step in implementing the innovation agenda.

Mr. HALL of Texas. Madam Chair, I yield 4 minutes to Mr. SENSENBRENNER, the gentleman from Wisconsin.

Mr. SENSENBRENNER. I thank the gentleman for yielding.

Madam Chairman, I rise today in opposition to H.R. 5116, the America COMPETES Reauthorization Act. Madam Chairman, I support efforts to invest in science and technology. In these tough economic times, we must look ahead and recognize the necessity of research and experimentation in developing new products and improving existing ones. If the U.S. wants to remain the leader in technological innovation, it is imperative that we invigorate investment in private sector innovation so that we can expand our global leadership in high technology and spur greater economic growth domestically.

As the former chairman of the House Science Committee, I understand the importance of promoting policies that strengthen America's technological

leadership, and recognize the endless economic benefits when innovation takes place. However, once again, we are seeing the majority ignore rising deficits and continue on the path of reckless spending. As some of my colleagues have already noted, this legislation includes $22 billion in new funding over this year's base. Our national debt stands at $13 trillion, and our deficits are up 50 percent over the past 3 years. The majority cannot continue to pile the debt upon our children and grandchildren.

It strikes me as odd that we are ramping up funding for this act when the programs that it funds are only starting to be implemented. Without having the opportunity to perform proper oversight to know which programs are effective and which are not, it appears that we are simply here today to throw another $86 billion at the wall to see what sticks.

The legislation before us goes beyond basic research and development activities. It creates several duplicative and unnecessary programs. Take, for example, the creation of the new Energy Innovation Hub program. The administration's fiscal year 2011 budget included funding for a hub on batteries and energy storage; however, budget documents indicate that there are at least five other DOE programs which conduct similar energy storage R&D activities. Unfortunately, this is not the only example of a proposed hub that appears to duplicate existing R&D efforts.

Additionally, this legislation not only dramatically increases spending, but shifts the focus of the original America COMPETES Act of basic research to increased spending on later-stage technology development and commercialization efforts. I do not believe that the government ought to be in the business of picking winners and losers; however, that is exactly what the provisions of this legislation attempt to do.

Throughout the legislation, there is an emphasis on climate change research and reduction of greenhouse gas emissions. It troubles me to see in a competitiveness bill the prominence of reducing greenhouse gas emissions as a policy objective. This legislation effectively seeks to prohibit the pursuit of technologies that would advance energy independence through expanded supplier production of domestic energy resources.

In order for the U.S. to continue to compete and to be an innovative leader throughout the world, we must ensure we devote the proper resources and incentives in basic research and development. However, this legislation is not the answer. I urge a ''no'' vote on this bill.

Mr. GORDON of Tennessee. Madam Chair, I yield 1½ minutes to the subcommittee chairman of the Research and Science Education Committee, Dr. LIPINSKI.

Mr. LIPINSKI. Madam Chair, I rise in strong support of this bill, and I want to thank Chairman GORDON for his tremendous leadership on this issue. Passage of this bill will help produce a brighter future for our Nation and our Nation's workers or, put more simply, this bill means jobs.

As a former college professor, an engineer, and a ceaseless advocate for American manufacturing, I want to focus on the National Science Foundation title, which comes from my bill, H.R. 4997. Besides keeping NSF on its doubling path, it significantly increases support for basic research, STEM education, graduate education, and technology transfer. That is turning research into jobs.

In addition to our newly created NSF manufacturing and research program and a reauthorization of the National Nanotechnology Initiative, it includes a funding increase for MEP programs and a new innovative technology loan guarantee program.

The COMPETES Act also includes provisions to address the serious deterioration in the state of our research infrastructure, both at universities and our national labs, which threatens America's competitiveness. In addition, the GENIUS Act is included, a bipartisan bill I introduced with Representative WOLF to allow the NSF to offer innovative inducement prizes.

The COMPETES Reauthorization Act takes a proactive and bipartisan approach to securing America's position in a 21st century global economy and creating jobs, and I urge my colleagues to vote for this bill.

Mr. HALL of Texas. Madam Chairwoman, I yield 3 minutes to the gentlelady from Illinois, a member of the committee, Mrs. BIGGERT.

Mrs. BIGGERT. I thank the gentleman for yielding, and Madam Chair, I rise in support of H.R. 5116, the America COMPETES Reauthorization Act of 2010.

I commend Chairman GORDON and Ranking Member HALL for their efforts to move this bill through regular order and for working with Members on both sides to make improvements to the bill.

Like many of my colleagues here, I strongly supported in 2007 the original America COMPETES Act, which became our Nation's first coordinated and strategic investment plan aimed at maintaining U.S. leadership in science and technology.

Based on the recommendations in the National Academies report, ''Rising Above the Gathering Storm,'' this bill we are considering today will build on the investments of the 2007 legislation and preserve U.S. leadership in math, science, and engineering education, and basic research development and commercialization opportunities for our country.

As some have suggested, H.R. 5116 is not without flaws. I share the concerns my colleagues have about the creation of new programs and higher funding levels contained in the bill. Some of our concerns were addressed in committee, some were not. That said, I also urge my colleagues to keep in mind that this bill is, above all else, an investment in scientific advancement, with proven economic returns for many years to come.

At the heart of the COMPETES Act is the reauthorization of the Department of Energy's Office of Science and the National Science Foundation, two programs that form the backbone of basic research and education in universities and laboratories across the country. Their reauthorization is critical to America's ability to maintain a technological and competitive edge over our European and Asian competitors in the global economy.

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In particular, the Office of Science supports 40 percent of basic research in the United States and ensures that the U.S. retains its dominance in such key scientific fields as nanotechnology, materials science, biotechnology, and supercomputing—all areas in which emerging technology is laying the groundwork for a new generation of products and services. The Office of Science is especially critical to States like Illinois, where university and laboratory research and development supports 68,000 high-tech jobs, according to the Illinois Science and Technology Coalition. Furthermore, the Office of Science maintains large-scale user facilities like at Argonne National Laboratory in my district. These facilities provide scientists from both the public and private sector with the tools that they need to turn groundbreaking research into real, tangible tools and benefits for consumers, patients, energy users, and other sectors. In my district alone, dozens of firms have spun off from the research started at Argonne and gone on to become major employers and economic leaders.

Consider this. In 1 year, the user facility at Argonne will host 3,500 researchers from 50 States, 145 U.S. companies, and 265 universities.

The CHAIR. The time of the gentlewoman has expired.

Mr. HALL of Texas. Madam Chairwoman, I yield the gentlewoman 1 additional minute.

Mrs. BIGGERT. Without this support, research breakthroughs in AIDS medications, alternative fuels, and infrastructure materials would not have been possible. Fortunately, with this reauthorization of COMPETES, we will have the ability to realize the promises of scientific innovation much faster.

Too often, I hear from small businesses in my district about what I call the ''valley of death''—that period when a firm has developed a new technology but faces difficulty commercializing it and moving it into the market. By facilitating commercialization and opening access to advanced Federal facilities, this bill removes those hurdles.

Madam Chairman, in a struggling economy where investment dollars are

scarce and new opportunities are at a premium, we should put our Nation's immense scientific talent and extensive infrastructure to work creating and developing the products and jobs of tomorrow.

With that, I would urge my colleagues to support this bill.

Mr. GORDON of Tennessee. Madam Chair, let me first point out that my friend from Texas (Mr. HALL) is not doing a Roy Orbison impersonation today. He had a cataract removed earlier and that's the reason he periodically is wearing his sunglasses. A lesser person wouldn't have made it today. I compliment Mr. HALL for being here.

I yield 1 minute to our very distinguished majority leader, the gentleman from Maryland, STENY HOYER.

Mr. HOYER. I thank the gentleman from Tennessee, the chairman of the committee, for yielding. I congratulate Mr. HALL, my good friend from Texas, for his leadership. And I rise in support of the America COMPETES Act.

I want to congratulate Mr. GORDON in particular. Mr. GORDON has been focused on the subject matter of this bill—innovation, entrepreneurial efforts, science, technology, math, and engineering efforts—to make our economy more competitive worldwide and more vibrant here at home. This bill creates jobs in the short term and builds a strong foundation for prosperity in the long term. That's what we need to be focusing on. That's what Americans want us to focus on. They want us to get jobs now. But they also want to have a resilient, growing economy for the future. We can accomplish both goals by expanding our support for research and development so that the United States remains the world's technology leader.

This bill establishes innovative technology Federal loan guarantees for small- and medium-sized manufacturers. Those loans, which are especially needed at a time when credit is tight, will help our businesses keep pace with a changing economy, increase productivity, and hold their own with overseas competitors. By supporting innovation, as this bill does, this bill will help those businesses save and create jobs. It will also promote job growth and innovation on the regional level by creating regional innovation clusters—collections of local businesses that collaborate on emerging technology in similar fields.

As Chairman BART GORDON of the Science and Technology Committee has observed, ''Clusters can strengthen or revive a region's economy and can advance the work being done in their field by bringing their leaders together to share ideas and build off one another.'' I agree with that comment. That's why I think they're so important.

However, as Mike Muro of the Metropolitan Policy Program at the Brookings Institution points out, America ''lags other nations in fostering these distributed, bottom-up systems of business development, innovation, and talent matching. The time has come,'' Mr. Muro went on, ''for America to make regional industry networks a defining aspect of the Nation's effort to catalyze the next era of high-quality job creation and growth.'' BART GORDON and the Science and Tech Committee have done that. I congratulate them for that. It's an encouraging step that this bill does just that.

In addition, the America COMPETES Act helps ensure that our workforce will meet the challenges of the 21st century economy, by investing in science, technology, engineering, and mathematics. It reauthorizes and increases funding for the vital National Science Foundation, which promotes cutting-edge research by funding innovation in fields from computer science to mathematics to genomics.

Madam Chair, Federal support for research is one of the best investments we can make. I congratulate Mr. GORDON, again, not only on his leadership on this bill, but on his leadership through the decades that he has served in this institution on these very issues. Federally supported research gave us GPS, the computer mouse, computer-aided design, and the Internet. There's no telling the ways in which it might shape our lives in the years to come. The legacy that Mr. GORDON will leave—unfortunately, he's leaving our midst at the end of this year, voluntarily, deciding to do some other things. I congratulate him, though, on the extraordinary contributions he's made during his years of service here.

In a competitive world economy, the National Science Foundation reported that our R&D expenditure has fallen as a share of the world total, as the growing Asian economies gain a greater share. This bill can, and will, help reverse that trend. The America COMPETES Act won bipartisan support the first time Congress authorized it in 2007. I hope and expect that that bill will garner such bipartisan support that it deserves this time around.

Again, in closing, Madam Chair, let me congratulate Mr. GORDON and thank Mr. HALL for his role.

Mr. HALL of Texas. Madam Chairwoman, may I inquire as to how much time I have left?

The CHAIR. The gentleman from Texas has 19 minutes remaining.

Mr. HALL of Texas. I thank the chairwoman.

Madam Chair, I yield 5 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Madam Chair, I rise in opposition to H.R. 5116, but let me begin by congratulating Chairman GORDON for the great leadership that he's provided while he's been chairman of the committee, as well as the great cooperation and leadership that Ranking Member HALL has provided us. These two gentlemen have exemplified the very best of our democratic system. Back now to this piece of legislation, however.

The theoretical purpose of the America COMPETES Reauthorization Act is to enhance the Nation's long-term economic competitiveness through investments in science and technology. I support this laudable goal, as I have for more than 21 years as a member of the Committee on Science and Technology, including 10 years in which I was a subcommittee chairman. But I cannot support this legislation which, simply put, authorizes too much funding in too many wrongheaded ways.

While I'm certain this bill was drafted with the best of intentions and motivations, I strongly disagree that this is in our Nation's best interests. American investments in science and technology cannot operate in a vacuum. We need a broader strategy that prioritizes spending, reduces debt, eliminates deficits, and provides clarity, stability, and the appropriate regulatory environment. Only this combined policy, with all of the difficult analysis and hard choices that it entails, will allow America to maintain our technological edge. But this legislation makes no choices. It simply authorizes more and more spending.

We cannot enhance our long-term competitiveness by mortgaging the future of our children and grandchildren. That is precisely what this legislation does. The Congressional Budget Office says that implementing this legislation will cost $85 billion, a 32 percent increase over the FY 2010 baseline. This will clearly elevate the level of deficit spending for our country. We're talking about borrowing money from China and other foreign nations to meet the goals of this legislation. It's new spending on top of old, creating towering debt. Like a game of Jenga, we're eroding the base by piling even greater burdens on an increasingly unstable system, hoping that the whole thing won't just fall apart while we're holding the ball. Well, instead, if we manage to get through this without a total collapse, the way our country is going, we will be burying our children in debt. And that is not an option we should be advocating. We should go at the debt legislation by legislation, as we are today.

At the same time, in this legislation there is no prioritization of programs and spending, no attempt at increasing efficiencies or at restructuring programs that would be expected to be reauthorized in a bill of this size and complexity. There aren't even any commonsense safeguards to make sure that these funds won't promote foreign competitors. If we finance foreign researchers who then return home with their new capabilities, it certainly won't help America compete. Perhaps, if the money will go to train foreigners and subsidize companies not owned by Americans, we should name this the America DEPLETES Act. Creating new Federal programs or expanding existing programs should always be done with caution and oversight. Establishing new programs, especially in times of economic downturn, means increasing deficit spending, which in

itself is something that will drag down productivity and economic activity.

Along with some good things, this legislation creates new programs which are unnecessary and wasteful and which, as some of my fellow colleagues have already pointed out, are redundant to existing programs. All of this while increasing the level of deficit spending. This is not a roadmap to progress for a better future. It's just another well-intentioned spending program, financed by borrowing, that will propel America over the economic cliff to which we are headed.

Over this last year, spending more, borrowing more, taxing more, subsidizing more, and running up the level of Federal deficit spending at such a record pace has not spurred our economy. It has not caused economic growth or reversed the economic crisis and challenge which we find ourselves confronting today. I believe those pushing this legislation are well-intentioned, but they're not diligent. Diligence would require prioritization, program restructuring, regulatory relief, and tearing down the roadblocks to using the technologies that we already have, rather than just spending more and more.

So, with that, I suggest that there are good parts to this bill, but I would have to rise in opposition.

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Mr. GORDON of Tennessee. Madam Chair, I yield 1½ minutes to the gentleman from Washington, Dr. Baird, the outstanding subcommittee chairman of the Energy and the Environment Subcommittee.

Mr. BAIRD. Madam Chair, I think one of the best things that can happen to a Member of Congress is the privilege to serve on a committee you are passionate about and with a chairman and ranking member who you have deep respect for, and that certainly applies to the Science Committee chairman and ranking member.

America COMPETES is about jobs; it is about energy independence; it is about better foreign policy; and it is about leaving a cleaner, healthier environment for our children and our grandchildren. Contrary to some of the things some of the opponents have said, this is, in fact, one of the very best investments we can make in our future. Every day and in this room today are young Americans watching this process. This bill is about their future. It's about whether they'll have qualified, well-trained scientists, engineers and mathematicians as professors and mentors. It's about whether this country will have the technology to lead the world in the next century and the rest of this century on energy independence. It is about discoveries that will transform lives and transform this Nation.

I'm particularly proud of the authorization work in this to reauthorize the DOE Office of Basic Science. They produce outstanding work, as my colleague Mrs. BIGGERT said earlier, but I am also particularly impressed with some of the new programs of the original America COMPETES, notably the ARPA–E program. If anything this Congress does is going to turn around the economy not just for the short term but for the long term, it is innovations like that which will result from the authorization of the America COMPETES Act, ARPA–E, NSF reauthorization, NIST, and all of the other elements. This is critical legislation, absolutely critical for the future strength, national security, economic health and jobs of our citizens, and I urge its passage.

Mr. HALL of Texas. Madam Chairman, I reserve the balance of my time.

Mr. GORDON of Tennessee. Madam Chair, I recognize for 1½ minutes the gentlelady from Texas (Ms. EDDIE BERNICE JOHNSON), a valued member of the Science and Technology Committee.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chair, I rise in support of H.R. 5116, the America COMPETES Reauthorization Act. My colleagues and I on the Committee on Science and Technology have held numerous hearings and markups to prepare the legislation that is before us today. It puts the National Science Foundation and the Department of Energy's Office of Science on a path to double their research budgets, and it's needed. It will prepare thousands of new teachers and provide current teachers with better materials and skills by reauthorizing the Noyce Teacher Scholarship Program. It also reauthorizes grant programs to increase the number of advanced placement teachers in high-need schools and provides students in high-need communities with access to laboratory experiences. As women and minorities continue to be underrepresented in the sciences, the America COMPETES Act includes many provisions that will strengthen diversity in our Nation's scientific enterprise.

I am pleased that during committee we prohibited the consolidation of programs that serve minority institutions and students. I also applaud the committee for including the Fulfilling the Potential of Women in Academic Science and Engineering Act, which is important legislation that I sponsored for two Congresses. I also applaud many of the other provisions in this legislation that promise to ensure America COMPETES includes all Americans. These provisions will have schools around the Nation elevate their math and science programs so that they can achieve the standard exemplified by the School of Science and Engineering at Townview in Dallas. This school is rated the best in the Nation among public high schools and has been that for 10 years.

Madam Chair, I want to commend Chairman GORDON and Ranking Member HALL for their hard work on this legislation. This bill was put together in a bipartisan fashion. It represents a concerted effort to create a more competitive science and engineering workforce. I support this bill, Madam Chair, and I urge my colleagues to vote in favor of it.

Mr. HALL of Texas. Madam Chairman, I continue to reserve the balance of my time.

Mr. GORDON of Tennessee. How much time is remaining?

The CHAIR. The gentleman has 13½ minutes remaining on his time.

Mr. GORDON of Tennessee. Thank you, Madam Chair.

I yield 1½ minutes to the gentlewoman from Arizona (Ms. GIFFORDS), the chairman of the Space and Aeronautics Subcommittee.

Ms. GIFFORDS. Madam Chair, first I would like to congratulate Chairman GORDON and also Ranking Member HALL for this legislation. Three years ago, this body recognized the importance that science and technology play on our 21st century workforce, and we took action by passing the America COMPETES Act of 2007. We heeded the warnings from the National Academies' report, ''Rising Above the Gathering Storm.'' American students were falling behind in science and mathematics, and with their falling grades went our ability to remain competitive in this new global economy. That's why I offered amendments 3 years ago to help students from low-income and rural parts of America to get the support they need to pursue careers in science, technology, engineering and mathematics. But we're not through the woods yet. Today we renew our commitment by maintaining America's leadership by reauthorizing this legislation.

This bipartisan bill is exactly the sort this Congress should be focusing on. It's about the economy; it's about jobs; it's about innovation; and it's about preparing for tomorrow. I want to take a moment to mention a particular component of this legislation which I am particularly proud to support. Earlier this year, I introduced the 21st Century Graduate STEM Education Act which is now incorporated into this legislation. We need to do everything we can to ensure that our students at every level have the best STEM education in the world so that they can enter the workforce and thrive. The grants created by this act will help equip graduate students in the STEM fields with the skills and knowledge for careers so that they can be successful outside of the traditional academic track.

We need to see more engineers. We need to see more mathematicians. We need to see more scientists. We need to see more Ph.D.- and master's-level scientists and engineers teaching in schools, providing the next generation of students with a solid foundation in math and science.

Mr. HALL of Texas. Madam Chairman, I continue to reserve the balance of my time.

Mr. GORDON of Tennessee. Madam Chairman, I yield 1½ minutes to the

gentleman from North Carolina (Mr. MILLER), the chairman of the Oversight Committee.

Mr. MILLER of North Carolina. Madam Chair, if the next generation of Americans is to be as prosperous as ours, we must regain our edge in technology, innovation and education. Even before the Great Recession, the industries that North Carolinians long relied upon—textiles, tobacco, furniture—suffered one loss after another, and most of our lost jobs are not coming back. New jobs will either come from science and research, or they won't come at all.

New technologies create new jobs, and America must lead the way in developing new technologies and in bringing those technologies to the marketplace. This bill will provide loans to help small businesses keep their current employees and hire more. Universities and private companies in my district are already leaders in many emerging technologies, including advanced energy technologies; and we will greatly benefit from the provisions of this bill that will create regional economies around existing areas of expertise for innovation hubs. Finally, this bill's investment in basic research will create jobs that we cannot now even imagine.

On behalf of North Carolinians worried about what the future holds for their children, I urge support of this bill, and I thank Chairman GORDON for his tireless work.

Mr. HALL of Texas. Madam Chairwoman, I continue to reserve the balance of my time.

Mr. GORDON of Tennessee. Madam Chairman, I yield 1½ minutes to the gentlewoman from Ohio (Ms. FUDGE), another valued member of our committee, a new but active member.

Ms. FUDGE. Madam Chairman, I too congratulate Chairman GORDON and Ranking Member HALL on this landmark legislation. I am proud to have had the opportunity to work with them on this critical initiative. I represent Cleveland, an area that is rapidly strengthening its science and technology resume. In my district, the Cleveland Clinic and University Hospitals are performing revolutionary biomedical research. Research and development efforts are supported by the students and faculty at Case Western Reserve University, one of the leading research universities in the country. Also, the Ohio STEM learning network, a paragon of STEM learning, has expanded education to traditionally underrepresented groups and is being modeled in other areas of the country.

There is still work to be done. Collaboration among Federal agencies is essential, which is why I have incorporated an amendment in committee that would instruct the NSF, NIH, and the Department of Education to collaborate in identifying grand challenges in education research and then determine what specific role each agency should play. This section of COMPETES instructs these agencies to solicit input from a variety of stakeholders in STEM education, those who know best the needs of a STEM community. This will ensure that the research performed is relevant and useful.

The America COMPETES Act draws attention to what we really need to focus on to continue our leadership and innovation: STEM education and research and development. I urge my colleagues to support this legislation.

Mr. HALL of Texas. Madam Chairman, I continue to reserve the balance of my time.

Mr. GORDON of Tennessee. Madam Chair, I yield 1½ minutes to the gentleman from Wisconsin (Mr. KIND), the chairman of the New Dems.

Mr. KIND. Madam Chair, I thank my good friend and colleague from Tennessee for yielding me this time. As one of the co-chairs in the New Dem Coalition, Madam Chair, I rise in strong support of reauthorization of the America COMPETES Act. The New Democratic Coalition was strongly behind the creation of America COMPETES in 2007, as we stand with this reauthorization bill today.

I want to commend the leadership of the Science Committee and all the members for producing this legislation, but especially our good friend from Tennessee, Chairman GORDON, for the vision and the leadership that he has shown on this issue. Unfortunately, we're going to be losing Representative GORDON to retirement this year, but I can't think of a more powerful or lasting legacy for any Member to leave with than with the creation of the America COMPETES Act.

What this legislation is about is making sure the United States of America remains the most innovative and creative Nation in the world, that we stay on the cutting edge of scientific, medical and technological discoveries and breakthroughs, that we're making sensible investments in basic and applied research and also in workforce development areas, especially in those crucial fields of study, such as science, technology, engineering, and math.

We have a choice to make today, whether to support these investments or not and watch other nations in the world do this for us. This bill is based on the seminal studies that have occurred previously through the National Academy of Science, ''Rising Above the Gathering Storm,'' or even before that with the John Glenn Commission ''Before It's Too Late.'' So the information is in. The studies are complete. We know what we have to do, and this is one of those fundamental building blocks to establish the groundwork for long-term sustainable economic growth. In short, this is about jobs today, tomorrow, and in the future. I encourage my colleagues to support this reauthorization. And I congratulate Chairman GORDON for such an important bill and for his distinguished service in Congress.

Mr. HALL of Texas. Madam Chairman, I reserve the balance of my time.

Mr. GORDON of Tennessee. Madam Chair, I yield 1½ minutes to the gentlelady from New York (Mrs. MALONEY), the chairman of the Joint Economic Committee.

Mrs. MALONEY. Madam Chair, I rise in support. This legislation will help to bolster our Nation's economic competitiveness by supporting basic research, the fundamental building block for innovation and making investments in science, technology, engineering, and math.

The Joint Economic Committee released a report this week looking at the role of basic research in the R&D process. The report highlights the critical role the Federal Government plays in funding basic research. While the Federal Government supports about one-quarter of overall R&D, as you can see on this chart, it funds more than half, 57 percent, of basic research. Without Federal involvement, basic research would be underfunded because the returns the private sector can gain on basic research are smaller than the broader benefits to our overall economy.

As we recover from the worst recession since the Great Depression, we have to look under every rock to give ourselves every chance of sparking innovations that will fuel future growth and jobs. The America COMPETES reauthorization funds the basic research that will drive a new generation of innovation, spawning new technologies and industries and leading to additional growth and jobs. America COMPETES will strengthen our economy by making strategic investments in America's future. I urge a ''yes'' vote and applaud the chairman of the committee for his many years of service.

Mr. HALL of Texas. Madam Chairman, I reserve the balance of my time.

Mr. GORDON of Tennessee. Madam Chairman, I yield 1½ minutes to the gentleman from New Mexico (Mr. LUJÁN), another valued member of our committee.

Mr. LUJÁN. Madam Chair, I rise today in support of the America COMPETES Reauthorization Act of 2010, and I thank Chairman GORDON and Ranking Member HALL for their work on this important bill and all my colleagues on the Committee on Science and Technology for their hard work.

During these difficult economic times, it's more important than ever to make sure the United States has the ability to compete globally. That's why this legislation is so sorely needed and which is why I included language in this bill that encourages cooperative agreements between small businesses and our national labs. Our national laboratories are developing new technology that could change the way we generate energy, keep our airports safer, and make our hospitals healthier. My language will make sure this technology gets into a competitive marketplace to encourage economic

development and create jobs right here in America.

The COMPETES Act also makes key investments in science education, ensuring that our students are prepared for the jobs of the future. For too long, there has been a divide that has kept minority students out of these fields. We must close this divide and make sure that this generation of students has the opportunity to be the next generation of scientists, researchers, and inventors. That is why I included language in this bill to help support Hispanic-Serving Institutions, Tribal Colleges and Universities, and other minority-serving institutions. The America COMPETES Act will drive innovation, support small business, increase American competitiveness, and create jobs. I urge my colleagues to support this bill.

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Mr. HALL of Texas. Madam Chairman, I yield 5 minutes to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Madam Chairman, I regretfully stand up today in opposition to this bill, and it is not because of major portions of the bill. I want to say first of all, I want to thank the chairman for his effort here in getting as much of a bipartisan bill as possible. He worked hard on this, and not just this bill, but I think through the entire years he has been chair, he has really made an effort to do what a lot of people talk about in this town but very few are willing to do, and that is make that bipartisan effort.

Sadly, Madam Chair, I have to oppose this bill for one major issue, and that is this bill does not take the effort to make sure that the billions of dollars in this bill do not go to illegal employers who are creating a crime problem in my district and around this country. All we have asked for is the ability to assure our constituency that none of the tax money that we are putting into this bill at this effort will be diverted into illegal activities such as hiring people who are not legally present in the United States.

As every Member of Congress knows, the Federal Government requires that all Federal departments, including Members of Congress, use E-verification system to ensure or at least make the effort to avoid the situation where Federal tax dollars are being diverted into illegal employment.

The President of the United States this year initiated a program of requiring contractors to use the E-Verify system to make sure that those tax dollars didn't go to contractors who were illegally employing. All we asked with this bill was that we include a provision that allows us to be able to ensure our constituency that the same can be said with this expenditure of billions of dollars.

I have to say, I really feel remorse for having to stand up now because it has been such a great effort to try to get it across and do the right thing. All I can say, Madam Chair, is I hope the chairman, who knows how we feel about this, is successful in the future as this bill moves forward at including the provision for this in this bill that all employers, all contractors, all grantees, do the right thing and the appropriate thing by using E-Verify to make sure that Federal funds are not used in illegal activity.

So as we move forward, I would ask that the chairman's mark be looked at as an opportunity to include the E-Verify requirement; that when we go to conference, the E-Verify requirement be looked at as a possibility at that level; and before we go to final adoption, that we include the E-Verify in this, because I think after what has happened in the last few weeks, with the outrage across this country, both sides being very upset, the major thing they are upset about is that Congress is not taking the opportunity to do those little things that common sense and common decency say we should be doing as legislators and addressing the real source of the illegal immigration problem, and that is the illegal employment. And if we cannot find enough intestinal fortitude to require those who are getting Federal grants and Federal guarantees to play by the rules and make sure they are not hiring illegals, how can we go home to our constituency and say we really do care, let alone we've done enough.

I ask, Madam Chair, that we sadly vote against this bill, even with all of its great packages, until the essential part of this is done, and that is requiring that everybody who gets a loan guarantee, everybody who gets a grant, anybody who gives a job out under this bill needs to make sure that it is going to an American or a legal resident who has the right under the law to be employed in this country. Until we do that much, we really don't have the right to ask the American people to pay for this bill.

Mr. GORDON of Tennessee. Madam Chair, I yield 1 minute to the gentleman from Illinois (Mr. LIPINSKI) for a colloquy.

Mr. LIPINSKI. Madam Chair, section 404 of the bill reorganizes the NIST laboratories, including creating an engineering laboratory for manufacturing and construction research. As you are aware, NIST currently performs important research on fire safety. Will this restructuring of the current Building and Fire Research Lab prevent NIST from engaging in this important fire safety research?

Mr. GORDON of Tennessee. The gentleman is correct that NIST does perform critical research on fire safety, enabling safer fire codes and standards and safer equipment for firefighters. Nothing in this restructuring provision will prevent NIST from continuing this important work.

Mr. LIPINSKI. I thank Chairman GORDON.

Ms. HERSETH SANDLIN. Madam Chair, thank you for the opportunity to offer this amendment to the America COMPETES Act. I am grateful to Chairwoman SLAUGHTER and the Rules Committee for making this amendment in order.

I'd also like to thank Chairman GORDON for his support for this amendment and for his nearly 26 years of service in this Chamber. I congratulate him on his hard work on this bill and wish him and his family the best as he gets ready to move on to the next chapter in his career.

This amendment expresses the sense of the Congress that the National Science Foundation should respond to the recommendations of the National Academy of Sciences and National Science and Technology Council regarding investments in facilities, and to make joint investments with the Department of Energy where possible.

Currently, the NSF in investing in one such project with the Department of Energy for a joint facility in South Dakota, in response to the recommendations of the National Academy of Sciences and National Science and Technology Council.

The facility in Lead, South Dakota is known as the Deep Underground Science and Engineering Laboratory, or DUSEL. A deep underground facility will shield experiments from cosmic rays that interfere with results. The DUSEL in Lead will be the largest deep underground facility in the world; Russia, Italy, and Japan already have deep underground facilities.

Lead is the home of the Homestake gold mine, once the largest and deepest gold mine in North America. The DUSEL will continue a long history of scientific exploration in the Homestake mine, which began with the solar neutrino experiments of the 1960s.

Construction is already underway at the mine to accommodate this new 21st century scientific project of national significance. Preparations for a Large Underground Xenon, or LUX, detector are already occurring 4,850 feet below the surface. The mission of the LUX detector is to detect dark matter which makes up approximately 95 percent of mass in the known universe. This experiment will help us better understand the makeup of the universe.

The DUSEL project promises to advance our understanding in a number of scientific disciplines, including particle and nuclear physics, geology, hydrology, geo-engineering, biology, and biochemistry. Experiments in the mine will be conducted at the surface and up to 8,000 feet deep. It will also have an important educational component for K–12 students all the way through graduate school students. Educating our girls and boys at a younger age in science will help them achieve as they get older and encourage them to pursue scientific careers.

I am grateful for Chairman GORDON's support for this amendment and urge my colleagues to approve this amendment and help advance the cause of science and continue our Nation's leading role in exploring the foundations of the natural world around us.

Mr. GRIJALVA. Madam Chair, I want to express my support of the America COMPETES Act, and in its commitment to investing in quality math and science education. Strong investments in STEM fields are essential to the future success of our nation, both in our commitment to quality education and America's continued leadership in science throughout the world.

I particularly rise in strong support of the Davis Amendment for which I am a cosponsor; an amendment that envisions the increasingly important role that community colleges can and should play in the advancement of STEM education and STEM career training.

Community colleges are an affordable and accessible educational vehicle. They provide high quality education and career training ro a diverse population of students and serve the diverse needs of their communities.

I strongly support the plan to build partnerships and grants to community colleges to improve educational opportunities for underserved communities, and to explore and expand the role of community colleges in STEM fields.

This amendment will assist community colleges by exploring the role of two-year institutions of higher education as STEM educators, providers of the foundational elements for people on the path to STEM careers and transitioning to four-year instititions in STEM degree programs.

The amendment will further task Federal agencies with engaging underrepresented groups in STEM and in engaging community colleges on opportunities to participate in STEM related research, curriculum and infrastructure.

I thank Congressman DANNY DAVIS for his leadership and am happy to join him on this amendment.

Ms. HIRONO. Madam Chair, I rise in strong support of H.R. 5116, the America COMPETES Reauthorization Act.

Three years ago, Congress passed the America Creating Opportunities to Meaningfully Promote Excellence in Technology Education and Science Act, or America COMPETES Act. Enactment of this law authorized funds over three years for the National Science Foundation, the National Institute of Standards and Technology, and certain math and science related programs within the Energy Department's Office of Science.

The 2007 law came about partly in reaction to a 2005 National Academies report that focused on American students' lagging performance in science and math compared with their peers in other developed countries. In passing this law, we realize then, as we do now, that failure to invest in our young people by improving science, technology, engineering, and math (STEM) education at all levels will have serious repercussions—not only in terms of workforce development but also in our ability to promote cutting-edge, innovative breakthroughs that will keep us competitive in the global economy.

As a cosponsor of H.R. 5116, I believe that America's economy can continue to grow and prosper if we act now to promote innovation and the development of new technology. This bill expands, strengthens, and aligns STEM education programs at all levels. It allows more schools to participate in the Robert Noyce Teacher Scholarship program, which trains highly competent secondary teachers in STEM fields to teach in high-need schools. It provides grants to increase the quantity and quality of students receiving undergraduate degrees in STEM and creates fellowships to develop the leadership skills of recent doctoral degree graduates in these fields. Importantly, H.R. 5116 promotes participation of women and minorities in STEM fields to strengthen and diversify our workforce.

The America COMPETES Reauthorization Act also creates a new program that provides loan guarantees to small- and medium-sized manufacturers for projects using innovative technologies or processes. In addition, this bill fosters innovation and basic research by supporting new regional innovation clusters, creating energy innovation hubs, and reauthorizing ARPA–E (the Advanced Research Projects Agency for Energy) to pursue high-risk, high-reward technology development.

Our nation has flourished from the dreams of pioneers who have turned innovative ideas into breakthrough technologies. Investing in STEM education, workforce development, and R&D will help spur economic growth and provide quality jobs for Americans in the 21st century.

I urge my colleagues to support this measure.

Mr. HALL of Texas. Madam Chairman, we have no further speakers, and I yield back the balance of my time.

Mr. GORDON of Tennessee. I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

It shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule the amendment in the nature of a substitute printed in the bill, modified by the amendment printed in part A of House Report 111–479. The committee amendment in the nature of a substitute shall be considered as read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 5116

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 ''America COMPETES Reauthorization Act of 2010''.

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

Sec. 1. Short title; table of contents.

TITLE I—SCIENCE AND TECHNOLOGY POLICY

Subtitle A—National Nanotechnology Initiative Amendments

Sec. 101. Short title.
Sec. 102. National nanotechnology program amendments.
Sec. 103. Societal dimensions of nanotechnology.
Sec. 104. Technology transfer.
Sec. 105. Research in areas of national importance.
Sec. 106. Nanomanufacturing research.
Sec. 107. Definitions.

Subtitle B—Networking and Information Technology Research and Development

Sec. 111. Short title.
Sec. 112. Program planning and coordination.
Sec. 113. Large-scale research in areas of national importance.
Sec. 114. Cyber-physical systems and information management.
Sec. 115. National Coordination Office.
Sec. 116. Improving networking and information technology education.
Sec. 117. Conforming and technical amendments.

Subtitle C—Other OSTP Provisions

Sec. 121. Federal scientific collections.
Sec. 122. Coordination of manufacturing research and development.
Sec. 123. Interagency public access committee.
Sec. 124. Fulfilling the potential of women in academic science and engineering.

TITLE II—NATIONAL SCIENCE FOUNDATION

Sec. 201. Short title.

Subtitle A—General Provisions

Sec. 211. Definitions.
Sec. 212. Authorization of appropriations.
Sec. 213. National Science Board administrative amendments.
Sec. 214. Broader impacts review criterion.
Sec. 215. National Center for Science and Engineering Statistics.
Sec. 216. Collection of data on demographics of faculty.

Subtitle B—Research and Innovation

Sec. 221. Support for potentially transformative research.
Sec. 222. Facilitating interdisciplinary collaborations for national needs.
Sec. 223. National Science Foundation manufacturing research and education.
Sec. 224. Strengthening institutional research partnerships.
Sec. 225. National Science Board report on mid-scale instrumentation.
Sec. 226. Sense of Congress on overall support for research infrastructure at the Foundation.
Sec. 227. Partnerships for innovation.
Sec. 228. Prize awards.

Subtitle C—STEM Education and Workforce Training

Sec. 241. Graduate student support.
Sec. 242. Postdoctoral fellowship in STEM education research.
Sec. 243. Robert Noyce teacher scholarship program.
Sec. 244. Institutions serving persons with disabilities.
Sec. 245. Institutional integration.
Sec. 246. Postdoctoral research fellowships.
Sec. 247. Broadening participation training and outreach.
Sec. 248. Transforming undergraduate education in STEM.
Sec. 249. 21st century graduate education.
Sec. 250. Undergraduate broadening participation program.
Sec. 251. Grand challenges in education research.
Sec. 252. Research experiences for undergraduates.
Sec. 253. Laboratory science pilot program.
Sec. 254. STEM industry internship programs.
Sec. 255. Tribal colleges and universities program.

TITLE III—STEM EDUCATION

Sec. 301. Coordination of Federal STEM education.
Sec. 302. Advisory committee on STEM education.
Sec. 303. STEM education at the Department of Energy.
Sec. 304. Green energy education.

TITLE IV—NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

Sec. 401. Short title.
Sec. 402. Authorization of appropriations.
Sec. 403. Under Secretary of Commerce for Standards and Technology.
Sec. 404. Reorganization of NIST laboratories.
Sec. 405. Federal Government standards and conformity assessment coordination.
Sec. 406. Manufacturing extension partnership.
Sec. 407. Bioscience research program.
Sec. 408. Emergency communication and tracking technologies research initiative.

Sec. 409. TIP Advisory Board.
Sec. 410. Underrepresented minorities.
Sec. 411. Cyber security standards and guidelines.
Sec. 412. Definitions.

TITLE V—INNOVATION

Sec. 501. Office of Innovation and Entrepreneurship.
Sec. 502. Federal loan guarantees for innovative technologies in manufacturing.
Sec. 503. Regional innovation program.

TITLE VI—DEPARTMENT OF ENERGY

Subtitle A—Office of Science

Sec. 601. Short title.
Sec. 602. Definitions.
Sec. 603. Mission of the Office of Science.
Sec. 604. Basic Energy Sciences Program.
Sec. 605. Biological and Environmental Research Program.
Sec. 606. Advanced Scientific Computing Research Program.
Sec. 607. Fusion energy research program.
Sec. 608. High Energy Physics Program.
Sec. 609. Nuclear Physics Program.
Sec. 610. Science Laboratories Infrastructure Program.
Sec. 611. Authorization of appropriations.

Subtitle B—Advanced Research Projects Agency-Energy

Sec. 621. Short title.
Sec. 622. ARPA-E amendments.

Subtitle C—Energy Innovation Hubs

Sec. 631. Short title.
Sec. 632. Energy Innovation Hubs.

Subtitle D—Cooperative Research and Development Fund

Sec. 641. Short title.
Sec. 642. Cooperative research and development fund.

TITLE VII—MISCELLANEOUS

Sec. 701. Sense of Congress.
Sec. 702. Persons with disabilities.
Sec. 703. Veterans and service members.

TITLE I—SCIENCE AND TECHNOLOGY POLICY

Subtitle A—National Nanotechnology Initiative Amendments

SEC. 101. SHORT TITLE.

This subtitle may be cited as the ''National Nanotechnology Initiative Amendments Act of 2010''.

SEC. 102. NATIONAL NANOTECHNOLOGY PROGRAM AMENDMENTS.

The 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501 et seq.) is amended—

(1) by striking section 2(c)(4) and inserting the following new paragraph:

''(4) develop, within 12 months after the date of enactment of the National Nanotechnology Initiative Amendments Act of 2010, and update every 3 years thereafter, a strategic plan to guide the activities described under subsection (b) that specifies near-term and long-term objectives for the Program, the anticipated time frame for achieving the near-term objectives, and the metrics to be used for assessing progress toward the objectives, and that describes—

''(A) how the Program will move results out of the laboratory and into applications for the benefit of society, including through cooperation and collaborations with nanotechnology research, development, and technology transition initiatives supported by the States;

''(B) how the Program will encourage and support interdisciplinary research and development in nanotechnology; and

''(C) proposed research in areas of national importance in accordance with the requirements of section 105 of the National Nanotechnology Initiative Amendments Act of 2010;'';

(2) in section 2—

(A) in subsection (d)—

(i) by redesignating paragraphs (1) through (5) as paragraphs (2) through (6), respectively; and

(ii) by inserting the following new paragraph before paragraph (2), as so redesignated by clause (i) of this subparagraph:

''(1) the Program budget, for the previous fiscal year, for each agency that participates in the Program, including a breakout of spending for the development and acquisition of research facilities and instrumentation, for each program component area, and for all activities pursuant to subsection (b)(10);''; and

(B) by inserting at the end the following new subsection:

''(e) STANDARDS SETTING.—The agencies participating in the Program shall support the activities of committees involved in the development of standards for nanotechnology and may reimburse the travel costs of scientists and engineers who participate in activities of such committees.'';

(3) by striking section 3(b) and inserting the following new subsection:

''(b) FUNDING.—(1) The operation of the National Nanotechnology Coordination Office shall be supported by funds from each agency participating in the Program. The portion of such Office's total budget provided by each agency for each fiscal year shall be in the same proportion as the agency's share of the total budget for the Program for the previous fiscal year, as specified in the report required under section 2(d)(1).

''(2) The annual report under section 2(d) shall include—

''(A) a description of the funding required by the National Nanotechnology Coordination Office to perform the functions specified under subsection (a) for the next fiscal year by category of activity, including the funding required to carry out the requirements of section 2(b)(10)(D), subsection (d) of this section, and section 5;

''(B) a description of the funding required by such Office to perform the functions specified under subsection (a) for the current fiscal year by category of activity, including the funding required to carry out the requirements of subsection (d); and

''(C) the amount of funding provided for such Office for the current fiscal year by each agency participating in the Program.'';

(4) by inserting at the end of section 3 the following new subsection:

''(d) PUBLIC INFORMATION.—(1) The National Nanotechnology Coordination Office shall develop and maintain a database accessible by the public of projects funded under the Environmental, Health, and Safety, the Education and Societal Dimensions, and the Nanomanufacturing program component areas, or any successor program component areas, including a description of each project, its source of funding by agency, and its funding history. For the Environmental, Health, and Safety program component area, or any successor program component area, projects shall be grouped by major objective as defined by the research plan required under section 103(b) of the National Nanotechnology Initiative Amendments Act of 2010. For the Education and Societal Dimensions program component area, or any successor program component area, the projects shall be grouped in subcategories of—

''(A) education in formal settings;

''(B) education in informal settings;

''(C) public outreach; and

''(D) ethical, legal, and other societal issues.

''(2) The National Nanotechnology Coordination Office shall develop, maintain, and publicize information on nanotechnology facilities supported under the Program, and may include information on nanotechnology facilities supported by the States, that are accessible for use by individuals from academic institutions and from industry. The information shall include at a minimum the terms and conditions for the use of each facility, a description of the capabilities of the instruments and equipment available for use at the facility, and a description of the technical support available to assist users of the facility.'';

(5) in section 4(a)—

(A) by striking ''or designate'';

(B) by inserting ''as a distinct entity'' after ''Advisory Panel''; and

(C) by inserting at the end ''The Advisory Panel shall form a subpanel with membership having specific qualifications tailored to enable it to carry out the requirements of subsection (c)(7).'';

(6) in section 4(b)—

(A) by striking ''or designated'' and ''or designating''; and

(B) by adding at the end the following: ''At least one member of the Advisory Panel shall be an individual employed by and representing a minority-serving institution.'';

(7) by amending section 5 to read as follows:

''SEC. 5. TRIENNIAL EXTERNAL REVIEW OF THE NATIONAL NANOTECHNOLOGY PROGRAM.

''(a) IN GENERAL.—The Director of the National Nanotechnology Coordination Office shall enter into an arrangement with the National Research Council of the National Academy of Sciences to conduct a triennial review of the Program. The Director shall ensure that the arrangement with the National Research Council is concluded in order to allow sufficient time for the reporting requirements of subsection (b) to be satisfied. Each triennial review shall include an evaluation of the—

''(1) research priorities and technical content of the Program, including whether the allocation of funding among program component areas, as designated according to section 2(c)(2), is appropriate;

''(2) effectiveness of the Program's management and coordination across agencies and disciplines, including an assessment of the effectiveness of the National Nanotechnology Coordination Office;

''(3) Program's scientific and technological accomplishments and its success in transferring technology to the private sector; and

''(4) adequacy of the Program's activities addressing ethical, legal, environmental, and other appropriate societal concerns, including human health concerns.

''(b) EVALUATION TO BE TRANSMITTED TO CONGRESS.—The National Research Council shall document the results of each triennial review carried out in accordance with subsection (a) in a report that includes any recommendations for ways to improve the Program's management and coordination processes and for changes to the Program's objectives, funding priorities, and technical content. Each report shall be submitted to the Director of the National Nanotechnology Coordination Office, who shall transmit it to the Advisory Panel, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Science and Technology of the House of Representatives not later than September 30 of every third year, with the first report due September 30, 2010.

''(c) FUNDING.—Of the amounts provided in accordance with section 3(b)(1), the following amounts shall be available to carry out this section:

''(1) $500,000 for fiscal year 2010.

''(2) $500,000 for fiscal year 2011.

''(3) $500,000 for fiscal year 2012.''; and

(8) in section 10—

(A) by amending paragraph (2) to read as follows:

''(2) NANOTECHNOLOGY.—The term 'nanotechnology' means the science and technology that will enable one to understand, measure, manipulate, and manufacture at the nanoscale, aimed at creating materials, devices, and systems with fundamentally new properties or functions.''; and

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

''(7) NANOSCALE.—The term 'nanoscale' means one or more dimensions of between approximately 1 and 100 nanometers.''.

SEC. 103. SOCIETAL DIMENSIONS OF NANOTECHNOLOGY.

(a) COORDINATOR FOR SOCIETAL DIMENSIONS OF NANOTECHNOLOGY.—The Director of the Office of Science and Technology Policy shall designate an associate director of the Office of Science and Technology Policy as the Coordinator for Societal Dimensions of Nanotechnology. The Coordinator shall be responsible for oversight of the coordination, planning, and budget prioritization of activities required by section 2(b)(10) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(b)(10)). The Coordinator shall, with the assistance of appropriate senior officials of the agencies funding activities within the Environmental, Health, and Safety and the Education and Societal Dimensions program component areas of the Program, or any successor program component areas, ensure that the requirements of such section 2(b)(10) are satisfied. The responsibilities of the Coordinator shall include—

(1) ensuring that a research plan for the environmental, health, and safety research activities required under subsection (b) is developed, updated, and implemented and that the plan is responsive to the recommendations of the subpanel of the Advisory Panel established under section 4(a) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7503(a)), as amended by this subtitle;

(2) encouraging and monitoring the efforts of the agencies participating in the Program to allocate the level of resources and management attention necessary to ensure that the ethical, legal, environmental, and other appropriate societal concerns related to nanotechnology, including human health concerns, are addressed under the Program, including the implementation of the research plan described in subsection (b); and

(3) encouraging the agencies required to develop the research plan under subsection (b) to identify, assess, and implement suitable mechanisms for the establishment of public-private partnerships for support of environmental, health, and safety research.

(b) RESEARCH PLAN.—

(1) IN GENERAL.—The Coordinator for Societal Dimensions of Nanotechnology shall convene and chair a panel comprised of representatives from the agencies funding research activities under the Environmental, Health, and Safety program component area of the Program, or any successor program component area, and from such other agencies as the Coordinator considers necessary to develop, periodically update, and coordinate the implementation of a research plan for this program component area. In developing and updating the plan, the panel convened by the Coordinator shall solicit and be responsive to recommendations and advice from—

(A) the subpanel of the Advisory Panel established under section 4(a) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7503(a)), as amended by this subtitle; and

(B) the agencies responsible for environmental, health, and safety regulations associated with the production, use, and disposal of nanoscale materials and products.

(2) DEVELOPMENT OF STANDARDS.—The plan required under paragraph (1) shall include a description of how the Program will help to ensure the development of—

(A) standards related to nomenclature associated with engineered nanoscale materials;

(B) engineered nanoscale standard reference materials for environmental, health, and safety testing; and

(C) standards related to methods and procedures for detecting, measuring, monitoring, sampling, and testing engineered nanoscale materials for environmental, health, and safety impacts.

(3) COMPONENTS OF PLAN.—The plan required under paragraph (1) shall, with respect to activities described in paragraphs (1) and (2)—

(A) specify near-term research objectives and long-term research objectives;

(B) specify milestones associated with each near-term objective and the estimated time and resources required to reach each milestone;

(C) with respect to subparagraphs (A) and (B), describe the role of each agency carrying out or sponsoring research in order to meet the objectives specified under subparagraph (A) and to achieve the milestones specified under subparagraph (B);

(D) specify the funding allocated to each major objective of the plan and the source of funding by agency for the current fiscal year; and

(E) estimate the funding required for each major objective of the plan and the source of funding by agency for the following 3 fiscal years.

(4) TRANSMITTAL TO CONGRESS.—The plan required under paragraph (1) shall be submitted not later than 60 days after the date of enactment of this Act to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives.

(5) UPDATING AND APPENDING TO REPORT.—The plan required under paragraph (1) shall be updated annually and appended to the report required under section 2(d) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(d)).

(c) NANOTECHNOLOGY PARTNERSHIPS.—

(1) ESTABLISHMENT.—As part of the program authorized by section 9 of the National Science Foundation Authorization Act of 2002, the Director of the National Science Foundation shall provide 1 or more grants to establish partnerships as defined by subsection (a)(2) of that section, except that each such partnership shall include 1 or more businesses engaged in the production of nanoscale materials, products, or devices. Partnerships established in accordance with this subsection shall be designated as ''Nanotechnology Education Partnerships''.

(2) PURPOSE.—Nanotechnology Education Partnerships shall be designed to recruit and help prepare secondary school students to pursue postsecondary level courses of instruction in nanotechnology. At a minimum, grants shall be used to support—

(A) professional development activities to enable secondary school teachers to use curricular materials incorporating nanotechnology and to inform teachers about career possibilities for students in nanotechnology;

(B) enrichment programs for students, including access to nanotechnology facilities and equipment at partner institutions, to increase their understanding of nanoscale science and technology and to inform them about career possibilities in nanotechnology as scientists, engineers, and technicians; and

(C) identification of appropriate nanotechnology educational materials and incorporation of nanotechnology into the curriculum for secondary school students at one or more organizations participating in a Partnership.

(3) SELECTION.—Grants under this subsection shall be awarded in accordance with subsection (b) of such section 9, except that paragraph (3)(B) of that subsection shall not apply.

(d) UNDERGRADUATE EDUCATION PROGRAMS.—

(1) ACTIVITIES SUPPORTED.—As part of the activities included under the Education and Societal Dimensions program component area, or any successor program component area, the Program shall support efforts to introduce nanoscale science, engineering, and technology into undergraduate science and engineering education through a variety of interdisciplinary approaches. Activities supported may include—

(A) development of courses of instruction or modules to existing courses;

(B) faculty professional development; and

(C) acquisition of equipment and instrumentation suitable for undergraduate education and research in nanotechnology.

(2) COURSE, CURRICULUM, AND LABORATORY IMPROVEMENT AUTHORIZATION.—There are authorized to be appropriated to the Director of the National Science Foundation to carry out activities described in paragraph (1) through the Course, Curriculum, and Laboratory Improvement program from amounts authorized under section 7002(c)(2)(B) of the America COMPETES Act, $5,000,000 for fiscal year 2010.

(3) ADVANCED TECHNOLOGY EDUCATION AUTHORIZATION.—There are authorized to be appropriated to the Director of the National Science Foundation to carry out activities described in paragraph (1) through the Advanced Technology Education program from amounts authorized under section 7002(c)(2)(B) of the America COMPETES Act, $5,000,000 for fiscal year 2010.

(e) INTERAGENCY WORKING GROUP.—The National Science and Technology Council shall establish under the Nanoscale Science, Engineering, and Technology Subcommittee an Education Working Group to coordinate, prioritize, and plan the educational activities supported under the Program.

(f) SOCIETAL DIMENSIONS IN NANOTECHNOLOGY EDUCATION ACTIVITIES.—Activities supported under the Education and Societal Dimensions program component area, or any successor program component area, that involve informal, precollege, or undergraduate nanotechnology education shall include education regarding the environmental, health and safety, and other societal aspects of nanotechnology.

(g) REMOTE ACCESS TO NANOTECHNOLOGY FACILITIES.—(1) Agencies supporting nanotechnology research facilities as part of the Program shall require the entities that operate such facilities to allow access via the Internet, and support the costs associated with the provision of such access, by secondary school students and teachers, to instruments and equipment within such facilities for educational purposes. The agencies may waive this requirement for cases when particular facilities would be inappropriate for educational purposes or the costs for providing such access would be prohibitive.

(2) The agencies identified in paragraph (1) shall require the entities that operate such nanotechnology research facilities to establish and publish procedures, guidelines, and conditions for the submission and approval of applications for the use of the facilities for the purpose identified in paragraph (1) and shall authorize personnel who operate the facilities to provide necessary technical support to students and teachers.

SEC. 104. TECHNOLOGY TRANSFER.

(a) PROTOTYPING.—

(1) ACCESS TO FACILITIES.—In accordance with section 2(b)(7) of 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(b)(7)), the agencies supporting nanotechnology research facilities as part of the Program shall provide access to such facilities to companies for the purpose of assisting the companies in the development of prototypes of nanoscale products, devices, or processes (or products, devices, or processes enabled by nanotechnology) for determining proof of concept. The agencies shall publicize the availability of these facilities and encourage their use by companies as provided for in this section.

(2) PROCEDURES.—The agencies identified in paragraph (1)—

(A) shall establish and publish procedures, guidelines, and conditions for the submission and approval of applications for use of nanotechnology facilities;

(B) shall publish descriptions of the capabilities of facilities available for use under this subsection, including the availability of technical support; and

(C) may waive recovery, require full recovery, or require partial recovery of the costs associated with use of the facilities for projects under this subsection.

(3) SELECTION AND CRITERIA.—In cases when less than full cost recovery is required pursuant to paragraph (2)(C), projects provided access to nanotechnology facilities in accordance with this subsection shall be selected through a competitive, merit-based process, and the criteria for the selection of such projects shall include at a minimum—

(A) the readiness of the project for technology demonstration;

(B) evidence of a commitment by the applicant for further development of the project to full commercialization if the proof of concept is established by the prototype; and

(C) evidence of the potential for further funding from private sector sources following the successful demonstration of proof of concept.

The agencies may give special consideration in selecting projects to applications that are relevant to important national needs or requirements.

(b) USE OF EXISTING TECHNOLOGY TRANSFER PROGRAMS.—

(1) PARTICIPATING AGENCIES.—Each agency participating in the Program shall—

(A) encourage the submission of applications for support of nanotechnology related projects to the Small Business Innovation Research Program and the Small Business Technology Transfer Program administered by such agencies; and

(B) through the National Nanotechnology Coordination Office and within 6 months after the date of enactment of this Act, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives—

(i) the plan described in section 2(c)(7) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(c)(7)); and

(ii) a report specifying, if the agency administers a Small Business Innovation Research Program and a Small Business Technology Transfer Program—

(I) the number of proposals received for nanotechnology related projects during the current fiscal year and the previous 2 fiscal years;

(II) the number of such proposals funded in each year;

(III) the total number of nanotechnology related projects funded and the amount of funding provided for fiscal year 2004 through fiscal year 2008; and

(IV) a description of the projects identified in accordance with subclause (III) which received private sector funding beyond the period of phase II support.

(2) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—The Director of the National Institute of Standards and Technology in carrying out the requirements of section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n) shall—

(A) in regard to subsection (d) of that section, encourage the submission of proposals for support of nanotechnology related projects; and

(B) in regard to subsection (g) of that section, include a description of how the requirement of subparagraph (A) of this paragraph is being met, the number of proposals for nanotechnology related projects received, the number of such proposals funded, the total number of such projects funded since the beginning of the Technology Innovation Program, and the outcomes of such funded projects in terms of the metrics developed in accordance with such subsection (g).

(3) TIP ADVISORY BOARD.—The TIP Advisory Board established under section 28(k) of the National Institute of Standards and Technology Act (15 U.S.C. 278n(k)), in carrying out its responsibilities under subsection (k)(3), shall provide the Director of the National Institute of Standards and Technology with—

(A) advice on how to accomplish the requirement of paragraph (2)(A) of this subsection; and

(B) an assessment of the adequacy of the allocation of resources for nanotechnology related projects supported under the Technology Innovation Program.

(c) INDUSTRY LIAISON GROUPS.—An objective of the Program shall be to establish industry liaison groups for all industry sectors that would benefit from applications of nanotechnology. The Nanomanufacturing, Industry Liaison, and Innovation Working Group of the National Science and Technology Council shall actively pursue establishing such liaison groups.

(d) COORDINATION WITH STATE INITIATIVES.—Section 2(b)(5) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(b)(5)) is amended to read as follows:

''(5) ensuring United States global leadership in the development and application of nanotechnology, including through coordination and leveraging Federal investments with nanotechnology research, development, and technology transition initiatives supported by the States;''.

SEC. 105. RESEARCH IN AREAS OF NATIONAL IMPORTANCE.

(a) IN GENERAL.—The Program shall include support for nanotechnology research and development activities directed toward application areas that have the potential for significant contributions to national economic competitiveness and for other significant societal benefits. The activities supported shall be designed to advance the development of research discoveries by demonstrating technical solutions to important problems in such areas as nano-electronics, energy efficiency, health care, and water remediation and purification. The Advisory Panel shall make recommendations to the Program for candidate research and development areas for support under this section.

(b) CHARACTERISTICS.—

(1) IN GENERAL.—Research and development activities under this section shall—

(A) include projects selected on the basis of applications for support through a competitive, merit-based process;

(B) involve collaborations among researchers in academic institutions and industry, and may involve nonprofit research institutions and Federal laboratories, as appropriate;

(C) when possible, leverage Federal investments through collaboration with related State initiatives; and

(D) include a plan for fostering the transfer of research discoveries and the results of technology demonstration activities to industry for commercial development.

(2) PROCEDURES.—Determination of the requirements for applications under this subsection, review and selection of applications for support, and subsequent funding of projects shall be carried out by a collaboration of no fewer than 2 agencies participating in the Program. In selecting applications for support, the agencies shall give special consideration to projects that include cost sharing from non-Federal sources.

(3) INTERDISCIPLINARY RESEARCH CENTERS.—Research and development activities under this section may be supported through interdisciplinary nanotechnology research centers, as authorized by section 2(b)(4) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(b)(4)), that are organized to investigate basic research questions and carry out technology demonstration activities in areas such as those identified in subsection (a).

(c) REPORT.—Reports required under section 2(d) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(d)) shall include a description of research and development areas supported in accordance with this section, including the same budget information as is required for program component areas under paragraphs (1) and (2) of such section 2(d).

SEC. 106. NANOMANUFACTURING RESEARCH.

(a) RESEARCH AREAS.—The Nanomanufacturing program component area, or any successor program component area, shall include research on—

(1) development of instrumentation and tools required for the rapid characterization of nanoscale materials and for monitoring of nanoscale manufacturing processes; and

(2) approaches and techniques for scaling the synthesis of new nanoscale materials to achieve industrial-level production rates.

(b) GREEN NANOTECHNOLOGY.—Interdisciplinary research centers supported under the Program in accordance with section 2(b)(4) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(b)(4)) that are focused on nanomanufacturing research and centers established under the authority of section 105(b)(3) of this subtitle shall include as part of the activities of such centers—

(1) research on methods and approaches to develop environmentally benign nanoscale products and nanoscale manufacturing processes, taking into consideration relevant findings and results of research supported under the Environmental, Health, and Safety program component area, or any successor program component area;

(2) fostering the transfer of the results of such research to industry; and

(3) providing for the education of scientists and engineers through interdisciplinary studies in the principles and techniques for the design and development of environmentally benign nanoscale products and processes.

(c) REVIEW OF NANOMANUFACTURING RESEARCH AND RESEARCH FACILITIES.—

(1) PUBLIC MEETING.—Not later than 12 months after the date of enactment of this Act, the National Nanotechnology Coordination Office shall sponsor a public meeting, including representation from a wide range of industries engaged in nanoscale manufacturing, to—

(A) obtain the views of participants at the meeting on—

(i) the relevance and value of the research being carried out under the Nanomanufacturing program component area of the Program, or any successor program component area; and

(ii) whether the capabilities of nanotechnology research facilities supported under the Program are adequate—

(I) to meet current and near-term requirements for the fabrication and characterization of nanoscale devices and systems; and

(II) to provide access to and use of instrumentation and equipment at the facilities, by means of networking technology, to individuals who are at locations remote from the facilities; and

(B) receive any recommendations on ways to strengthen the research portfolio supported under the Nanomanufacturing program component area, or any successor program component area, and on improving the capabilities of nanotechnology research facilities supported under the Program.

Companies participating in industry liaison groups shall be invited to participate in the meeting. The Coordination Office shall prepare a report documenting the findings and recommendations resulting from the meeting.

(2) ADVISORY PANEL REVIEW.—The Advisory Panel shall review the Nanomanufacturing program component area of the Program, or any successor program component area, and the capabilities of nanotechnology research facilities supported under the Program to assess—

(A) whether the funding for the Nanomanufacturing program component area, or any successor program component area, is adequate and receiving appropriate priority within the overall resources available for the Program;

(B) the relevance of the research being supported to the identified needs and requirements of industry;

(C) whether the capabilities of nanotechnology research facilities supported under the Program are adequate—

(i) to meet current and near-term requirements for the fabrication and characterization of nanoscale devices and systems; and

(ii) to provide access to and use of instrumentation and equipment at the facilities, by means of networking technology, to individuals who are at locations remote from the facilities; and

(D) the level of funding that would be needed to support—

(i) the acquisition of instrumentation, equipment, and networking technology sufficient to provide the capabilities at nanotechnology research facilities described in subparagraph (C); and

(ii) the operation and maintenance of such facilities.

In carrying out its assessment, the Advisory Panel shall take into consideration the findings and recommendations from the report required under paragraph (1).

(3) REPORT.—Not later than 18 months after the date of enactment of this Act, the Advisory Panel shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives a report on its assessment required under paragraph (2), along with any recommendations and a copy of the report prepared in accordance with paragraph (1).

SEC. 107. DEFINITIONS.

In this subtitle, terms that are defined in section 10 of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7509) have the meaning given those terms in that section.

Subtitle B—Networking and Information Technology Research and Development

SEC. 111. SHORT TITLE.

This subtitle may be cited as the ''Networking and Information Technology Research and Development Act of 2010''.

SEC. 112. PROGRAM PLANNING AND COORDINATION.

(a) PERIODIC REVIEWS.—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended by adding at the end the following new subsection:

''(d) PERIODIC REVIEWS.—The agencies identified in subsection (a)(3)(B) shall—

''(1) periodically assess the contents and funding levels of the Program Component Areas and restructure the Program when warranted, taking into consideration any relevant recommendations of the advisory committee established under subsection (b); and

''(2) ensure that the Program includes large-scale, long-term, interdisciplinary research and development activities, including activities described in section 104.''.

(b) DEVELOPMENT OF STRATEGIC PLAN.—Section 101 of such Act (15 U.S.C. 5511) is amended further by adding after subsection (d), as added by subsection (a) of this section, the following new subsection:

''(e) STRATEGIC PLAN.—

''(1) IN GENERAL.—The agencies identified in subsection (a)(3)(B), working through the National Science and Technology Council and with the assistance of the National Coordination Office established under section 102, shall develop, within 12 months after the date of enactment of the Networking and Information Technology Research and Development Act of 2010, and update every 3 years thereafter, a 5-year strategic plan to guide the activities described under subsection (a)(1).

''(2) CONTENTS.—The strategic plan shall specify near-term and long-term objectives for the Program, the anticipated time frame for achieving the near-term objectives, the metrics to be used for assessing progress toward the objectives, and how the Program will—

''(A) foster the transfer of research and development results into new technologies and applications for the benefit of society, including through cooperation and collaborations with networking and information technology research, development, and technology transition initiatives supported by the States;

''(B) encourage and support mechanisms for interdisciplinary research and development in networking and information technology, including through collaborations across agencies, across Program Component Areas, with industry, with Federal laboratories (as defined in section 4 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703)), and with international organizations;

''(C) address long-term challenges of national importance for which solutions require large-scale, long-term, interdisciplinary research and development;

''(D) place emphasis on innovative and high-risk projects having the potential for substantial societal returns on the research investment;

''(E) strengthen all levels of networking and information technology education and training programs to ensure an adequate, well-trained workforce; and

''(F) attract more women and underrepresented minorities to pursue postsecondary degrees in networking and information technology.

''(3) NATIONAL RESEARCH INFRASTRUCTURE.—The strategic plan developed in accordance with paragraph (1) shall be accompanied by milestones and roadmaps for establishing and maintaining the national research infrastructure required to support the Program, including the roadmap required by subsection (a)(2)(E).

''(4) RECOMMENDATIONS.—The entities involved in developing the strategic plan under paragraph (1) shall take into consideration the recommendations—

''(A) of the advisory committee established under subsection (b); and

''(B) of the stakeholders whose input was solicited by the National Coordination Office, as required under section 102(b)(3).

''(5) REPORT TO CONGRESS.—The Director of the National Coordination Office shall transmit the strategic plan required under paragraph (1) to the advisory committee, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Science and Technology of the House of Representatives.''.

(c) ADDITIONAL RESPONSIBILITIES OF DIRECTOR.—Section 101(a)(2) of such Act (15 U.S.C. 5511(a)(2)) is amended—

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

(2) by inserting after subparagraph (D) the following new subparagraph:

''(E) encourage and monitor the efforts of the agencies participating in the Program to allocate the level of resources and management attention necessary to ensure that the strategic plan under subsection (e) is developed and executed effectively and that the objectives of the Program are met;''.

(d) ADVISORY COMMITTEE.—Section 101(b)(1) of such Act (15 U.S.C. 5511(b)(1)) is amended by inserting after ''an advisory committee on high-performance computing,'' the following: ''in which the co-chairs shall be members of the President's Council of Advisors on Science and Technology and with the remainder of the committee''.

(e) REPORT.—Section 101(a)(3) of such Act (15 U.S.C. 5511(a)(3)) is amended—

(1) in subparagraph (C)—

(A) by striking ''is submitted,'' and inserting ''is submitted, the levels for the previous fiscal year,''; and

(B) by striking ''each Program Component Area;'' and inserting ''each Program Component Area and research area supported in accordance with section 104;'';

(2) in subparagraph (D)—

(A) by striking ''each Program Component Area,'' and inserting ''each Program Component Area and research area supported in accordance with section 104,'';

(B) by striking ''is submitted,'' and inserting ''is submitted, the levels for the previous fiscal year,''; and

(C) by striking ''and'' after the semicolon;

(3) by redesignating subparagraph (E) as subparagraph (G); and

(4) by inserting after subparagraph (D) the following new subparagraphs:

''(E) include a description of how the objectives for each Program Component Area, and the objectives for activities that involve multiple Program Component Areas, relate to the objectives of the Program identified in the strategic plan required under subsection (e);

''(F) include—

''(i) a description of the funding required by the National Coordination Office to perform the functions specified under section 102(b) for the next fiscal year by category of activity;

''(ii) a description of the funding required by such Office to perform the functions specified under section 102(b) for the current fiscal year by category of activity; and

''(iii) the amount of funding provided for such Office for the current fiscal year by each agency participating in the Program; and''.

(f) DEFINITION.—Section 4 of such Act (15 U.S.C. 5503) is amended—

(1) by redesignating paragraphs (1) through (7) as paragraphs (2) through (8), respectively;

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

''(1) 'cyber-physical systems' means physical or engineered systems whose networking and information technology functions and physical elements are deeply integrated and are actively connected to the physical world through sensors, actuators, or other means to perform monitoring and control functions;'';

(3) in paragraph (4), as so redesignated—

(A) by striking ''high-performance computing'' and inserting ''networking and information technology''; and

(B) by striking ''supercomputer'' and inserting ''high-end computing'';

(4) in paragraph (6), as so redesignated, by striking ''network referred to as'' and all that follows through the semicolon and inserting ''network, including advanced computer networks of Federal agencies and departments;''; and

(5) in paragraph (7), as so redesignated, by striking ''National High-Performance Computing Program'' and inserting ''networking and information technology research and development program''.

SEC. 113. LARGE-SCALE RESEARCH IN AREAS OF NATIONAL IMPORTANCE.

Title I of such Act (15 U.S.C. 5511) is amended by adding at the end the following new section:

''SEC. 104. LARGE-SCALE RESEARCH IN AREAS OF NATIONAL IMPORTANCE.

''(a) IN GENERAL.—The Program shall encourage agencies identified in section 101(a)(3)(B) to support large-scale, long-term, interdisciplinary research and development activities in networking and information technology directed toward application areas that have the potential for significant contributions to national economic competitiveness and for other significant societal benefits. Such activities, ranging from basic research to the demonstration of technical solutions, shall be designed to advance the development of research discoveries. The advisory committee established under section 101(b) shall make recommendations to the Program for candidate research and development areas for support under this section.

''(b) CHARACTERISTICS.—

''(1) IN GENERAL.—Research and development activities under this section shall—

''(A) include projects selected on the basis of applications for support through a competitive, merit-based process;

''(B) involve collaborations among researchers in institutions of higher education and industry, and may involve nonprofit research institutions and Federal laboratories, as appropriate;

''(C) when possible, leverage Federal investments through collaboration with related State initiatives; and

''(D) include a plan for fostering the transfer of research discoveries and the results of technology demonstration activities, including from institutions of higher education and Federal laboratories, to industry for commercial development.

''(2) COST-SHARING.—In selecting applications for support, the agencies shall give special consideration to projects that include cost sharing from non-Federal sources.

''(3) AGENCY COLLABORATION.—If 2 or more agencies identified in section 101(a)(3)(B), or other appropriate agencies, are working on large-scale research and development activities in the same area of national importance, then such agencies shall strive to collaborate through joint solicitation and selection of applications for support and subsequent funding of projects.

''(4) INTERDISCIPLINARY RESEARCH CENTERS.—Research and development activities under this section may be supported through interdisciplinary research centers that are organized to investigate basic research questions and carry out technology demonstration activities in areas described in subsection (a). Research may be carried out through existing interdisciplinary centers, including those authorized under section 7024(b)(2) of the America COMPETES Act (Public Law 110–69; 42 U.S.C. 1862o–10).''.

SEC. 114. CYBER-PHYSICAL SYSTEMS AND INFORMATION MANAGEMENT.

(a) ADDITIONAL PROGRAM CHARACTERISTICS.—Section 101(a)(1) of such Act (15 U.S.C. 5511(a)(1)) is amended—

(1) in subparagraph (H), by striking ''and'' after the semicolon;

(2) in subparagraph (I), by striking the period at the end and inserting a semicolon; and

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

''(J) provide for increased understanding of the scientific principles of cyber-physical systems and improve the methods available for the design, development, and operation of cyber-physical systems that are characterized by high reliability, safety, and security; and

''(K) provide for research and development on human-computer interactions, visualization, and information management.''.

(b) TASK FORCE.—Title I of such Act (15 U.S.C. 5511) is amended further by adding after section 104, as added by section 113 of this Act, the following new section:

''SEC. 105. UNIVERSITY/INDUSTRY TASK FORCE.

''(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of the Networking and Information Technology Research and Development Act of 2010, the Director of the National Coordination Office established under section 102 shall convene a task force to explore mechanisms for carrying out collaborative research and development activities for cyber-physical systems, including the related technologies required to enable these systems, through a consortium or other appropriate entity with participants from institutions of higher education, Federal laboratories, and industry.

''(b) FUNCTIONS.—The task force shall—

''(1) develop options for a collaborative model and an organizational structure for such entity under which the joint research and development activities could be planned, managed, and conducted effectively, including mechanisms for the allocation of resources among the participants in such entity for support of such activities;

''(2) propose a process for developing a research and development agenda for such entity, including objectives and milestones;

''(3) define the roles and responsibilities for the participants from institutions of higher education, Federal laboratories, and industry in such entity;

''(4) propose guidelines for assigning intellectual property rights and for the transfer of research results to the private sector; and

''(5) make recommendations for how such entity could be funded from Federal, State, and non-governmental sources.

''(c) COMPOSITION.—In establishing the task force under subsection (a), the Director of the National Coordination Office shall appoint an equal number of individuals from institutions of higher education and from industry with knowledge and expertise in cyber-physical systems, of which 2 may be selected from Federal laboratories.

''(d) REPORT.—Not later than 1 year after the date of enactment of the Networking and Information Technology Research and Development Act of 2010, the Director of the National Coordination Office shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives a report describing the findings and recommendations of the task force.''.

SEC. 115. NATIONAL COORDINATION OFFICE.

Section 102 of such Act (15 U.S.C. 5512) is amended to read as follows:

''SEC. 102. NATIONAL COORDINATION OFFICE.

''(a) ESTABLISHMENT.—The Director shall establish a National Coordination Office with a Director and full-time staff.

''(b) FUNCTIONS.—The National Coordination Office shall—

''(1) provide technical and administrative support to—

''(A) the agencies participating in planning and implementing the Program, including such support as needed in the development of the strategic plan under section 101(e); and

''(B) the advisory committee established under section 101(b);

''(2) serve as the primary point of contact on Federal networking and information technology activities for government organizations, academia, industry, professional societies, State computing and networking technology programs, interested citizen groups, and others to exchange technical and programmatic information;

''(3) solicit input and recommendations from a wide range of stakeholders during the development of each strategic plan required under section 101(e) through the convening of at least 1 workshop with invitees from academia, industry, Federal laboratories, and other relevant organizations and institutions;

''(4) conduct public outreach, including the dissemination of findings and recommendations of the advisory committee, as appropriate; and

''(5) promote access to and early application of the technologies, innovations, and expertise derived from Program activities to agency missions and systems across the Federal Government and to United States industry.

''(c) SOURCE OF FUNDING.—

''(1) IN GENERAL.—The operation of the National Coordination Office shall be supported by funds from each agency participating in the Program.

''(2) SPECIFICATIONS.—The portion of the total budget of such Office that is provided by each agency for each fiscal year shall be in the same proportion as each such agency's share of the total budget for the Program for the previous fiscal year, as specified in the report required under section 101(a)(3).''.

SEC. 116. IMPROVING NETWORKING AND INFORMATION TECHNOLOGY EDUCATION.

Section 201(a) of such Act (15 U.S.C. 5521(a)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

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

''(2) the National Science Foundation shall use its existing programs, in collaboration with other agencies, as appropriate, to improve the teaching and learning of networking and information technology at all levels of education and to increase participation in networking and information technology fields, including by women and underrepresented minorities;''.

SEC. 117. CONFORMING AND TECHNICAL AMENDMENTS.

(a) SECTION 3.—Section 3 of such Act (15 U.S.C. 5502) is amended—

(1) in the matter preceding paragraph (1), by striking ''high-performance computing'' and inserting ''networking and information technology'';

(2) in paragraph (1), in the matter preceding subparagraph (A), by striking ''high-performance computing'' and inserting ''networking and information technology'';

(3) in subparagraphs (A) and (F) of paragraph (1), by striking ''high-performance computing'' each place it appears and inserting ''networking and information technology''; and

(4) in paragraph (2)—

(A) by striking ''high-performance computing and'' and inserting ''networking and information technology and''; and

(B) by striking ''high-performance computing network'' and inserting ''networking and information technology''.

(b) TITLE I.—The heading of title I of such Act (15 U.S.C. 5511) is amended by striking ''**HIGH-PERFORMANCE COMPUTING**'' and inserting ''**NETWORKING AND INFORMATION TECHNOLOGY**''.

(c) SECTION 101.—Section 101 of such Act (15 U.S.C. 5511) is amended—

(1) in the section heading, by striking ''**HIGH-PERFORMANCE COMPUTING**'' and inserting ''**NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT**'';

(2) in subsection (a)—

(A) in the subsection heading, by striking ''NATIONAL HIGH-PERFORMANCE COMPUTING'' and inserting ''NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT'';

(B) in paragraph (1) of such subsection—

(i) in the matter preceding subparagraph (A), by striking ''National High-Performance Computing Program'' and inserting ''networking and information technology research and development program'';

(ii) in subparagraph (A), by striking ''high-performance computing, including networking'' and inserting ''networking and information technology''; and

(iii) in subparagraphs (B), (C), and (G), by striking ''high-performance'' each place it appears and inserting ''high-end''; and

(C) in paragraph (2) of such subsection—

(i) in subparagraphs (A) and (C)—

(I) by striking ''high-performance computing'' each place it appears and inserting ''networking and information technology''; and

(II) by striking ''development, networking,'' each place it appears and inserting ''development,''; and

(ii) in subparagraphs (F) and (G), as redesignated by section 112(c)(1) of this Act, by striking ''high-performance'' each place it appears and inserting ''high-end'';

(3) in subsection (b)(1), in the matter preceding subparagraph (A), by striking ''high-performance computing'' both places it appears and inserting ''networking and information technology''; and

(4) in subsection (c)(1)(A), by striking ''high-performance computing'' and inserting ''networking and information technology''.

(d) SECTION 201.—Section 201(a)(1) of such Act (15 U.S.C. 5521(a)(1)) is amended by striking ''high-performance computing'' and all that follows through ''networking;'' and inserting ''networking and information research and development;''.

(e) SECTION 202.—Section 202(a) of such Act (15 U.S.C. 5522(a)) is amended by striking ''high-performance computing'' and inserting ''networking and information technology''.

(f) SECTION 203.—Section 203(a)(1) of such Act (15 U.S.C. 5523(a)(1)) is amended by striking ''high-performance computing and networking''

and inserting ''networking and information technology''.

(g) SECTION 204.—Section 204(a)(1) of such Act (15 U.S.C. 5524(a)(1)) is amended—

(1) in subparagraph (A), by striking ''high-performance computing systems and networks'' and inserting ''networking and information technology systems and capabilities''; and

(2) in subparagraph (C), by striking ''high-performance computing'' and inserting ''networking and information technology''.

(h) SECTION 205.—Section 205(a) of such Act (15 U.S.C. 5525(a)) is amended by striking ''computational'' and inserting ''networking and information technology''.

(i) SECTION 206.—Section 206(a) of such Act (15 U.S.C. 5526(a)) is amended by striking ''computational research'' and inserting ''networking and information technology research''.

(j) SECTION 208.—Section 208 of such Act (15 U.S.C. 5528) is amended—

*(1) in the section heading, by striking ''**HIGH-PERFORMANCE COMPUTING**'' and inserting ''**NETWORKING AND INFORMATION TECHNOLOGY**''; and*

(2) in subsection (a)—

(A) in paragraph (1), by striking ''High-performance computing and associated'' and inserting ''Networking and information'';

(B) in paragraph (2), by striking ''high-performance computing'' and inserting ''networking and information technologies'';

(C) in paragraph (4), by striking ''high-performance computers and associated'' and inserting ''networking and information''; and

(D) in paragraph (5), by striking ''high-performance computing and associated'' and inserting ''networking and information''.

Subtitle C—Other OSTP Provisions

SEC. 121. FEDERAL SCIENTIFIC COLLECTIONS.

(a) MANAGEMENT OF SCIENTIFIC COLLECTIONS.—The Office of Science and Technology Policy, in consultation with relevant Federal agencies, shall ensure the development of formal policies for the management and use of Federal scientific collections to improve the quality, organization, access, including online access, and long-term preservation of such collections for the benefit of the scientific enterprise.

(b) DEFINITION.—For the purposes of this section, the term ''scientific collection'' means a set of physical specimens, living or inanimate, created for the purpose of supporting science and serving as a long-term research asset, rather than for their market value as collectibles or their historical, artistic, or cultural significance.

(c) CLEARINGHOUSE.—The Office of Science and Technology Policy, in consultation with relevant Federal agencies, shall ensure the development of an online clearinghouse for information on the contents of and access to Federal scientific collections.

(d) DISPOSAL OF COLLECTIONS.—The policies developed under subsection (a) shall—

(1) require that, before disposing of a scientific collection, a Federal agency shall—

(A) conduct a review of the research value of the collection; and

(B) consult with researchers who have used the collection, and other potentially interested parties, concerning—

(i) the collection's value for research purposes; and

(ii) possible additional educational uses for the collection; and

(2) include procedures for Federal agencies to transfer scientific collections they no longer need to researchers at institutions or other entities qualified to manage the collections.

(e) COST PROJECTIONS.—The Office of Science and Technology Policy, in consultation with relevant Federal agencies, shall develop a common set of methodologies to be used by Federal agencies for the assessment and projection of costs associated with the management and preservation of their scientific collections.

SEC. 122. COORDINATION OF MANUFACTURING RESEARCH AND DEVELOPMENT.

(a) INTERAGENCY COMMITTEE.—The Director of the Office of Science and Technology Policy shall establish or designate an interagency committee under the National Science and Technology Council with the responsibility for planning and coordinating Federal programs and activities in manufacturing research and development.

(b) RESPONSIBILITIES OF COMMITTEE.—The interagency committee established or designated under subsection (a) shall—

(1) coordinate the manufacturing research and development programs and activities of the Federal agencies;

(2) establish goals and priorities for manufacturing research and development that will strengthen United States manufacturing; and

(3) develop and update every 5 years thereafter a strategic plan to guide Federal programs and activities in support of manufacturing research and development, which shall—

(A) specify and prioritize near-term and long-term research and development objectives, the anticipated time frame for achieving the objectives, and the metrics for use in assessing progress toward the objectives;

(B) specify the role of each Federal agency in carrying out or sponsoring research and development to meet the objectives of the strategic plan; and

(C) describe how the Federal agencies supporting manufacturing research and development will foster the transfer of research and development results into new manufacturing technologies, processes, and products for the benefit of society and the national interest.

(c) RECOMMENDATIONS.—In the development of the strategic plan required under subsection (b)(3), the Director of the Office of Science and Technology Policy, working through the interagency committee, shall take into consideration the recommendations of a wide range of stakeholders, including representatives from diverse manufacturing companies, academia, and other relevant organizations and institutions.

(d) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall transmit the strategic plan developed under subsection (b)(3) to the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Science and Technology of the House of Representatives, and shall transmit subsequent updates to those committees when completed.

SEC. 123. INTERAGENCY PUBLIC ACCESS COMMITTEE.

(a) ESTABLISHMENT.—The Director of the Office of Science and Technology Policy shall establish a working group under the National Science and Technology Council with the responsibility to coordinate Federal science agency research and policies related to the dissemination and long-term stewardship of the results of unclassified research, including digital data and peer-reviewed scholarly publications, supported wholly, or in part, by funding from the Federal science agencies.

(b) RESPONSIBILITIES.—The working group established under subsection (a) shall—

(1) coordinate the development or designation of uniform standards for research data, the structure of full text and metadata, navigation tools, and other applications to achieve interoperability across Federal science agencies, across science and engineering disciplines, and between research data and scholarly publications, taking into account existing consensus standards, including international standards;

(2) coordinate Federal science agency programs and activities that support research and education on tools and systems required to ensure preservation and stewardship of all forms of digital research data, including scholarly publications;

(3) work with international science and technology counterparts to maximize interoperability between United States based unclassified research databases and international databases and repositories;

(4) solicit input and recommendations from, and collaborate with, non-Federal stakeholders, including universities, nonprofit and for-profit publishers, libraries, federally funded research scientists, and other organizations and institutions with a stake in long term preservation and access to the results of federally funded research; and

(5) establish priorities for coordinating the development of any Federal science agency policies related to public access to the results of federally funded research to maximize uniformity of such policies with respect to their benefit to, and potential economic or other impact on, the science and engineering enterprise and the stakeholders thereof.

(c) PATENT OR COPYRIGHT LAW.—Nothing in this section shall be construed to affect any right under the provisions of title 17 or 35, United States Code.

(d) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall transmit a report to Congress describing—

(1) any priorities established under subsection (b)(5);

(2) the status of any Federal science agency policies related to public access to the results of federally funded research; and

(3) how any policies developed or being developed by Federal science agencies, as described in paragraph (2), incorporate input from the non-Federal stakeholders described in subsection (b)(4).

(e) DEFINITION.—For the purposes of this section, the term ''Federal science agency'' means any Federal agency with an annual extramural research expenditure of over $100,000,000.

SEC. 124. FULFILLING THE POTENTIAL OF WOMEN IN ACADEMIC SCIENCE AND ENGINEERING.

(a) DEFINITION.—In this section, the term ''Federal science agency'' means any Federal agency that is responsible for at least 2 percent of total Federal research and development funding to institutions of higher education, according to the most recent data available from the National Science Foundation.

(b) WORKSHOPS TO ENHANCE GENDER EQUITY IN ACADEMIC SCIENCE AND ENGINEERING.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall develop a uniform policy for all Federal science agencies to carry out a program of workshops that educate program officers, members of grant review panels, institution of higher education STEM department chairs, and other federally funded researchers about methods that minimize the effects of gender bias in evaluation of Federal research grants and in the related academic advancement of actual and potential recipients of these grants, including hiring, tenure, promotion, and selection for any honor based in part on the recipient's research record.

(2) INTERAGENCY COORDINATION.—The Director of the Office of Science and Technology Policy shall ensure that programs of workshops across the Federal science agencies are coordinated and supported jointly as appropriate. As part of this process, the Director of the Office of Science and Technology Policy shall ensure that at least 1 workshop is supported every 2 years among the Federal science agencies in each of the major science and engineering disciplines supported by those agencies.

(3) ORGANIZATIONS ELIGIBLE TO CARRY OUT WORKSHOPS.—Federal science agencies may carry out the program of workshops under this subsection by making grants to eligible organizations. In addition to any other organizations made eligible by the Federal science agencies, the following organizations are eligible for grants under this subsection:

(A) Nonprofit scientific and professional societies and organizations that represent one or more STEM disciplines.

(B) Nonprofit organizations that have the primary mission of advancing the participation of women in STEM.

(4) CHARACTERISTICS OF WORKSHOPS.—The workshops shall have the following characteristics:

(A) Invitees to workshops shall include at least—

(i) the chairs of departments in the relevant discipline from at least the top 50 institutions of higher education, as determined by the amount of Federal research and development funds obligated to each institution of higher education in the prior year based on data available from the National Science Foundation;

(ii) members of any standing research grant review panel appointed by the Federal science agencies in the relevant discipline;

(iii) in the case of science and engineering disciplines supported by the Department of Energy, the individuals from each of the Department of Energy National Laboratories with personnel management responsibilities comparable to those of an institution of higher education department chair; and

(iv) Federal science agency program officers in the relevant discipline, other than program officers that participate in comparable workshops organized and run specifically for that agency's program officers.

(B) Activities at the workshops shall include research presentations and interactive discussions or other activities that increase the awareness of the existence of gender bias in the grantmaking process and the development of the academic record necessary to qualify as a grant recipient, including recruitment, hiring, tenure review, promotion, and other forms of formal recognition of individual achievement, and provide strategies to overcome such bias.

(C) Research presentations and other workshop programs, as appropriate, shall include a discussion of the unique challenges faced by women who are members of historically underrepresented groups.

(D) Workshop programs shall include information on best practices and the value of mentoring undergraduate and graduate women students as well as outreach to girls earlier in their STEM education.

(5) REPORT.—

(A) IN GENERAL.—Not later than 5 years after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall transmit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report evaluating the effectiveness of the program carried out under this subsection to reduce gender bias towards women engaged in research funded by the Federal Government. The Director of the Office of Science and Technology Policy shall include in this report any recommendations for improving the evaluation process described in subparagraph (B).

(B) MINIMUM CRITERIA FOR EVALUATION.—In determining the effectiveness of the program, the Director of the Office of Science and Technology Policy shall consider, at a minimum—

(i) the rates of participation by invitees in the workshops authorized under this subsection;

(ii) the results of attitudinal surveys conducted on workshop participants before and after the workshops;

(iii) any relevant institutional policy or practice changes reported by participants; and

(iv) for individuals described in paragraph (4)(A)(i) or (iii) who participated in at least 1 workshop 3 or more years prior to the due date for the report, trends in the data for the department represented by the chair or employee including faculty data related to gender as described in section 216.

(C) INSTITUTIONAL ATTENDANCE AT WORKSHOPS.—As part of the report under subparagraph (A), the Director of the Office of Science and Technology Policy shall include a list of institutions of higher education science and engineering departments whose representatives attended the workshops required under this subsection.

(6) MINIMIZING COSTS.—To the extent practicable, workshops shall be held in conjunction with national or regional disciplinary meetings to minimize costs associated with participant travel.

(c) EXTENDED RESEARCH GRANT SUPPORT AND INTERIM TECHNICAL SUPPORT FOR CAREGIVERS.—

(1) POLICIES FOR CAREGIVERS.—Not later than 6 months after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall develop a uniform policy to—

(A) extend the period of grant support for federally funded researchers who have caregiving responsibilities; and

(B) provide funding for interim technical staff support for federally funded researchers who take a leave of absence for caregiving responsibilities.

(2) REPORT.—Upon developing the policy required under paragraph (1), the Director of the Office of Science and Technology Policy shall transmit a copy of the policy to the Committee on Science and Technology of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate.

(d) COLLECTION OF DATA ON FEDERAL RESEARCH GRANTS.—

(1) IN GENERAL.—Each Federal science agency shall collect standardized annual composite information on demographics, field, award type and budget request, review score, and funding outcome for all applications for research and development grants to institutions of higher education supported by that agency.

(2) REPORTING OF DATA.—

(A) The Director of the Office of Science and Technology Policy shall establish a policy to ensure uniformity and standardization of data collection required under paragraph (1).

(B) Not later than 2 years after the date of enactment of this Act, and annually thereafter, each Federal science agency shall submit data collected under paragraph (1) to the National Science Foundation.

(C) The National Science Foundation shall be responsible for storing and publishing all of the grant data submitted under subparagraph (B) in conjunction with the biennial report required under section 37 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885d).

TITLE II—NATIONAL SCIENCE FOUNDATION

SEC. 201. SHORT TITLE.

This title may be cited as the ''National Science Foundation Authorization Act of 2010''.

Subtitle A—General Provisions

SEC. 211. DEFINITIONS.

In this title:

(1) DIRECTOR.—The term ''Director'' means the Director of the National Science Foundation established under section 2 of the National Science Foundation Act of 1950 (42 U.S.C. 1861).

(2) FOUNDATION.—The term ''Foundation'' means the National Science Foundation established under section 2 of the National Science Foundation Act of 1950 (42 U.S.C. 1861).

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

(4) STATE.—The term ''State'' means one of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or any other territory or possession of the United States.

(5) STEM.—The term ''STEM'' means science, technology, engineering, and mathematics.

(6) UNITED STATES.—The term ''United States'' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

(a) FISCAL YEAR 2011.—

(1) IN GENERAL.—There are authorized to be appropriated to the Foundation $7,481,000,000 for fiscal year 2011.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) $6,020,000,000 shall be made available for research and related activities;

(B) $945,000,000 shall be made available for education and human resources;

(C) $166,000,000 shall be made available for major research equipment and facilities construction;

(D) $330,000,000 shall be made available for agency operations and award management;

(E) $4,840,000 shall be made available for the Office of the National Science Board; and

(F) $14,830,000 shall be made available for the Office of Inspector General.

(b) FISCAL YEAR 2012.—

(1) IN GENERAL.—There are authorized to be appropriated to the Foundation $8,127,000,000 for fiscal year 2012.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) $6,496,000,000 shall be made available for research and related activities;

(B) $1,020,000,000 shall be made available for education and human resources;

(C) $235,000,000 shall be made available for major research equipment and facilities construction;

(D) $356,000,000 shall be made available for agency operations and award management;

(E) $5,010,000 shall be made available for the Office of the National Science Board; and

(F) $15,350,000 shall be made available for the Office of Inspector General.

(c) FISCAL YEAR 2013.—

(1) IN GENERAL.—There are authorized to be appropriated to the Foundation $8,764,000,000 for fiscal year 2013.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) $7,009,000,000 shall be made available for research and related activities;

(B) $1,100,000,000 shall be made available for education and human resources;

(C) $250,000,000 shall be made available for major research equipment and facilities construction;

(D) $384,000,000 shall be made available for agency operations and award management;

(E) $5,180,000 shall be made available for the Office of the National Science Board; and

(F) $15,890,000 shall be made available for the Office of Inspector General.

(d) FISCAL YEAR 2014.—

(1) IN GENERAL.—There are authorized to be appropriated to the Foundation $9,436,000,000 for fiscal year 2014.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) $7,562,000,000 shall be made available for research and related activities;

(B) $1,187,000,000 shall be made available for education and human resources;

(C) $250,000,000 shall be made available for major research equipment and facilities construction;

(D) $415,000,000 shall be made available for agency operations and award management;

(E) $5,370,000 shall be made available for the Office of the National Science Board; and

(F) $16,440,000 shall be made available for the Office of Inspector General.

(e) FISCAL YEAR 2015.—

(1) IN GENERAL.—There are authorized to be appropriated to the Foundation $10,161,000,000 for fiscal year 2015.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) $8,160,000,000 shall be made available for research and related activities;

(B) $1,281,000,000 shall be made available for education and human resources;

(C) $250,000,000 shall be made available for major research equipment and facilities construction;

(D) $447,000,000 shall be made available for agency operations and award management;

(E) $5,550,000 shall be made available for the Office of the National Science Board; and

(F) $17,020,000 shall be made available for the Office of Inspector General.

SEC. 213. NATIONAL SCIENCE BOARD ADMINISTRATIVE AMENDMENTS.

(a) STAFFING AT THE NATIONAL SCIENCE BOARD.—Section 4(g) of the National Science Foundation Act of 1950 (42 U.S.C. 1863(g)) is amended by striking ''not more than 5''.

(b) SCIENCE AND ENGINEERING INDICATORS DUE DATE.—Section 4(j)(1) of the National Science Foundation Act of 1950 (42 U.S.C. 1863(j)(1)) is amended by striking ''January 15'' and inserting ''May 31''.

(c) NATIONAL SCIENCE BOARD REPORTS.—Section 4(j)(2) of the National Science Foundation Act of 1950 (42 U.S.C. 1863(j)(2)) is amended by inserting ''within the authority of the Foundation (or otherwise as requested by the appropriate Congressional committees of jurisdiction or the President)'' after ''individual policy matters''.

(d) BOARD ADHERENCE TO SUNSHINE ACT.—Section 15(a) of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–5(a)) is amended—

(1) by striking paragraph (3) and redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively;

(2) in paragraph (3), as so redesignated by paragraph (1) of this subsection—

(A) by striking ''February 15'' and inserting ''April 15''; and

(B) by striking ''the audit required under paragraph (3) along with'' and inserting ''any''; and

(3) in paragraph (4), as so redesignated by paragraph (1) of this subsection, by striking ''To facilitate the audit required under paragraph (3) of this subsection, the'' and inserting ''The''.

SEC. 214. BROADER IMPACTS REVIEW CRITERION.

(a) GOALS.—The Foundation shall apply a Broader Impacts Review Criterion to achieve the following goals:

(1) Increased economic competitiveness of the United States.

(2) Development of a globally competitive STEM workforce.

(3) Increased participation of women and underrepresented minorities in STEM.

(4) Increased partnerships between academia and industry.

(5) Improved pre-K-12 STEM education and teacher development.

(6) Improved undergraduate STEM education.

(7) Increased public scientific literacy.

(8) Increased national security.

(b) POLICY.—Not later than 6 months after the date of enactment of this Act, the Director shall develop and implement a policy for the Broader Impacts Review Criterion that—

(1) provides for educating professional staff at the Foundation, merit review panels, and applicants for Foundation research grants on the policy developed under this subsection;

(2) clarifies that the activities of grant recipients undertaken to satisfy the Broader Impacts Review Criterion shall—

(A) to the extent practicable employ proven strategies and models and draw on existing programs and activities; and

(B) when novel approaches are justified, build on the most current research results;

(3) allows for some portion of funds allocated to broader impacts under a research grant to be used for assessment and evaluation of the broader impacts activity;

(4) encourages institutions of higher education and other nonprofit education or research organizations to develop and provide, either as individual institutions or in partnerships thereof, appropriate training and programs to assist Foundation-funded principal investigators at their institutions in achieving the goals of the Broader Impacts Review Criterion as described in subsection (a); and

(5) requires principal investigators applying for Foundation research grants to provide evidence of institutional support for the portion of the investigator's proposal designed to satisfy the Broader Impacts Review Criterion, including evidence of relevant training, programs, and other institutional resources available to the investigator from either their home institution or organization or another institution or organization with relevant expertise.

SEC. 215. NATIONAL CENTER FOR SCIENCE AND ENGINEERING STATISTICS.

(a) ESTABLISHMENT.—There is established within the Foundation a National Center for Science and Engineering Statistics (in this section referred to as the ''Center''), that shall serve as a central Federal clearinghouse for the collection, interpretation, analysis, and dissemination of objective data on science, engineering, technology, and research and development.

(b) DUTIES.—In carrying out subsection (a) of this section, the Director, acting through the Center shall—

(1) collect, acquire, analyze, report, and disseminate statistical data related to the science and engineering enterprise in the United States and other nations that is relevant and useful to practitioners, researchers, policymakers, and the public, including statistical data on—

(A) research and development trends;

(B) the science and engineering workforce;

(C) United States competitiveness in science, engineering, technology, and research and development; and

(D) the condition and progress of United States STEM education;

(2) support research using the data it collects, and on methodologies in areas related to the work of the Center; and

(3) support the education and training of researchers in the use of large-scale, nationally representative data sets.

(c) STATISTICAL REPORTS.—The Director or the National Science Board, acting through the Center, shall issue regular, and as necessary, special statistical reports on topics related to the national and international science and engineering enterprise such as the biennial report required by section 4 (j)(1) of the National Science Foundation Act of 1950 (42 U.S.C. 1863(j)(1)) on indicators of the state of science and engineering in the United States.

SEC. 216. COLLECTION OF DATA ON DEMOGRAPHICS OF FACULTY.

(a) COLLECTION OF DATA.—The Director shall report, in conjunction with the biennial report required under section 37 of the Science and Engineering Equal Opportunities Act (42 U.S.C.19 1885d), statistical summary data on the demographics of STEM discipline faculty at institutions of higher education in the United States. At a minimum, the Director shall consider—

(1) the number and percent of faculty by gender, race, and age;

(2) the number and percent of faculty at each rank, by gender, race, and age;

(3) the number and percent of faculty who are in nontenure-track positions, including teaching and research, by gender, race, and age;

(4) the number of faculty who are reviewed for promotion, including tenure, and the percentage of that number who are promoted, by gender, race, and age;

(5) faculty years in rank by gender, race, and age;

(6) faculty attrition by gender, race, and age;

(7) the number and percent of faculty hired by rank, gender, race, and age; and

(8) the number and percent of faculty in leadership positions, including endowed or named chairs, serving on promotion and tenure committees, by gender, race, and age.

(b) RECOMMENDATIONS.—The Director shall solicit input and recommendations from relevant stakeholders, including representatives from institutions of higher education and nonprofit organizations, on the collection of data required under subsection (a), including the development of standard definitions on the terms and categories to be used in the collection of such data.

(c) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Director shall submit a report to Congress on how the Foundation will gather the demographic data on STEM faculty, including—

(1) a description of the data to be reported and the sources of those data;

(2) justification for the exclusion of any data described in paragraph (1); and

(3) a list of the definitions for the terms and categories, such as ''faculty'' and ''leadership positions'', to be applied in the reporting of all data described in paragraph (1).

Subtitle B—Research and Innovation

SEC. 221. SUPPORT FOR POTENTIALLY TRANSFORMATIVE RESEARCH.

(a) POLICY.—The Director shall establish a policy that requires the Foundation to use at least 5 percent of its research budget to fund high-risk, high-reward basic research proposals. Support for facilities and infrastructure, including preconstruction design and operations and maintenance of major research facilities, shall not be counted as part of the research budget for the purposes of this section.

(b) IMPLEMENTATION.—In implementing such policy, the Foundation may—

(1) develop solicitations specifically for high-risk, high-reward basic research;

(2) establish review panels for the primary purpose of selecting high-risk, high-reward proposals or modify instructions to standard review panels to require identification of high-risk, high-reward proposals; and

(3) support workshops and participate in conferences with the primary purpose of identifying new opportunities for high-risk, high-reward basic research, especially at interdisciplinary interfaces.

(c) DEFINITION.—For purposes of this section, the term ''high-risk, high-reward basic research'' means research driven by ideas that have the potential to radically change our understanding of an important existing scientific or engineering concept, or leading to the creation of a new paradigm or field of science or engineering, and that is characterized by its challenge to current understanding or its pathway to new frontiers.

SEC. 222. FACILITATING INTERDISCIPLINARY COLLABORATIONS FOR NATIONAL NEEDS.

(a) IN GENERAL.—The Director shall award competitive, merit-based awards in amounts not to exceed $5,000,000 over a period of up to 5 years to interdisciplinary research collaborations that are likely to assist in addressing critical challenges to national security, competitiveness, and societal well-being and that—

(1) involve at least 2 co-equal principal investigators at the same or different institutions;

(2) draw upon well-integrated, diverse teams of investigators, including students or postdoctoral researchers, from one or more disciplines; and

(3) foster creativity and pursue high-risk, high-reward research.

(b) PRIORITY.—In selecting grant recipients under this section, the Director shall give priority to applicants that propose to utilize advances in cyberinfrastructure and simulation-based science and engineering.

SEC. 223. NATIONAL SCIENCE FOUNDATION MANUFACTURING RESEARCH AND EDUCATION.

(a) MANUFACTURING RESEARCH.—The Director shall carry out a program to award merit-reviewed, competitive grants to institutions of higher education to support fundamental research leading to transformative advances in manufacturing technologies, processes, and enterprises that will support United States manufacturing through improved performance, productivity, sustainability, and competitiveness. Research areas may include—

(1) nanomanufacturing;

(2) manufacturing and construction machines and equipment, including robotics, automation, and other intelligent systems;

(3) manufacturing enterprise systems;

(4) advanced sensing and control techniques;

(5) materials processing; and

(6) information technologies for manufacturing, including predictive and real-time models and simulations, and virtual manufacturing.

(b) MANUFACTURING EDUCATION.—In order to help ensure a well-trained manufacturing workforce, the Director shall award grants to strengthen and expand scientific and technical education and training in advanced manufacturing, including through the Foundation's Advanced Technological Education program.

SEC. 224. STRENGTHENING INSTITUTIONAL RESEARCH PARTNERSHIPS.

(a) IN GENERAL.—For any Foundation research grant, in an amount greater than $2,000,000, to be carried out through a partnership that includes one or more minority-serving institutions or predominantly undergraduate institutions and one or more institutions described in subsection (b), the Director shall award funds directly, according to the budget justification described in the grant proposal, to at least two of the institutions of higher education in the partnership, including at least one minority-serving institution or one predominantly undergraduate institution, to ensure a strong and equitable partnership.

(b) INSTITUTIONS.—The institutions referred to in subsection (a) are institutions of higher education that are among the 100 institutions receiving, over the 3-year period immediately preceding the awarding of grants, the highest amount of research funding from the Foundation.

SEC. 225. NATIONAL SCIENCE BOARD REPORT ON MID-SCALE INSTRUMENTATION.

(a) MID-SCALE RESEARCH INSTRUMENTATION NEEDS.—The National Science Board shall evaluate the needs, across all disciplines supported by the Foundation, for mid-scale research instrumentation that falls between the instruments funded by the Major Research Instrumentation program and the very large projects funded by the Major Research Equipment and Facilities Construction program.

(b) REPORT ON MID-SCALE RESEARCH INSTRUMENTATION PROGRAM.—Not later than 1 year after the date of enactment of this Act, the National Science Board shall submit to Congress a report on mid-scale research instrumentation at the Foundation. At a minimum, this report shall include—

(1) the findings from the Board's evaluation of instrumentation needs required under subsection (a), including a description of differences across disciplines and Foundation research directorates;

(2) a recommendation or recommendations regarding how the Foundation should set priorities for mid-scale instrumentation across disciplines and Foundation research directorates;

(3) a recommendation or recommendations regarding the appropriateness of expanding existing programs, including the Major Research Instrumentation program or the Major Research Equipment and Facilities Construction program, to support more instrumentation at the mid-scale;

(4) a recommendation or recommendations regarding the need for and appropriateness of a new, Foundation-wide program or initiative in support of mid-scale instrumentation, including any recommendations regarding the administration of and budget for such a program or initiative and the appropriate scope of instruments to be funded under such a program or initiative; and

(5) any recommendation or recommendations regarding other options for supporting mid-scale research instrumentation at the Foundation.

SEC. 226. SENSE OF CONGRESS ON OVERALL SUPPORT FOR RESEARCH INFRASTRUCTURE AT THE FOUNDATION.

It is the sense of Congress that the Foundation should strive to keep the percentage of the Foundation budget devoted to research infrastructure in the range of 24 to 27 percent, as recommended in the 2003 National Science Board report entitled ''Science and Engineering Infrastructure for the 21st Century''.

SEC. 227. PARTNERSHIPS FOR INNOVATION.

(a) IN GENERAL.—The Director shall carry out a program to award merit-reviewed, competitive grants to institutions of higher education to establish and to expand partnerships that promote innovation and increase the economic and social impact of research by developing tools and resources to connect new scientific discoveries to practical uses.

(b) PARTNERSHIPS.—

(1) IN GENERAL.—To be eligible for funding under this section, an institution of higher education must propose establishment of a partnership that—

(A) includes at least one private sector entity; and

(B) may include other institutions of higher education, public sector institutions, private sector entities, and social enterprise nonprofit organizations.

(2) PRIORITY.—In selecting grant recipients under this section, the Director shall give priority to partnerships that include one or more institutions of higher education that are among the 100 institutions receiving, over the 3-year period immediately preceding the awarding of grants, the highest amount of research funding from the Foundation and at least one of the following:

(A) A minority serving institution.

(B) A primarily undergraduate institution.

(C) A 2-year institution of higher education.

(c) PROGRAM.—Proposals funded under this section shall seek to—

(1) increase the economic or social impact of the most promising research at the institution or institutions of higher education that are members of the partnership through knowledge transfer or commercialization;

(2) increase the engagement of faculty and students across multiple disciplines and departments, including faculty and students in schools of business and other appropriate non-STEM fields and disciplines in knowledge transfer activities;

(3) enhance education and mentoring of students and faculty in innovation and entrepreneurship through networks, courses, and development of best practices and curricula;

(4) strengthen the culture of the institution or institutions of higher education to undertake and participate in activities related to innovation and leading to economic or social impact;

(5) broaden the participation of all types of institutions of higher education in activities to meet STEM workforce needs and promote innovation and knowledge transfer; and

(6) build lasting partnerships with local and regional businesses, local and State governments, and other relevant entities.

(d) ADDITIONAL CRITERIA.—In selecting grant recipients under this section, the Director shall also consider the extent to which the applicants are able to demonstrate evidence of institutional support for, and commitment to—

(1) achieving the goals of the program as described in subsection (c);

(2) expansion to an institution-wide program if the initial proposal is not for an institution-wide program; and

(3) sustaining any new innovation tools and resources generated from funding under this program.

(e) LIMITATION.—No funds provided under this section may be used to construct or renovate a building or structure.

SEC. 228. PRIZE AWARDS.

(a) SHORT TITLE.—This section may be cited as the ''Generating Extraordinary New Innovations in the United States Act of 2010''.

(b) IN GENERAL.—The Director shall carry out a pilot program to award innovation inducement cash prizes in any area of research supported by the Foundation. The Director may carry out a program of cash prizes only in conformity with this section.

(c) TOPICS.—In identifying topics for prize competitions under this section, the Director shall—

(1) consult widely both within and outside the Federal Government;

(2) give priority to high-risk, high-reward research challenges and to problems whose solution could improve the economic competitiveness of the United States; and

(3) give consideration to the extent to which the topics have the potential to raise public awareness about federally sponsored research.

(d) TYPES OF CONTESTS.—The Director shall consider all categories of innovation inducement prizes, including—

(1) contests in which the award is to the first team or individual who accomplishes a stated objective; and

(2) contests in which the winner is the team or individual who comes closest to achieving an objective within a specified time.

(e) ADVERTISING AND ANNOUNCEMENT.—

(1) ADVERTISING AND SOLICITATION OF COMPETITORS.—The Director shall widely advertise prize competitions to encourage broad participation, including by individuals, institutions of higher education, nonprofit organizations, and businesses.

(2) ANNOUNCEMENT THROUGH FEDERAL REGISTER NOTICE.—The Director shall announce each prize competition by publishing a notice in the Federal Register. This notice shall include the subject of the competition, the duration of the competition, the eligibility requirements for participation in the competition, the process for participants to register for the competition, the amount of the prize, and the criteria for awarding the prize, including the method by which the prize winner or winners will be selected.

(3) TIME TO ANNOUNCEMENT.—The Director shall announce a prize competition within 18 months after receipt of appropriated funds.

(f) FUNDING.—

(1) FUNDING SOURCES.—Prizes under this section shall consist of Federal appropriated funds and any funds raised pursuant to donations authorized under section 11(f) of the National Science Foundation Act of 1950 (42 U.S.C. 1870(f)) for specific prize competitions.

(2) ANNOUNCEMENT OF PRIZES.—The Director may not issue a notice as required by subsection (e)(2) until all of the funds needed to pay out the announced amount of the prize have been appropriated or committed in writing by another entity pursuant to paragraph (1).

(g) ELIGIBILITY.—To be eligible to win a prize under this section, an individual or entity—

(1) shall have complied with all of the requirements under this section;

(2) in the case of a private entity, shall be incorporated in and maintain a primary place of business in the United States, and in the case of an individual, whether participating singly or in a group, shall be a United States citizen or national, or an alien lawfully admitted to the United States for permanent residence;

(3) shall not be a Federal entity, a Federal employee acting within the scope of his or her

employment, or a person employed at a Federal laboratory acting within the scope of his or her employment; and

(4) shall not have utilized Federal funds to engage in the research for which the prize is being awarded.

(h) AWARDS.—

(1) NUMBER OF COMPETITIONS.—The Director may announce up to 5 prize competitions through the end of fiscal year 2013.

(2) SIZE OF AWARD.—The Director may determine the amount of each prize award based on the prize topic, but no award shall be less than $1,000,000 or greater than $3,000,000.

(3) SELECTING WINNERS.—The Director may convene an expert panel to select a winner of a prize competition. If the panel is unable to select a winner, the Director shall determine the winner of the prize.

(4) PUBLIC OUTREACH.—The Director shall publicly award prizes utilizing the Foundation's existing public affairs and public outreach resources.

(i) ADMINISTERING THE COMPETITION.—The Director may enter into an agreement with a private, nonprofit entity to administer the prize competition, subject to the provisions of this section.

(j) INTELLECTUAL PROPERTY.—The Federal Government shall not, by virtue of offering or awarding a prize under this section, be entitled to any intellectual property rights derived as a consequence of, or in direct relation to, the participation by a registered participant in a competition authorized by this section. This subsection shall not be construed to prevent the Federal Government from negotiating a license for the use of intellectual property developed for a prize competition under this section.

(k) LIABILITY.—The Director may require a registered participant in a prize competition under this section to waive liability against the Federal Government for injuries and damages that result from participation in such competition.

(l) NONSUBSTITUTION.—Any programs created under this section shall not be considered a substitute for Federal research and development programs.

(m) REPORTING REQUIREMENT.—Not later than 5 years after the date of enactment of this Act, the National Science Board shall transmit to Congress a report containing the results of a review and assessment of the pilot program under this section, including—

(1) a description of the nature and status of all completed or ongoing prize competitions carried out under this section, including any scientific achievements, publications, intellectual property, or commercialized technology that resulted from such competitions;

(2) any recommendations regarding changes to, the termination of, or continuation of the pilot program;

(3) an analysis of whether the program is attracting contestants more diverse than the Foundation's traditional academic constituency;

(4) an analysis of whether public awareness of innovation or of the goal of the particular prize or prizes is enhanced;

(5) an analysis of whether the Foundation's public image or ability to increase public scientific literacy is enhanced through the use of innovation inducement prizes; and

(6) an analysis of the extent to which private funds are being used to support registered participants.

(n) EARLY TERMINATION OF CONTESTS.—The Director shall terminate a prize contest before any registered participant wins if the Director determines that an unregistered entity has produced an innovation that would otherwise have qualified for the prize award.

(o) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—

(A) AWARDS.—There are authorized to be appropriated to the Director for the period encompassing fiscal years 2011 through 2013 $12,000,000 for carrying out this section.

(B) ADMINISTRATION.—Of the amounts authorized in subparagraph (A), not more than 15 percent for each fiscal year shall be available for the administrative costs of carrying out this section.

(2) CARRYOVER OF FUNDS.—Funds appropriated for prize awards under this section shall remain available until expended, and may be transferred, reprogrammed, or expended for other purposes as authorized by law only after the expiration of 7 fiscal years after the fiscal year for which the funds were originally appropriated. No provision in this section permits obligation or payment of funds in violation of section 1341 of title 31 of the United States Code (commonly referred to as the Anti-Deficiency Act).

Subtitle C—STEM Education and Workforce Training

SEC. 241. GRADUATE STUDENT SUPPORT.

(a) FINDING.—The Congress finds that—

(1) the Integrative Graduate Education and Research Traineeship program is an important program for training the next generation of scientists and engineers in team-based interdisciplinary research and problem solving, and for providing them with the many additional skills, such as communication skills, needed to thrive in diverse STEM careers; and

(2) the Integrative Graduate Education and Research Traineeship program is no less valuable to the preparation and support of graduate students than the Foundation's Graduate Research Fellowship program.

(b) EQUAL TREATMENT OF IGERT AND GRF.—Beginning in fiscal year 2011, the Director shall increase or, if necessary, decrease funding for the Foundation's Integrative Graduate Education and Research Traineeship program (or any program by which it is replaced) at least at the same rate as it increases or decreases funding for the Graduate Research Fellowship program.

(c) SUPPORT FOR GRADUATE STUDENT RESEARCH FROM THE RESEARCH ACCOUNT.—For each of the fiscal years 2011 through 2015, at least 50 percent of the total Foundation funds allocated to the Integrative Graduate Education and Research Traineeship program and the Graduate Research Fellowship program shall come from funds appropriated for Research and Related Activities.

(d) COST OF EDUCATION ALLOWANCE FOR GRF PROGRAM.—Section 10 of the National Science Foundation Act of 1950 (42 U.S.C. 1869) is amended—

(1) by inserting ''(a)'' before ''The Foundation is authorized''; and

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

''(b) The Director shall establish for each year the amount to be awarded for scholarships and fellowships under this section for that year. Each such scholarship and fellowship shall include a cost of education allowance of $12,000, subject to any restrictions on the use of cost of education allowance as determined by the Director.''.

SEC. 242. POSTDOCTORAL FELLOWSHIP IN STEM EDUCATION RESEARCH.

(a) IN GENERAL.—The Director shall establish postdoctoral fellowships in STEM education research to provide recent doctoral degree graduates in STEM fields with the necessary skills to assume leadership roles in STEM education research, program development, and evaluation in our Nation's diverse educational institutions.

(b) AWARDS.—

(1) DURATION.—Fellowships may be awarded under this section for a period of up to 24 months in duration, renewable for an additional 12 months. The Director shall establish criteria for eligibility for renewal of the fellowship.

(2) STIPEND.—The Director shall determine the amount of the award for a fellowship, which shall include a stipend and a research allowance, and may include an educational allowance.

(3) LOCATION.—A fellowship shall be awarded for research at any institution of higher education that offers degrees in fields supported by the Foundation, or at any institution or organization that the Director determines is eligible for education research grants from the Foundation.

(4) NUMBER OF AWARDS.—The Director may award up to 20 new fellowships per year.

(c) RESEARCH.—Fellowships under this section shall be awarded for research on STEM education at any educational level, including grades pre-K-12, undergraduate, graduate, and general public education, in both formal and informal settings. Research topics may include—

(1) learning processes and progressions;

(2) knowledge transfer, including curriculum development;

(3) uses of technology as teaching and learning tools;

(4) integrating STEM fields; and

(5) assessment of student learning and program evaluation.

(d) ELIGIBILITY.—To be eligible for a fellowship under this section, an individual must—

(1) be a United States citizen or national, or an alien lawfully admitted to the United States for permanent residence, at the time of application; and

(2) have received a doctoral degree in one of the STEM fields supported by the Foundation within 3 years prior to the fellowship application deadline.

SEC. 243. ROBERT NOYCE TEACHER SCHOLARSHIP PROGRAM.

Section 10A of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–1a) is amended in subsection (h)(1) by—

(1) striking ''50'' and inserting ''30''; and

(2) striking ''which may be provided in cash or in-kind'' and inserting ''which shall be provided in cash''.

SEC. 244. INSTITUTIONS SERVING PERSONS WITH DISABILITIES.

For the purposes of the activities and programs supported by the Foundation, institutions of higher education chartered to serve large numbers of students with disabilities, including Gallaudet University, Landmark College, and the National Technical Institute for the Deaf, shall have a designation consistent with the designation for other institutions that serve populations underrepresented in STEM to ensure that institutions of higher education chartered to serve persons with disabilities can benefit from STEM bridge programs and from research partnerships with major research universities. Nothing in this section shall be construed to amend or otherwise affect any of the definitions for minority-serving institutions under title III or title V of the Higher Education Act of 1965.

SEC. 245. INSTITUTIONAL INTEGRATION.

(a) INNOVATION THROUGH INSTITUTIONAL INTEGRATION.—The Director shall award grants for the institutional integration of projects funded by the Foundation with a focus on education, or on broadening participation in STEM by underrepresented groups, for the purpose of increasing collaboration and coordination across funded projects and institutions and expanding the impact of such projects within and among institutions of higher education in an innovative and sustainable manner.

(b) PROGRAM ACTIVITIES.—The program under this section shall support integrative activities that involve the strategic and innovative combination of Foundation-funded projects and that provide for—

(1) additional opportunities to increase the recruitment, retention, and degree attainment of underrepresented groups in STEM disciplines;

(2) the inclusion of programming, practices, and policies that encourage the integration of education and research;

(3) seamless transitions from one educational level to another; and

(4) other activities that expand and deepen the impact of Foundation-funded projects with

a focus on education, or on broadening participation in STEM by underrepresented groups, and enhance their sustainability.

(c) REVIEW CRITERIA.—In selecting recipients of grants under this section, the Director shall consider at a minimum—

(1) the extent to which the proposed project addresses the goals of project and program integration and adds value to the existing funded projects;

(2) the extent to which there is a proven record of success for the existing projects on which the proposed integration project is based; and

(3) the extent to which the proposed project addresses the modification of programming, practices, and policies necessary to achieve the purpose described in subsection (a).

(d) PRIORITY.—In selecting recipients of grants under this section, the Director shall give priority to proposals for which a senior institutional administrator, including a dean or other administrator of equal or higher rank, serves as the principal investigator.

SEC. 246. POSTDOCTORAL RESEARCH FELLOWSHIPS.

(a) IN GENERAL.—The Director shall establish a Foundation-wide postdoctoral research fellowship program, to award competitive, merit-based postdoctoral research fellowships in any field of research supported by the Foundation.

(b) DURATION AND AMOUNT.—Fellowships may be awarded under this section for a period of up to 3 years in duration. The Director shall determine the amount of the award for a fellowship, which shall include a stipend and a research allowance, and may include an educational allowance.

(c) ELIGIBILITY.—To be eligible to receive a fellowship under this section, an individual—

(1) must be a United States citizen or national, or an alien lawfully admitted to the United States for permanent residence, at the time of application;

(2) must have received a doctoral degree in any field of research supported by the Foundation within 3 years prior to the fellowship application deadline, or will complete a doctoral degree no more than 1 year after the application deadline; and

(3) may not have previously received funding as the principal investigator of a research grant from the Foundation, unless such funding was received as a graduate student.

(d) PRIORITY.—In evaluating applications for fellowships under this section, the Director shall give priority to applications that include—

(1) proposals for interdisciplinary research; or

(2) proposals for high-risk, high-reward research.

(e) ADDITIONAL CONSIDERATIONS.—In evaluating applications for fellowships under this section, the Director shall give consideration to the goal of promoting the participation of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b).

(f) NONSUBSTITUTION.—The fellowship program authorized under this section is not intended to replace or reduce support for postdoctoral research through existing programs at the Foundation.

SEC. 247. BROADENING PARTICIPATION TRAINING AND OUTREACH.

The Director shall provide education and training—

(1) to Foundation staff and grant proposal review panels on effective mechanisms and tools for broadening participation in STEM by underrepresented groups, including reviewer selection and mitigation of implicit bias in the review process; and

(2) to Foundation staff on related outreach approaches.

SEC. 248. TRANSFORMING UNDERGRADUATE EDUCATION IN STEM.

Section 17 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–6) is amended to read as follows:

"SEC. 17. TRANSFORMING UNDERGRADUATE EDUCATION IN STEM.

''(a) IN GENERAL.—The Director shall award grants, on a competitive, merit-reviewed basis, to institutions of higher education (or to consortia thereof) to reform undergraduate STEM education for the purpose of increasing the number and quality of students studying toward and completing baccalaureate degrees in STEM and improving the STEM learning outcomes for all undergraduate students, including through—

''(1) development, implementation, and assessment of innovative, research-based approaches to transforming the teaching and learning of disciplinary or interdisciplinary STEM at the undergraduate level; and

''(2) expansion of successful STEM reform efforts beyond a single course or group of courses to achieve reform within an entire academic unit, or expansion of successful reform efforts beyond a single academic unit to other STEM academic units within an institution or to comparable academic units at other institutions.

''(b) USES OF FUNDS.—Activities supported by grants under this section may include—

''(1) creation of multidisciplinary or interdisciplinary courses or programs that formalize collaborations for the purpose of improved student instruction and research in STEM;

''(2) expansion of undergraduate STEM research opportunities to include interdisciplinary research opportunities and research opportunities in industry, at Federal labs, and at international research institutions or research sites;

''(3) implementation or expansion of bridge programs, including programs that address student transition from 2-year to 4-year institutions, and cohort, tutoring, or mentoring programs proven to enhance student recruitment or persistence to degree completion in STEM, including recruitment or persistence to degree completion of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b);

''(4) improvement of undergraduate STEM education for nonmajors, including education majors;

''(5) implementation of evidence-based, technology-driven reform efforts that directly impact undergraduate STEM instruction or research experiences;

''(6) development and implementation of faculty and graduate teaching assistant development programs focused on improved instruction, mentoring, assessment of student learning, and support of undergraduate STEM students;

''(7) support for graduate students and postdoctoral fellows to participate in instructional or assessment activities at primarily undergraduate institutions;

''(8) research on teaching and learning of STEM at the undergraduate level related to the proposed reform effort, including assessment and evaluation of the proposed reform activities, research on scalability and sustainability of approaches to reform, and development and implementation of longitudinal studies of students included in the proposed reform effort; and

''(9) support for initiatives that advance the integration of global challenges such as sustainability into disciplinary and interdisciplinary STEM education.

''(c) PARTNERSHIP.—An institution of higher education may partner with one or more other nonprofit education or research organizations, including scientific and engineering societies, for the purposes of carrying out the activities authorized under this section.

''(d) SELECTION PROCESS.—

''(1) APPLICATIONS.—An institution of higher education seeking a grant under this section shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require. The application shall include, at a minimum—

''(A) a description of the proposed reform effort;

''(B) a description of the research findings that will serve as the basis for the proposed reform effort or, in the case of applications that propose an expansion of a previously implemented reform effort, a description of the previously implemented reform effort, including indicators of success such as data on student recruitment, persistence to degree completion, and academic achievement;

''(C) evidence of institutional support for, and commitment to, the proposed reform effort, including long-term commitment to implement successful strategies from the current reform effort beyond the academic unit or units included in the grant proposal or to disseminate successful strategies to other institutions;

''(D) a description of existing or planned institutional policies and practices regarding faculty hiring, promotion, tenure, and teaching assignment that reward faculty contributions to undergraduate STEM education; and

''(E) a description of the plans for assessment and evaluation of the proposed reform activities, including evidence of participation by individuals with experience in assessment and evaluation of teaching and learning programs.

''(2) REVIEW OF APPLICATIONS.—In selecting grant recipients under this section, the Director shall consider at a minimum—

''(A) the likelihood of success in undertaking the proposed effort at the institution submitting the application, including the extent to which the faculty, staff, and administrators of the institution are committed to making the proposed institutional reform a priority of the participating academic unit or units;

''(B) the degree to which the proposed reform will contribute to change in institutional culture and policy such that a greater value is placed on faculty engagement in undergraduate education;

''(C) the likelihood that the institution will sustain or expand the reform beyond the period of the grant; and

''(D) the degree to which scholarly assessment and evaluation plans are included in the design of the reform effort, including the degree to which such assessment and evaluation contribute to the systematic accumulation of knowledge on STEM education.

''(3) PRIORITY.—For proposals that include an expansion of existing reform efforts beyond a single academic unit, the Director shall give priority to proposals for which a senior institutional administrator, including a dean or other administrator of equal or higher rank, serves as the principal investigator or a coprincipal investigator.

''(4) GRANT DISTRIBUTION.—The Director shall ensure, to the extent practicable, that grants awarded under this section are made to a variety of types of institutions of higher education.''.

SEC. 249. 21ST CENTURY GRADUATE EDUCATION.

(a) IN GENERAL.—The Director shall award grants, on a competitive, merit-reviewed basis, to institutions of higher education to implement or expand research-based reforms in master's and doctoral level STEM education that emphasize preparation for diverse careers utilizing STEM degrees, including at diverse types of institutions of higher education, in industry, and at government agencies and research laboratories.

(b) USES OF FUNDS.—Activities supported by grants under this section may include—

(1) creation of multidisciplinary or interdisciplinary courses or programs for the purpose of improved student instruction and research in STEM;

(2) expansion of graduate STEM research opportunities to include interdisciplinary research opportunities and research opportunities in industry, at Federal laboratories, and at international research institutions or research sites;

(3) development and implementation of future faculty training programs focused on improved

instruction, mentoring, assessment of student learning, and support of undergraduate STEM students;

(4) support and training for graduate students to participate in instructional activities beyond the traditional teaching assistantship, and especially as part of ongoing educational reform efforts, including at pre-K-12 schools, informal science education institutions, and primarily undergraduate institutions;

(5) creation, improvement, or expansion of innovative graduate programs such as science master's degree programs;

(6) development and implementation of seminars, workshops, and other professional development activities that increase the ability of graduate students to engage in innovation, technology transfer, and entrepreneurship;

(7) development and implementation of seminars, workshops, and other professional development activities that increase the ability of graduate students to effectively communicate their research findings to technical audiences outside of their own discipline and to nontechnical audiences;

(8) expansion of successful STEM reform efforts beyond a single academic unit to other STEM academic units within an institution or to comparable academic units at other institutions; and

(9) research on teaching and learning of STEM at the graduate level related to the proposed reform effort, including assessment and evaluation of the proposed reform activities and research on scalability and sustainability of approaches to reform.

(c) PARTNERSHIP.—An institution of higher education may partner with one or more other nonprofit education or research organizations, including scientific and engineering societies, for the purposes of carrying out the activities authorized under this section.

(d) SELECTION PROCESS.—

(1) APPLICATIONS.—An institution of higher education seeking a grant under this section shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require. The application shall include, at a minimum—

(A) a description of the proposed reform effort;

(B) in the case of applications that propose an expansion of a previously implemented reform effort at the applicant's institution or at other institutions, a description of the previously implemented reform effort;

(C) evidence of institutional support for, and commitment to, the proposed reform effort, including long-term commitment to implement successful strategies from the current reform effort beyond the academic unit or units included in the grant proposal or to disseminate successful strategies to other institutions; and

(D) a description of the plans for assessment and evaluation of the grant proposed reform activities.

(2) REVIEW OF APPLICATIONS.—In selecting grant recipients under this section, the Director shall consider at a minimum—

(A) the likelihood of success in undertaking the proposed effort at the institution submitting the application, including the extent to which the faculty, staff, and administrators of the institution are committed to making the proposed institutional reform a priority of the participating academic unit or units;

(B) the degree to which the proposed reform will contribute to change in institutional culture and policy such that a greater value is placed on preparing graduate students for diverse careers utilizing STEM degrees;

(C) the likelihood that the institution will sustain or expand the reform beyond the period of the grant; and

(D) the degree to which scholarly assessment and evaluation plans are included in the design of the reform effort.

(e) REPEAL.—Section 7034 of the America COMPETES Act (42 U.S.C. 1862o–13) is repealed.

SEC. 250. UNDERGRADUATE BROADENING PARTICIPATION PROGRAM.

(a) UNDERGRADUATE BROADENING PARTICIPATION PROGRAM.—The Foundation shall continue to support the Historically Black Colleges and Universities Undergraduate Program, the Louis Stokes Alliances for Minority Participation program, and the Tribal Colleges and Universities Program as separate programs at least through September 30, 2011.

(b) PLAN.—Prior to any realignment or consolidation of the programs described in subsection (a), in addition to the Hispanic-Serving Institutions Undergraduate Program required by section 7033 of the America COMPETES Act (42 U.S.C. 1862o–12), the Director shall develop a plan clarifying the objectives and rationale for such changes. The plan shall include a description of how such changes would result in—

(1) meeting or strengthening the common goal of the separate programs to increase the number of individuals from underrepresented groups attaining undergraduate STEM degrees; and

(2) addressing the unique needs of the different types of minority serving institutions and underrepresented groups currently provided for by the separate programs.

(c) RECOMMENDATIONS.—In the development of the plan required under subsection (b), the Director shall at a minimum—

(1) consider the recommendations and findings of the National Academy of Sciences report required by section 7032 of the America COMPETES Act (Public Law 110–69); and

(2) solicit recommendations and feedback from a wide range of stakeholders, including representatives from minority serving institutions, other institutions of higher education, and other entities with expertise on effective mechanisms to increase the recruitment and retention of members of underrepresented groups in STEM fields, and the attainment of STEM degrees by underrepresented groups.

(d) APPROVAL BY CONGRESS.—The plan developed under this section shall be transmitted to Congress at least 3 months prior to the implementation of any realignment or consolidation of the programs described in subsection (a).

SEC. 251. GRAND CHALLENGES IN EDUCATION RESEARCH.

(a) IN GENERAL.—The Director and the Secretary of Education shall collaborate, in consultation with the Director of the National Institutes of Health, in—

(1) identifying, prioritizing, and developing strategies to address grand challenges in research and development on the teaching and learning of STEM at the pre-K-12 level, in formal and informal settings, for diverse learning populations, including individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b), and students in rural schools;

(2) carrying out research and development to address the grand challenges identified in paragraph (1); and

(3) ensuring the dissemination of the results of such research and development.

(b) STAKEHOLDER INPUT.—In identifying the grand challenges required in subsection (a), the Director and the Secretary shall—

(1) take into consideration critical research gaps identified in existing reports, including reports by the National Academies, on the teaching and learning of STEM at the pre-K-12 level in formal and informal settings; and

(2) solicit input from a wide range of stakeholders, including local and State education officials, STEM teachers, STEM education researchers, scientific and engineering societies, STEM faculty at institutions of higher education, informal STEM education providers, businesses with a large STEM workforce, and other stakeholders in the teaching and learning of STEM at the pre-K-12 level, and may enter into an arrangement with the National Research Council for these purposes.

(c) TOPICS TO CONSIDER.—In identifying the grand challenges required in subsection (a), the Director and the Secretary, in order to provide students with increased access to rigorous courses of study in STEM, increase the number of students who are prepared for advanced study and careers in STEM, and increase the effective teaching of STEM subjects, shall at a minimum consider the following topics:

(1) Research on scalability, sustainability, and replication of successful STEM activities, programs, and models, in formal and informal environments.

(2) Research that utilizes a systems approach to identifying challenges and opportunities to improve the teaching and learning of STEM, including development and evaluation of model systems that support improved teaching and learning of STEM across entire school districts and States, and encompassing and integrating the teaching and learning of STEM in formal and informal venues, and in K-12 schools and institutions of higher education.

(3) Research to understand what makes a STEM teacher effective and STEM teacher professional development effective, including development of tools and methodologies to measure STEM teacher effectiveness.

(4) Research and development on cyber-enabled tools and programs and television based tools and programs for learning and teaching STEM, including development of tools and methodologies for assessing cyber and television enabled teaching and learning.

(5) Research and development on STEM teaching and learning in informal environments, including development of tools and methodologies for assessing STEM teaching and learning in informal environments.

(6) Research and development on how integrating engineering with mathematics and science education may—

(A) improve student learning of mathematics and science;

(B) increase student interest and persistence in STEM; or

(C) improve student understanding of engineering design principles and of the built world.

(7) Research to understand what makes hands-on, inquiry-based classroom experiences effective, including development of tools and methodologies for assessing such experiences.

(d) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Director and the Secretary shall report back to Congress with a description of—

(1) the grand challenges identified pursuant to this section;

(2) the role of each agency in supporting research and development activities to address the grand challenges;

(3) the common metrics that will be used to assess progress toward meeting the grand challenges;

(4) plans for periodically updating the grand challenges;

(5) how the agencies will disseminate the results of research and development activities carried out under this section to STEM education practitioners, to other Federal agencies that support STEM programs and activities, and to non-Federal funders of STEM education; and

(6) how the agencies will support implementation of best practices identified by the research and development activities.

SEC. 252. RESEARCH EXPERIENCES FOR UNDERGRADUATES.

(a) RESEARCH SITES.—The Director shall award grants, on a merit-reviewed, competitive basis, to institutions of higher education, nonprofit organizations, or consortia of such institutions and organizations, for sites designated by the Director to provide research experiences for 10 or more undergraduate STEM students, with consideration given to the goal of promoting the participation of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b). The Director shall ensure that—

(1) at least half of the students participating in a program funded by a grant under this subsection at each site shall be recruited from institutions of higher education where research opportunities in STEM are limited, including 2-year institutions;

(2) the awards provide undergraduate research experiences in a wide range of STEM disciplines;

(3) the awards support a variety of projects, including independent investigator-led projects, interdisciplinary projects, and multi-institutional projects (including virtual projects);

(4) students participating in each program funded have mentors, including during the academic year to the extent practicable, to help connect the students' research experiences to the overall academic course of study and to help students achieve success in courses of study leading to a baccalaureate degree in a STEM field;

(5) mentors and students are supported with appropriate salary or stipends; and

(6) student participants are tracked, for employment and continued matriculation in STEM fields, through receipt of the undergraduate degree and for at least 3 years thereafter.

(b) INCLUSION OF UNDERGRADUATES IN STANDARD RESEARCH GRANTS.—The Director shall require that every recipient of a research grant from the Foundation proposing to include 1 or more undergraduate students in carrying out the research under the grant shall request support, including stipend support, for such undergraduate students as part of the research proposal itself rather than as a supplement to the research proposal, unless such undergraduate participation was not foreseeable at the time of the original proposal.

SEC. 253. LABORATORY SCIENCE PILOT PROGRAM.

Section 7026 of the America COMPETES Act (Public Law 110–69) is amended by striking subsections (d) and (e).

SEC. 254. STEM INDUSTRY INTERNSHIP PROGRAMS.

(a) IN GENERAL.—The Director may award grants, on a competitive, merit-reviewed basis, to institutions of higher education, or consortia thereof, to establish or expand partnerships with local or regional private sector entities, for the purpose of providing undergraduate students with integrated internship experiences that connect private sector internship experiences with the students' STEM coursework. Such partnerships may also include industry or professional associations.

(b) PRIORITY.—In awarding grants under this section, the Director shall give priority to institutions of higher education or consortia thereof that demonstrate significant outreach to and coordination with local or regional private sector entities in developing academic courses designed to provide students with the skills necessary for employment in local or regional companies.

(c) COST-SHARE.—The Director shall require a 50 percent non-Federal cost-share from partnerships established or expanded under this section.

(d) RESTRICTION.—No Federal funds provided under this section may be used—

(1) for the purpose of providing stipends or compensation to students for private sector internships; or

(2) as payment or reimbursement to private sector entities.

(e) REPORT.—Not less than 3 years after the date of enactment of this Act, the Director shall submit a report to Congress on the number and total value of awards made under this section, the number of students affected by those awards, and any evidence of the effect of those awards on workforce preparation and jobs placement for participating students.

SEC. 255. TRIBAL COLLEGES AND UNIVERSITIES PROGRAM.

(a) IN GENERAL.—The Director shall continue to support a program to award grants on a competitive, merit-reviewed basis to tribal colleges and universities (as defined in section 316 of the Higher Education Act of 1965 (20 U.S.C. 1059c)), including institutions described in section 317 of such Act (20 U.S.C. 1059d), to enhance the quality of undergraduate STEM education at such institutions and to increase the retention and graduation rates of Native American students pursuing associate's or baccalaureate degrees in STEM.

(b) PROGRAM COMPONENTS.—Grants awarded under this section shall support—

(1) activities to improve courses and curriculum in STEM;

(2) faculty development;

(3) stipends for undergraduate students participating in research; and

(4) other activities consistent with subsection (a), as determined by the Director.

(c) INSTRUMENTATION.—Funding provided under this section may be used for instrumentation.

TITLE III—STEM EDUCATION

SEC. 301. COORDINATION OF FEDERAL STEM EDUCATION.

(a) SHORT TITLE.—This section may be cited as the ''STEM Education Coordination Act of 2010''.

(b) DEFINITION.—In this section, the term ''STEM'' means science, technology, engineering, and mathematics.

(c) ESTABLISHMENT.—The Director of the Office of Science and Technology Policy shall establish a committee under the National Science and Technology Council with the responsibility to coordinate Federal programs and activities in support of STEM education, including at the National Science Foundation, the Department of Energy, the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, the Department of Education, and all other Federal agencies that have programs and activities in support of STEM education.

(d) RESPONSIBILITIES OF THE COMMITTEE.—The committee established under subsection (c) shall—

(1) coordinate the STEM education activities and programs of the Federal agencies;

(2) develop, implement through the participating agencies, and update once every 5 years a 5-year STEM education strategic plan, which shall—

(A) specify and prioritize annual and long-term objectives;

(B) specify the common metrics that will be used to assess progress toward achieving the objectives;

(C) describe the approaches that will be taken by each participating agency to assess the effectiveness of its STEM education programs and activities; and

(D) with respect to subparagraph (A), describe the role of each agency in supporting programs and activities designed to achieve the objectives; and

(3) establish, periodically update, and maintain an inventory of federally sponsored STEM education programs and activities, including documentation of assessments of the effectiveness of such programs and activities and rates of participation by underrepresented minorities in such programs and activities.

(e) RESPONSIBILITIES OF OSTP.—The Director of the Office of Science and Technology Policy shall encourage and monitor the efforts of the participating agencies to ensure that the strategic plan under subsection (d)(2) is developed and executed effectively and that the objectives of the strategic plan are met.

(f) REPORT.—The Director of the Office of Science and Technology Policy shall transmit a report annually to Congress at the time of the President's budget request describing the plan required under subsection (d)(2). The annual report shall include—

(1) a description of the STEM education programs and activities for the previous and current fiscal years, and the proposed programs and activities under the President's budget request, of each participating Federal agency;

(2) the levels of funding for each participating Federal agency for the programs and activities described under paragraph (1) for the previous fiscal year and under the President's budget request;

(3) except for the initial annual report, a description of the progress made in carrying out the implementation plan, including a description of the outcome of any program assessments completed in the previous year, and any changes made to that plan since the previous annual report; and

(4) a description of how the participating Federal agencies will disseminate information about federally supported resources for STEM education practitioners, including teacher professional development programs, to States and to STEM education practitioners, including to teachers and administrators in high-need schools, as defined in section 200 of the Higher Education Act of 1965 (20 U.S.C. 1021).

SEC. 302. ADVISORY COMMITTEE ON STEM EDUCATION.

(a) IN GENERAL.—The President shall establish or designate an advisory committee on science, technology, engineering, and mathematics (STEM) education.

(b) MEMBERSHIP.—The advisory committee established or designated by the President under subsection (a) shall be chaired by at least 2 members of the President's Council of Advisors on Science and Technology, with the remaining advisory committee membership consisting of non-Federal members who are specially qualified to provide the President with advice and information on STEM education. Membership of the advisory committee, at a minimum, shall include individuals from the following categories of individuals and organizations:

(1) STEM educator professional associations.

(2) Organizations that provide informal STEM education activities.

(3) Institutions of higher education.

(4) Scientific and engineering professional societies.

(5) Business and industry associations.

(6) Foundations that fund STEM education activities.

(c) RESPONSIBILITIES.—The responsibilities of the advisory committee shall include—

(1) soliciting input from teachers, administrators, local education agencies, States, and other public and private STEM education stakeholder groups for the purpose of informing the Federal agencies that support STEM education programs on the STEM education needs of States and school districts;

(2) soliciting input from all STEM education stakeholder groups regarding STEM education programs, including STEM education research programs, supported by Federal agencies;

(3) providing advice to the Federal agencies that support STEM education programs on how their programs can be better aligned with the needs of States and school districts as identified in paragraph (1), consistent with the mission of each agency; and

(4) offering guidance to the President on current STEM education activities, research findings, and best practices, with the purpose of increasing connectivity between public and private STEM education efforts.

SEC. 303. STEM EDUCATION AT THE DEPARTMENT OF ENERGY.

(a) DEFINITIONS.—Section 5002 of the America COMPETES Act (42 U.S.C. 16531) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

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

''(2) ENERGY SYSTEMS SCIENCE AND ENGINEERING.—The term 'energy systems science and engineering' means—

''(A) nuclear science and engineering, including—

''(i) nuclear engineering;

''(ii) nuclear chemistry;

''(iii) radiochemistry; and

''(iv) health physics;

''(B) hydrocarbon system science and engineering, including—

''(i) petroleum or reservoir engineering;

''(ii) environmental geoscience;

''(iii) petrophysics;

''(iv) geophysics;

''(v) geochemistry;

''(vi) petroleum geology;

''(vii) ocean engineering;

''(viii) environmental engineering; and

''(ix) carbon capture and sequestration science and engineering;

''(C) energy efficiency and renewable energy technology systems science and engineering, including with respect to—

''(i) solar technology systems;

''(ii) wind technology systems;

''(iii) buildings technology systems;

''(iv) transportation technology systems;

''(v) hydropower systems; and

''(vi) geothermal systems; and

''(D) energy storage and distribution systems science and engineering, including with respect to—

''(i) energy storage; and

''(ii) energy delivery.''.

(b) SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS EDUCATION PROGRAMS.—Subpart B of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381g et seq.) is amended—

(1) in section 3170—

(A) by amending paragraph (1) to read as follows:

''(1) DIRECTOR.—The term 'Director' means the Director of STEM Education appointed or designated under section 3171(c)(1).'';

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

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

''(2) ENERGY SYSTEMS SCIENCE AND ENGINEERING.—The term 'energy systems science and engineering' means—

''(A) nuclear science and engineering, including—

''(i) nuclear engineering;

''(ii) nuclear chemistry;

''(iii) radiochemistry; and

''(iv) health physics;

''(B) hydrocarbon system science and engineering, including—

''(i) petroleum or reservoir engineering;

''(ii) environmental geoscience;

''(iii) petrophysics;

''(iv) geophysics;

''(v) geochemistry;

''(vi) petroleum geology;

''(vii) ocean engineering; and

''(viii) environmental engineering;

''(C) energy efficiency and renewable energy technology systems science and engineering, including with respect to—

''(i) solar technology systems;

''(ii) wind technology systems;

''(iii) buildings technology systems;

''(iv) transportation technology systems;

''(v) hydropower systems; and

''(vi) geothermal systems; and

''(D) energy storage and distribution systems science and engineering, including with respect to—

''(i) energy storage; and

''(ii) energy delivery.''; and

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

''(4) STEM.—The term 'STEM' means science, technology, engineering, and mathematics.'';

(2) by striking chapters 1, 2, 3, 4, and 6;

(3) by inserting after section 3170 the following new chapter:

"CHAPTER 1—STEM EDUCATION

"SEC. 3171. STEM EDUCATION.

''(a) IN GENERAL.—The Secretary of Energy shall develop, conduct, support, promote, and coordinate formal and informal educational activities that leverage the Department's unique content expertise and facilities to contribute to improving STEM education at all levels in the United States, and to enhance awareness and understanding of STEM, including energy sciences, in order to create a diverse skilled scientific and technical workforce essential to meeting the challenges facing the Department and the Nation in the 21st century.

''(b) PROGRAMS.—The Secretary shall carry out evidence-based programs designed to increase student interest and participation, improve public literacy and support, and improve the teaching and learning of energy systems science and engineering and other STEM disciplines supported by the Department. Programs authorized under this subsection may include—

''(1) informal educational programming designed to excite and inspire students and the general public about energy systems science and engineering and other STEM disciplines supported by the Department, while strengthening their content knowledge in these fields;

''(2) teacher training and professional development opportunities for pre-service and in-service elementary and secondary teachers designed to increase the content knowledge of teachers in energy systems science and engineering and other STEM disciplines supported by the Department, including through hands-on research experiences;

''(3) research opportunities for secondary school students, including internships at the National Laboratories, that provide secondary school students with hands-on research experiences as well as exposure to working scientists;

''(4) research opportunities at the National Laboratories for undergraduate and graduate students pursuing degrees in energy systems science and engineering and other STEM disciplines supported by the Department; and

''(5) competitive scholarships, fellowships, and traineeships for undergraduate and graduate students in energy systems science and engineering and other STEM disciplines supported by the Department.

''(c) ORGANIZATION OF STEM EDUCATION PROGRAMS.—

''(1) DIRECTOR OF STEM EDUCATION.—The Secretary shall appoint or designate a Director of STEM Education, who shall have the principal responsibility to oversee and coordinate all programs and activities of the Department in support of STEM education, including energy systems science and engineering education, across all functions of the Department.

''(2) QUALIFICATIONS.—The Director shall be an individual, who by reason of professional background and experience, is specially qualified to advise the Secretary on all matters pertaining to STEM education, including energy systems science and engineering education, at the Department.

''(3) DUTIES.—The Director shall—

''(A) oversee and coordinate all programs in support of STEM education, including energy systems science and engineering education, across all functions of the Department;

''(B) represent the Department as the principal interagency liaison for all STEM education programs, unless otherwise represented by the Secretary, the Under Secretary for Science, or the Under Secretary for Energy;

''(C) prepare the annual budget and advise the Under Secretary for Science and the Under Secretary for Energy on all budgetary issues for STEM education, including energy systems science and engineering education, relative to the programs of the Department;

''(D) establish, periodically update, and maintain a publicly accessible online inventory of STEM education programs and activities, including energy systems science and engineering education programs and activities;

''(E) develop, implement, and update the Department of Energy STEM education strategic plan, as required by subsection (d);

''(F) increase, to the maximum extent practicable, the participation and advancement of women and underrepresented minorities at every level of STEM education, including energy systems science and engineering education; and

''(G) perform such other matters relating to STEM education as are required by the Secretary, the Under Secretary for Science, or the Under Secretary for Energy.

''(d) DEPARTMENT OF ENERGY STEM EDUCATION STRATEGIC PLAN.—The Director of STEM education appointed or designated under subsection (c)(1) shall develop, implement, and update once every 3 years a 3-year STEM education strategic plan for the Department, which shall—

''(1) identify and prioritize annual and long-term STEM education goals and objectives for the Department that are aligned with the overall goals of the National Science and Technology Council Committee on STEM Education Strategic plan required under section 301(d)(2) of the STEM Education Coordination Act of 2010;

''(2) describe the role of each program or activity of the Department in contributing to the goals and objectives identified under paragraph (1);

''(3) specify the metrics that will be used to assess progress toward achieving those goals and objectives; and

''(4) describe the approaches that will be taken to assess the effectiveness of each STEM education program and activity supported by the Department.

''(e) OUTREACH TO STUDENTS FROM UNDER-REPRESENTED GROUPS.—In carrying out a program authorized under this section, the Secretary shall give consideration to the goal of promoting the participation of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b).

''(f) CONSULTATION AND PARTNERSHIP WITH OTHER AGENCIES.—In carrying out the programs and activities authorized under this section, the Secretary shall—

''(1) consult with the Secretary of Education and the Director of the National Science Foundation regarding activities designed to improve elementary and secondary STEM education; and

''(2) consult and partner with the Director of the National Science Foundation in carrying out programs under this section designed to build capacity in STEM education at the undergraduate and graduate level, including by supporting excellent proposals in energy systems science and engineering that are submitted for funding to the Foundation's Advanced Technological Education Program.''; and

(4) in section 3191—

(A) in subsection (a)—

(i) by striking ''web-based'' and inserting '', through a publicly available website,'' ; and

(ii) by inserting ''and project-based learning opportunities'' after ''laboratory experiments'';

(B) in subsection (b)(1), by inserting '', including energy systems science and engineering'' after ''the science of energy''; and

(C) by striking subsection (d).

(c) ENERGY APPLIED SCIENCE TALENT EXPANSION PROGRAM FOR INSTITUTIONS OF HIGHER EDUCATION.—

(1) AMENDMENT.—Strike sections 5004 and 5005 of the America COMPETES Act (42 U.S.C. 16532 and 16533) and insert the following new section:

"SEC. 5004. ENERGY APPLIED SCIENCE TALENT EXPANSION PROGRAM FOR INSTITUTIONS OF HIGHER EDUCATION.

''(a) PURPOSES.—The purposes of this section are—

''(1) to address the decline in the number of and resources available to energy systems science and engineering programs at institutions of higher education, including community colleges; and

''(2) to increase the number of graduates with degrees in energy systems science and engineering, an area of strategic importance to the economic competitiveness and energy security of the United States.

''(b) ESTABLISHMENT.—The Secretary shall award grants, on a competitive, merit-reviewed basis, to institutions of higher education to implement or expand the energy systems science and engineering educational and technical training capabilities of the institution, and to provide merit-based financial support for master's and doctoral level students pursuing courses of study and research in energy systems sciences and engineering.

''(c) USE OF FUNDS.—An institution of higher education that receives a grant under this section may use the grant to—

''(1) provide traineeships, including stipends and cost of education allowances, to master's and doctoral students;

''(2) develop or expand multidisciplinary or interdisciplinary courses or programs;

''(3) recruit and retain new faculty;

''(4) develop or improve core and specialized course content;

''(5) encourage interdisciplinary and multidisciplinary research collaborations;

''(6) support outreach efforts to recruit students, including individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b); and

''(7) pursue opportunities for collaboration with industry and National Laboratories.

''(d) CRITERIA.—Criteria for awarding a grant under this section shall be based on—

''(1) the potential to attract new students to the program;

''(2) academic rigor; and

''(3) the ability to offer hands-on education and training opportunities for graduate students in the emerging areas of energy systems science and engineering.

''(e) PRIORITY.—The Secretary shall give priority to proposals that involve active partnerships with a National Laboratory or other energy systems science and engineering related entity, as determined by the Secretary.

''(f) DURATION AND AMOUNT.—

''(1) DURATION.—A grant under this section may be for up to 5 years in duration.

''(2) AMOUNT.—An institution of higher education that receives a grant under this section shall be eligible for up to $1,000,000 for each year of the grant period.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—

''(1) $30,000,000 for fiscal year 2011;

''(2) $32,000,000 for fiscal year 2012;

''(3) $36,000,000 for fiscal year 2013;

''(4) $38,000,000 for fiscal year 2014; and

''(5) $40,000,000 for fiscal year 2015.''.

(2) CONFORMING AMENDMENT.—The table of contents for the America COMPETES Act is amended by striking the items relating to sections 5004 and 5005 and inserting the following:

Sec. 5004. Energy applied science talent expansion program for institutions of higher education.

(d) DEPARTMENT OF ENERGY EARLY CAREER AWARDS FOR SCIENCE, ENGINEERING, AND MATHEMATICS RESEARCHERS.—Section 5006 of the America COMPETES Act (42 U.S.C. 16534) is amended—

(1) in subsection (a), by striking ''Director of the Office'' and all that follows through ''shall carry'' and inserting ''Secretary shall carry'';

(2) in subsection (b)(1)—

(A) in subparagraph (A), by inserting ''per year'' after ''$80,000''; and

(B) in subparagraph (B), by striking ''$125,000'' and inserting ''$175,000 per year'';

(3) in subsection (c)(1), by striking '', as determined by the Director'';

(4) in subsections (c)(2), (e), (f), and (g), by striking ''Director'' each place it appears and inserting ''Secretary'';

(5) in subsection (d), by striking ''merit-reviewed'' and inserting ''merit-based, peer reviewed''; and

(6) in subsection (h)—

(A) by striking '', acting through the Director,''; and

(B) by striking ''$25,000,000 for each of fiscal years 2008 through 2010'' and inserting ''such sums as are necessary''.

(e) PROTECTING AMERICA'S COMPETITIVE EDGE (PACE) GRADUATE FELLOWSHIP PROGRAM.—Section 5009 of the America COMPETES Act (42 U.S.C. 16536) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking ''involving written and oral interviews, that will result in a wide distribution of awards throughout the United States,''; and

(B) in paragraph (2)(B)(iv), by striking ''verbal and'';

(2) in subsection (d)(1)(B)(i), by inserting ''partial or full'' before ''graduate tuition''; and

(3) by striking subsection (f).

(f) REPEAL.—Section 3164 of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381a) is repealed.

SEC. 304. GREEN ENERGY EDUCATION.

(a) SHORT TITLE.—This section may be cited as the ''Green Energy Education Act of 2010''.

(b) DEFINITION.—For the purposes of this section:

(1) DIRECTOR.—The term ''Director'' means the Director of the National Science Foundation.

(2) HIGH PERFORMANCE BUILDING.—The term ''high performance building'' has the meaning given that term in section 914(a) of the Energy Policy Act of 2005 (42 U.S.C. 16194(a)).

(c) GRADUATE TRAINING IN ENERGY RESEARCH AND DEVELOPMENT.—

(1) FUNDING.—In carrying out research, development, demonstration, and commercial application activities authorized for the Department of Energy, the Secretary may contribute funds to the National Science Foundation for the Integrative Graduate Education and Research Traineeship program to support projects that enable graduate education related to such activities.

(2) CONSULTATION.—The Director shall consult with the Secretary when preparing solicitations and awarding grants for projects described in paragraph (1).

(d) CURRICULUM DEVELOPMENT FOR HIGH PERFORMANCE BUILDING DESIGN.—

(1) FUNDING.—In carrying out advanced energy technology research, development, demonstration, and commercial application activities authorized for the Department of Energy related to high performance buildings, the Secretary may contribute funds to curriculum development activities at the National Science Foundation for the purpose of improving undergraduate or graduate interdisciplinary engineering and architecture education related to the design and construction of high performance buildings, including development of curricula, of laboratory activities, of training practicums, or of design projects. A primary goal of curriculum development activities supported under this subsection shall be to improve the ability of engineers, architects, landscape architects, and planners to work together on the incorporation of advanced energy technologies during the design and construction of high performance buildings.

(2) CONSULTATION.—The Director shall consult with the Secretary when preparing solicitations and awarding grants for projects described in paragraph (1).

(3) PRIORITY.—In awarding grants with respect to which the Secretary has contributed funds under this subsection, the Director shall give priority to applications from departments, programs, or centers of a school of engineering that are partnered with schools, departments, or programs of design, architecture, landscape architecture, and city, regional, or urban planning.

TITLE IV—NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SEC. 401. SHORT TITLE.

This title may be cited as the ''National Institute of Standards and Technology Authorization Act of 2010''.

SEC. 402. AUTHORIZATION OF APPROPRIATIONS.

(a) FISCAL YEAR 2011.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce $991,100,000 for the National Institute of Standards and Technology for fiscal year 2011.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) $620,000,000 shall be authorized for scientific and technical research and services laboratory activities;

(B) $125,000,000 shall be authorized for the construction and maintenance of facilities; and

(C) $246,100,000 shall be authorized for industrial technology services activities, of which—

(i) $95,000,000 shall be authorized for the Technology Innovation Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n);

(ii) $141,100,000 shall be authorized for the Manufacturing Extension Partnership program under sections 25 and 26 of such Act (15 U.S.C. 278k and 278l); and

(iii) $10,000,000 shall be authorized for the Malcolm Baldrige National Quality Award program under section 17 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a).

(b) FISCAL YEAR 2012.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce $992,400,000 for the National Institute of Standards and Technology for fiscal year 2012.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) $657,200,000 shall be authorized for scientific and technical research and services laboratory activities;

(B) $85,000,000 shall be authorized for the construction and maintenance of facilities; and

(C) $250,200,000 shall be authorized for industrial technology services activities, of which—

(i) $89,000,000 shall be authorized for the Technology Innovation Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n);

(ii) $150,900,000 shall be authorized for the Manufacturing Extension Partnership program under sections 25 and 26 of such Act (15 U.S.C. 278k and 278l); and

(iii) $10,300,000 shall be authorized for the Malcolm Baldrige National Quality Award program under section 17 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a).

(c) FISCAL YEAR 2013.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce $1,079,809,000 for the National Institute of Standards and Technology for fiscal year 2013.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) $696,700,000 shall be authorized for scientific and technical research and services laboratory activities;

(B) $122,000,000 shall be authorized for the construction and maintenance of facilities; and

(C) $261,109,000 shall be authorized for industrial technology services activities, of which—

(i) $89,000,000 shall be authorized for the Technology Innovation Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n);

(ii) $161,500,000 shall be authorized for the Manufacturing Extension Partnership program under sections 25 and 26 of such Act (15 U.S.C. 278k and 278l); and

(iii) $10,609,000 shall be authorized for the Malcolm Baldrige National Quality Award program under section 17 of the Stevenson-Wydler

Technology Innovation Act of 1980 (15 U.S.C. 3711a).

(d) FISCAL YEAR 2014.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce $1,126,227,000 for the National Institute of Standards and Technology for fiscal year 2014.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) $738,500,000 shall be authorized for scientific and technical research and services laboratory activities;

(B) $124,000,000 shall be authorized for the construction and maintenance of facilities; and

(C) $263,727,000 shall be authorized for industrial technology services activities, of which—

(i) $80,000,000 shall be authorized for the Technology Innovation Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n);

(ii) $172,800,000 shall be authorized for the Manufacturing Extension Partnership program under sections 25 and 26 of such Act (15 U.S.C. 278k and 278l); and

(iii) $10,927,000 shall be authorized for the Malcolm Baldrige National Quality Award program under section 17 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a).

(e) FISCAL YEAR 2015.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce $1,191,955,000 for the National Institute of Standards and Technology for fiscal year 2015.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) $782,800,000 shall be authorized for scientific and technical research and services laboratory activities;

(B) $133,000,000 shall be authorized for the construction and maintenance of facilities; and

(C) $276,155,000 shall be authorized for industrial technology services activities, of which—

(i) $80,000,000 shall be authorized for the Technology Innovation Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n);

(ii) $184,900,000 shall be authorized for the Manufacturing Extension Partnership program under sections 25 and 26 of such Act (15 U.S.C. 278k and 278l); and

(iii) $11,255,000 shall be authorized for the Malcolm Baldrige National Quality Award program under section 17 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a).

SEC. 403. UNDER SECRETARY OF COMMERCE FOR STANDARDS AND TECHNOLOGY.

(a) ESTABLISHMENT.—Section 4 of the National Institute of Standards and Technology Act is amended to read as follows:

"SEC. 4. UNDER SECRETARY OF COMMERCE FOR STANDARDS AND TECHNOLOGY.

''(a) ESTABLISHMENT.—There shall be in the Department of Commerce an Under Secretary of Commerce for Standards and Technology (in this section referred to as the 'Under Secretary').

''(b) APPOINTMENT.—The Under Secretary shall be appointed by the President by and with the advice and consent of the Senate.

''(c) COMPENSATION.—The Under Secretary shall be compensated at the rate in effect for level III of the Executive Schedule under section 5314 of title 5, United States Code.

''(d) DUTIES.—The Under Secretary shall serve as the Director of the Institute and shall perform such duties as required of the Director by the Secretary under this Act or by law.

''(e) APPLICABILITY.—The individual serving as the Director of the Institute on the date of enactment of the National Institute of Standards and Technology Authorization Act of 2010 shall also serve as the Under Secretary until such time as a successor is appointed under subsection (b).''.

(b) CONFORMING AMENDMENTS.—

(1) TITLE 5, UNITED STATES CODE.—

(A) LEVEL III.—Section 5314 of title 5, United States Code, is amended by inserting before the item ''Associate Attorney General'' the following:

''Under Secretary of Commerce for Standards and Technology, who also serves as Director of the National Institute of Standards and Technology.''.

(B) LEVEL IV.—Section 5315 of title 5, United States Code, is amended by striking ''Director, National Institute of Standards and Technology, Department of Commerce.''.

(2) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT.—Section 5 of the National Institute of Standards and Technology Act (15 U.S.C. 274) is amended by striking the first, fifth, and sixth sentences.

SEC. 404. REORGANIZATION OF NIST LABORATORIES.

(a) ORGANIZATION.—The Director shall reorganize the scientific and technical research and services laboratory program into the following operational units:

(1) The Physical Measurement Laboratory, whose mission is to realize and disseminate the national standards for length, mass, time and frequency, electricity, temperature, force, and radiation by activities including fundamental research in measurement science, the provision of measurement services and standards, and the provision of testing facilities resources for use by the Federal Government.

(2) The Information Technology Laboratory, whose mission is to develop and disseminate standards, measurements, and testing capabilities for interoperability, security, usability, and reliability of information technologies, including cyber security standards and guidelines for Federal agencies, United States industry, and the public, through fundamental and applied research in computer science, mathematics, and statistics.

(3) The Engineering Laboratory, whose mission is to develop and disseminate advanced manufacturing and construction technologies to the United States manufacturing and construction industries through activities including measurement science research, performance metrics, tools for engineering applications, and promotion of standards adoption.

(4) The Material Measurement Laboratory, whose mission is to serve as the national reference laboratory in biological, chemical, and material sciences and engineering through activities including fundamental research in the composition, structure, and properties of biological and environmental materials and processes, the development of certified reference materials and critically evaluated data, and other programs to assure measurement quality in materials and biotechnology fields.

(5) The Center for Nanoscale Science and Technology, a national shared-use facility for nanoscale fabrication and measurement, whose mission is to develop innovative nanoscale measurement and fabrication capabilities to support researchers from industry, institutions of higher education, the National Institute of Standards and Technology, and other Federal agencies in nanoscale technology from discovery to production.

(6) The NIST Center for Neutron Research, a national user facility, whose mission is to provide neutron-based measurement capabilities to researchers from industry, institutions of higher education, the National Institute of Standards and Technology, and other Federal agencies in support of materials research, nondestructive evaluation, neutron imaging, chemical analysis, neutron standards, dosimetry, and radiation metrology.

(b) ADDITIONAL DUTIES.—The Director may assign additional duties to the operational units listed in subsection (a) that are consistent with the missions of such units.

(c) REVISION.—

(1) IN GENERAL.—Subsequent to the reorganization required under subsection (a), the Director may revise the organization of the scientific and technical research and services laboratory program.

(2) REPORT TO CONGRESS.—Any revision to the organization of such program under paragraph (1) shall be submitted in a report to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate at least 60 days before the effective date of such revision.

SEC. 405. FEDERAL GOVERNMENT STANDARDS AND CONFORMITY ASSESSMENT COORDINATION.

(a) COORDINATION.—Section 2(b) of the National Institute of Standards and Technology Act (15 U.S.C. 272(b)) is amended—

(1) in paragraph (12), by striking ''and'' after the semicolon;

(2) in paragraph (13), by striking the period at the end and inserting a semicolon; and

(3) by adding after paragraph (13) the following:

''(14) to promote collaboration among Federal departments and agencies and private sector stakeholders in the development and implementation of standards and conformity assessment frameworks to address specific Federal Government policy goals; and

''(15) to convene Federal departments and agencies, as appropriate, to—

''(A) coordinate and determine Federal Government positions on specific policy issues related to the development of international technical standards and conformity assessment-related activities; and

''(B) coordinate Federal department and agency engagement in the development of international technical standards and conformity assessment-related activities.''.

(b) REPORT.—The Director, in consultation with appropriate Federal agencies, shall submit a report annually to Congress addressing the Federal Government's technical standards and conformity assessment-related activities. The report shall identify—

(1) current and anticipated international standards and conformity assessment-related issues that have the potential to impact the competitiveness and innovation capabilities of the United States;

(2) any action being taken by the Federal Government to address these issues and the Federal agency taking that action; and

(3) any action that the Director is taking or will take to ensure effective Federal Government engagement on technical standards and conformity assessment-related issues, as appropriate, where the Federal Government is not effectively engaged.

SEC. 406. MANUFACTURING EXTENSION PARTNERSHIP.

(a) COMMUNITY COLLEGE SUPPORT.—Section 25(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(a)) is amended—

(1) in paragraph (4), by striking ''and'' after the semicolon;

(2) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(3) by adding after paragraph (5) the following:

''(6) providing to community colleges information about the job skills needed in small- and medium-sized manufacturing businesses in the regions they serve.''.

(b) INNOVATIVE SERVICES INITIATIVE.—Section 25 of such Act (15 U.S.C. 278k) is amended by adding at the end the following:

''(g) INNOVATIVE SERVICES INITIATIVE.—

''(1) ESTABLISHMENT.—The Director may establish, within the Centers program under this section, an innovative services initiative to assist small- and medium-sized manufacturers in—

''(A) reducing their energy usage and environmental waste to improve profitability; and

''(B) accelerating the domestic commercialization of new product technologies, including components for renewable energy systems.

''(2) MARKET DEMAND.—The Director may not undertake any activity to accelerate the domestic commercialization of a new product technology under this subsection unless an analysis of market demand for the new product technology has been conducted.''.

(c) REPORTS.—Section 25 of such Act (15 U.S.C. 278k) is further amended by adding after subsection (g), as added by subsection (b), the following:

''(h) REPORTS.—

''(1) IN GENERAL.—In submitting the 3-year programmatic planning document and annual updates under section 23, the Director shall include an assessment of the Director's governance of the program established under this section.

''(2) CRITERIA.—In conducting such assessment, the Director shall use the criteria established pursuant to the Malcolm Baldrige National Quality Award under section 17(d)(1)(C) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a(d)(1)(C)).''.

(d) HOLLINGS MANUFACTURING EXTENSION PARTNERSHIP PROGRAM COST-SHARING.—Section 25(c) of such Act (15 U.S.C. 278k(c)) is amended by adding at the end the following:

''(7) Notwithstanding paragraphs (1), (3), and (5), for fiscal year 2011 through fiscal year 2015, the Secretary may not provide to a Center more than 50 percent of the costs incurred by such Center and may not require that a Center's cost share exceed 50 percent.

''(8) Not later than 4 years after the date of enactment of the National Institute of Standards and Technology Authorization Act of 2010, the Secretary shall submit to Congress a report on the cost share requirements under the program. The report shall—

''(A) discuss various cost share structures, including the cost share structure in place prior to such date of enactment and the cost share structure in place under paragraph (7), and the effect of such cost share structures on individual Centers and the overall program; and

''(B) include a recommendation for how best to structure the cost share requirement after fiscal year 2015 to provide for the long-term sustainability of the program.''.

(e) ADVISORY BOARD.—Section 25(e)(4) of such Act (15 U.S.C. 278k(e)(4)) is amended to read as follows:

''(4) FEDERAL ADVISORY COMMITTEE ACT APPLICABILITY.—

''(A) IN GENERAL.—In discharging its duties under this subsection, the MEP Advisory Board shall function solely in an advisory capacity, in accordance with the Federal Advisory Committee Act.

''(B) EXCEPTION.—Section 14 of the Federal Advisory Committee Act shall not apply to the MEP Advisory Board.''.

(f) DEFINITIONS.—Section 25 of such Act (15 U.S.C. 278k) is further amended by adding after subsection (h), as added by subsection (c), the following:

''(i) DEFINITION.—In this section, the term 'community college' means an institution of higher education (as defined under section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) at which the highest degree that is predominately awarded to students is an associate's degree.''.

SEC. 408. EMERGENCY COMMUNICATION AND TRACKING TECHNOLOGIES RESEARCH INITIATIVE.

(a) ESTABLISHMENT.—The Director shall establish a research initiative to support the development of emergency communication and tracking technologies for use in locating trapped individuals in confined spaces, such as underground mines, and other shielded environments, such as high-rise buildings or collapsed structures, where conventional radio communication is limited.

(b) ACTIVITIES.—In order to carry out this section, the Director shall work with the private sector and appropriate Federal agencies to—

(1) perform a needs assessment to identify and evaluate the measurement, technical standards, and conformity assessment needs required to improve the operation and reliability of such emergency communication and tracking technologies; and

(2) support the development of technical standards and conformance architecture to improve the operation and reliability of such emergency communication and tracking technologies.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Director shall submit to Congress and make publicly available a report describing the assessment performed under subsection (b)(1) and making recommendations about research priorities to address gaps in the measurement, technical standards, and conformity assessment needs identified by such assessment.

SEC. 409. TIP ADVISORY BOARD.

Section 28(k)(4) of the National Institute of Standards and Technology Act (15 U.S.C. 278n(k)(4)) is amended to read as follows:

''(4) FEDERAL ADVISORY COMMITTEE ACT APPLICABILITY.—

''(A) IN GENERAL.—In discharging its duties under this subsection, the TIP Advisory Board shall function solely in an advisory capacity, in accordance with the Federal Advisory Committee Act.

''(B) EXCEPTION.—Section 14 of the Federal Advisory Committee Act shall not apply to the TIP Advisory Board.''.

SEC. 410. UNDERREPRESENTED MINORITIES.

(a) RESEARCH FELLOWSHIPS.—Section 18 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-1) is amended by adding at the end the following:

''(c) UNDERREPRESENTED MINORITIES.—In evaluating applications for fellowships under this section, the Director shall give consideration to the goal of promoting the participation of underrepresented minorities in research areas supported by the Institute.''.

(b) POSTDOCTORAL FELLOWSHIP PROGRAM.—Section 19 of such Act (15 U.S.C. 278g-2) is amended by adding at the end the following: ''In evaluating applications for fellowships under this section, the Director shall give consideration to the goal of promoting the participation of underrepresented minorities in research areas supported by the Institute.''.

(c) TEACHER DEVELOPMENT.—Section 19A(c) of such Act (15 U.S.C. 278g-2a(c)) is amended by adding at the end the following: ''The Director shall give special consideration to an application from a teacher from a high-need school, as defined in section 200 of the Higher Education Act of 1965 (20 U.S.C. 1021).''.

SEC. 411. CYBER SECURITY STANDARDS AND GUIDELINES.

Cyber security standards and guidelines developed by the National Institute of Standards and Technology for use by United States industry and the public shall be voluntary.

SEC. 412. DEFINITIONS.

In this title:

(1) DIRECTOR.—The term ''Director'' means the Director of the National Institute of Standards and Technology.

(2) FEDERAL AGENCY.—The term ''Federal agency'' has the meaning given such term in section 4 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703).

TITLE V—INNOVATION

SEC. 501. OFFICE OF INNOVATION AND ENTREPRENEURSHIP.

The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) is amended by adding at the end the following new section:

''SEC. 24. OFFICE OF INNOVATION AND ENTREPRENEURSHIP.

''(a) IN GENERAL.—The Secretary shall establish an Office of Innovation and Entrepreneurship to foster innovation and the commercialization of new technologies, products, processes, and services with the goal of promoting productivity and economic growth in the United States.

''(b) DUTIES.—The Office of Innovation and Entrepreneurship shall be responsible for—

''(1) developing and advocating policies to accelerate innovation and advance the commercialization of research and development, including federally funded research and development;

''(2) identifying existing barriers to innovation and commercialization, including access to capital and other resources, and ways to overcome those barriers;

''(3) providing access to relevant data, research, and technical assistance on innovation and commercialization;

''(4) strengthening collaboration on and coordination of policies relating to innovation and commercialization within the Department of Commerce and between the Department of Commerce and other Federal agencies, as appropriate; and

''(5) any other duties as determined by the Secretary.

''(c) ADVISORY COMMITTEE.—The Secretary shall establish an Advisory Council on Innovation and Entrepreneurship to provide advice to the Secretary on carrying out subsection (b).''.

SEC. 502. FEDERAL LOAN GUARANTEES FOR INNOVATIVE TECHNOLOGIES IN MANUFACTURING.

The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) is further amended by adding after section 24, as added by section 501 of this title, the following new section:

''SEC. 25. FEDERAL LOAN GUARANTEES FOR INNOVATIVE TECHNOLOGIES IN MANUFACTURING.

''(a) ESTABLISHMENT.—The Secretary shall establish a program to provide loan guarantees for obligations to small- or medium-sized manufacturers for the use or production of innovative technologies.

''(b) ELIGIBLE PROJECTS.—A loan guarantee may be made under such program only for a project that reequips, expands, or establishes a manufacturing facility in the United States to—

''(1) use an innovative technology or an innovative process in manufacturing; or

''(2) manufacture an innovative technology product or an integral component of such product.

''(c) ELIGIBLE BORROWER.—A loan guarantee may be made under such program only for a borrower who is a small- or medium-sized manufacturer, as determined by the Secretary under the criteria established pursuant to subsection (m).

''(d) LIMITATION ON AMOUNT.—A loan guarantee shall not exceed an amount equal to 80 percent of the obligation, as estimated at the time at which the loan guarantee is issued.

''(e) LIMITATIONS ON LOAN GUARANTEE.—No loan guarantee shall be made unless the Secretary determines that—

''(1) there is a reasonable prospect of repayment of the principal and interest on the obligation by the borrower;

''(2) the amount of the obligation (when combined with amounts available to the borrower from other sources) is sufficient to carry out the project;

''(3) the obligation is not subordinate to other financing;

''(4) the obligation bears interest at a rate that does not exceed a level that the Secretary determines appropriate, taking into account the prevailing rate of interest in the private sector for similar loans and risks; and

''(5) the term of an obligation requires full repayment over a period not to exceed the lesser of—

''(A) 30 years; or

''(B) 90 percent of the projected useful life, as determined by the Secretary, of the physical asset to be financed by the obligation.

''(f) DEFAULTS.—

''(1) PAYMENT BY SECRETARY.—

''(A) IN GENERAL.—If a borrower defaults (as defined in regulations promulgated by the Secretary and specified in the loan guarantee) on the obligation, the holder of the loan guarantee shall have the right to demand payment of the unpaid amount from the Secretary.

''(B) PAYMENT REQUIRED.—Within such period as may be specified in the loan guarantee or related agreements, the Secretary shall pay to the holder of the loan guarantee the unpaid interest on and unpaid principal of the obligation as to which the borrower has defaulted, unless the Secretary finds that there was no default by the borrower in the payment of interest or principal or that the default has been remedied.

''(C) FORBEARANCE.—Nothing in this subsection precludes any forbearance by the holder of the obligation for the benefit of the borrower which may be agreed upon by the parties to the obligation and approved by the Secretary.

''(2) SUBROGATION.—

''(A) IN GENERAL.—If the Secretary makes a payment under paragraph (1), the Secretary shall be subrogated to the rights, as specified in the loan guarantee, of the recipient of the payment or related agreements including, if appropriate, the authority (notwithstanding any other provision of law) to—

''(i) complete, maintain, operate, lease, or otherwise dispose of any property acquired pursuant to such loan guarantee or related agreement; or

''(ii) permit the borrower, pursuant to an agreement with the Secretary, to continue to pursue the purposes of the project if the Secretary determines that such an agreement is in the public interest.

''(B) SUPERIORITY OF RIGHTS.—The rights of the Secretary, with respect to any property acquired pursuant to a loan guarantee or related agreements, shall be superior to the rights of any other person with respect to the property.

''(3) ACTION BY ATTORNEY GENERAL.—

''(A) NOTIFICATION.—If the borrower defaults on an obligation, the Secretary shall notify the Attorney General of the default.

''(B) RECOVERY.—On notification, the Attorney General shall take such action as is appropriate to recover the unpaid principal and interest.

''(g) PAYMENT OF PRINCIPAL AND INTEREST BY SECRETARY.—With respect to any obligation guaranteed under this section, the Secretary may enter into a contract to pay, and pay, holders of the obligation for and on behalf of the borrower from funds appropriated for that purpose the principal and interest payments that become due and payable on the unpaid balance of the obligation if the Secretary finds that—

''(1)(A) the borrower is unable to make the payments and is not in default;

''(B) it is in the public interest to permit the borrower to continue to pursue the project; and

''(C) the probable net benefit to the Federal Government in paying the principal and interest will be greater than that which would result in the event of a default;

''(2) the amount of the payment that the Secretary is authorized to pay shall be no greater than the amount of principal and interest that the borrower is obligated to pay under the obligation being guaranteed; and

''(3) the borrower agrees to reimburse the Secretary for the payment (including interest) on terms and conditions that are satisfactory to the Secretary.

''(h) TERMS AND CONDITIONS.—A loan guarantee under this section shall include such detailed terms and conditions as the Secretary determines appropriate to—

''(1) protect the interests of the United States in the case of default; and

''(2) have available all the patents and technology necessary for any person selected, including the Secretary, to complete and operate the project.

''(i) CONSULTATION.—In establishing the terms and conditions of a loan guarantee under this section, the Secretary shall consult with the Secretary of the Treasury.

''(j) FEES.—

''(1) IN GENERAL.—The Secretary shall charge and collect fees for loan guarantees in amounts the Secretary determines are sufficient to cover applicable administrative expenses.

''(2) AVAILABILITY.—Fees collected under this subsection shall—

''(A) be deposited by the Secretary into the Treasury of the United States; and

''(B) remain available until expended, subject to such other conditions as are contained in annual appropriations Acts.

''(k) RECORDS.—

''(1) IN GENERAL.—With respect to a loan guarantee under this section, the borrower, the lender, and any other appropriate party shall keep such records and other pertinent documents as the Secretary shall prescribe by regulation, including such records as the Secretary may require to facilitate an effective audit.

''(2) ACCESS.—The Secretary and the Comptroller General of the United States, or their duly authorized representatives, shall have access to records and other pertinent documents for the purpose of conducting an audit.

''(l) FULL FAITH AND CREDIT.—The full faith and credit of the United States is pledged to the payment of all loan guarantees issued under this section with respect to principal and interest.

''(m) REGULATIONS.—The Secretary shall issue final regulations before making any loan guarantees under the program. Such regulations shall include—

''(1) criteria that the Secretary shall use to determine eligibility for loan guarantees under this section, including—

''(A) whether a borrower is a small- or medium-sized manufacturer; and

''(B) whether a borrower demonstrates that a market exists for the innovative technology product, or the integral component of such product, to be manufactured, as evidenced by written statements of interest from potential purchasers;

''(2) policies and procedures for selecting and monitoring lenders and loan performance; and

''(3) any other policies, procedures, or information necessary to implement this section.

''(n) AUDIT.—

''(1) ANNUAL INDEPENDENT AUDITS.—The Secretary shall enter into an arrangement with an independent auditor for annual evaluations of the program under this section.

''(2) ANNUAL REVIEW.—The Comptroller General shall conduct an annual review of the Secretary's execution of the program under this section.

''(3) REPORT.—The results of the independent audit under paragraph (1) and the Comptroller General's review under paragraph (2) shall be provided directly to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

''(o) REPORT TO CONGRESS.—Concurrent with the submission to Congress of the President's annual budget request in each year after the date of enactment of this section, the Secretary shall transmit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing a summary of all activities carried out under this section.

''(p) COORDINATION AND NONDUPLICATION.—To the maximum extent practicable, the Secretary shall ensure that the activities carried out under this section are coordinated with, and do not duplicate the efforts of, other loan guarantee programs within the Federal Government.

''(q) MEP CENTERS.—The Secretary may use centers established under section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k) to provide information about the program established under this section and to conduct outreach to potential borrowers, as appropriate.

''(r) MINIMIZING RISK.—The Secretary shall promulgate regulations and policies to carry out this section in accordance with Office of Management and Budget Circular No. A-129, entitled 'Policies for Federal Credit Programs and Non-Tax Receivables', as in effect on the date of enactment of this section.

''(s) SENSE OF CONGRESS.—It is the sense of Congress that no loan guarantee shall be made under this section unless the borrower agrees to use a federally-approved electronic employment eligibility verification system to verify the employment eligibility of—

''(1) all persons hired during the contract term by the borrower to perform employment duties within the United States; and

''(2) all persons assigned by the borrower to perform work within the United States on the project.

''(t) DEFINITIONS.—In this section:

''(1) COST.—The term 'cost' has the meaning given such term under section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

''(2) INNOVATIVE PROCESS.—The term 'innovative process' means a process that is significantly improved as compared to the process in general use in the commercial marketplace in the United States at the time the loan guarantee is issued.

''(3) INNOVATIVE TECHNOLOGY.—The term 'innovative technology' means a technology that is significantly improved as compared to the technology in general use in the commercial marketplace in the United States at the time the loan guarantee is issued.

''(4) LOAN GUARANTEE.—The term 'loan guarantee' has the meaning given such term in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a). The term includes a loan guarantee commitment (as defined in section 502 of such Act (2 U.S.C. 661a)).

''(5) OBLIGATION.—The term 'obligation' means the loan or other debt obligation that is guaranteed under this section.

''(6) PROGRAM.—The term 'program' means the loan guarantee program established in subsection (a).

''(u) AUTHORIZATION OF APPROPRIATIONS.—

''(1) COST OF LOAN GUARANTEES.—There are authorized to be appropriated $50,000,000 for each of fiscal years 2011 through 2015 to provide the cost of loan guarantees under this section.

''(2) PRINCIPAL AND INTEREST.—There are authorized to be appropriated such sums as are necessary to carry out subsection (g).''.

SEC. 503. REGIONAL INNOVATION PROGRAM.

The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) is further amended by adding after section 25, as added by section 502 of this title, the following new section:

''SEC. 26. REGIONAL INNOVATION PROGRAM.

''(a) ESTABLISHMENT.—The Secretary shall establish a regional innovation program to encourage and support the development of regional innovation strategies, including regional innovation clusters.

''(b) REGIONAL INNOVATION CLUSTER GRANTS.—

''(1) IN GENERAL.—As part of the program established under subsection (a), the Secretary may award grants on a competitive basis to eligible recipients for activities relating to the formation and development of regional innovation clusters.

''(2) PERMISSIBLE ACTIVITIES.—Grants awarded under this subsection may be used for activities determined appropriate by the Secretary, including the following:

''(A) Feasibility studies.

''(B) Planning activities.

''(C) Technical assistance.

''(D) Developing or strengthening communication and collaboration between and among participants of a regional innovation cluster.

''(E) Attracting additional participants to a regional innovation cluster.

''(F) Facilitating market development of products and services developed by a regional innovation cluster, including through demonstration, deployment, technology transfer, and commercialization activities.

''(G) Developing relationships between a regional innovation cluster and entities or clusters in other regions.

''(3) ELIGIBLE RECIPIENT.—For purposes of this subsection, the term 'eligible recipient' means any of the following:

''(A) A State.

''(B) An Indian tribe.

''(C) A city or other political subdivision of a State.

''(D) An entity that—

''(i) is a nonprofit organization, an institution of higher education, a public-private partnership, or an economic development organization or similar entity; and

''(ii) has an application that is supported by a State or a political subdivision of a State.

''(E) A consortium of any of the entities listed in subparagraphs (A) through (D).

''(4) APPLICATION.—

''(A) IN GENERAL.—An eligible recipient shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

''(B) COMPONENTS.—The application shall include, at a minimum, a description of the regional innovation cluster supported by the proposed activity, including a description of the following:

''(i) Whether the regional innovation cluster is supported by the private sector, State and local governments, and other relevant stakeholders.

''(ii) How the existing participants in the regional innovation cluster will encourage and solicit participation by all types of entities that might benefit from participation, including newly formed entities and those rival to existing participants.

''(iii) The extent to which the regional innovation cluster is likely to stimulate innovation and have a positive impact on regional economic growth and development.

''(iv) Whether the participants in the regional innovation cluster have access to, or contribute to, a well-trained workforce.

''(v) Whether the participants in the regional innovation cluster are capable of attracting additional funds from non-Federal sources.

''(vi) The likelihood that the participants in the regional innovation cluster will be able to sustain activities once grant funds under this subsection have been expended.

''(5) COST SHARE.—The Secretary may not provide more than 50 percent of the total cost of any activity funded under this subsection.

''(6) USE AND APPLICATION OF RESEARCH AND INFORMATION PROGRAM.—To the maximum extent practicable, the Secretary shall ensure that activities funded under this subsection use and apply any relevant research, best practices, and metrics developed under the program established in subsection (c).

''(c) REGIONAL INNOVATION RESEARCH AND INFORMATION PROGRAM.—

''(1) IN GENERAL.—As part of the program established under subsection (a), the Secretary shall establish a regional innovation research and information program to—

''(A) gather, analyze, and disseminate information on best practices for regional innovation strategies (including regional innovation clusters), including information relating to how innovation, productivity, and economic development can be maximized through such strategies;

''(B) provide technical assistance, including through the development of technical assistance guides, for the development and implementation of regional innovation strategies (including regional innovation clusters);

''(C) support the development of relevant metrics and measurement standards to evaluate regional innovation strategies (including regional innovation clusters), including the extent to which such strategies stimulate innovation, productivity, and economic development; and

''(D) collect and make available data on regional innovation cluster activity in the United States, including data on—

''(i) the size, specialization, and competitiveness of regional innovation clusters;

''(ii) the regional domestic product contribution, total jobs and earnings by key occupations, establishment size, nature of specialization, patents, Federal research and development spending, and other relevant information for regional innovation clusters; and

''(iii) supply chain product and service flows within and between regional innovation clusters.

''(2) RESEARCH GRANTS.—The Secretary may award research grants on a competitive basis to support and further the goals of the program established under this subsection.

''(3) DISSEMINATION OF INFORMATION.—Data and analysis compiled by the Secretary under the program established in this subsection shall be made available to other Federal agencies, State and local governments, and nonprofit and for-profit entities.

''(4) CLUSTER GRANT PROGRAM.—The Secretary shall incorporate data and analysis relating to any regional innovation cluster supported by a grant under subsection (b) into the program established under this subsection.

''(d) INTERAGENCY COORDINATION.—

''(1) IN GENERAL.—To the maximum extent practicable, the Secretary shall ensure that the activities carried out under this section are coordinated with, and do not duplicate the efforts of, other programs at the Department of Commerce or other Federal agencies.

''(2) COLLABORATION.—The Secretary shall explore and pursue collaboration with other Federal agencies, including through multiagency funding opportunities, on regional innovation strategies.

''(e) EVALUATION.—

''(1) IN GENERAL.—Not later than 4 years after the date of enactment of this section, the Secretary shall enter into a contract with an independent entity, such as the National Academy of Sciences, to conduct an evaluation of the program established under subsection (a).

''(2) REQUIREMENTS.—The evaluation shall include—

''(A) whether such program is achieving its goals;

''(B) any recommendations for how such program may be improved; and

''(C) a recommendation as to whether such program should be continued or terminated.

''(f) REGIONAL INNOVATION CLUSTER DEFINED.—The term 'regional innovation cluster' means a geographically bounded network of similar, synergistic, or complementary entities that—

''(1) are engaged in or with a particular industry sector;

''(2) have active channels for business transactions and communication;

''(3) share specialized infrastructure, labor markets, and services; and

''(4) leverage the region's unique competitive strengths to stimulate innovation and create jobs.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary for each of fiscal years 2011 through 2015 to carry out this section, including such sums as are necessary to carry out the evaluation required under subsection (e).''.

TITLE VI—DEPARTMENT OF ENERGY

Subtitle A—Office of Science

SEC. 601. SHORT TITLE.

This subtitle may be cited as the ''Department of Energy Office of Science Authorization Act of 2010''.

SEC. 602. DEFINITIONS.

Except as otherwise provided, in this subtitle:

(1) DEPARTMENT.—The term ''Department'' means the Department of Energy.

(2) DIRECTOR.—The term ''Director'' means the Director of the Office of Science.

(3) OFFICE OF SCIENCE.—The term ''Office of Science'' means the Department of Energy Office of Science.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

SEC. 603. MISSION OF THE OFFICE OF SCIENCE.

(a) MISSION.—The mission of the Office of Science shall be the delivery of scientific discoveries, capabilities, and major scientific tools to transform the understanding of nature and to advance the energy, economic, and national security of the United States.

(b) DUTIES.—In support of this mission, the Secretary shall carry out, through the Office of Science, programs on basic energy sciences, biological and environmental research, advanced scientific computing research, fusion energy sciences, high energy physics, and nuclear physics through activities focused on—

(1) Science for Discovery to unravel nature's mysteries through the study of subatomic particles, atoms, and molecules that make up the materials of our everyday world to DNA, proteins, cells, and entire biological systems;

(2) Science for National Need by—

(A) advancing a clean energy agenda through research on energy production, storage, transmission, efficiency, and use; and

(B) advancing our understanding of the Earth's climate through research in atmospheric and environmental sciences and climate change; and

(3) National Scientific User Facilities to deliver the 21st century tools of science, engineering, and technology and provide the Nation's researchers with the most advanced tools of modern science including accelerators, colliders, supercomputers, light sources and neutron sources, and facilities for studying the nanoworld.

(c) SUPPORTING ACTIVITIES.—The activities described in subsection (b) shall include providing for relevant facilities and infrastructure, analysis, coordination, and education and outreach activities.

(d) USER FACILITIES.—The Director shall carry out the construction, operation, and maintenance of user facilities to support the activities described in subsection (b). As practicable, these facilities shall serve the needs of the Department, industry, the academic community, and other relevant entities for the purposes of advancing the missions of the Department.

(e) OTHER AUTHORIZED ACTIVITIES.—In addition to the activities authorized under this subtitle, the Office of Science shall carry out such other activities it is authorized or required to carry out by law.

(f) COORDINATION AND JOINT ACTIVITIES.—The Department's Under Secretary for Science shall ensure the coordination of activities under this subtitle with the other activities of the Department, and shall support joint activities among the programs of the Department.

(g) DOMESTICALLY SOURCED HARDWARE.—

(1) PLAN.—The Director shall develop a plan to increase the percentage of domestically sourced hardware for planned and ongoing projects of the Department of Energy. In developing this plan, the Director shall—

(A) give consideration to technologies that the United States does not currently have the capacity to manufacture and to procurement activities that can strengthen United States high-technology competitiveness broadly;

(B) seek opportunities to engage and partner with domestic manufacturers; and

(C) annually assess levels of domestically available goods relevant to planned and ongoing projects of the Office of Science.

(2) INTERNATIONAL AGREEMENTS.—This subsection shall be applied in a manner consistent with United States obligations under international agreements.

(3) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Director shall transmit the plan developed under this subsection to the Committee on Energy and Natural Resources of the Senate and the Committee on Science and Technology of the House of Representatives, and shall transmit any appropriate updates to those committees.

(h) MERIT-REVIEWED STUDY.—As part of the President's annual budget request, the Secretary shall include a detailed summary of the degree to which current research activities are competitive and merit-reviewed, including a list of activities that would have been undertaken in the absence of Congressionally-directed projects and an analysis of the effects of increasing the proportion of competitive, merit-reviewed activities on the strategic objectives of the Office of Science.

SEC. 604. BASIC ENERGY SCIENCES PROGRAM.

(a) PROGRAM.—As part of the activities authorized under section 603, the Director shall carry out a program in basic energy sciences, including materials sciences and engineering, chemical sciences, physical biosciences, and geosciences, for the purpose of providing the scientific foundations for new energy technologies.

(b) BASIC ENERGY SCIENCES USER FACILITIES.—

(1) IN GENERAL.—The Director shall carry out a program for the construction, operation, and maintenance of national user facilities to support the program under this section. As practicable, these facilities shall serve the needs of the Department, industry, the academic community, and other relevant entities to create and examine new materials and chemical processes for the purposes of advancing new energy technologies and improving the competitiveness of the United States. These facilities shall include—

(A) x-ray light sources;

(B) neutron sources;

(C) electron beam microcharacterization centers;

(D) nanoscale science research centers; and

(E) other facilities the Director considers appropriate, consistent with section 603(d).

(2) FACILITY CONSTRUCTION AND UPGRADES.—Consistent with the Office of Science's project management practices, the Director shall support construction of—

(A) the National Synchrotron Light Source II;

(B) a Second Target Station at the Spallation Neutron Source; and

(C) an upgrade of the Advanced Photon Source to improve brightness and performance.

(c) ENERGY FRONTIER RESEARCH CENTERS.—

(1) IN GENERAL.—The Director shall carry out a grant program to provide awards, on a competitive, merit-reviewed basis, to multi-institutional collaborations or other appropriate entities to conduct fundamental and use-inspired energy research to accelerate scientific breakthroughs related to needs identified in—

(A) the Grand Challenges report of the Department's Basic Energy Sciences Advisory Committee;

(B) the Basic Energy Sciences Basic Research Needs workshop reports;

(C) energy-related Grand Challenges for Engineering, as described by the National Academy of Engineering; or

(D) other relevant reports identified by the Director.

(2) COLLABORATIONS.—A collaboration receiving a grant under this subsection may include multiple types of institutions and private sector entities.

(3) SELECTION AND DURATION.—

(A) IN GENERAL.—A collaboration under this subsection shall be selected for a period of 5 years.

(B) REAPPLICATION.—After the end of the period described in subparagraph (A), a grantee may reapply for selection for a second period of 5 years on a competitive, merit-reviewed basis.

(4) NO FUNDING FOR CONSTRUCTION.—No funding provided pursuant to this subsection may be used for the construction of new buildings or facilities.

(d) ACCELERATOR RESEARCH AND DEVELOPMENT.—The Director shall carry out research and development on advanced accelerator technologies relevant to the development of Basic Energy Sciences user facilities, in consultation with the Office of Science's High Energy Physics and Nuclear Physics programs.

SEC. 605. BIOLOGICAL AND ENVIRONMENTAL RESEARCH PROGRAM.

(a) IN GENERAL.—As part of the activities authorized under section 603, and coordinated with the activities authorized in section 604, the Director shall carry out a program of research, development, and demonstration in the areas of biological systems science and climate and environmental science to support the energy and environmental missions of the Department.

(b) BIOLOGICAL SYSTEMS SCIENCE ACTIVITIES.—

(1) ACTIVITIES.—As part of the activities authorized under subsection (a), the Director shall carry out research, development, and demonstration activities in fundamental, structural, computational, and systems biology to increase systems-level understanding of complex biological systems, which shall include activities to—

(A) accelerate breakthroughs and new knowledge that will enable cost-effective sustainable production of—

(i) biomass-based liquid transportation fuels, including hydrogen;

(ii) bioenergy; and

(iii) biobased products,

that support the energy and environmental missions of the Department;

(B) improve understanding of the global carbon cycle, including processes for removing carbon dioxide from the atmosphere, through photosynthesis and other biological processes, for sequestration and storage; and

(C) understand the biological mechanisms used to destroy, immobilize, or remove contaminants from subsurface environments.

(2) RESEARCH PLAN.—

(A) REQUIREMENT.—Not later than 1 year after the date of enactment of this Act, the Director shall prepare and transmit to Congress a research plan describing how the activities authorized under this subsection will be undertaken.

(B) UTILIZATION OF EXISTING PLAN.—In developing the plan in subparagraph (A), the Director may utilize an existing research plan and update such plan to incorporate the activities identified in paragraph (1).

(C) UPDATES.—Not later than 3 years after the initial report under this paragraph, and at least once every 3 years thereafter, the Director shall update the research plan and transmit it to Congress.

(3) BIOENERGY RESEARCH CENTERS.—

(A) IN GENERAL.—In carrying out the activities under paragraph (1), the Director shall support at least 3 bioenergy research centers to accelerate basic biological research, development, demonstration, and commercial application of biomass-based liquid transportation fuels, bioenergy, and biobased products that support the energy and environmental missions of the Department and are produced from a variety of regionally diverse feedstocks.

(B) GEOGRAPHIC DISTRIBUTION.—The Director shall ensure that the bioenergy research centers under this paragraph are established in geographically diverse locations.

(C) SELECTION AND DURATION.—A center established under subparagraph (A) shall be selected on a competitive, merit-reviewed basis for a period of 5 years beginning on the date of establishment of that center. A center already in existence on the date of enactment of this Act may continue to receive support for a period of 5 years beginning on the date of establishment of that center.

(4) ENABLING SYNTHETIC BIOLOGY PLAN.—

(A) IN GENERAL.—The Secretary, in consultation with other relevant Federal agencies, the academic community, research-based nonprofit entities, and the private sector, shall develop a comprehensive plan for federally supported research and development activities that will support the energy and environmental missions of the Department and enable a competitive synthetic biology industry in the United States.

(B) PLAN.—The plan developed under subparagraph (A) shall assess the need to create a database for synthetic biology information, the need and process for developing standards for biological parts, components and systems, and the need for a federally funded facility that enables the discovery, design, development, production, and systematic use of parts, components, and systems created through synthetic biology. The plan shall describe the role of the Federal Government in meeting these needs.

(C) SUBMISSION TO CONGRESS.—The Secretary shall transmit the plan developed under subparagraph (A) to the Congress not later than 9 months after the date of enactment of this Act.

(5) COMPUTATIONAL BIOLOGY AND SYSTEMS BIOLOGY KNOWLEDGEBASE.—As part of the activities described in paragraph (1), the Director, in collaboration with the Advanced Scientific Computing Research program described in section 606, shall carry out research in computational biology, acquire or otherwise ensure the availability of hardware for biology-specific computation, and establish and maintain an open virtual database and information management system to centrally integrate systems biology data, analytical software, and computational modeling tools that will allow data sharing and free information exchange within the scientific community.

(6) PROHIBITION ON BIOMEDICAL AND HUMAN CELL AND HUMAN SUBJECT RESEARCH.—

(A) NO BIOMEDICAL RESEARCH.—In carrying out activities under subsection (b), the Secretary shall not conduct biomedical research.

(B) LIMITATIONS.—Nothing in subsection (b) shall authorize the Secretary to conduct any research or demonstrations—

(i) on human cells or human subjects; or

(ii) designed to have direct application with respect to human cells or human subjects.

(C) INFORMATION SHARING.—Nothing in this paragraph shall restrict the Department from sharing information, including research findings, research methodologies, models, or any other information, with any Federal agency.

(7) REPEAL.—Section 977 of the Energy Policy Act of 2005 (42 U.S.C. 16317) is repealed.

(c) CLIMATE AND ENVIRONMENTAL SCIENCES ACTIVITIES.—

(1) IN GENERAL.—As part of the activities authorized under subsection (a), the Director shall carry out climate and environmental science research, which shall include activities to—

(A) understand, observe, and model the response of the Earth's atmosphere and biosphere, including oceans, to increased concentrations of greenhouse gas emissions, and any associated changes in climate;

(B) understand the processes for sequestration, destruction, immobilization, or removal of, and understand the movement of, contaminants and carbon in subsurface environments, including at facilities of the Department; and

(C) inform potential mitigation and adaptation options for increased concentrations of greenhouse gas emissions and any associated changes in climate.

(2) SUBSURFACE BIOGEOCHEMISTRY RESEARCH.—

(A) IN GENERAL.—As part of the activities described in paragraph (1), the Director shall carry out research to advance a fundamental understanding of coupled physical, chemical, and biological processes for controlling the movement of sequestered carbon and subsurface environmental contaminants, including field observations of subsurface microorganisms and field-scale subsurface research.

(B) COORDINATION.—

(i) DIRECTOR.—The Director shall carry out activities under this paragraph in accordance with priorities established by the Department's Under Secretary for Science to support and accelerate the decontamination of relevant facilities managed by the Department.

(ii) UNDER SECRETARY FOR SCIENCE.—The Department's Under Secretary for Science shall ensure the coordination of the activities of the Department, including activities under this paragraph, to support and accelerate the decontamination of relevant facilities managed by the Department.

(3) NEXT-GENERATION ECOSYSTEM-CLIMATE EXPERIMENT.—

(A) IN GENERAL.—As part of the activities described in paragraph (1), the Director, in collaboration with other relevant agencies that are participants in the United States Global Change Research Program, shall carry out the selection and development of a next-generation ecosystem-climate change experiment to understand the impact and feedbacks of increased temperature and elevated carbon levels on ecosystems.

(B) REPORT.—Not later than 1 year after the date of enactment of this Act, the Director shall transmit to the Congress a report containing—

(i) an identification of the location or locations that have been selected for the experiment described in subparagraph (A);

(ii) a description of the need for additional experiments; and

(iii) an associated research plan.

(4) AMERIFLUX NETWORK COORDINATION AND RESEARCH.—As part of the activities described in paragraph (1), the Director shall carry out research and coordinate the AmeriFlux Network to directly observe and understand the exchange of greenhouse gases, water vapor, and heat energy within terrestrial ecosystems and the response of those systems to climate change and other dynamic terrestrial landscape changes. The Director, in collaboration with other relevant Federal agencies, shall—

(A) identify opportunities to incorporate innovative and emerging observation technologies and practices into the existing Network;

(B) conduct research to determine the need for increased greenhouse gas observation Network facilities across North America to meet future mitigation and adaptation needs of the United States; and

(C) examine how the technologies and practices described in subparagraph (A), and increased coordination among scientific communities through the Network, have the potential to help characterize terrestrial baseline greenhouse gas emission sources and sinks in the United States and internationally.

(5) CLIMATE AND EARTH MODELING.—As part of the activities described in paragraph (1), the Director, in collaboration with the Advanced Scientific Computing Research program described in section 606, shall carry out research to develop, evaluate, and use high-resolution regional climate, global climate, Earth, and predictive models to inform decisions on reducing the impacts of changing climate.

(6) INTEGRATED ASSESSMENT RESEARCH.—As part of the activities described in paragraph (1), the Director shall carry out research into options for mitigation of and adaptation to climate change through multiscale models of the entire climate system. Such modeling shall include human processes and greenhouse gas emissions, land use, and interaction among human and Earth systems.

(7) COORDINATION.—The Director shall coordinate activities under this subsection with other Office of Science activities and with the United States Global Change Research Program.

(d) USER FACILITIES AND ANCILLARY EQUIPMENT.—

(1) IN GENERAL.—The Director shall carry out a program for the construction, operation, and maintenance of user facilities to support the program under this section. As practicable, these facilities shall serve the needs of the Department, industry, the academic community, and other relevant entities.

(2) INCLUDED FUNCTIONS.—User facilities described in paragraph (1) shall include facilities which carry out—

(A) genome sequencing and analysis of plants, microbes, and microbial communities using high throughput tools, technologies, and comparative analysis;

(B) molecular level research in biological, chemical, environmental, and subsurface sciences, including synthesis, dynamic properties, and interactions among natural and engineered materials; and

(C) measurement of cloud and aerosol properties used for examining atmospheric processes and evaluating climate model performance, including ground stations at various locations, mobile resources, and aerial vehicles.

SEC. 606. ADVANCED SCIENTIFIC COMPUTING RESEARCH PROGRAM.

(a) IN GENERAL.—As part of the activities authorized under section 603, the Director shall carry out a research, development, demonstration, and commercial application program to advance computational and networking capabilities to analyze, model, simulate, and predict complex phenomena relevant to the development of new energy technologies and the competitiveness of the United States.

(b) COORDINATION.—

(1) DIRECTOR.—The Director shall carry out activities under this section in accordance with priorities established by the Department's Under Secretary for Science to determine and meet the computational and networking research and facility needs of the Office of Science and all other relevant energy technology and energy efficiency programs within the Department.

(2) UNDER SECRETARY FOR SCIENCE.—The Department's Under Secretary for Science shall ensure the coordination of the activities of the Department, including activities under this section, to determine and meet the computational and networking research and facility needs of the Office of Science and all other relevant energy technology and energy efficiency programs within the Department.

(c) RESEARCH TO SUPPORT ENERGY APPLICATIONS.—As part of the activities authorized under subsection (a), the program shall support research in high-performance computing and networking relevant to energy applications, including both basic and applied energy research programs carried out by the Secretary.

(d) REPORTS.—

(1) ADVANCED COMPUTING FOR ENERGY APPLICATIONS.—Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Congress a plan to integrate and leverage the expertise and capabilities of the program described in subsection (a), as well as other relevant computational and networking research programs and resources supported by the Federal Government, to advance the missions of the Department's applied energy and energy efficiency programs.

(2) EXASCALE COMPUTING.—At least 18 months prior to the initiation of construction or installation of any exascale-class computing facility, the Secretary shall transmit a plan to the Congress detailing—

(A) the proposed facility's cost projections and capabilities to significantly accelerate the development of new energy technologies;

(B) technical risks and challenges that must be overcome to achieve successful completion and operation of the facility; and

(C) an assessment of the scientific and technological advances expected from such a facility relative to those expected from a comparable investment in expanded research and applications at terascale-class and petascale-class computing facilities.

(e) APPLIED MATHEMATICS AND SOFTWARE DEVELOPMENT FOR HIGH-END COMPUTING SYSTEMS.—The Director shall carry out activities to develop, test, and support mathematics, models, and algorithms for complex systems, as well as programming environments, tools, languages, and operating systems for high-end computing systems (as defined in section 2 of the Department of Energy High-End Computing Revitalization Act of 2004 (15 U.S.C. 5541)).

(f) HIGH-END COMPUTING FACILITIES.—The Director shall—

(1) provide for sustained access by the public and private research community in the United States to high-end computing systems, including access to the National Energy Research Scientific Computing Center and to Leadership Systems (as defined in section 2 of the Department of Energy High-End Computing Revitalization Act of 2004 (15 U.S.C. 5541));

(2) provide technical support for users of such systems; and

(3) conduct research and development on next-generation computing architectures and platforms to support the missions of the Department.

(g) OUTREACH.—The Secretary shall conduct outreach programs and may form partnerships to increase the use of and access to high-performance computing modeling and simulation capabilities by industry, including manufacturers.

SEC. 607. FUSION ENERGY RESEARCH PROGRAM.

(a) PROGRAM.—As part of the activities authorized under section 603, the Director shall carry out a fusion energy sciences research and enabling technology development program to effectively address the scientific and engineering challenges to building a cost-competitive fusion power plant and a competitive fusion power industry in the United States. As part of this program, the Director shall carry out research activities to expand the fundamental understanding of plasmas and matter at very high temperatures and densities.

(b) ITER.—The Director shall coordinate and carry out the responsibilities of the United States with respect to the ITER international fusion project pursuant to the Agreement on the Establishment of the ITER International Fusion Energy Organization for the Joint Implementation of the ITER Project.

(c) IDENTIFICATION OF PRIORITIES.—Not later than 18 months after the date of enactment of this Act, the Secretary shall transmit to the Congress a report on the Department's proposed research and development activities in magnetic fusion over the 10 years following the date of enactment of this Act under four realistic budget scenarios. The report shall—

(1) identify specific areas of fusion energy research and enabling technology development in which the United States can and should establish or solidify a lead in the global fusion energy development effort; and

(2) identify priorities for initiation of facility construction and facility decommissioning under each of those scenarios.

(d) FUSION MATERIALS RESEARCH AND DEVELOPMENT.—The Director, in coordination with the Assistant Secretary for Nuclear Energy of the Department, shall carry out research and development activities to identify, characterize, and create materials that can endure the neutron, plasma, and heat fluxes expected in a commercial fusion power plant. As part of the activities authorized under subsection (c), the Secretary shall—

(1) provide an assessment of the need for a facility or facilities that can examine and test potential fusion and next generation fission materials and other enabling technologies relevant to the development of commercial fusion power plants; and

(2) provide an assessment of whether a single new facility that substantially addresses magnetic fusion, inertial fusion, and next generation fission materials research needs is feasible, in conjunction with the expected capabilities of facilities operational as of the date of enactment of this Act.

(e) ENABLING TECHNOLOGY DEVELOPMENT.—The Director shall carry out activities to develop technologies necessary to enable the reliable, sustainable, safe, and economically competitive operation of a commercial fusion power plant.

(f) FUSION SIMULATION PROJECT.—In collaboration with the Office of Science's Advanced Scientific Computing Research program described in section 606, the Director shall carry out a computational project to advance the capability of fusion researchers to accurately simulate an entire fusion energy system.

(g) INERTIAL FUSION ENERGY RESEARCH AND DEVELOPMENT PROGRAM.—The Secretary shall carry out a program of research and technology development in inertial fusion for energy applications, including ion beam and laser fusion. Not later than 180 days after the release of a report from the National Academies on inertial fusion energy research, the Secretary shall transmit to Congress a report describing the Department's plan to incorporate any relevant recommendations from the National Academies' report into this program.

SEC. 608. HIGH ENERGY PHYSICS PROGRAM.

(a) PROGRAM.—As part of the activities authorized under section 603, the Director shall carry out a research program on the elementary constituents of matter and energy and the nature of space and time.

(b) NEUTRINO RESEARCH.—As part of the program described in subsection (a), the Director shall carry out research activities on rare decay processes and the nature of the neutrino, which may—

(1) include collaborations with the National Science Foundation on relevant projects; and

(2) utilize components of existing accelerator facilities to produce neutrino beams of sufficient intensity to explore research priorities identified by the High Energy Physics Advisory Panel or the National Academy of Sciences.

(c) DARK ENERGY AND DARK MATTER RESEARCH.—As part of the program described in subsection (a), the Director shall carry out research activities on the nature of dark energy and dark matter. These activities shall be consistent with research priorities identified by the High Energy Physics Advisory Panel or the National Academy of Sciences, and may include—

(1) the development of space-based and land-based facilities and experiments; and

(2) collaborations with the National Aeronautics and Space Administration, the National Science Foundation, or international collaborations on relevant research projects.

(d) ACCELERATOR RESEARCH AND DEVELOPMENT.—The Director shall carry out research and development in advanced accelerator concepts and technologies to reduce the necessary scope and cost for the next generation of particle accelerators.

(e) INTERNATIONAL COLLABORATION.—The Director, as practicable and in coordination with other appropriate Federal agencies as necessary, shall ensure the access of United States researchers to the most advanced accelerator facilities and research capabilities in the world, including the Large Hadron Collider.

SEC. 609. NUCLEAR PHYSICS PROGRAM.

(a) PROGRAM.—As part of the activities authorized under section 603, the Director shall carry out a research program, and support relevant facilities, to discover and understand various forms of nuclear matter.

(b) FACILITY CONSTRUCTION AND UPGRADES.—Consistent with the Office of Science's project management practices, the Director shall carry out—

(1) an upgrade of the Continuous Electron Beam Accelerator Facility to a 12 gigaelectronvolt beam of electrons; and

(2) construction of the Facility for Rare Isotope Beams.

(c) ISOTOPE DEVELOPMENT AND PRODUCTION FOR RESEARCH APPLICATIONS.—The Director shall carry out a program for the production of isotopes, including the development of techniques to produce isotopes, that the Secretary determines are needed for research, exluding medical research. In making this determination, the Secretary shall consider any relevant recommendations made by Federal advisory committees, the National Academies, and interagency working groups in which the Department participates.

SEC. 610. SCIENCE LABORATORIES INFRASTRUCTURE PROGRAM.

(a) PROGRAM.—The Director shall carry out a program to improve the safety, efficiency, and mission readiness of infrastructure at Office of Science laboratories. The program shall include projects to—

(1) renovate or replace space that does not meet research needs;

(2) replace facilities that are no longer cost effective to renovate or operate;

(3) modernize utility systems to prevent failures and ensure efficiency;

(4) remove excess facilities to allow safe and efficient operations; and

(5) construct modern facilities to conduct advanced research in controlled environmental conditions.

(b) MINOR CONSTRUCTION PROJECTS.—

(1) AUTHORITY.—Using operation and maintenance funds or facilities and infrastructure funds authorized by law, the Secretary may carry out minor construction projects with respect to laboratories administered by the Office of Science.

(2) ANNUAL REPORT.—The Secretary shall submit to Congress, as part of the annual budget submission of the Department, a report on each exercise of the authority under subsection (a) during the preceding fiscal year. Each report shall include a summary of maintenance and infrastructure needs and associated funding requirements at each of the laboratories, including the amount of both planned and deferred infrastructure spending at each laboratory. Each report shall provide a brief description of each minor construction project covered by the report.

(3) COST VARIATION REPORTS.—If, at any time during the construction of any minor construction project, the estimated cost of the project is revised and the revised cost of the project exceeds the minor construction threshold, the Secretary shall immediately submit to Congress a report explaining the reasons for the cost variation.

(4) DEFINITIONS.—In this section—

(A) the term ''minor construction project'' means any plant project not specifically authorized by law for which the approved total estimated cost does not exceed the minor construction threshold; and

(B) the term ''minor construction threshold'' means $10,000,000, with such amount to be adjusted by the Secretary in accordance with the Engineering News-Record Construction Cost Index, or an appropriate alternative index as determined by the Secretary, once every five years after the date of enactment of this Act.

(5) NONAPPLICABILITY.—Sections 4703 and 4704 of the Atomic Energy Defense Act (50 U.S.C. 2743 and 2744) shall not apply to laboratories administered by the Office of Science.

SEC. 611. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary for the activities of the Office of Science—

(1) $5,247,000,000 for fiscal year 2011, of which—

(A) $1,875,000,000 shall be for Basic Energy Sciences activities under section 604;

(B) $667,000,000 shall be for Biological and Environmental Research activities under section 605; and

(C) $466,000,000 shall be for Advanced Scientific Computing Research activities under section 606;

(2) $5,614,000,000 for fiscal year 2012, of which—

(A) $2,025,000,000 shall be for Basic Energy Sciences activities under section 604;

(B) $720,000,000 shall be for Biological and Environmental Research activities under section 605; and

(C) $503,000,000 shall be for Advanced Scientific Computing Research activities under section 606;

(3) $6,007,000,000 for fiscal year 2013, of which—

(A) $2,187,000,000 shall be for Basic Energy Sciences activities under section 604;

(B) $778,000,000 shall be for Biological and Environmental Research activities under section 605; and

(C) $544,000,000 shall be for Advanced Scientific Computing Research activities under section 606;

(4) $6,428,000,000 for fiscal year 2014, of which—

(A) $2,362,000,000 shall be for Basic Energy Sciences activities under section 604;

(B) $840,000,000 shall be for Biological and Environmental Research activities under section 605; and

(C) $587,000,000 shall be for Advanced Scientific Computing Research activities under section 606; and

(5) $6,878,000,000 for fiscal year 2015, of which—

(A) $2,551,000,000 shall be for Basic Energy Sciences activities under section 604;

(B) $907,000,000 shall be for Biological and Environmental Research activities under section 605; and

(C) $634,000,000 shall be for Advanced Scientific Computing Research activities under section 606.

Subtitle B—Advanced Research Projects Agency-Energy

SEC. 621. SHORT TITLE.

This subtitle may be cited as the ''ARPA-E Reauthorization Act of 2010''.

SEC. 622. ARPA-E AMENDMENTS.

Section 5012 of the America COMPETES Act (42 U.S.C. 16538) is amended—

(1) in subsection (c)(2)—

(A) in subparagraph (A), by inserting ''and applied'' after ''advances in fundamental'';

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

(C) by striking the period at the end of subparagraph (C) and inserting ''; and''; and

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

''(D) promoting the commercial application of advanced energy technologies.'';

(2) in subsection (e)(3), by amending subparagraph (C) to read as follows:

''(C) research and development of advanced manufacturing process and technologies for the domestic manufacturing of novel energy technologies; and'';

(3) in subsection (e)—

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

(B) by striking the period at the end of paragraph (4) and inserting ''; and''; and

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

''(5) pursuant to subsection (c)(2)(C)—

''(A) ensuring that applications for funding disclose the extent of current and prior efforts, including monetary investments as appropriate, in pursuit of the technology area for which funding is being requested;

''(B) adopting measures to ensure that, in making awards, program managers adhere to the objectives in subsection (c)(2)(C); and

''(C) providing as part of the annual report required by subsection (h)(1) a summary of the instances of and reasons for ARPA-E funding projects in technology areas already being undertaken by industry.'';

(4) by redesignating subsections (f) through (m) as subsections (g), (h), (i), (j), (l), (m), (n), and (o), respectively;

(5) by inserting after subsection (e) the following new subsection:

''(f) AWARDS.—In carrying out this section, the Director shall initiate and execute awards in the form of grants, contracts, cooperative agreements, cash prizes, and other transactions.'';

(6) in subsection (g), as so redesignated by paragraph (4) of this section—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(B) by inserting before paragraph (2), as so redesignated by subparagraph (A) of this paragraph, the following new paragraph:

''(1) IN GENERAL.—The Director shall establish and maintain within ARPA-E a staff with sufficient qualifications and expertise to enable ARPA-E to carry out its responsibilities under this section in conjunction with the operations of the rest of the Department.'';

(C) in paragraph (2)(A), as so redesignated by subparagraph (A) of this paragraph—

(i) in the paragraph heading, by striking ''PROGRAM MANAGERS'' and inserting ''PROGRAM DIRECTORS'';

(ii) by striking ''program managers'' and inserting ''program directors''; and

(iii) by striking ''each of''.

(D) in paragraph (2)(B), as so redesignated by subparagraph (A) of this paragraph—

(i) by striking ''program manager'' and inserting ''program director'';

(ii) in clause (iv), by striking '', with advice under subsection (j) as appropriate,'';

(iii) by redesignating clauses (v) and (vi) as clauses (vi) and (viii), respectively;

(iv) by inserting after clause (iv) the following new clause:

''(v) identifying innovative cost-sharing arrangements for ARPA-E projects, including through use of the authority under section 988(b)(3) of the Energy Policy Act of 2005 (42 U.S.C. 16352(b)(3));'';

(v) in clause (vi), as so redesignated by clause (iii) of this subparagraph, by striking ''; and'' and inserting a semicolon; and

(vi) by inserting after clause (vi), as so redesignated by clause (iii) of this subparagraph, the following new clause:

''(vii) identifying mechanisms for commercial application of successful energy technology development projects, including through establishment of partnerships between awardees and commercial entities; and'';

(E) in paragraph (2)(C), as so redesignated by subparagraph (A) of this paragraph, by inserting ''up to'' after ''shall be'';

(F) in paragraph (3), as so redesignated by subparagraph (A) of this paragraph, by striking subparagraph (B) and redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and

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

''(4) FELLOWSHIPS.—The Director is authorized to select exceptional early-career and senior scientific, legal, business, and technical personnel to serve as fellows to work at ARPA-E for terms not to exceed two years. Responsibilities of fellows may include—

''(A) supporting program managers in program creation, design, implementation, and management;

''(B) exploring technical fields for future ARPA-E program areas;

''(C) assisting the Director in the creation of the strategic vision for ARPA-E referred to in subsection (h)(2);

''(D) preparing energy technology and economic analyses; and

''(E) any other appropriate responsibilities identified by the Director.'';

(7) in subsection (h)(2), as so redesignated by paragraph (4) of this section—

(A) by striking ''2008'' and inserting ''2010''; and

(B) by striking ''2011'' and inserting ''2013'';

(8) by amending subsection (j), as so redesignated by paragraph (4) of this section, to read as follows:

''(j) FEDERAL DEMONSTRATION OF TECHNOLOGIES.—The Director shall seek opportunities to partner with purchasing and procurement programs of Federal agencies to demonstrate energy technologies resulting from activities funded through ARPA-E.'';

(9) by inserting after such subsection (j) the following new subsection:

''(k) EVENTS.—

''(1) The Director is authorized to convene, organize, and sponsor events that further the objectives of ARPA-E, including events that assemble awardees, the most promising applicants for ARPA-E funding, and a broad range of ARPA-E stakeholders (which may include members of relevant scientific research and academic communities, government officials, financial institutions, private investors, entrepreneurs, and other private entities), for the purposes of—

''(A) demonstrating projects of ARPA-E awardees;

''(B) demonstrating projects of finalists for ARPA-E awards and other energy technology projects;

''(C) facilitating discussion of the commercial application of energy technologies developed under ARPA-E and other government-sponsored research and development programs; or

''(D) such other purposes as the Director considers appropriate.

''(2) Funding for activities described in paragraph (1) shall be provided as part of the technology transfer and outreach activities authorized under subsection (o)(4)(B).'''';

(10) in subsection (m)(1), as so redesignated by paragraph (4) of this section, by striking ''4 years'' and inserting ''6 years'';

(11) in subsection (m)(2)(B), as so redesignated by paragraph (4) of this section, by inserting '', and how those lessons may apply to the operation of other programs within the Department of Energy'' after ''ARPA-E'';

(12) by amending subsection (o)(2), as so redesignated by paragraph (4) of this section, to read as follows:

''(2) AUTHORIZATION OF APPROPRIATIONS.—Subject to paragraph (4), there are authorized to be appropriated to the Director for deposit in the Fund, without fiscal year limitation—

''(A) $300,000,000 for fiscal year 2011;

''(B) $450,000,000 for fiscal year 2012;

''(C) $600,000,000 for fiscal year 2013;

''(D) $800,000,000 for fiscal year 2014; and

''(E) $1,000,000,000 for fiscal year 2015.'';

(13) in subsection (o), as so redesignated by paragraph (4) of this section, by—

(A) striking paragraph (4); and

(B) redesignating paragraph (5) as paragraph (4); and

(14) in subsection (o)(4)(B), as so redesignated by paragraphs (4) and (13)(B) of this subsection—

(A) by striking ''2.5 percent'' and inserting ''5 percent''; and

(B) by inserting '', consistent with the goal described in subsection (c)(2)(D) and within the responsibilities of program directors as specified in subsection (g)(2)(B)(vii)'' after ''outreach activities''.

Subtitle C—Energy Innovation Hubs

SEC. 631. SHORT TITLE.

This subtitle may be cited as the ''Energy Innovation Hubs Authorization Act of 2010''.

SEC. 632. ENERGY INNOVATION HUBS.

(a) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—The Secretary of Energy shall carry out a program to enhance the Nation's economic, environmental, and energy security by making grants to consortia for establishing and operating Energy Innovation Hubs to conduct and support, whenever practicable at one centralized location, multidisciplinary, collaborative research, development, demonstration, and commercial application of advanced energy technologies in areas not being served by the private sector.

(2) TECHNOLOGY DEVELOPMENT FOCUS.—The Secretary shall designate for each Hub a unique advanced energy technology development focus.

(3) COORDINATION.—The Secretary shall ensure the coordination of, and avoid unnecessary duplication of, the activities of Hubs with those of other Department of Energy research entities, including the National Laboratories, the Advanced Research Projects Agency—Energy, and Energy Frontier Research Centers, and within industry. Such coordination shall include convening and consulting with representatives of staff of the Department of Energy, representatives from Hubs and the qualifying entities that are members of the consortia operating the Hubs, and representatives of such other entities as the Secretary considers appropriate, to share research results, program plans, and opportunities for collaboration.

(4) ADMINISTRATION.—The Secretary shall administer this section with respect to each Hub through the Department program office appropriate to administer the subject matter of the technology development focus assigned under paragraph (2) for the Hub.

(b) CONSORTIA.—

(1) ELIGIBILITY.—To be eligible to receive a grant under this section for the establishment and operation of a Hub, a consortium shall—

(A) be composed of no fewer than 2 qualifying entities;

(B) operate subject to a binding agreement entered into by its members that documents—

(i) the proposed partnership agreement, including the governance and management structure of the Hub;

(ii) measures to enable cost-effective implementation of the program under this section;

(iii) a proposed budget, including financial contributions from non-Federal sources;

(iv) conflict of interest procedures consistent with subsection (d)(3), all known material conflicts of interest, and corresponding mitigation plans;

(v) an accounting structure that enables the Secretary to ensure that the consortium has complied with the requirements of this section; and

(vi) an external advisory committee consistent with subsection (d)(2); and

(C) operate as a nonprofit organization.

(2) APPLICATION.—A consortium seeking to establish and operate a Hub under this section, acting through a prime applicant, shall transmit to the Secretary an application at such time, in such form, and accompanied by such information as the Secretary shall require, including a detailed description of the elements of the consortium agreement required under paragraph (1)(B). If the consortium members will not be located at one centralized location, such application shall include a communications plan that ensures close coordination and integration of the Hub's activities.

(c) SELECTION AND SCHEDULE.—The Secretary shall select consortia for grants for the establishment and operation of Hubs through competitive selection processes. Grants made to a Hub shall be for a period not to exceed 5 years, after which the grant may be renewed, subject to a competitive selection process.

(d) HUB OPERATIONS.—

(1) IN GENERAL.—Hubs shall conduct or provide for multidisciplinary, collaborative research, development, demonstration, and commercial application of advanced energy technologies within the technology development focus designated for the Hub by the Secretary under subsection (a)(2). Each Hub shall—

(A) encourage collaboration and communication among the member qualifying entities of the consortium and awardees by conducting activities whenever practicable at one centralized location;

(B) develop and publish on the Department of Energy's website proposed plans and programs;

(C) submit an annual report to the Secretary summarizing the Hub's activities, including detailing organizational expenditures, listing external advisory committee members, and describing each project undertaken by the Hub; and

(D) monitor project implementation and coordination.

(2) EXTERNAL ADVISORY COMMITTEE.—Each Hub shall establish an external advisory committee, the membership of which shall have sufficient expertise to advise and provide guidance on scientific, technical, industry, financial, and research management matters.

(3) CONFLICTS OF INTEREST.—

(A) PROCEDURES.—Hubs shall establish conflict of interest procedures, consistent with those of the Department of Energy, to ensure that employees and consortia designees for Hub activities who are in decisionmaking capacities disclose all material conflicts of interest, including financial, organizational, and personal conflicts of interest.

(B) DISQUALIFICATION AND REVOCATION.—The Secretary may disqualify an application or revoke funds distributed to a Hub if the Secretary discovers a failure to comply with conflict of interest procedures established under subparagraph (A).

(e) PROHIBITION ON CONSTRUCTION.—

(1) IN GENERAL.—No funds provided pursuant to this section may be used for construction of new buildings or facilities for Hubs. Construction of new buildings or facilities shall not be considered as part of the non-Federal share of a Hub cost-sharing agreement.

(2) TEST BED AND RENOVATION EXCEPTION.—Nothing in this subsection shall prohibit the use of funds provided pursuant to this section, or non-Federal cost share funds, for the construction of a test bed or renovations to existing buildings or facilities for the purposes of research if the Oversight Board determines that the test bed or renovations are limited to a scope and scale necessary for the research to be conducted.

(f) OVERSIGHT BOARD.—The Secretary shall establish and maintain within the Department an Oversight Board to oversee the progress of Hubs.

(g) PRIORITY CONSIDERATION.—The Secretary shall give priority consideration to applications in which 1 or more of the institutions under subsection (b)(1)(A) are 1890 Land Grant Institutions (as defined in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7061)), Predominantly Black Institutions (as defined in section 318 of the Higher Education Act of 1965 (20 U.S.C. 1059e)), Tribal Colleges or Universities (as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)), or Hispanic Serving Institutions (as defined in section 318 of the Higher Education Act of 1965 (20 U.S.C. 1059e)).

(h) DEFINITIONS.—For purposes of this section:

(1) ADVANCED ENERGY TECHNOLOGY.—The term ''advanced energy technology'' means an innovative technology—

(A) that produces energy from solar, wind, geothermal, biomass, tidal, wave, ocean, or other renewable energy resources;

(B) that produces nuclear energy;

(C) for carbon capture and sequestration;

(D) that enables advanced vehicles, vehicle components, and related technologies that result in significant energy savings;

(E) that generates, transmits, distributes, utilizes, or stores energy more efficiently than conventional technologies; or

(F) that enhances the energy independence and security of the United States by enabling improved or expanded supply and production of domestic energy resources, including coal, oil, and natural gas.

(2) HUB.—The term ''Hub'' means an Energy Innovation Hub established in accordance with this section.

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

(4) QUALIFYING ENTITY.—The term ''qualifying entity'' means—

(A) an institution of higher education;

(B) an appropriate State or Federal entity, including the Department of Energy Federally Funded Research and Development Centers;

(C) a nongovernmental organization with expertise in advanced energy technology research, development, demonstration, or commercial application; or

(D) any other relevant entity the Secretary considers appropriate.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—

(1) $110,000,000 for fiscal year 2011;

(2) $135,000,000 for fiscal year 2012;

(3) $195,000,000 for fiscal year 2013;

(4) $210,000,000 for fiscal year 2014; and

(5) $210,000,000 for fiscal year 2015.

Subtitle D—Cooperative Research and Development Fund

SEC. 641. SHORT TITLE.

This subtitle may be cited as the ''Cooperative Research and Development Fund Authorization Act of 2010''.

SEC. 642. COOPERATIVE RESEARCH AND DEVELOPMENT FUND.

(a) IN GENERAL.—The Secretary of Energy shall make funds available to Department of Energy National Laboratories for the Federal share of cooperative research and development agreements. The Secretary of Energy shall determine the apportionment of such funds to each Department of Energy National Laboratory and shall ensure that special consideration is given to small business firms and consortia involving small business firms in the selection process for which cooperative research and development agreements will receive such funds.

(b) REPORTING.—Each year the Secretary shall submit to Congress a report that describes how funds were expended under this subtitle.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this section each fiscal year. No funds allocated for this section shall come from funds allocated for the Office of Science.

TITLE VII—MISCELLANEOUS

SEC. 701. SENSE OF CONGRESS.

It is the sense of Congress that, among the programs and activities authorized in this Act, those that correspond to the recommendations of the National Academy of Sciences' 2005 report entitled ''Rising Above the Gathering Storm'' remain critical to maintaining long-term United States economic competitiveness, and accordingly shall receive funding priority.

SEC. 702. PERSONS WITH DISABILITIES.

For the purposes of the activities and programs supported by this Act and the amendments made by this Act, institutions of higher education chartered to serve large numbers of students with disabilities, including Gallaudet University, Landmark College, and the National Technical Institute for the Deaf and those with programs serving or those serving disabled veterans, shall receive special consideration and have a designation consistent with the designation for other institutions that serve populations underrepresented in STEM to ensure that institutions of higher education chartered to or serving persons with disabilities benefit from such activities and programs.

SEC. 703. VETERANS AND SERVICE MEMBERS.

In awarding scholarships and fellowships under this Act, an institution of higher education shall give preference to applications from veterans and service members, including those who have received or will receive the Afghanistan Campaign Medal or the Iraq Campaign Medal as authorized by Public Law 108–234 (10 U.S.C. 1121 note; 118 Stat. 655) and Executive Order No. 13363.

The CHAIR. No amendment to the committee amendment in the nature of a substitute is in order except those printed in part B of the report and amendments en bloc described in section 3 of House Resolution 1344. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

It shall be in order at any time for the chair of the Committee on Science and Technology or his designee to offer amendments en bloc consisting of amendments printed in part B of the report not earlier disposed of. Amendments en bloc shall be considered as read, shall be debatable for 40 minutes equally divided and controlled by the chair and ranking minority member of the committee or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The original proponent of an amendment included in such amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before the disposition of the amendments en bloc.

AMENDMENT NO. 1 OFFERED BY MR. GORDON OF TENNESSEE

The CHAIR. It is now in order to consider amendment No. 1 printed in part B of House Report 111–479.

Mr. GORDON of Tennessee. Madam Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. GORDON of Tennessee:

Page 94, line 10, strike ''in the research'' and insert ''in research on the topic''.

Page 102, lines 1 through 9, section 243 is amended to read as follows:

SEC. 243. ROBERT NOYCE TEACHER SCHOLARSHIP PROGRAM.

Section 10A(h)(1) of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–1a(h)(1)) is amended to read as follows:

''(1) IN GENERAL.—An eligible entity receiving a grant under this section shall provide, from non-Federal sources, to carry out the activities supported by the grant—

''(A) in the case of grants in an amount of less than $1,500,000, an amount equal to at least 30 percent of the amount of the grant, at least one half of which shall be in cash; and

''(B) in the case of grants in an amount of $1,500,000 or more, an amount equal to at least 50 percent of the amount of the grant, at least one half of which shall be in cash.''.

Page 123, line 13, strike ''10 or more undergraduate STEM students'' and insert ''6 or more undergraduate STEM students for sites designated at primarily undergraduate institutions of higher education and 10 or more undergraduate STEM students for all other sites''.

Page 126, line 9, insert '', except for institutions of higher education'' after ''private sector entities''.

Page 131, lines 17 and 18, strike ''teachers, administrators, local education agencies''

and insert ''teachers and administrators in both public and private schools, local educational agencies''.

Page 135, line 13, strike ''and''.

Page 135, line 14, insert ''and'' after the semicolon.

Page 135, after line 14, insert the following new clause:

''(ix) carbon capture and sequestration science and engineering;''.

Page 174, after line 13, insert the following:

SEC. 412. REPORT ON THE USE OF MODELING AND SIMULATION.

(a) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Director shall submit a report to Congress examining the use of high-performance computational modeling and simulation by small- and medium-sized manufacturers.

(b) SPECIFIC REQUIREMENTS.—Such report shall include the following:

(1) An assessment of the current utilization of high-performance computational modeling and simulation by small- and medium-sized manufacturers.

(2) An examination of any barriers or challenges to the use of high-performance computational modeling and simulation by small- and medium-sized manufacturers, including—

(A) access to high-performance computing facilities and resources;

(B) the availability of software and other applications tailored to meet the needs of such manufacturers;

(C) appropriate expertise and training; and

(D) the availability of tools and other methods to understand and manage the costs and risks associated with transitioning to the use of computational modeling and simulation.

(3) Recommendations for addressing any barriers or challenges identified in paragraph (2) and, if appropriate, suggestions for action that the Federal Government may take to foster the development and utilization of high-performance computing resources by small- and medium-sized manufacturers.

(c) CONSULTATION.—In carrying out this section, the Director shall consult with the Office of Science and Technology Policy and with other relevant Federal agencies.

Page 175, line 16, strike ''and advocating''.

Page 180, strike line 13 and all that follows through line 20 and insert the following:

''(3) NOTIFICATION.—If the borrower defaults on an obligation, the Secretary shall notify the Attorney General of the default.''.

Page 184, line 8, strike ''ANNUAL'' and insert ''COMPTROLLER GENERAL''.

Page 184, line 8, strike ''The Comptroller General'' and insert ''The Comptroller General of the United States''.

Page 184, line 9, strike ''an annual'' and insert ''a biennial''.

Page 194, strike line 20 and all that follows through page 195, line 6, and insert the following:

''(f) DEFINITIONS.—In this section:

''(1) REGIONAL INNOVATION CLUSTER.—The term 'regional innovation cluster' means a geographically bounded network of similar, synergistic, or complementary entities that—

''(A) are engaged in or with a particular industry sector;

''(B) have active channels for business transactions and communication;

''(C) share specialized infrastructure, labor markets, and services; and

''(D) leverage the region's unique competitive strengths to stimulate innovation and create jobs.

''(2) STATE.—The term 'State' means one of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or any other territory or possession of the United States.

Page 198, lines 13 and 14, strike ''Department of Energy'' and insert ''Office of Science''.

Page 219, lines 7 and 8, strike ''Director'' and insert ''Secretary''.

Page 229, line 7, strike ''shall'' and insert ''may''.

Page 231, lines 13 through 17, amend subparagraph (F) to read as follows:

(F) in paragraph (3)(B), as so redesignated by subparagraph (A) of this paragraph, by striking ''not less than 70, and not more than 120,'' and inserting ''not more than 120''; and

Page 232, line 1, strike ''managers'' and insert ''directors''.

Page 238, line 24, insert ''In selecting consortia, the Secretary shall consider the information a consortium must disclose according to subsection (b), as well as any existing facilities a consortium will provide for Hub activities.'' after ''selection processes.''.

Page 245, lines 12 through 24, amend section 702 to read as follows:

SEC. 702. PERSONS WITH DISABILITIES.

For the purposes of the activities and programs supported by this Act and the amendments made by this Act—

(1) institutions of higher education chartered to serve large numbers of students with disabilities, including Gallaudet University, Landmark College, and the National Technical Institute for the Deaf, and institutions of higher education offering science, technology, engineering, and mathematics research and education activities and programs that serve veterans with disabilities, shall receive special consideration in the review of any proposals by these institutions for funding under the research and education programs authorized in this Act to ensure that institutions of higher education chartered to or serving persons with disabilities benefit from such research and education activities and programs; and

(2) agencies with respect to which appropriations are authorized under this Act shall also conduct outreach to veterans with disabilities pursuing studies in science, technology, engineering, and mathematics to ensure that such veterans are aware of and benefit from the research and education activities and programs authorized by this Act.

Page 246, after line 8, insert the following new sections:

SEC. 704. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SEC. 705. LIMITATION.

No funds authorized under this Act shall be used for the employment of, or shall be received by, any individual who has been convicted of, or pleaded guilty to, a crime of child molestation, rape, or any other form of sexual assault.

SEC. 706. PROHIBITION ON LOBBYING.

Nothing in this Act shall be construed to supercede section 1913 of title 18, United States Code.

The CHAIR. Pursuant to House Resolution 1344, the gentleman from Tennessee (Mr. GORDON) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. GORDON of Tennessee. Madam Chairman, I yield myself such time as I may consume.

The amendment I am offering today makes a handful of technical and clarifying changes and a few substantive additions to the underlying bill. Most of the changes were the result of negotiations with our Republican colleagues following our full committee markup. We had agreed to work out several issues during the markup, so let me tell you about those agreements first.

Mr. NEUGEBAUER, who wished to ensure that we were leveraging as much private funds as we could in implementing the Noyce Teacher Scholarship Program, I agreed to split the match requirement into two categories. The result is that small institutions are also able to participate in this critical program to train STEM teachers, and the large institutions can more easily raise match funds and stretch Federal dollars even further.

There was agreement between Dr. LIPINSKI and Mr. INGLIS on the prize program in section 228. They found a good way to make sure that there would not be double-dipping into Federal funds in order to carry out the prize-winning research.

Mr. OLSON requested some changes in the ARPA–E language, and we went ahead, as agreed, and made those changes in this amendment.

Mrs. BIGGERT had some concerns about the Energy Innovation Hubs and wanted to make sure that the consortia utilized existing facilities when possible, so we made those constructive changes for her.

The amendment also included language to clarify the application of existing law which prohibits the use of funding appropriated to programs in the underlying bill for lobbying. I want to thank Dr. BROUN for his passion on this issue and for working with me to make this clarification.

Finally, this amendment also includes a clarifying change requested by Dr. BARTLETT for one of his own amendments in committee on STEM internships.

The amendment also adds one new section to the bill. This section requires the Director of NIST to submit a report to Congress examining the use of high-performance computation modeling and simulation by small- and medium-sized manufacturers. There is great potential in the use of high-performance computing resources by small- and medium-sized manufacturers, but their use is relatively limited. This study would look at the current utilization of these resources, examine the existing barriers to their use, and make recommendations for addressing these barriers. I want to thank Chairman WU, Chairman LIPINSKI, and Congressman GARAMENDI for their interest in this issue and for helping to draft this provision.

Now let me talk about a part of the manager's amendment that I think will be a topic of discussion on both sides of the aisle today. Mr. HALL rightfully wanted to do something for veterans in this bill. He offered an amendment to

the committee that gave veterans preference when applying for any scholarships or fellowships authorized under this bill, and the amendment was happily accepted unanimously in the committee.

He also offered an amendment to help disabled veterans who want to pursue STEM studies. I know Mr. HALL was trying to do the right thing, but when we read the language, we didn't think the amendment actually helped disabled veterans in the way Mr. HALL intended. So we had some discussion in the committee, and in the end we decided to accept the amendment as is but continue to work together heading to the floor.

Staff traded several versions of language back and forth over the next 10 days. I talked to my staff, Mr. HALL talked with his staff, and, unfortunately, we could not come up with agreement on which language would be most helpful to our common goal of helping disabled veterans without causing other unintended consequences.

Our shared goal is to encourage and incentivize colleges and universities to provide STEM programs to disabled veterans and to recruit more disabled veterans into those programs by giving them special consideration in the review of proposals when they do. However, we have to be careful not to dilute the notion of special consideration so far that every institution in the country can qualify. If everyone is special, no one is special.

We also want to hold institutions accountable for serving their disabled veterans in their STEM programs. If we give them special consideration without holding them accountable, there is no incentive to actually make sure that veterans get the benefits of the Federal grant funds. Unfortunately, every sincere effort of pro-veteran language that we made was rejected.

Once again, where is the accountability? How do we know that a single disabled veteran student is benefiting from Federal STEM programs because the institution has this designation? We don't. That is the problem with the language.

It is unfortunate that we could not come to agreement. But in the end, we took Mr. HALL's latest offer with only small changes and included it in the manager's amendment. I still think we can do so much better for disabled veterans. Our language may be improved from Mr. HALL's language, but it still doesn't go nearly as far as I would like it to go in holding institutions accountable. I hope to continue to work with Mr. HALL to make sure that we have this accountability as we move forward.

Finally, we borrowed language from our colleagues on the other side of the aisle to ensure that no funds authorized under this bill can go to child molesters. This is a straightforward amendment incorporating a few suggestions from my colleagues and a small number of other changes to make the bill better, and I urge its adoption.

I reserve the balance of my time.

Mr. HALL of Texas. Madam Chair, I rise to claim the time in opposition to the amendment, although I do not intend to oppose it.

The CHAIR. Without objection, the gentleman is recognized for 20 minutes.

There was no objection.

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Mr. HALL of Texas. The manager's amendment reflects many things, from technical changes, recommendations from outside groups, agreements reached between our side of the aisle and theirs, and items that as the majority they're able to add unilaterally.

I want to thank the chairman for working with our Members on agreed-upon changes between the full committee markup and now, including the non-Federal matching requirements under the Noyce Scholarship Program, clarifying language on STEM Industry Internships program and the NSF Innovation Prize pilot program, reinstating the cap on the maximum number of ARPA–E employees, and instituting a prohibition on lobbying in the act. I only wish we could have continued the good, open dialogue this past week, particularly with our concerns.

I remain disappointed that the veterans with disabilities language that was agreed to unanimously by voice vote at the full committee markup has been greatly modified in the manager's amendment. I believe if the chairman is sincere he will continue to work with us on this language as we move forward because I do strongly feel that the language in this amendment greatly weakens the intent of the underlying bill.

I also want to express my concern regarding the amendment's modification of language to the new loan guarantee program created by the bill. Specifically, the amendment strikes language in the underlying bill directing the Attorney General to take appropriate actions to recover unpaid principal and interest on loans that go into default. Removal of that language is a major concern as it's key to protecting taxpayers from bad loans. Given the events of the last couple of years I'd hope that the government's beginning to learn something about bad loans. But I'm concerned that with the removal of this very standard provision that we could be setting the loan guarantee program up for guaranteed failure.

I reserve the balance of my time.

Mr. GORDON of Tennessee. Madam Chairman, I yield 2 minutes to the gentlelady from California (Ms. WOOLSEY), a very active member of our committee and a champion for women and minorities.

Ms. WOOLSEY. Madam Chair, I rise today in strong support of H.R. 5116, the America COMPETES Reauthorization Act. I want to commend Chairman GORDON for his hard work in bringing this bipartisan bill to the floor, and I want to thank Ranking Member HALL for his help and his cooperation.

I believe in science, and I believe that with enough support, our scientists can solve almost any problem put in front of them. But, Madam Chairwoman, at the end of the day, this bill is about jobs, investments in basic and applied research, green manufacturing jobs, high-risk, high-reward technologies that lay the groundwork for a clean energy economy and create thousands of new jobs in the United States of America, jobs that we will have a workforce prepared to fill because a central piece of this effort encourages more girls and unrepresented minorities to become involved in science, technology, engineering and math—STEM—education at the K through 12, undergraduate, and graduate levels. So then those students will be able to choose a STEM career.

I'm pleased that this bill includes STEM provisions because without bringing women and minorities into the workforce with high tech engineering and math education, we won't have the workforce we need to compete worldwide.

So, Madam Chairman, H.R. 5116 supports these innovations that will not only change the way we generate energy but will also leave a cleaner and healthier world for our children and for our grandchildren.

So I urge my colleagues to join me and support Chairman GORDON and Ranking Member HALL in green jobs by voting for H.R. 5116.

Mr. HALL of Texas. Mr. Chairman, I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield 2 minutes to a valued member of the Science and Technology Committee from Michigan (Mr. PETERS).

Mr. PETERS. Mr. Chairman, I rise today in support of the America COMPETES Act. This bill will enhance our Nation's competitiveness, bolster research and science education, and support the needs of small businesses and America's 21st century manufacturing sector.

Small businesses have created nearly two out of three new jobs in our country in the past 15 years. Small businesses will fuel our economic growth, and small and midsize manufacturers are particularly important to creating substantial job growth. Manufacturing accounts for more than half of total U.S. exports and provides millions of people with well-paying jobs. A healthy manufacturing base is critical to the security of the American middle class and must be a key component of our economic security.

In order to maintain competitiveness in an increasingly competitive global marketplace, U.S. manufacturers must adapt to new technological developments and economic changes. The COMPETES Act does just that by providing critical support to the Manufacturing Extension Partnership, a highly

efficient initiative which has spurred 57,000 jobs and $10.5 billion in sales per year. The MEP requires matching investments from states and participating small businesses, but as a long and deep recession continues to take its toll, states like Michigan and many businesses have found it increasingly difficult to continue to meet the cost-share requirements to participate in the program. The COMPETES Act reduces this burden to allow struggling businesses to remain active in the program. Reducing small business costs and continuing an effort proven to create jobs make good sense. I'm grateful to my friend, Congressman EHLERS, for working with me on this bipartisan idea, and to Chairman GORDON and Ranking Member HALL, and Chairman WU and Ranking Member SMITH on the subcommittee, who supported including MEP support in the final bill. In addition to supporting MEP, COMPETES supports broad manufacturing initiatives such as providing new loan guarantees to help manufacturers access capital and supporting manufacturing R&D. I hope my colleagues will join me in supporting this bipartisan legislation that strengthens American manufacturing and competitiveness.

Mr. HALL of Texas. Mr. Chairman, I continue to reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Chairman, I rise today to urge my colleagues to support H.R. 5116, the America COMPETES Act.

Chairman GORDON, I commend you and the members of the House Science and Technology Committee for bringing this legislation to the floor.

More than ever, our Nation must invest in the scientific and technological building blocks that bolster American competitiveness in the 21st Century global economy. The America COMPETES Reauthorization Act of 2010 achieves this and more by fostering innovation, supporting manufacturers and industry, preparing a STEM workforce, and creating jobs.

I want to recognize Representatives EDDIE BERNICE JOHNSON, BEN RAY LUJÁN, SILVESTRE REYES, co-chair of the Diversity and Innovation Caucus, and other members of the Tri-Caucus for their outstanding leadership in championing diversity issues in this bill. This bill represents a great leap forward in broadening the participation of underrepresented minorities and women in the STEM fields.

As subcommittee chairman for Higher Education, Lifelong Learning, and Competitiveness, I am pleased that America COMPETES will more fully integrate our Nation's minority-serving institutions into research partnerships and Federal programs.

This bill complements our work on the Student Aid and Fiscal Responsibility Act known as SAFRA and our efforts to improve science and math literacy in our Nation's public schools.

In 2007, I introduced the Partnerships for Access to Laboratory Science Act, known as PALS, because our high schools needed to be properly equipped to provide low-income and minority students with laboratory experiences that will foster their talents and lifelong interests in science.

There is no doubt that we must redouble our efforts to engage young people in the STEM fields early on in their academic careers. I applaud Chairman GORDON and the committee for including this program in H.R. 5116.

I urge my colleagues to support the America COMPETES Act. Our Nation's future competitiveness depends on it.

Mr. HALL of Texas. Mr. Chairman, I yield back the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield myself such time as I may consume. And I just want to briefly inform my friend, Mr. HALL, that I share his interest in finding a way to run down any defaults and collect those. We were told that our committee didn't have jurisdiction to require the Attorney General to do that. Let us continue to work together to find ways to accomplish what we both want to do.

I have no further requests for time, Mr. Chairman, and I yield back the balance of my time.

The Acting CHAIR (Mr. CAPUANO). The question is on the amendment offered by the gentleman from Tennessee (Mr. GORDON).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. GORDON of Tennessee. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Tennessee will be postponed.

AMENDMENTS EN BLOC NO. 1 OFFERED BY MR. GORDON OF TENNESSEE

Mr. GORDON of Tennessee. Mr. Chair, I have amendments en bloc at the desk.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc No. 1 offered by Mr. GORDON of Tennessee consisting of amendments numbered 3, 4, 5, 11, 18, 19, 20, 25, 27, 39 and 47 printed in part B of House Report 111–479:

AMENDMENT NO. 3 OFFERED BY MS. MATSUI OF CALIFORNIA

The text of the amendment is as follows:

Page 242, line 17, insert ", including through Smart Grid technologies" after "conventional technologies".

AMENDMENT NO. 4 OFFERED BY MS. MATSUI OF CALIFORNIA

The text of the amendment is as follows:

Page 215, line 11, insert ", including the development of smart grid technologies" after "efficiency programs".

AMENDMENT NO. 5 OFFERED BY MR. WU OF OREGON

The text of the amendment is as follows:

Page 229, line 9, after "other transactions." insert "The Director shall make awards designed to overcome the long-term and high-risk barriers relating to the goals and means set forth in subsection (c) and facilitate submissions, where possible by small businesses and entrepreneurs, pursuant to announcements published not less frequently than annually, of funding opportunities for—

"(1) specific areas of technological innovation; and

"(2) broadly defined areas of science and technology,

to remain open for periods of one year.".

AMENDMENT NO. 11 OFFERED BY MRS. MCCARTHY OF NEW YORK

The text of the amendment is as follows:

Page 172, line 10, strike "and" after the semicolon.

Page 172, line 14, strike the period and insert "; and".

Page 172, after line 14, insert the following:

(3) incorporate and build upon existing reports and studies on improving emergency communications.

AMENDMENT NO. 18 OFFERED BY MS. CLARKE OF NEW YORK

The text of the amendment is as follows:

Page 137, line 3, insert "including by women and underrepresented minority students," after "and participation,".

AMENDMENT NO. 19 OFFERED BY MR. COHEN OF TENNESSEE

The text of the amendment is as follows:

Page 149, after line 21, insert the following new section:

SEC. 305. SENSE OF CONGRESS.

It is the Sense of Congress that—

(1) in order to maintain our Nation's competitiveness, we must improve the quality of STEM education in the Nation;

(2) the incorporation of engineering education at the elementary and secondary levels has the potential to improve student learning and achievement in science and mathematics, and to increase the technological literacy of all students;

(3) formal and informal educational providers, including K–12 schools, should integrate engineering design principles into their curriculum; and

(4) exposing elementary and secondary students to engineering education can expand students' understanding of engineering and their awareness of career opportunities in these fields.

AMENDMENT NO. 20 OFFERED BY MR. CUELLAR OF TEXAS

The text of the amendment is as follows:

Page 101, after line 2,1 insert the following new subsection:

(e) OUTREACH.—In carrying out the program under this section, the Director shall conduct outreach efforts to encourage applications from underrepresented groups.

Page 106, after line 12, insert the following new subsection:

(g) OUTREACH.—In carrying out the program under this section, the Director shall conduct outreach efforts to encourage applications from underrepresented groups.

AMENDMENT NO. 25 OFFERED BY MR. HONDA OF CALIFORNIA

The text of the amendment is as follows:

Page 132, line 7, strike "and".

Page 132, line 12, strike the period at the end and insert "; and".

Page 132, after line 12, insert the following:

(5) facilitating improved coordination between federally supported STEM education programs and activities and State level activities, including the efforts of P-16 and P-20 councils in the States.

(d) DEFINITIONS.—For purposes of this section:

(1) P-16.—The term ''P-16'' refers to a system of education that encompasses preschool through undergraduate level education.

(2) P-20.—The term ''P-20'' refers to a system of education that encompasses preschool through graduate level education.

AMENDMENT NO. 27 OFFERED BY MS. JACKSON LEE OF TEXAS

The text of the amendment is as follows:

Page 126, line 14, strike ''and''.

Page 126, line 16, strike the period and insert the following: '', and an economic and ethnic breakdown of the participating students.''

AMENDMENT NO. 39 OFFERED BY MR. HARE OF ILLINOIS

The text of the amendment is as follows:

Page 149, after line 21, insert the following new section:

SEC. 305. SENSE OF CONGRESS.

For science, technology, engineering, and mathematics (STEM) education programs or activities authorized under this Act or amendments made by this Act, it is the sense of Congress that when more than 1 applicant is competing for the same grant and the applications from each applicant are considered equal in merit by the grant-awarding authority, the grant-awarding authority shall give additional consideration to any of the following:

(1) An applicant that has not previously received funding.

(2) An applicant that is an institution of higher education in a rural area.

AMENDMENT NO. 47 OFFERED BY MS. MOORE OF WISCONSIN

The text of the amendment is as follows:

Page 208, line 13, insert ''and the Great Lakes'' after ''including oceans''.

The Acting CHAIR. Pursuant to House Resolution 1344, the gentleman from Tennessee (Mr. GORDON) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. GORDON of Tennessee. Mr. Chairman, let me say that this is a block of amendments that have been well scrutinized by I think the minority and the majority. We feel they are all good amendments.

I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I rise in opposition to the en bloc amendments before us, although I do not intend to oppose them. All 11 of the amendments are noncontroversial, and we're generally supportive. I will not oppose these.

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

Mrs. MCCARTHY of New York. Mr. Chair, I thank you and Ranking Member HALL for bringing forward this important bill, the America COMPETES Act.

Thanks to the passage of several pieces of legislation, namely the Recovery Act, rising unemployment rates have been curbed and economic indicators have shown signs of modest progress.

Make no mistake though we, as a nation, have a long ways to go to ensure both short and long-term economic stability and prosperity.

The America COMPETES Act represents an important step in that direction.

Research and innovation across various disciplines is an economic model our nation should live by.

I am proud to offer an amendment to the America COMPETES Act. My amendment ensures that a needs assessment required to improve the operation and reliability of emergency communication devices build upon conclusions and assessments of prior reports on the matter.

Events like the recent West Virginia mining tragedy and September 11th remind us all of the barriers we must cross technologically to ensure that emergency communication systems are able to perform in times of distress.

Most famously, the 9/11 Commission Report made explicit recommendations on the subject of emergency communication enhancement. As a New Yorker, not a day goes by that I do not think of the September 11th attacks and the barriers that stood in our way from potentially saving more lives.

It is imperative that research conducted on emergency communication build upon prior conclusions so that we, as a society, are better prepared to face the challenges any crisis may pose. Furthermore, avoiding duplicate work is pivotal to a properly directed innovation and research agenda.

My amendment is straightforward. It ensures that assessment in the field of emergency communications take into consideration apt reports and studies that have already been conducted on this matter of importance. With my amendment, we, as a nation, can ensure that mistakes and shortcomings in the field of emergency communication are learned from thus poising our nation's brave first-responders to save more lives.

I urge all my colleagues to support the amendment.

Mr. CUELLAR. Mr. Chair, I rise today to encourage my colleagues to support my amendment to the America COMPETES Reauthorization Act of 2010.

Many very qualified students can compete for the fellowships and scholarships if they are only made aware of them. This amendment would require the Director of the National Science Foundation to conduct outreach efforts to encourage increased applications from underrepresented groups. It is of utmost importance to give all individuals an opportunity at these programs.

The simple—but crucial—effort to make underrepresented groups a part of the process will serve to create a more diverse and representative workforce in the National Science Foundation's Postdoctoral Research Fellowships.

The challenges our nation faces in this century require that we have a highly-skilled and creative workforce trained in the areas of STEM (science, technology, engineering, and mathematics).

In the 21st century human advancement is closely linked in STEM fields. It is imperative that we create a broad pipeline of STEM professionals.

Our future leaders will need STEM skills to craft innovative policies on issues of national concern such as transportation, sustainability, healthcare, and national security.

Hispanic enrollment in colleges and universities has more than doubled over the past two decades (2010 University of Southern California study).

Hispanic participation in STEM fields at the higher education level has grown but it has not kept pace with their growth within the general population (USC).

Among Hispanics who enroll in four-year institutions, 36% indicate an intention to major in a STEM field.

I thank the distinguished Chairman for his work on this legislation, and consideration of this amendment.

We can harness this 21st century technology to bring these areas out of 19th century conditions.

Mr. Chairman, I applaud you on this important legislation, and I urge all my colleagues to vote ''yes'' on this amendment.

Mr. HONDA. Mr. Chair, I rise today in support of H.R. 5116, the America COMPETES Reauthorization Act. I commend Chairman BART GORDON and the other members of the Science and Technology Committee, on which I am proud to have once served, for the hard work and thoughtful consideration that went into this bill.

The America COMPETES Act of 2007 significantly bolstered American innovation, the most fundamental hope for sustainable economic growth and competitiveness in the United States and a critical driver of the economy of my Silicon Valley district. It helped drive new research and its commercialization, and encouraged the creation of a more dynamic business environment, and made improvements to science, technology, engineering and math (STEM) education that are important for our nation's long term economic health.

It is critical that we provide sustained support for scientific research and STEM education, or our ability to compete in the global economy will be put in jeopardy. As the Joint Economic Committee noted in a new report released today, basic research plays a critical role in sparking innovation, and it is prudent for the federal government to increase its basic research expenditures now. That is why I am proud to support H.R. 5116, which authorizes those much needed investments.

I am pleased that the bill includes provisions to ensure coordination of federal science, technology, engineering and mathematics (STEM) education activities by establishing a committee under the National Science and Technology (NSTC) to handle these activities. Providing this coordinating mechanism for the federal STEM education programs, along with requiring the development of a STEM education strategic plan and the submission of an annual report about the budget and activities of federal STEM education programs, is critical to strengthening these programs and ensuring America remains innovative and competitive in the 21st century the global economy.

For too long we have failed to ensure that the various agencies involved in STEM education efforts are aware of what is being done and what has already been done elsewhere. According to the Academic Competitiveness Council's (ACC) report, in 2006 the U.S. sponsored 105 STEM education programs at more

than a dozen different Federal Agencies. These programs devoted approximately $3.12 billion to STEM education activities spanning pre-kindergarten through postgraduate education and outreach. The report notes that many of these Agencies do not share information or work collaboratively on similar programs, demonstrating a need for better coordination.

The STEM education coordination provisions of this bill are similar to those included in my own bill, the Enchancing Science, Technology, Engineering, and Mathematics Education (E–STEM) Act, H.R. 2710. To incorporate another element from H.R. 2710 into America COMPETES, stimulating collaboration between the federal and state levels throughout the nation, I have offered an amendment to the bill to make it the responsibility of the STEM Education Advisory Committee created in the bill to facilitate improved coordination between federally supported STEM education programs and state level activities, including P–16 and P–20 councils.

I am also pleased that H.R. 5116 contains a reauthorization of the National Nanotechnology Initiative that incorporates numerous provisions that I originally proposed in my own legislation, the Nanotechnology Advancement and New Opportunities (NANO) Act, H.R. 820.

Both bills seek to focus America's nanotechnology research and development programs on areas of national need such as energy, health care, and the environment, and have provisions to help assist in the commercialization of nanotechnology. They also require the development of a nanotechnology research plan that will ensure the development and responsible stewardship of nanotechnology by addressing uncertainty about the health and safety risks it might pose and support the development of educational tools and partnerships to help prepare students to pursue postsecondary education in nanotechnology.

Again, I congratulate the Science and Technology Committee and Chairman GORDON for their work on this bill and thank them for incorporating so many of the provisions from my bills and for accepting my amendment. I urge my colleagues to support this important legislation to ensure that our nation leads the world in innovation and science and technology.

Ms. JACKSON LEE of Texas. Mr. Chair, I rise in support of my amendment to H.R. 5116—"To invest in innovation through research and development, to improve the competitiveness of the United States, and for other purposes."

My amendment amends Section 345(e) to mandate the Director of the National Science Foundation (NSF) to report on the economic and ethnic breakdown of "Science Technology Engineering and Mathematics" (STEM) industry internship program recipients.

At present, this section mandates the Director of the NSF to submit a report to Congress on the number and total value of awards made under this section, the number of students affected by those awards, and any evidence of the effect of those awards on workforce preparation and jobs placement for participating students. In my opinion, requirements for assessing participation of minority and economically-disadvantaged backgrounds are conspicuously absent from these reporting requirements, and my amendment seeks to rectify this problem.

Mr. Chair, facilitating links between institutes of higher education and the private sector is vital to ensuring that education enables a skilled and relevant workforce. Such links are especially important for minorities and underserved communities because these students often lack alternative avenues to connect their education with an industry. Internship experience is an increasingly vital component of a successful résumé, yet the unpaid nature of internships is cost-prohibitive for many people.

As I mentioned, this amendment would mandate that the Director of the National Science Foundation (the organization that oversees this program) report on the economic and ethnic breakdown of this program's recipients. Such data will be useful to ensure that minorities and economically-disadvantaged students have adequate access to internships that bridge STEM academia and industry. Indeed, I trust that this data will provide evidence of robust participation by minority and economically-disadvantaged students; however, if such students are not participating, these reporting requirements will provide Congress with the data it needs to facilitate broad participation.

Thank you again. I urge my colleagues to support this simple but important resolution.

Mr. GORDON of Tennessee. Mr. Chair, I have no further requests for time, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendments en bloc offered by the gentleman from Tennessee (Mr. GORDON).

The amendments en bloc were agreed to.

AMENDMENT NO. 6 OFFERED BY MR. HALL OF TEXAS

The Acting CHAIR. The Chair understands that amendment No. 2 will not be offered at this time.

It is now in order to consider amendment No. 6 printed in part B of House Report 111–479.

Mr. HALL of Texas. Mr Chairman, acting as the designee of Mr. BROUN of Georgia, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. HALL of Texas:

Strike title V.

The Acting CHAIR. Pursuant to House Resolution 1344, the gentleman from Texas (Mr. HALL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HALL of Texas. Mr. Chairman, I rise to support this amendment. The amendment would simply strike title V of this bill, which creates bigger government and calls for more spending in areas that go well beyond research and development and authorize potentially inappropriate and duplicative programs.

In particular, I want to note our strong objection to the Regional Innovation Clusters program that's created by title V. Not only does it fund activity well beyond R&D, the language is so loosely written that virtually any type of industry would be eligible to undertake virtually any type of activity. The bill would reduce funding available for high priority R&D programs at the Department of Commerce, such as those at NIST.

I strongly support this amendment and urge its adoption.

I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GORDON of Tennessee. Mr. Chair, Dr. BROUN is a valued member of our committee. We've had a number of discussions, as he's been very active. We agree on some things, we don't agree on others. We compromise on some. This is one that we were not able to come to agreement on.

All the provisions, and what this would do is this would strike the title V of this bill. All provisions in title V are aimed at looking at creating real world economic value for research and development.

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Title V includes three important provisions to help spur innovation in this country. It creates a loan guarantee program at the Department of Commerce for small- and medium-sized manufacturers seeking to innovate and retool for the 21st century to remain globally competitive. It establishes an Office of Innovation and Enterprise at the Department of Commerce to help turn the good ideas into new businesses, leading to economic growth and job creation. And, finally, it establishes a Regional Innovation Program at the Department of Commerce to empower local communities to leverage regional strengths to promote innovation.

This is a good bill, but this amendment would take away from the bill.

I yield back the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I would like to support this amendment. The amendment would simply strike title V of this bill, which creates bigger government and calls for more spending.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. HALL).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. HALL of Texas. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. GORDON OF TENNESSEE

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in part B of House Report 111–479.

Mr. GORDON of Tennessee. Mr. Chair, I rise as the designee for Mr. BOSWELL and Mr. MICHAUD and have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. GORDON of Tennessee:

Page 133, line 25, strike ''and''.

Page 134, after line 1, insert the following new clause:

''(vii) biomass technology systems; and''.

Page 135, line 23, strike ''and''.

Page 135, after line 25, insert the following new clause:

''(vii) biomass technology systems; and''.

The ACTING CHAIR. Pursuant to House Resolution 1344, the gentleman from Tennessee (Mr. GORDON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. GORDON of Tennessee. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment once again has been before the public, well scrutinized. It would ensure that the biomass technology systems and related courses are included in the list of fields that would be encompassed by the energy systems science and engineering education programs at the Department of Energy.

I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I rise to claim time in opposition to this amendment, although I do not intend to oppose it.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. HALL of Texas. I have no objection to the amendment. I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chair, I yield such time as he may consume to the gentleman from Iowa (Mr. BOSWELL), the author of this very good amendment.

(Mr. BOSWELL asked and was given permission to revise and extend his remarks.)

Mr. BOSWELL. Mr. Chairman, I hope I convinced the ranking member. I appreciate your hard work. You have been doing some excellent work for all of us, for our country, for our future.

The COMPETES reauthorization provides for important investments in STEM education that I believe will move our students and Nation forward. I have always held that education and innovation are two of the best investments we can make, for they guarantee a turnaround and are proven to enhance the quality of life for all Americans. This legislation will bring greater innovation and stability to our institutions of education at all levels and to our Nation's economic vitality.

This amendment, which I am proud to offer with Mr. MICHAUD, makes a very simple and very important modification to the COMPETES reauthorization. This amendment ensures that when the Department of Energy assists in the expansion of energy-related courses or degree programs that biomass technology systems education can be utilized. It will guarantee that the grants, scholarships, and training programs offered under this program can be used by students and schools that are moving us forward in the study and business of biomass technology systems.

Biomass production is an important component of our economy and energy security that we must foster. We all know very well the importance of biofuels and its benefits to our environment and our national security by ending our dependence on foreign oil. My constituents in Iowa have experienced the successes of ethanol biodiesel. However, corn-based ethanol is just one piece of the larger puzzle. We're seeing great advances in alternative fuels and increased production of native plants that can be reaped for maximum energy use.

My home State of Iowa continues to play a critical role in the development of the biomass industry in the United States. As leaders in agriculture, we have access to the resources and expertise to produce advanced biofuels, biopower, and bioproducts. Many young minds at various schools in Iowa are moving forward to study the production of biomass, how to maximize the use of alternative fuels and produce plants that maximize the best return possible when harnessed for their energy.

Supporting this amendment will ensure that this technology can expand across our great Nation, and it will affirm for our researchers, students, teachers, and scientists that they can move forward with this innovation and bring us closer to a Nation that is reliant on its own resources and not on OPEC. So I encourage my colleagues to support this amendment and vote on behalf of students, innovation, and energy dependence.

Mr. HALL of Texas. Mr. Chairman, I yield back the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, it is a good amendment, and I suggest its approval. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Tennessee (Mr. GORDON).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. GORDON OF TENNESSEE

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in part B of House Report 111–479.

Mr. GORDON of Tennessee. Mr. Chair, I rise as designee for Mr. DAVIS of Illinois, and I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. GORDON of Tennessee:

Page 69, line 18, insert '', disaggregated and cross-tabulated by race, ethnicity, and gender,'' after ''subparagraph (B)''.

Page 80, line 19, insert '', disaggregated and cross-tabulated by race, ethnicity, and gender'' after ''United States''.

Page 86, after line 5, insert the following new subsection:

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Director shall provide a report to Congress on institutional research partnerships identified in subsection (a) funded in the previous fiscal year.

Page 124, line 21, strike ''undergraduate students'' and insert ''students enrolled in certificate, associate, or baccalaureate degree programs''.

Page 128, line 21, strike ''; and'' and insert a semicolon.

Page 128, after line 25, insert the following new subparagraph:

(E) describe the approaches that will be taken by each agency to increase the participation of underrepresented minority groups in STEM studies and careers both for programs specifically designed to broaden participation and for all programs in general, including by providing for programs and activities that increase participation by individuals in these groups at all institutions, and by increasing the engagement of Historically Black Colleges and Universities and minority-serving institutions in the STEM education and outreach activities supported by the agencies; and

Page 149, after line 21, insert the following new section:

SEC. 305. NATIONAL ACADEMY OF SCIENCES REPORT ON STRENGTHENING THE CAPACITY OF 2-YEAR INSTITUTIONS OF HIGHER EDUCATION TO PROVIDE STEM OPPORTUNITIES.

Not later than 6 months after the date of enactment of this Act, the Office of Science and Technology Policy shall enter into a contract with the National Academy of Sciences to carry out a study evaluating the role of 2-year institutions of higher education as STEM educators, including in the preparation of students for direct entry into the STEM workforce and in preparation of students for transition into 4-year STEM degree programs, as well as the role of the Federal Government in helping 2-year institutions of higher education build their capacity to be effective STEM educators. At a minimum, the report shall include—

(1) an evaluation of the current capacity of 2-year institutions of higher education to be effective STEM educators, including in the preparation of students for direct entry into the STEM workforce and for transition into 4-year STEM degree programs;

(2) a description of existing challenges to expanding opportunities for 2-year institutions of higher education to provide and enhance STEM learning and provide STEM degrees that prepare students well for direct entry into the STEM workforce or for transition into 4-year degree programs;

(3) identification and description of Federal programs that have successfully strengthened the capacity of 2-year institutions of higher education to provide and enhance STEM opportunities;

(4) a recommendation or recommendations regarding how Federal agencies should set priorities for supporting STEM education at 2-year institutions of higher education;

(5) a recommendation or recommendations regarding ways Federal agencies can provide increased opportunities for 2-year institutions of higher education to participate across their portfolios of STEM education and research programs, including—

(A) ways to engage 2-year institution of higher education faculty and students with research experiences;

(B) strategies for improving the curriculum and teaching of developmental mathematics given that many 2-year institutions of higher education provide remediation in mathematics and other STEM coursework; and

(C) enhancing the basic scientific laboratory infrastructure; and

(6) a recommendation or recommendations regarding the need for and appropriateness of new Federal programs in support of STEM education at 2-year institutions of higher education.

The Acting CHAIR. Pursuant to House Resolution 1344, the gentleman from Tennessee (Mr. GORDON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. GORDON of Tennessee. Mr. Chairman, I yield myself such time as I may consume.

Mr. DANNY DAVIS' amendment will ensure that the students enrolled in 2-year, certificate, associate, or baccalaureate programs are eligible for STEM programs. It would also call for a report of agency approaches to increase minority participation in STEM careers.

Once again, Mr. Chairman, this has been well reviewed. This is a good amendment, and I would recommend it for passage.

I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I rise to claim time in opposition to this amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HALL of Texas. I am not sure that we really and truly need to fund yet another study, this one to look at 2-year colleges. But I have a bigger concern with the difficulty of requiring NSF to organize data that it's merely reported. The universities collect this data, and it's my understanding that there would be various issues with even having them do what this amendment proposes.

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

Mr. GORDON of Tennessee. Mr. Chairman, I yield such time as he may consume to the author of this amendment, Mr. DAVIS of Illinois.

Mr. DAVIS of Illinois. Mr. Chairman, first of all I want to thank Chairman GORDON and Ranking Member HALL of the Science and Technology Committee for their work to develop and promote policies to strengthen our Nation's competitiveness in STEM. In particular, I applaud the chairman for his leadership in broadening the participation of individuals and institutions that are underrepresented in STEM. You and your staff actively engaged with me and other members of the Congressional Black Caucus to listen to and address our concerns, and we appreciate that. I also want to recognize and thank Dahlia Sokolov on your staff for sharing her expertise and for being so responsive.

H.R. 5116 includes multiple provisions that respond to concerns raised by multiple reports, STEM experts, and Members of the Congress that stronger efforts to broaden participation are critical to meeting the growing demand for U.S. workers with STEM skills and to improve American competitiveness globally. The amendment that I offer, along with my colleagues Congressman GRIJALVA, Congressman HONDA, and Congressman KILDEE, builds upon the existing provisions of the bill to further increase the access of minority students to, and the capacity of, minority institutions to provide STEM opportunities.

I am pleased that this amendment is supported by multiple higher education organizations, including the American Association of Community Colleges, the Hispanic Association of Colleges and Universities, the Institute for Higher Education Policy, the National Association for Equal Opportunity in Higher Education, the Presidents and Chancellors of the 1890 Universities, the Thurgood Marshall College Fund, and the United Negro College Fund.

Again, I want to thank Chairman GORDON and Ranking Member HALL for their cooperative responsiveness and the tremendous work that they have done on behalf of all Americans to make us the most competitive Nation that we can possibly be.

I want to thank Chairman GORDON and Ranking Member HALL of the Science and Technology Committee for their work to develop and promote policies to strengthen our nation's competitiveness in science, technology, engineering and mathematics. In particular, I applaud the Chairman for his leadership in broadening the participation of individuals and institutions that are underrepresented in STEM. You and your staff actively engaged with me and other Members of the Congressional Black Caucus to listen to and address our concerns. I want to recognize and thank Dahlia Sokolov on your staff for sharing her expertise and for being so responsive.

According to the Census Bureau, 39 percent of the population under the age of 18 is a racial or ethnic minority. Yet, in 2003, only 4.4 percent of U.S. science and engineering jobs were held by African Americans and only 3.4 percent by Hispanics. Further, women represent only a little more than one quarter of our science and technology workforce. Although Historically Black Colleges and Universities represent only 3 percent of our nation's colleges, they graduate 40 percent of African Americans with degrees in STEM areas and 60 percent of African Americans with degrees in engineering; yet, they receive only about 1 percent of all federal R&D support. Many experts maintain that the ability of the US to produce enough scientists will fall far short unless we take strong action to develop the potential of women and minorities. Thus, broadening participation efforts are critical to meeting the growing demand for U.S. workers with STEM skills and to improving American competitiveness globally.

H.R. 5116 includes multiple provisions that respond to concerns raised by multiple reports, STEM experts, and Members of the Congress about the need to broaden participation of individuals and institutions that are underrepresented in STEM fields. The amendment that I offer along with my colleagues Congressman GRIJALVA, Congressman HONDA, and Congressman KILDEE builds upon the existing provisions in the bill to further increase the access of minority students to and the capacity of minority institutions to provide STEM opportunities.

I am pleased that this amendment is supported by multiple higher education organizations, including: The American Association of Community Colleges; The Hispanic Association of Colleges and Universities; The Institute for Higher Education Policy; The National Association for Equal Opportunity in Higher Education; The Presidents and Chancellors of the 1890 Universities; The Thurgood Marshall College Fund; and The United Negro College Fund.

Our amendment does five things.

First, it clarifies that the new STEM Education Strategic Plan will include a specific focus on broadening participation of individuals and institutions that are underrepresented in STEM. H.R. 5116 recognizes the need to coordinate STEM education efforts within the Executive Branch. Consistent with experts in STEM education, our amendment simply clarifies that the strategic plan for coordinating STEM education across the Executive Branch should have each agency identify steps it takes to broaden the participation.

Second, it includes a National Academy of Sciences report on strengthening the capacity of two-year institutions to provide STEM opportunities. The majority of Latino and African American students attend two-year colleges. Moreover, two-year institutions play an integral role in training STEM professionals through terminal and certification degrees as well as in preparing students to transfer to four-year institutions to complete STEM baccalaureate degrees. Thus, two-year institutions are a critical component of the STEM pipeline.

Although a few reports have examined the role of these institutions in a particular STEM discipline, no study has looked at comprehensively at two-year institutions with regard to STEM. A comprehensive analysis of how Federal agencies can provide increased opportunities for two-year institutions to participate across the portfolios of STEM education and research will do much to improve success of low income and minority students in STEM fields.

Third, our amendment strengthens the data collections related to STEM faculty and Federal research grants by ensuring the data are examined by race/ethnicity and gender. These data are important to assessing progress in broadening participation. Consistent with NSF data collections on students in STEM fields, the amendment simply ensures that these important data collections will be examined by race, ethnicity, and gender.

Fourth, the amendment strengthens the institutional research partnerships provision by including a reporting requirement on partnership grants. In order to ensure that partnerships among institutions are collaborative and equitable, H.R. 5116 requires NSF to award funds directly to institutional partners involved in a research collaboration funded at a level greater than $2 million. The amendment simply includes a report requirement so that we have a fuller understanding of the number and nature of such partnerships.

Finally, our amendment clarifies that undergraduates in two-year programs are eligible for the Undergraduates In Standard Research Grants. The amendment simply clarifies that students in certificate, associate, or baccalaureate degree programs qualify for research grants.

As I close, I thank the Chairman and Ranking Member again for their leadership. I

strongly encourage my colleagues to vote in favor of this amendment that will strengthen the bill's provisions to broaden participation.

Mr. HALL of Texas. Mr. Chairman, I yield back the balance of my time.

Mr. GORDON of Tennessee. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Tennessee (Mr. GORDON).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. MARKEY OF MASSACHUSETTS

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in part B of House Report 111–479.

Mr. MARKEY of Massachusetts. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. MARKEY of Massachusetts:

Page 195, after line 11, insert the following new section:

SEC. 504. CLEAN ENERGY CONSORTIUM.

(a) PURPOSE.—The Secretary shall carry out a program to establish a Clean Energy Consortium to enhance the Nation's economic, environmental, and energy security by promoting commercial application of clean energy technology and ensuring that the United States maintains a technological lead in the development and commercial application of state-of-the-art energy technologies. To achieve these purposes the program shall leverage the expertise and resources of the university and private research communities, industry, venture capital, national laboratories, and other participants in energy innovation to support collaborative, cross-disciplinary research and development in areas not being served by the private sector in order to develop and accelerate the commercial application of innovative clean energy technologies.

(b) DEFINITIONS.—For purposes of this section:

(1) CLEAN ENERGY TECHNOLOGY.—The term ''clean energy technology'' means a technology that—

(A) produces energy from solar, wind, geothermal, biomass, tidal, wave, ocean, and other renewable energy resources (as such term is defined in section 610 of the Public Utility Regulatory Policies Act of 1978);

(B) more efficiently transmits, distributes, or stores energy;

(C) enhances energy efficiency for buildings and industry, including combined heat and power;

(D) enables the development of a Smart Grid (as described in section 1301 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17381)), including integration of renewable energy resources and distributed generation, demand response, demand side management, and systems analysis;

(E) produces an advanced or sustainable material with energy or energy efficiency applications; or

(F) improves energy efficiency for transportation, including electric vehicles.

(2) CLUSTER.—The term ''cluster'' means a network of entities directly involved in the research, development, finance, and commercial application of clean energy technologies whose geographic proximity facilitates utilization and sharing of skilled human resources, infrastructure, research facilities, educational and training institutions, venture capital, and input suppliers.

(3) CONSORTIUM.—The term ''Consortium'' means a Clean Energy Consortium established in accordance with this section.

(4) PROJECT.—The term ''project'' means an activity with respect to which a Consortium provides support under subsection (e).

(5) QUALIFYING ENTITY.—The term ''qualifying entity'' means each of the following:

(A) A research university.

(B) A State or Federal institution with a focus on the advancement of clean energy technologies.

(C) A nongovernmental organization with research or technology transfer expertise in clean energy technology development.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(7) TECHNOLOGY DEVELOPMENT FOCUS.—The term ''technology development focus'' means the unique clean energy technology or technologies in which a Consortium specializes.

(8) TRANSLATIONAL RESEARCH.—The term ''translational research'' means coordination of basic or applied research with technical applications to enable promising discoveries or inventions to achieve commercial application of energy technology.

(c) ROLE OF THE SECRETARY.—The Secretary shall—

(1) have ultimate responsibility for, and oversight of, all aspects of the program under this section;

(2) select a recipient of a grant for the establishment and operation of a Consortium through a competitive selection process;

(3) coordinate the innovation activities of the Consortium with those occurring through other Department of Energy entities, including the National Laboratories, the Advanced Research Projects Agency—Energy, Energy Innovation Hubs, and Energy Frontier Research Collaborations, and within industry, including by annually—

(A) issuing guidance regarding national energy research and development priorities and strategic objectives; and

(B) convening a conference of staff of the Department of Energy and representatives from such other entities to share research results, program plans, and opportunities for collaboration.

(d) ENTITIES ELIGIBLE FOR SUPPORT.—A consortium shall be eligible to receive support under this section if—

(1) it is composed of—

(A) 2 research universities with a combined annual research budget of $500,000,000; and

(B) 1 or more additional qualifying entities;

(2) its members have established a binding agreement that documents—

(A) the structure of the partnership agreement;

(B) a governance and management structure to enable cost-effective implementation of the program;

(C) a conflicts of interest policy consistent with subsection (e)(1)(B);

(D) an accounting structure that meets the requirements of the Department of Energy and can be audited under subsection (f)(4); and

(E) that it has an External Advisory Committee consistent with subsection (e)(3);

(3) it receives funding from States, consortium participants, or other non-Federal sources, to be used to support project awards pursuant to subsection (e);

(4) it is part of an existing cluster or demonstrates high potential to develop a new cluster; and

(5) it operates as a nonprofit organization.

(e) CLEAN ENERGY CONSORTIUM.—

(1) ROLE.—The Consortium shall support translational research activities leading to commercial application of clean energy technologies, in accordance with the purposes of this section, through issuance of awards to projects managed by qualifying entities and other entities meeting the Consortium's project criteria, including national laboratories. The Consortium shall—

(A) develop and make available to the public through the Department of Energy's Web site proposed plans, programs, project selection criteria, and terms for individual project awards under this subsection;

(B) establish conflict of interest procedures, consistent with those of the Department of Energy, to ensure that employees and designees for Consortium activities who are in decisionmaking capacities disclose all material conflicts of interest, including financial, organizational, and personal conflicts of interest;

(C) establish policies—

(i) to prevent resources provided to the Consortium from being used to displace private sector investment otherwise likely to occur, including investment from private sector entities that are members of the Consortium;

(ii) to facilitate the participation of private entities that invest in clean energy technologies to perform due diligence on award proposals, to participate in the award review process, and to provide guidance to projects supported by the Consortium; and

(iii) to facilitate the participation of parties with a demonstrated history of commercial application of clean energy technologies in the development of Consortium projects;

(D) oversee project solicitations, review proposed projects, and select projects for awards; and

(E) monitor project implementation.

(2) DISTRIBUTION OF AWARDS.—The Consortium, with prior approval of the Secretary, shall distribute awards under this subsection to support clean energy technology projects conducting translational research, provided that at least 50 percent of such support shall be provided to projects related to the Consortium's clean energy technology development focus. Upon approval by the Secretary, all remaining funds shall be available to support any clean energy technology projects conducting translational research.

(3) EXTERNAL ADVISORY COMMITTEE.—

(A) IN GENERAL.—The Consortium shall establish an External Advisory Committee, the members of which shall have extensive and relevant scientific, technical, industry, financial, or research management expertise. The External Advisory Committee shall review the Consortium's proposed plans, programs, project selection criteria, and projects and shall ensure that projects selected for awards meet the conflict of interest policies of the Consortium. External Advisory Committee members other than those representing Consortium members shall serve for no more than 3 years. All External Advisory Committee members shall comply with the Consortium's conflict of interest policies and procedures.

(B) MEMBERS.—The External Advisory Committee shall consist of—

(i) 5 members selected by the Consortium's research universities;

(ii) 2 members selected by the Consortium's other qualifying entities;

(iii) 2 members selected at large by other External Advisory Committee members to represent the entrepreneur and venture capital communities; and

(iv) 1 member appointed by the Secretary.

(4) CONFLICT OF INTEREST.—The Secretary may disqualify an application or revoke funds distributed to the Consortium if the Secretary discovers a failure to comply with conflict of interest procedures established under paragraph (1)(B).

(f) GRANT.—

(1) IN GENERAL.—The Secretary shall make a grant under this section in accordance with section 989 of the Energy Policy Act of 2005 (42 U.S.C. 16353). The Secretary shall

award the grant, on a competitive basis, to 1 regional Consortium, for a term of 3 years.

(2) AMOUNT.—A grant under this subsection shall be in an amount not greater than $10,000,000 per fiscal year over the 3 years of the term of the grant.

(3) USE.—The grant distributed under this section shall be used exclusively to support project awards pursuant to subsection (e)(1) and (2), provided that the Consortium may use not more than 10 percent of the amount of such grant for its administrative expenses related to making such awards. The grant made under this section shall not be used for construction of new buildings or facilities, and construction of new buildings or facilities shall not be considered as part of the non-Federal share of a cost sharing agreement under this section.

(4) AUDIT.—The Consortium shall conduct, in accordance with such requirements as the Secretary may prescribe, an annual audit to determine the extent to which a grant distributed to the Consortium under this subsection, and awards under subsection (e), have been utilized in a manner consistent with this section. The auditor shall transmit a report of the results of the audit to the Secretary and to the Government Accountability Office. The Secretary shall include such report in an annual report to Congress, along with a plan to remedy any deficiencies cited in the report. The Government Accountability Office may review such audits as appropriate and shall have full access to the books, records, and personnel of the Consortium to ensure that the grant distributed to the Consortium under this subsection, and awards made under subsection (e), have been utilized in a manner consistent with this section.

(5) REVOCATION OF AWARDS.—The Secretary shall have authority to review awards made under this subsection and to revoke such awards if the Secretary determines that the Consortium has used the award in a manner not consistent with the requirements of this section.

The Acting CHAIR. Pursuant to House Resolution 1344, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY of Massachusetts. Mr. Chairman, the amendment I am offering today, along with the gentlelady from California (Mrs. CAPPS), would add a new R&D program specifically focused on increasing our Nation's capacity to turn new innovations into new jobs. A clean energy consortium would be regionally based, selected by the Secretary of Energy through a competitive process, and include research universities, national labs, industry, and other State and nongovernmental organizations with expertise in clean energy development.

Moving to commercialize innovations in the clean energy sector is critical to our ability to compete for jobs with China and India. The faster we bring clean energy technologies to market, the faster we end our addiction to foreign oil from the Middle East. Our amendment will connect professors with producers, inventors with investors to move energy innovations out of the lab and into the factory.

Unlike research in biotech and defense, technology developed through energy R&D must break into a deeply entrenched market at a competitive cost in order to be successful. We need policies that can help overcome the valley of death where great ideas frequently stall before they have reached the critical proof-of-concept stage. That's what we do in this amendment.

We have worked with business, universities, and venture capital groups in developing this legislation. It has received endorsements from TechNet. The National Venture Capital Association has endorsed this amendment. The Clean Economy Networks, the companies across this country that want to focus on this energy sector, create millions of new jobs want this as part of the plan that we put together to make sure that it's not just research; it's research that turns into jobs rapidly in our country.

□ 1630

Mr. HALL of Texas. Mr. Chairman, I rise to claim time in opposition to this amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HALL of Texas. This amendment creates a new program, as Mr. MARKEY has said, to pursue commercialization of clean energy technologies. This is not necessarily the problem.

We all agree that clean energy technologies are worth pursuing. The problem, however, is that the clean energy technology program created by this amendment is duplicative of another new program already in the bill, the Energy Innovation Hubs program, and I am opposed to the Hubs program because it is largely duplicative of existing DOE and R&D activities. So the amendment duplicates a program that's already duplicative itself.

Further, these programs are expensive and expand the bureaucracy within the Department of Energy, which is already too large. We need to be consolidating and streamlining DOE's many R&D programs, not creating new ones on top of new ones.

I strongly oppose this amendment, and I reserve the balance of my time.

Mr. MARKEY of Massachusetts. May I inquire of the Chair, how much time is remaining?

The Acting CHAIR. The gentleman from Massachusetts has 3 minutes remaining. The gentleman from Texas has 4 minutes remaining.

Mr. MARKEY of Massachusetts. At this point, I will yield to myself for 30 additional seconds.

This commercialization focus program complements existing R&D initiatives. Strong, long-term support for basic and applied research is critical to developing the scientific breakthroughs needed to meet our energy challenges, but additional focus on commercialization will help ensure that existing innovations and those further down the pipeline find a pathway to the market. It creates the link between R&D and economic development and job creation. Without it, I do not believe America can win in this sector.

I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I reserve the balance of my time.

Mr. MARKEY of Massachusetts. I yield 1 minute to the gentlelady from California (Mrs. CAPPS).

Mrs. CAPPS. First of all, thank you, Chairman GORDON, for your great work on this bill. I want to thank my colleague, Mr. MARKEY, for your leadership on clean energy issues.

Mr. Chairman, I rise today in strong support of the Markey-Capps amendment, which is included in our legislation.

The Markey-Capps amendment would complement the clean energy advancement goals of the America COMPETES Act by creating a regional clean energy consortia program. This program will bring together regional networks of research universities, of national labs, of businesses and investors in the clean energy sector to accelerate the commercialization of new clean energy technologies.

They will also stimulate regional economic development and create jobs in places like the central coast of California, which I represent. The Green Coast Innovation Zone, GCIZ, in my district is built on this model and is eager to expand further into the clean energy sector. This provision will support their efforts to create high-quality green jobs that pay well and cannot be outsourced.

So I urge my colleagues to vote ''yes'' on the Markey-Capps amendment.

Mr. HALL of Texas. I reserve the balance of my time.

Mr. MARKEY of Massachusetts. Could the Chair please inform us of how much time is left.

The Acting CHAIR. The gentleman from Massachusetts has 1½ minutes. The gentleman from Texas has 4 minutes.

Mr. MARKEY of Massachusetts. Would it be possible for me to ask for the gentleman from Texas to draw down his time a little bit more before we come to the end of the speakers on the Democratic side?

Mr. HALL of Texas. Mr. Chairman, the clean energy consortia language, ''support collaborative cross-disciplinary research and development areas not being served by the private sector in order to develop and accelerate the commercial application of innovative clean energy technology,'' that's clearly duplicative. I've stated that in my opening remarks.

''Support multidisciplinary collaborative research development demonstration and commercial application of advanced energy technologies in areas not being served by the private sector.''

I think this is probably the most operative language for the two programs, and I do detect a difference.

I reserve the balance of my time.

Mr. MARKEY of Massachusetts. Mr. Chairman, I yield 30 seconds to the

chairman of the Science Committee, Mr. GORDON.

Mr. GORDON of Tennessee. Mr. Chairman, as I said earlier in the day, I don't want to trade Americans' dependency on foreign oil for Americans' dependency on foreign technology.

For us to get energy independence, there's going to be a variety of ways to go about it. Just like there's a variety of ways to skin a cat, this is one more way to get energy independence, and I support Mr. MARKEY's amendment.

Mr. HALL of Texas. I reserve the balance of my time.

Mr. MARKEY of Massachusetts. I yield 30 seconds to the gentlelady from Wisconsin (Ms. MOORE).

Ms. MOORE of Wisconsin. I thank the gentleman for yielding.

Mr. Chairman, I am in wholehearted support of this amendment and this bill.

I just wanted to speak briefly on the previous amendment that passed en bloc, which included a provision for which I am responsible. It included the Great Lakes. The Great Lakes are not just mere lakes; they are inland seas, and they contain the greatest source of freshwater on Earth. And despite their size, they are extremely vulnerable to stresses from environmental pollution, ecological alterations, and climate changes. In addition to that, they are a great source of economic development.

There are many unanswered research questions regarding the lakes' ecological stability. But there is already significant evidence that the climate of the Great Lakes region is changing: for example, water temperatures have been higher, and the duration of winter ice cover has declined.

These changes have a serious impact on the Great Lakes ecosystem—and the goods and services linked to the Lakes. To name just a few of the myriad potential effects:

Water temperatures are already rising, and almost all of the climate change scenarios predict further changes in temperature and precipitation. Lakes are very sensitive to climate in terms of the amount of precipitation and evaporation.

Precipitation changes are causing variation in water levels; most predictions are for lower levels but some predict higher levels.

Precipitation is predicted to increase but is predicted to come in fewer and more intense effects—in effect, a higher number of more intense rainstorms—which has a big impact on runoff from the lake, soil erosion, non-point pollution, and more.

Climate change is already affecting the population and distribution of fish and many other organisms; water level and temperature changes may also accelerate the accumulation of mercury and other contaminants.

When lake levels change, costs of shipping in the Great lakes increase, as do the costs of dredging harbors and channels, and adjusting docks and other infrastructure.

Climate change disrupts Great Lakes regional agricultural productivity (largely because of changes in the distribution of rain).

There is a dire need for comprehensive research on the impact of the environment on the Great Lakes region—now, not later. Waiting to begin managing the potential effects of climate change on the lakes only increases the ultimate expense, and the potential for irreversible damages.

If we act fast, we can take action to prevent some of the most damaging effects of climate change, and we an provide immediate relief in the form of cost savings, cleaner air and water, improved recreational opportunities, safeguarded environmental habitat, and improved quality of life for communities in the Great Lakes region.

We also must safeguard Lake Michigan—and in fact, all the Great Lakes—because of the Lakes' vital role these play in the region's economy. Lake Michigan is the lifeblood of the Milwaukee regional economy.

We have to use every tool in our toolbelt to ensure Lake Michigan's ecological stability—not only for the sake of environmental protection, but for the sake of our economic security—from tourism to manufacturing to fishing to shipping.

Southeastern Wisconsin is home to over more than 120 water-related businesses and five of the largest 11 water technology companies have significant presence in the area. UWM is home to the Great Lakes Water Institute, which is the largest research center of its kind on the Great Lakes. The Water Institute represents the only major aquatic research institution located on Lake Michigan and the largest U.S. institution of its kind in the Great Lakes region.

According to the EPA, today, there are approximately 37 million people living in the Great Lakes basin and more than 26 million of these people rely on the Great Lakes for their drinking water.

Shipping has been responsible for the development of the entire Great a Lakes Region.

Many manufacturing industries are attracted to the Great Lakes area because of the advantages of being near a water source which provides inexpensive electricity and convenient transportation routes.

The Journal Sentinel reports that there are 44,000 jobs directly tied to Great Lakes shipping, and nearly 200,000 jobs in the mining and steel industries that depend on the lakes' cargo.

Mr. HALL of Texas. Mr. Chairman, I would inquire of Mr. MARKEY if he has other speakers.

Mr. MARKEY of Massachusetts. I am now the last speaker, and I am going to reserve the balance of my time pending the completion.

The Acting CHAIR. The gentleman from Texas has the right to close.

Mr. MARKEY of Massachusetts. So how much time is remaining?

The Acting CHAIR. The gentleman from Texas has 3 minutes, and the gentleman from Massachusetts has 45 seconds.

Mr. MARKEY of Massachusetts. I yield myself the balance of my time.

Again, it is just to make this point that we must find a way in our country to have a plan. In China, on Monday they decide to do something, on Friday it starts to happen.

We need a plan. We need a plan to put together our inventors and our investors. We need a plan that puts together our professors with our producers. We need to find a way in which we telescope the timeframe it takes to create jobs in solar and wind and all of these new industries that have the potential of creating 2 million new jobs in our country or millions of jobs in China. That's our choice.

And if we don't take this opportunity, then young Americans are going to wonder in a few more years why we didn't put together a plan. That's what this amendment is. It's a pilot project, but it is one that will then have to be modeled in area after area around this country to ensure that we move fast to capture this renewable energy revolution that is very rapidly going to overtake this planet in the same way that the dot-com revolution did so in the 1990s.

Vote ''yes'' on the Markey-Capps amendment.

Mr. HALL of Texas. Mr. Chairman, I continue to oppose the amendment. It is duplicative of several other programs, and I urge my colleagues to oppose it.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. HALL of Texas. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENT NO. 12 OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in part B of House Report 111–479.

Mr. GEORGE MILLER of California. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. GEORGE MILLER of California:

Page 246, after line 8, add the following new section:

SEC. 704. INFORMATION REQUESTS BY LABOR ORGANIZATIONS.

(a) ELIGIBILITY FOR FUNDS.—Notwithstanding any other provision of this Act, a public institution of higher education that employs employees who are represented by a labor organization and perform work on an activity or program supported by this Act or an amendment made by this Act shall be eligible to receive funding for facilities and administrative costs for any activity or program supported by this Act or the amendments made by this Act only if the institution maintains a policy that meets the requirements set forth in subsection (b).

(b) REQUIREMENTS.—A policy described under subsection (a) shall require that the institution provide, within 15 days of receipt of a request by a labor organization representing the employees of the institution described in subsection (a), any information which the labor organization has a lawful right to obtain under applicable labor laws. Such a policy shall provide that, on a case-by-case basis, such 15 days may be extended to a longer time period by mutual agreement of the labor organization and the institution.

(c) FAILURE TO COMPLY WITH POLICY.—

(1) COMPLAINT OF NONCOMPLIANCE.—In the case of an institution of higher education that does not provide information requested by a labor organization in compliance with the requirements of a policy described in subsections (a) and (b), the labor organization may file a complaint of noncompliance with the head of the agency overseeing any activity or program supported by this Act or the amendments made by this Act for which the institution is receiving funds.

(2) NOTIFICATION TO INSTITUTION.—Upon receiving such a complaint, the head of such agency shall notify the institution of the complaint and provide the institution an additional 30 days to provide the requested information to the labor organization or otherwise explain why the complaint of non-compliance is not valid.

(3) AGENCY ACTION.—If the information has not been provided by the institution at the conclusion of such 30 day period and the head of such agency determines the complaint to be valid, the head of such agency shall suspend payment of any funds for facilities and administrative costs that would otherwise be available to such institution for all activities and programs supported by this Act and the amendments made by this Act until such time as the requested information has been provided by the institution.

(d) DEFINITIONS.—For purposes of this section—

(1) the term ''institution of higher education'' has the meaning given such term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), except that such term does not include a private institution of higher education; and

(2) the term ''facilities and administrative costs'' means facilities and administrative (F&A) costs as defined in the Office of Management and Budget Revised Circular A–21 (Cost Principles for Educational Institutions, published in the Federal Register on May 10, 2004).

(e) EFFECTIVE DATE.—This section shall take effect on January 1, 2011.

The Acting CHAIR. Pursuant to House Resolution 1344, the gentleman from California (Mr. GEORGE MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. GEORGE MILLER of California. I yield myself 3 minutes.

Mr. Chairman, in much of the history of the United States, and certainly in the most recent history of the United States, we have made a decision to build much of our economy on the backs of the best and the brightest that this country has to offer; to go to the research universities and to other universities and develop grants from Federal agencies to the National Science Foundation, from NIH and from the other agencies to do the research necessary to drive basic discovery, and to drive from that discovery innovation, and from that innovation economic growth. And its served this economy and it's served this Nation very, very well over the last 50 years.

But we have a problem here. We have a situation where the best and the brightest people, among the most talented, a select group of people, the postdoctoral individuals, people who've had their master's degrees and their Ph.D.'s in sciences and engineering and mathematics and a whole range of fields participate in that research. They, in many instances, write the grants for that research. The grants are awarded to the universities based upon their work. Those grants provide for escalators so that the principal investigator and the postdocs that he hires, those very bright graduates of our university system to run the labs, to do the research, to assist that individual, that they be provided for.

And yet we find out that in many instances, universities are withholding information that these students have an absolute right under State law to have. And that right is to understand how they are paid and the availability of money in these grants for their increases.

In most of these grants, the Federal institutions and others require that escalators be built into. The universities require when the postdocs and the principal investigators write these grants to submit to the Federal Government and to the agencies that they include an escalator.

And what are the universities doing? In the case of University of California, Berkeley, they withhold. They then take 53 percent in overhead charges. So in a $1 million grant, they get an additional over $500,000 to administer that grant. They take that share of the escalators for themselves, but they don't pass it on to these brilliant young people who are also now—because they've postponed, in many instances, having a family and buying a home, they now become among the lowest-paid people in the region.

All this amendment says is, if they are entitled to the information under the law, that the university should have to provide it. The University of California has been telling these postdocs and telling the Congress of the United States for over a year that they would provide this information, and they have failed to do that.

So what we're saying is that these students are entitled to the law, to that information. It creates no new right. It creates nothing new in collective bargaining. This is not the purpose. The purpose is to—the information that they are entitled to under the law they have.

This is really about the very contracts that the university is administering. And yet a year later after the request by both Members of Congress and the postdoc graduates, they're told that the information is not available. If the information isn't available, it raises questions about the overhead, the $850 million that the University of California took for the purposes of administering these grants.

I reserve the balance of my time.

□ 1645

Mr. HALL of Texas. Mr. Chairman, I rise to claim time in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HALL of Texas. Under the Miller amendment, any public university receiving funds in this bill would be required to maintain an ''information policy,'' wherein they would have to produce any documents or information that a union requests within 15 days or face the threat of losing Federal funding.

Additionally, it would place a bureaucrat at a grant-awarding agency, say the National Science Foundation, in charge of determining whether a union was entitled under State or local labor law to the information it requested, and whether the university should lose Federal dollars because it has not given to the union every bit of information which it asked for.

Should NSF be determining whether a university is fulfilling its obligation under State and local labor law? I ask that question.

Also, although the amendment applies to all schools receiving grants under this bill, the bottom line, Mr. Chairman, is that this is a political issue specific to one university, the University of California. It is my understanding that the University of California has been negotiating a contract with the United Auto Workers for some time. These negotiations are completely a function of California State law and have nothing to do with the Federal Government. Rather than attempting to exercise any right or remedy under State law, the UAW has chosen to involve my friends on the other side in threatening the university with Federal dollars to buckle to the union's demands.

This is all I have to say about this. I find this amendment troubling, and urge its defeat.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, this has really nothing to do with labor law. The question is whether the postdoctorate employees of the university who are involved in running these very sophisticated labs and experiments and research, whether or not they get the information that they are entitled to under the law. It only applies in those areas where there is an agreement. Many universities don't have this, some do.

But the point of the matter is that if these young people are not able to provide for themselves, we are going to take talented people and they are going to leave the scientific field. They were given these grants because they are among the best grants in the country. They were peer-reviewed. A decision was made that this is the science that is worth pursuing in the interest of this country in a whole range of fields, whether it is in space or energy or food, whatever it is. That is the point. Yet these people are among the lowest-paid people in the country, with the most education, with the most talent.

All we are saying is give them the information so they can see if there is any restrictions on passing through a

portion of, or whatever they can agree to, of the escalators that are built into these agreements. The university is taking its cut off the top without asking anybody, but somehow the postdocs aren't even entitled to that information or the graduate students aren't entitled to that information under the current policy.

It is simply not fair, and it is going to be very discouraging to extremely talented people that we have placed a bet on. This legislation places a bet on the intellectual talent and the curiosity and the skills of these individuals to drive the next generation of innovation, to drive the next generation of economic growth, to drive the next generation of discovery. That is what this is about. That is what it should be about. But we can't do that by mistreating the very talent pool that is so critical to our success.

This is just a simple request for information. It does not provide any additional rights to anyone that don't exist today. And I think it is time that we recognize the needs of these individuals, of their families, if we are going to retain them in the scientific endeavor of which they have spent most of their life pursuing, and they are obviously very accomplished at this and they are a vital, vital asset to this Nation.

I urge my colleagues to support this amendment, and I want to thank the chairman of the committee for his support of this legislation.

The Acting CHAIR. The gentleman's time has expired.

Mr. HALL of Texas. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. GEORGE MILLER).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. HALL of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 13 OFFERED BY MR. REYES

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in part B of House Report 111–479.

Mr. REYES. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. REYES:

Page 128, line 21, strike ''; and'' and insert a semicolon.

Page 128, after line 25, insert the following new subparagraph:

(E) describe the approaches that will be taken by each participating agency to conduct outreach designed to promote widespread public understanding of career opportunities in the STEM fields specific to the workforce needs of each agency, including outreach to women, Latinos, African-Americans, Native Americans, and other students from groups underrepresented in STEM;

Page 129, line 6, strike the period and insert ''; and''.

Page 129, after line 6, insert the following new paragraph:

(4) establish and maintain a publically accessible online database of all federally sponsored STEM education programs and activities at all levels and for all audiences, including students, teachers, and the general public.

The Acting CHAIR. Pursuant to House Resolution 1344, the gentleman from Texas (Mr. REYES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. REYES. Mr. Chairman, I rise today to urge my colleagues to support the America COMPETES Reauthorization Act of 2010 and, with it, the Reyes-Connolly amendment.

In fact, I want to thank my colleague, the gentleman from Virginia (Mr. CONNOLLY) for cosponsoring this amendment with me. I also want to thank Chairman GORDON and Ranking Member HALL and their staffs on the Science and Technology Committee for their hard work on the America COMPETES legislation. This legislation is vital to our Nation's long-term competitiveness.

This noncontroversial amendment for this legislation would accomplish two goals:

First, it would require the Science, Technology, Engineering and Math Coordinating Committee under the Office of Science and Technology policy to describe in their 5-year strategic plan the approaches that each STEM agency will take to conduct outreach designed to promote widespread public understanding of career opportunities in STEM fields.

Second, the amendment requires the establishment and the maintenance of a publicly accessible online database, or a STEM.gov, if you will, of all federally-sponsored STEM education programs. STEM.gov would be a one-stop shop where teachers, students, and researchers would be able to access information on all of the opportunities available in STEM fields. Currently, all STEM programs are listed in different places online with different programs, and this amendment would simply consolidate the information for easier access in one location.

Mr. Chairman, it is important that we increase awareness of all the available opportunities in STEM fields, and that is exactly what this amendment does. To that end, I would urge all my colleagues to vote ''yes'' for the Reyes-Connolly amendment, and also ''yes'' on the final passage of this legislation.

Your vote will go a long way in showing Americans that Congress is serious about making America more competitive now and in the future.

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

Mr. HALL of Texas. Mr. Chairman, I rise to claim time in opposition to the amendment, although I do not intend to oppose it.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. HALL of Texas. I have no opposition or objection to this amendment.

I reserve the balance of my time.

Mr. REYES. Mr. Chairman, I yield such time as he may consume to Mr. CONNOLLY of Virginia, the cosponsor of this amendment.

Mr. CONNOLLY of Virginia. I thank my friend from Texas.

Mr. Chair, let me start by thanking my colleagues for their leadership on this important legislation, both the chairman and the ranking member.

As the co-chair of the Diversity and Innovation Caucus, my colleague from Texas has been a true champion for STEM education, particularly in our underrepresented communities. Chairman GORDON and the members of the Science and Technology Committee have certainly shown leadership on this issue as well.

Our amendment builds upon that work by requiring the new STEM coordinating committee created in this legislation to work with each agency under its jurisdiction to promote more public awareness of career opportunities in the STEM fields, particularly within the Federal workforce. We have a hard time filling positions in the science, technology, and engineering and math fields, and I believe part of the trouble is that, one, people don't know that they are out there and, two, they don't realize that careers like this are available in public service. So clearly we can do better.

Our amendment also calls for new outreach strategies to women, Latinos, African Americans, Native Americans, and other students from underrepresented communities in the Federal workforce. Even in minority majority school systems like Prince William County, and Fairfax County in my district, we are working especially hard to make sure enrollment in STEM programs reflects the diversity of our student body.

Another key component of our amendment would require the STEM coordinating committee to create and maintain an online, searchable database of all federally funded STEM education programs that benefit students, teachers, and the general public.

We are providing tremendous opportunity in the STEM fields, but more people need to know about them and be excited about them for it to be successful.

Mr. Chairman, my experience in local government showed me that investments in education of our children attract families and jobs. The school and business communities in my district have made significant investments in our local STEM programs, whether it is Thomas Jefferson High School in Fairfax, whose tie I am wearing today, or the new Governor's School at Innovation Park in Prince William County.

Those efforts are just one reason why at least nine Fortune 500 companies

have brought their headquarters to Northern Virginia and why the Commonwealth of Virginia has the highest concentration of technology-related jobs in the United States, half of them in northern Virginia.

This bill will further support those local efforts and better position our region and our Nation to be a leader in the global economy.

I join my colleague from Texas in urging our colleagues to support this important amendment.

Mr. REYES. Mr. Chairman, I yield back the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. REYES).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. REYES. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENTS EN BLOC NO. 2 OFFERED BY MR. GORDON OF TENNESSEE

Mr. GORDON of Tennessee. Mr. Chairman, I have amendments en bloc at the desk.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc No. 2 offered by Mr. GORDON of Tennessee consisting of amendments numbered 14, 15, 16, 17, 22, 35, 42, 43, 49, 23, 24, 46, 48, and 9 printed in part B of House Report 111–479:

AMENDMENT NO. 14 OFFERED BY MS. LORETTA SANCHEZ OF CALIFORNIA

The text of the amendment is as follows:

Page 131, line 6, redesignate paragraph (1) as paragraph (2).

Page 131, line 7, redesignate paragraph (2) as paragraph (3).

Page 131, line 9, redesignate paragraph (3) as paragraph (4).

Page 131, line 10, redesignate paragraph (4) as paragraph (5).

Page 131, line 12, redesignate paragraph (5) as paragraph (6).

Page 131, line 13, redesignate paragraph (6) as paragraph (7).

Page 131, after line 5, insert the following:

(1) Elementary school and secondary school administrator associations.

AMENDMENT NO. 15 OFFERED BY MR. BISHOP OF NEW YORK

The text of the amendment is as follows:

Page 174, after line 13, insert the following:

SEC. 412. NANOMATERIAL INITIATIVE.

The Director shall carry out a nanomaterial research initiative to—

(1) develop reference materials for nanomaterials and derived products to be used in benchmarking toxicity, calibrating instruments, and facilitating laboratory comparisons;

(2) assist in the development of international documentary standards relating to nanomaterials;

(3) develop instruments and measurement methods to determine the physical and chemical properties of nanomaterials; and

(4) gather and develop data to support the correlation of physical and chemical properties of nanomaterials to any environmental, safety, or other risks.

AMENDMENT NO. 16 OFFERED BY MR. BARROW OF GEORGIA

The text of the amendment is as follows:

Page 58, line 16, strike ''and''.

Page 58, line 22, strike the period and insert ''; and''.

Page 58, after line 22, insert the following new subparagraph:

(D) describe how the Federal agencies supporting manufacturing research and development will strengthen all levels of manufacturing education and training programs to ensure an adequate, well-trained workforce.

AMENDMENT NO. 17 OFFERED BY MR. CARNEY OF PENNSYLVANIA

The text of the amendment is as follows:

Page 125, after line 23, insert the following new subsection (and redesignate the subsequent subsections accordingly):

(c) OUTREACH TO RURAL COMMUNITIES.—The Foundation shall conduct outreach to institutions of higher education and private sector entities in rural areas to encourage those entities to participate in partnerships under this section.

AMENDMENT NO. 22 OFFERED BY MS. HERSETH SANDLIN OF SOUTH DAKOTA

The text of the amendment is as follows:

Page 98, after line 4, insert the following new section:

SEC. 229. COLLABORATION IN PLANNING FOR STEWARDSHIP OF LARGE-SCALE FACILITIES.

It is the sense of Congress that the Foundation should, in its planning for construction and stewardship of large facilities, coordinate and collaborate with other Federal agencies, including the Department of Energy's Office of Science, to ensure that joint investments may be made when practicable. In particular, the Foundation should ensure that it responds to recommendations by the National Academy of Sciences and working groups convened by the National Science and Technology Council regarding such facilities and opportunities for partnership with other agencies in the design and construction of such facilities. For facilities in which research in multiple disciplines will be possible, the Director should include multiple units within the Foundation during the planning process.

AMENDMENT NO. 35 OFFERED BY MR. CHILDERS OF MISSISSIPPI

The text of the amendment is as follows:

Page 174, after line 13, insert the following:

SEC. 412. DISASTER RESILIENT BUILDINGS AND INFRASTRUCTURE.

(a) ESTABLISHMENT.—The Director shall carry out a disaster resilient buildings and infrastructure program.

(b) REAL-SCALE STRUCTURES.—As part of the program, the Director shall—

(1) develop the capability to test real-scale structures under realistic fire and structural loading conditions; and

(2) assist in the validation of predictive models by developing a database on the performance of large-scale structures under realistic fire and structural loading conditions.

(c) DATABASE.—As part of the program, the Director shall develop a database on the performance of the built environment during natural and man-made hazard events.

AMENDMENT NO. 42 OFFERED BY MR. KISSELL OF NORTH CAROLINA

The text of the amendment is as follows:

Page 182, after line 18, insert the following:

''(3) LIMITATION.—In charging and collecting fees under paragraph (1), the Secretary shall take into consideration the amount of the obligation.

Page 183, after line 22, insert the following (and redesignate subsequent paragraphs accordingly):

''(2) criteria that the Secretary shall use to determine the amount of any fees charged under subsection (j), including criteria related to the amount of the obligation;

AMENDMENT NO. 43 OFFERED BY MR. KLEIN OF FLORIDA

The text of the amendment is as follows:

Page 166, after line 9, insert the following new subsection:

(g) EVALUATION OF OBSTACLES UNIQUE TO SMALL MANUFACTURERS.—Section 25 of such Act (15 U.S.C. 278k) is further amended by adding after subsection (i), as added by subsection (f), the following:

''(j) EVALUATION OF OBSTACLES UNIQUE TO SMALL MANUFACTURERS.—The Director shall—

''(1) evaluate obstacles that are unique to small manufacturers that prevent such manufacturers from effectively competing in the global market;

''(2) implement a comprehensive plan to train the Centers to address such obstacles; and

''(3) facilitate improved communication between the Centers to assist such manufacturers in implementing appropriate, targeted solutions to such obstacles.''.

AMENDMENT NO. 49 OFFERED BY MR. PERRIELLO OF VIRGINIA

The text of the amendment is as follows:

Page 132, line 3, insert '', including through the interagency committee established under section 301,'' after ''Federal agencies''.

AMENDMENT NO. 23 OFFERED BY MR. HOLT OF NEW JERSEY

The text of the amendment is as follows:

At the end of subtitle C of title I, insert the following:

SEC. 125. NATIONAL COMPETITIVENESS AND INNOVATION STRATEGY.

Not later than one year after the date of the enactment of this Act, the Director of the White House Office of Science and Technology Policy shall submit to Congress and the President a national competitiveness and innovation strategy for strengthening the innovative and competitive capacity of the Federal Government, State and local governments, institutions of higher education, and the private sector that includes—

(1) proposed legislative changes and action;

(2) proposed actions to be taken collectively by executive agencies, including White House offices;

(3) proposed actions to be taken by individual executive agencies, including White House offices; and

(4) a proposal for metrics-based monitoring and oversight of the progress of the Federal Government with respect to improving conditions for the innovation occuring in and the competitiveness of the United States.

AMENDMENT NO. 24 OFFERED BY MR. HOLT OF NEW JERSEY

The text of the amendment is as follows:

Page 62, after line 2, insert the following new subsection:

(f) SENSE OF CONGRESS REGARDING PEER REVIEW.—It is the sense of Congress that peer review is an important part of the process of ensuring the integrity of the record of scientific research, and that the National Science and Technology Council working group established under this section should take into account the role that scientific publishers play in the peer review process.

AMENDMENT NO. 46 OFFERED BY MR. MINNICK OF IDAHO

The text of the amendment is as follows:

Page 132, line 7, strike ''and''.

Page 132, line 12, strike the period and insert ''; and''.

Page 132, after line 12, insert the following new paragraph:

(5) providing advice to Federal agencies on how their STEM technical training and education programs can be better aligned with the workforce needs of States and regions.

AMENDMENT NO. 48 OFFERED BY MR. PATRICK J. MURPHY OF PENNSYLVANIA

The text of the amendment is as follows:

Page 138, line 5, strike ''and''.

Page 138, line 9, strike the period at the end and insert ''; and''.

Page 138, after line 9, insert the following:

(6) competitive grants for institutions of higher education (as defined under section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), including 2-year institutions of higher education, to establish or expand degree programs or courses in energy systems science and engineering.

AMENDMENT NO. 9 OFFERED BY MR. KANJORSKI OF PENNSYLVANIA

The text of the amendment is as follows:

Page 188, after line 25, insert the following:

''(H) Interacting with the public and State and local governments to meet the goals of the cluster.

The Acting CHAIR. Pursuant to House Resolution 1344, the gentleman from Tennessee (Mr. GORDON) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. GORDON of Tennessee. Mr. Chairman, this is a well-vetted and good amendment.

I yield 2 minutes to the gentlelady from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I thank the chairman for the time allotted. And what a wonderful bill, and I believe it is just going to really bring our whole Nation up.

Today, we face so many mounting global challenges—international security, reviving the global economy, health, environment, wars going on—and American leadership in response to these challenges depends on national policies such as the legislation that we are debating today.

The America COMPETES Act strengthens STEM education in order to prepare our future workforce to excel and to exceed in an international economy. Future generations' ability to address 21st century global matters efficiently and effectively will depend on their preparation and their responsiveness to international affairs.

Today, our schools lack some of the tools necessary to enhance United States' competitiveness, essential to our economy and, really, to our international success. And so I firmly believe that our Nation's leadership role in innovation depends on the education we provide in today's classrooms. In fact, one of my top legislative priorities is H.R. 3359, the U.S. and World Education Act, that has many of the types of things that this bill has.

To this end, the amendment that I am offering today would include the membership of elementary school and secondary school administrative associations to be part of the President's Advisory Committee on STEM Education. My amendment would add language to include the expertise of kindergarten through 12th grade school principals and administrators to the President's advisory committee created under section 302. The amendment will strengthen section 302 by ensuring the valuable contributions of those who are in our kindergarten through 12th grade system, those administering that, so they can bring back their ideas and tell us what is going on, because evidence suggests that kids lose interest in STEM in those grade levels. So I urge my colleagues to support this amendment.

□ 1700

Mr. HALL of Texas. Mr. Chair, I rise in opposition to the en bloc amendments before us, although I do not intend to oppose them. All 14 of the amendments are noncontroversial and are generally supported.

I do have some concern with the Carney amendment. I think while I'm supportive of trying to get students in rural areas more engaged in STEM activities, I just don't believe it's the role of NSF to perform outreach for an industry intern program, period. This amendment is part of a new and duplicative STEM Industry Internship program intended to marry local industry workforce educational needs with local college programing. There's a match associated with this grant, and I think almost any outreach to prospective students or interns should be performed by the participating industry and school with non-Federal money, not with taxpayer money. Therefore, while I will be opposing the Carney amendment, I do not plan to oppose the others in this group.

I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield 3 minutes to a former administrator at Long Island College, the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. I thank the chairman for yielding.

My amendment directs the National Institute of Standards and Technology to develop reference materials, standards, instruments, and measurement methods for nanomaterials and derived products. My amendment also calls on the NIST to compile data to help us understand how the properties of nanomaterials correlate with environmental, health, and safety risks. We stand on the precipice of a new wave of scientific and technological advancement through the development of nanotechnology or controlling matter on an atomic and molecular scale. Advancements in this field have the potential to create new materials and devices with a vast range of applications, such as medicine, electronics, and energy production. I am proud to represent Brookhaven National Laboratory, where many of these breakthroughs have been discovered. However, nanotechnology raises many of the same issues as with any introduction of new technology, including concerns about the toxicity and environmental impact of nanomaterials. My amendment would ensure that we closely monitor how this new technology affects our health and safety.

Mr. Chairman, while we must do all we can to incentivize and nurture innovation and competitiveness, we must also balance and make consistent the commercialization of new technologies with our duty to protect and inform the public. My amendment, therefore, helps establish a commonsense roadmap for the development of nanotechnology standards. I urge my colleagues to support my amendment and the underlying bill.

Let me also close by taking this opportunity to commend Chairman GORDON for his leadership on this issue and for a very distinguished career in Congress—a career that has reflected a firm commitment to American competitiveness.

Mr. HALL of Texas. Mr. Chairman, I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. BARROW).

Mr. BARROW. Mr. Chairman, I've spent a lot of time visiting businesses in my district, many of which are large manufacturers. I've been struck that even as our economy becomes more sophisticated, we still rely a great deal on our manufacturing base. That base is threatened by competition from abroad and by financial crisis at home. What has sustained us through the hard times lately has always been American innovation. The America COMPETES Act fosters that tradition and I'm proud to support it.

I'm pleased to offer an amendment that I think makes this good bill a little bit better. In the 12th District of Georgia, we make everything from lawnmower blades to jet airplanes. But the fundamentals of both industries are very similar. It all starts with education in science, math, and engineering. My amendment simply requires that we include manufacturing education in our long-term strategic plan for manufacturing research and development. I think that makes good common sense, and good business sense,

and I thank the chairman for his support.

Mr. HALL of Texas. Mr. Chairman, I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. Mr. Chairman, I rise in support of the America COMPETES Reauthorization Act of 2010, and I'm a proud cosponsor of this legislation to strengthen our Nation's global competitiveness. Foremost, this bill will create jobs. For example, it will give small- and medium-sized manufacturing companies pursuing cutting-edge technology access to capital. It will prepare the next generation of Americans for the jobs of tomorrow by improving science, technology, engineering, and math education. It will also keep our Nation on a path to doubling funding for scientific research in the next decade. I'm pleased to note that this bill also includes provisions to help women enter science, technology, engineering, and mathematics fields.

Mr. Chairman, I have offered an amendment to this legislation with my good friend from Pennsylvania, Congressman PATRICK MURPHY, that is in the en bloc amendment before us. Our amendment would authorize competitive grants at the Department of Energy for colleges to provide degrees in energy-related fields. Colleges and universities would be able to use the funding for degrees and courses in engineering and energy systems science. Schools could also put the funding toward expanding current programs. And I'd like to point out that community colleges, of which my district has three, would also be eligible to compete for these grants.

Finally, authorizing these grants will not cost the taxpayers one penny. Our amendment simply allows the Department of Energy to redirect some of its existing education funding towards this valuable new program.

I urge support for the Murphy-Altmire provision and for the overall COMPETES Reauthorization Act.

Mr. HALL of Texas. Mr. Chairman, I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chair, I strongly support the robust investment in education, research, innovation, manufacturing, and other programs in the COMPETES Act. The amendment I'm offering would help stitch together these important initiatives by directing the White House Office of Science and Technology Policy to prepare a comprehensive national competitiveness and innovation strategy within 1 year.

We know that half or perhaps more of the growth in our GDP over the past half century is attributable to our investments in research and technology. For decades, United States leadership in science, engineering, and innovation was unquestionable. But we can't pretend any more that this is a given. A year ago, the Information Technology and Innovation Foundation, using good methodology, found that among 40 major nations or regions, the United States ranks not first, but sixth, in overall innovation and competitiveness. More importantly, over the last decade, every one of those 40 has improved their innovation capacity at a greater rate than we.

The five nations ranked by ITIF as ''out-competing'' the United States already have national competitiveness or innovation strategies in place. Altogether, at least 30 countries with whom we might compare ourselves have implemented plans to boost their competitiveness. The United States has yet to put forward a similarly comprehensive roadmap for success. Of course, it's not a panacea. But we have the tools and resources to lead the world in science and technology. We can't remain complacent as other nations race to the top. We need to know what is working and what needs improvement. We need to understand how we can reallocate our resources to improve efficiency and productivity. We need to be able to measure whether our actions are having a positive effect. Businesses, schools, and governments need to know where we stand and need to be clear on where we're going.

My amendment requires a comprehensive, coordinated national strategy for improving our economic competitiveness through innovation, and it ensures that we will continuously evaluate our progress in this area. Our competitors are doing it already. We should, too.

I urge my colleagues to support this amendment and the underlying bill. This bill is a real testament to the good work of the fine chair of the Science Committee, Mr. GORDON. I thank him for the good work.

Mr. HALL of Texas. Mr. Chairman, I yield back the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, we have no further speakers, so let me just conclude by saying that this is a good series of amendments. This makes a good bill even better.

I yield back the balance of my time.

The Acting CHAIR (Mr. DRIEHAUS). The question is on the amendments en bloc offered by the gentleman from Tennessee (Mr. GORDON).

The amendments en bloc were agreed to.

AMENDMENT NO. 21 OFFERED BY MR. GINGREY OF GEORGIA

The Acting CHAIR. It is now in order to consider amendment No. 21 printed in part B of House Report 111–479.

Mr. GINGREY. Mr. Chairman, I have an amendment at the desk made in order by the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Mr. GINGREY of Georgia:

Page 98, after line 4, insert the following new section:

SEC. 229. GREEN CHEMISTRY BASIC RESEARCH.

The Director shall establish a Green Chemistry Basic Research program to award competitive, merit-based grants to support research into green and sustainable chemistry which will lead to clean, safe, and economical alternatives to traditional chemical products and practices. The research program shall provide sustained support for green chemistry research, education, and technology transfer through—

(1) merit-reviewed competitive grants to individual investigators and teams of investigators, including, to the extent practicable, young investigators, for research;

(2) grants to fund collaborative research partnerships among universities, industry, and nonprofit organizations;

(3) symposia, forums, and conferences to increase outreach, collaboration, and dissemination of green chemistry advances and practices; and

(4) education, training, and retraining of undergraduate and graduate students and professional chemists and chemical engineers, including through partnerships with industry, in green chemistry science and engineering.

The Acting CHAIR. Pursuant to House Resolution 1344, the gentleman from Georgia (Mr. GINGREY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. GINGREY of Georgia. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, the amendment that I am offering today stems from legislation, the Green Chemistry Research and Development Act, that has passed out of the House in each of the 108th, 109th, and 110th Congresses. Unfortunately, despite the strong bipartisan support that this legislation has garnered under suspension of the rules, this legislation has been stalled by our colleagues in the Senate. Therefore, in order to move this initiative forward, I am offering it as an amendment with my colleague from Vermont (Mr. WELCH) to the National Science Foundation title of H.R. 5116. This amendment would establish a Green Chemistry Basic Research program to encourage universities and academic institutions around the country to train future workers in green chemistry technology.

Mr. Chairman, as a graduate of Georgia Tech with a bachelor of science in chemistry, I know that chemists can design chemicals to be safe, just as they can design them to have other properties, like color and texture. As chemists design products and the processes by which these products are manufactured, they can and they should factor in the possible creation of any hazardous byproducts.

This technique of considering not only the process in which chemicals are produced but also the environment in which they are created is the basic definition of what we call green chemistry. It is the method of designing chemical products and processes that

at the very least reduce, and at the very best, eliminate the use or generation of hazardous substances.

Mr. Chairman, the basic idea is this. Preventing pollution and hazardous waste from the start of a design process is far preferable to cleaning up that pollution and waste at a later date. Green chemistry does not just help protect our environment, it also helps protect our workers. The conditions under which chemicals are created and used can present many risks to those who work on their production. I would urge all my colleagues to support this amendment.

I reserve the balance of my time.

Mr. GORDON of Tennessee. I claim time in opposition to the amendment, even though I am not in opposition to the amendment.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. GORDON of Tennessee. Mr. Chairman, I rise in support of the amendment from my friend, the gentleman from Georgia (Mr. GINGREY).

This amendment establishes a Green Chemistry Research program at the National Science Foundation. Dr. GINGREY has been an advocate for this both on the committee as well as now. I commend him for that. The emerging field of green chemistry will contribute significantly to our environmental sustainability while also driving innovation in the chemical industry sector. Green chemistry research will be instrumental in meeting the challenges of protecting human health and the environment, meeting our energy needs, enhancing the national security, and strengthening the economy. I urge my colleagues to support this amendment.

I yield back the balance of my time.

□ 1715

Mr. GINGREY of Georgia. Mr. Chairman, may I ask how much time I have remaining.

The Acting CHAIR. The gentleman from Georgia has 3 minutes remaining.

Mr. GINGREY of Georgia. Mr. Chairman, I would now like to yield 2 minutes to the gentleman from Texas (Mr. HALL), the ranking member.

Mr. HALL of Texas. Mr. Chairman, I rise in support of Dr. GINGREY's amendment. This amendment would establish a green chemistry basic research and development program at the National Science Foundation, aimed at identifying scientific breakthroughs that could lead to clean, safe, and economical alternatives to chemical products. The Science and Technology Committee has supported funding for green chemistry research in a bipartisan manner for many years, and Dr. GINGREY has been the leader on this from day one. His amendment simply builds on those efforts. I thank him for offering this amendment and urge my colleagues to support it.

Mr. GINGREY of Georgia. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, ultimately, I believe this amendment will help promote education through collaborative research partnerships among universities, and it will provide training tools for undergraduate and graduate students in green chemistry technology. I want to thank my colleague from the Energy and Commerce Committee, Mr. WELCH, for his support and leadership on the issue, and I would also like to thank the American Chemical Society for its endorsement of this amendment.

Last, but certainly not least, I would like to commend both Science Committee Chairman BART GORDON and Ranking Member HALL on their leadership on green chemistry and their willingness to work with us on this particular amendment. An ounce of prevention is worth a pound of cure, and green chemistry promises a ton of pollution prevention. Again, Mr. Chairman, I urge all my colleagues to support this important amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. GINGREY).

The amendment was agreed to.

AMENDMENT NO. 34 OFFERED BY MR. BOCCIERI

The Acting CHAIR. It is now in order to consider amendment No. 34 printed in part B of House Report 111–479.

Mr. BOCCIERI. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 34 offered by Mr. BOCCIERI:
Page 187, line 8, strike ''$50,000,000'' and insert ''$100,000,000''.

The Acting CHAIR. Pursuant to House Resolution 1344, the gentleman from Ohio (Mr. BOCCIERI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. BOCCIERI. Mr. Chair, I yield myself as much time as I may consume.

Mr. Chair, if you believe like I do that we need to be the producers of wealth, not just the movers of wealth, then you're going to like this amendment. If you believe, like I do, that we need to invest in the innovative spirit of America, then you're going to like this amendment. If you believe, like I do, that we need to be investing in our national defense and manufacturing in Ohio and across the Midwest, then you're going to like the amendment we have to offer.

I rise today in support of the Boccieri-Schauer-Davis-Donnelly amendment which will expand the Federal loan guarantees for innovative technologies in manufacturing from $50 million to $100 million. This amendment is an investment in our Nation's manufacturing base, the backbone of our economic recovery that will give additional funding for loans to embrace advances in technology, innovation and retool and rebuild so that we can compete on a global scale.

Ninety-six percent of Ohio's exports come from the manufacturing of more than $84 billion worth of goods, yet manufacturers in my northeastern Ohio district have been hit disproportionately hard by this economic recession, and we need to do more to expand. Companies like Sandridge Food Corporation in Medina, Barbasol Shaving Cream plant in Ashland, and the new jobs at NuEarth Corporation in Alliance all need the resources and innovative spirit to move our economy down the field. We need to grow and create jobs not only in Ohio but across our country. This will be the impetus for leading us out of this recession. This amendment nearly authorizes $100 million to rebuild and retool our economy.

At this time, Mr. Chair, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I rise to claim time in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HALL of Texas. This amendment would double to $100 million annually the authorization levels of the new never-done-before loan guarantee program created in the bill. I have major concerns with this program as it stands, particularly because it's heavily redundant with existing loan guarantee programs, such as those at the Small Business Administration where small manufacturers can and do apply for support. Doubling the amount and doubling this spending on an unnecessary and redundant program is not good policy. Accordingly, I oppose the amendment.

I reserve the balance of my time.

Mr. BOCCIERI. Mr. Chair, I would inquire how much time I have left.

The Acting CHAIR. The gentleman has 3½ minutes remaining.

Mr. BOCCIERI. Thank you. I would like to yield 1 minute to the gentleman from Indiana (Mr. DONNELLY).

Mr. DONNELLY of Indiana. Mr. Chairman, manufacturing provides almost 20 percent of Indiana's jobs, more than any other sector in the State. When I am back in my district, Hoosier manufacturers tell me they want to retool and reinvest in their facilities so that we can better compete in America, so we can be the best in the world so that we can compete with our overseas competition, so that we can grow and put people back to work.

However, I often hear from our manufacturers that the credit markets, which have been so tight, have made it very, very difficult to get a loan. This amendment helps those manufacturers to achieve that goal. CBO estimates that for every $1 we provide in loan guarantees, we can generate $6 in loans to manufacturers, meaning this amendment enables the Department of Commerce to generate $600 million in much-needed guaranteed loans to manufacturers who are seeking to innovate and put people back to work. That is why I support this.

Mr. HALL of Texas. Mr. Chairman, I reserve the balance of my time.

Mr. BOCCIERI. Mr. Chair, I yield myself 1 minute.

I understand that the gentleman from Texas is rising in opposition to this amendment because he believes that it is unnecessary. But let me tell you what we're doing in Ohio. We have a community college that has worked closely with the local economy, making a bridge between the local innovation and investments and the research and development to create pipelines for jobs. Rolls-Royce Corporation just announced that they're moving their research for their fuel cells from Singapore to Stark County, Ohio. And they have a pipeline there. They're creating a curriculum based on science, technology, engineering, and mathematics. They need the resources, they need the tools to help innovate and move us out of this recession so we can end our dependence on foreign oil. This is a small example of how successful a program like this could be in our great State of Ohio.

Mr. Chair, I yield 30 seconds to the distinguished gentleman from Tennessee (Mr. GORDON), the Chair of the committee.

Mr. GORDON of Tennessee. First, let me compliment Mr. BOCCIERI and his partners for introducing this good amendment. I want to clear up a matter concerning the duplication, title 5, section 502, page 185 under ''coordination and duplication'': ''To the maximum extent practical, the Secretary shall ensure that the activities carried out under this section are coordinated with and do not duplicate the efforts of other loan guarantee programs within the Federal Government.''

This is a good amendment that will label more small- and medium-sized manufacturers to take advantage of loan guarantee programs for innovation, technologies at the Department of Commerce which, in turn, will mean more jobs for Americans.

Mr. HALL of Texas. I reserve the balance of my time.

Mr. BOCCIERI. I would like to inquire how much time we have remaining, Mr. Chair.

The Acting CHAIR. The gentleman has 1¼ minutes remaining.

Mr. BOCCIERI. I yield 1 minute to the gentleman from Michigan (Mr. SCHAUER).

Mr. SCHAUER. Mr. Chair, in Michigan, gaining access to needed capital is hard to come by, and many Michigan businesses continue to be redlined for loans. In my district, there's a need for loan programs to help manufacturers, such as production engineering in Jackson, Michigan, to help them have the opportunity to gain access to capital, to help them move forward to retool their current manufacturing process with the newest technologies, to help make the high-quality components for the military, heavy truck, construction equipment and material handling equipment, industries that they are known for, and to help put them in a better position to be able to capture their share in the global economy.

This amendment is about jobs that we need now. I ask for your support of the Boccieri-Schauer amendment.

Mr. BOCCIERI. Mr. Chair, at this time I yield back the balance of my time.

Mr. HALL of Texas. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. BOCCIERI).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. HALL of Texas. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part B of House Report 111–479 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. GORDON of Tennessee;

Amendment No. 6 by Mr. HALL of Texas;

Amendment No. 10 by Mr. MARKEY of Massachusetts;

Amendment No. 12 by Mr. GEORGE MILLER of California;

Amendment No. 13 by Mr. REYES of Texas.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. GORDON OF TENNESSEE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Tennessee (Mr. GORDON) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 417, noes 6, not voting 13, as follows:

[Roll No. 262]

AYES—417

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush

Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—6

Burgess
Flake
Lummis
McClintock
Nadler (NY)
Paul

NOT VOTING—13

Barrett (SC)
Carney
Cole
Davis (AL)
Garrett (NJ)
Hoekstra
Jackson Lee (TX)
Moore (WI)
Sherman
Souder
Stearns
Wamp
Waxman

□ 1756

Mr. RYAN of Wisconsin changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. STEARNS. Mr. Chair, on rollcall No. 262 I was unavoidably detained. Had I been present, I would have voted "yes."

AMENDMENT NO. 6 OFFERED BY MR. HALL OF TEXAS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. HALL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 163, noes 258, not voting 15, as follows:

[Roll No. 263]

AYES—163

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Conaway
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Richardson
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Young (AK)
Young (FL)

NOES—258

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Lee (NY)
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Welch
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth

NOT VOTING—15

Barrett (SC)
Carney
Cole
Davis (AL)
Garrett (NJ)
Hoekstra
Jackson Lee (TX)
Lewis (GA)
Lummis
Moore (WI)
Sessions
Sherman
Souder
Wamp
Watt

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). Members have 2 minutes remaining in this vote.

□ 1804

Mr. CLEAVER and Ms. WATERS changed their voted from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. REICHERT was allowed to speak out of order.)

MOMENT OF SILENCE HONORING FALLEN LAW ENFORCEMENT OFFICERS

Mr. REICHERT. Mr. Chairman, if I could have everyone's solemn attention, please.

As many of you know, this week is Law Enforcement Memorial Week. As I said earlier in the year when we lost four police officers in one shooting in Washington State, it's a time when all of us should stop and recognize and realize what our law enforcement family does for us each and every day.

Those Capitol Hill Police that are around us here in this building, outside these doors, the Washington, D.C., police officers who protect us to and from our place of work and to our homes and other places that we travel, we have a safe community as a result of men and women wanting to put themselves in harm's way and sometimes sacrificing their lives.

I was one of those for 33 years. I am proud to say that. As a sheriff's deputy in 1972, finally as the sheriff before coming here to Congress, I am proud to be a part of the law enforcement family. We are brothers and sisters. And being a police officer, as my friend, the

sheriff from Indiana, Sheriff ELLSWORTH, knows, it transcends everything. The cop world doesn't mean being Democrat or Republican. Being a cop doesn't mean I am a Catholic, I am a Lutheran, I am a Mormon. It doesn't mean any of those things. It means that we are men and women together as a family and a team, putting our lives on the line for people in this Nation every day.

In this year, 126 police officers were killed in the line of duty. And in Washington State alone we lost seven. So I would join with my friend Sheriff ELLSWORTH, the two sheriffs in the House, in a moment of silence, and I would yield time to Sheriff ELLSWORTH.

Mr. ELLSWORTH. Mr. Chairman, I would like to thank my friend Sheriff REICHERT, and it's appropriate today to call him by the original title at this time, for yielding me that time. I would echo his comments. Everyone in this room interacts with the Capitol Police every day. I know I made a friend in one. He gave me a t-shirt that on the back says, ''You Elect Them, We Protect Them.'' And I wear that shirt proudly at home.

But on this serious day during National Police Week, it's important to know in this House we talk a lot about our brave men and women in uniform that protect our country, and we normally talk about the members of the armed services, and that's absolutely appropriate. But during this week I think we need to also think about the men and women in uniform who are out patrolling our streets, not just the Capitol Police, but at home in all of our districts that are working right now directing traffic, taking drug dealers off the streets, protecting our wives, protecting our families, protecting our husbands, protecting our citizens, the people we represent. We should never forget them for their constant service, 24–7 service to us and all of our constituents.

So today if we could honor them with a moment of silence, for those who did pay the ultimate price, that did give their lives in the line of duty, I would ask for that moment of silence from the House of Representatives.

The Acting CHAIR. Members are asked to rise for a moment of silence in honor of our fallen law enforcement officers.

AMENDMENT NO. 10 OFFERED BY MR. MARKEY OF MASSACHUSETTS

The Acting CHAIR. Without objection, 5-minute voting will continue.

There was no objection.

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 254, noes 173, not voting 9, as follows:

[Roll No. 264]

AYES—254

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carson (IN)
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—173

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Cardoza
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Conaway
Costa
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Peters
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Barrett (SC)
Carney
Cole
Davis (AL)
Garrett (NJ)
Hoekstra
Jackson Lee (TX)
Souder
Wamp

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 2 minutes remaining.

□ 1817

Mr. FORTENBERRY changed his vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 12 OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. GEORGE MILLER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 250, noes 174, not voting 12, as follows:

[Roll No. 265]

AYES—250

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Ellison
Ellsworth
Engel
Eshoo
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—174

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Baird
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Conaway
Cooper
Costa
Crenshaw
Culberson
Davis (KY)
Dent
Dreier
Duncan
Edwards (TX)
Ehlers
Emerson
Etheridge
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McHenry
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Mitchell
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Barrett (SC)
Carney
Cole
Davis (AL)
Franks (AZ)
Hoekstra
Jackson Lee (TX)
Radanovich
Sanchez, Loretta
Souder
Wamp
Waters

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). Members have 2 minutes remaining in this vote.

□ 1823

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 13 OFFERED BY MR. REYES

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. REYES) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 413, noes 10, not voting 13, as follows:

[Roll No. 266]

AYES—413

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick

Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Obey
Olson
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—10

Broun (GA)
Burgess
Flake
Johnson, Sam
McClintock
Miller, Gary
Rohrabacher
Royce
Sessions
Young (AK)

NOT VOTING—13

Barrett (SC)
Carney
Cole
Davis (AL)
Gingrey (GA)
Hoekstra
Jackson Lee (TX)
Olver
Radanovich
Smith (NJ)
Souder
Wamp
Waters

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). Members have 2 minutes remaining on this vote.

□ 1831

Mr. GRIFFITH changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1830

Mr. GORDON of Tennessee. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GARAMENDI) having assumed the chair, Mr. DRIEHAUS, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5116) to invest in innovation through research and development, to improve the competitiveness of the United States, and for other purposes, had come to no resolution thereon.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Brian Pate, one of his secretaries.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later in the week.

LORD'S RESISTANCE ARMY DISARMAMENT AND NORTHERN UGANDA RECOVERY ACT OF 2009

Mr. ENGEL. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1067) to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1067

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 ''Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) For over 2 decades, the Government of Uganda engaged in an armed conflict with the Lord's Resistance Army (LRA) in northern Uganda that led to the internal displacement of more than 2,000,000 Ugandans from their homes.

(2) The members of the Lord's Resistance Army used brutal tactics in northern Uganda, including mutilating, abducting and forcing individuals into sexual servitude and forcing a large number of children and youth in Uganda, estimated by the Survey for War Affected Youth to be over 66,000, to fight as part of the rebel force.

(3) The Secretary of State has placed the Lord's Resistance Army on the Terrorist Exclusion list pursuant to section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)), and LRA leader Joseph Kony has been designated a ''specially designated global terrorist'' pursuant to Executive Order 13224.

(4) In late 2005, according to the United Nations Office for Coordination of Humanitarian Affairs, the Lord's Resistance Army shifted their primary base of operations from southern Sudan to northeastern Democratic Republic of Congo, and the rebels have since withdrawn from northern Uganda.

(5) Representatives of the Government of Uganda and the Lord's Resistance Army began peace negotiations in 2006, mediated by the Government of Southern Sudan in Juba, Sudan, and signed the Cessation of Hostilities Agreement on August 20, 2006, which provided for hundreds of thousands of internally displaced people to return home in safety.

(6) After nearly 2 years of negotiations, representatives from the parties reached the Final Peace Agreement in April 2008, but Joseph Kony, the leader of the Lord's Resistance Army, refused to sign the Final Peace Agreement in May 2008 and his forces launched new attacks in northeastern Congo.

(7) According to the United Nations Office for the Coordination of Humanitarian Relief and the United Nations High Commissioner for Refugees, the new activity of the Lord's Resistance Army in northeastern Congo and southern Sudan since September 2008 has led to the abduction of at least 1,500 civilians, including hundreds of children, and the displacement of more than 540,000 people.

(8) In December 2008, the military forces of Uganda, the Democratic Republic of Congo, and southern Sudan launched a joint operation against the Lord's Resistance Army's bases in northeastern Congo, but the operation failed to apprehend Joseph Kony, and his forces retaliated with a series of new attacks and massacres in Congo and southern Sudan, killing an estimated 900 people in 2 months alone.

(9) Despite the refusal of Joseph Kony to sign the Final Peace Agreement, the Government of Uganda has committed to continue reconstruction plans for northern Uganda, and to implement those mechanisms of the Final Peace Agreement not conditional on the compliance of the Lord's Resistance Army.

(10) Since 2008, recovery efforts in northern Uganda have moved forward with the financial support of the United States and other donors, but have been hampered by a lack of strategic coordination, logistical delays, and limited leadership from the Government of Uganda.

SEC. 3. STATEMENT OF POLICY.

It is the policy of the United States to work with regional governments toward a comprehensive and lasting resolution to the conflict in northern Uganda and other affected areas by—

(1) providing political, economic, military, and intelligence support for viable multilateral efforts to protect civilians from the Lord's Resistance Army, to apprehend or remove Joseph Kony and his top commanders from the battlefield in the continued absence of a negotiated solution, and to disarm and demobilize the remaining Lord's Resistance Army fighters;

(2) targeting assistance to respond to the humanitarian needs of populations in northeastern Congo, southern Sudan, and Central African Republic currently affected by the activity of the Lord's Resistance Army; and

(3) further supporting and encouraging efforts of the Government of Uganda and civil society to promote comprehensive reconstruction, transitional justice, and reconciliation in northern Uganda as affirmed in the Northern Uganda Crisis Response Act of 2004 (Public Law 108–283) and subsequent resolutions, including Senate Resolution 366, 109th Congress, agreed to February 2, 2006, Senate Resolution 573, 109th Congress, agreed to September 19, 2006, Senate Concurrent Resolution 16, 110th Congress, agreed to in the Senate March 1, 2007, and House Concurrent Resolution 80, 110th Congress, agreed to in the House of Representatives June 18, 2007.

SEC. 4. REQUIREMENT OF A STRATEGY TO SUPPORT THE DISARMAMENT OF THE LORD'S RESISTANCE ARMY.

(a) REQUIREMENT FOR STRATEGY.—Not later than 180 days after the date of the enactment of this Act, the President shall develop and submit to the appropriate committees of Congress a strategy to guide future United States support across the region for viable multilateral efforts to mitigate and eliminate the threat to civilians and regional stability posed by the Lord's Resistance Army.

(b) CONTENT OF STRATEGY.—The strategy shall include the following:

(1) A plan to help strengthen efforts by the United Nations and regional governments to protect civilians from attacks by the Lord's Resistance Army while supporting the development of institutions in affected areas that can help to maintain the rule of law and prevent conflict in the long term.

(2) An assessment of viable options through which the United States, working with regional governments, could help develop and support multilateral efforts to eliminate the threat posed by the Lord's Resistance Army.

(3) An interagency framework to plan, coordinate, and review diplomatic, economic, intelligence, and military elements of United States policy across the region regarding the Lord's Resistance Army.

(4) A description of the type and form of diplomatic engagement across the region undertaken to coordinate and implement United States policy regarding the Lord's Resistance Army and to work multilaterally with regional mechanisms, including the Tripartite Plus Commission and the Great Lakes Pact.

(5) A description of how this engagement will fit within the context of broader efforts and policy objectives in the Great Lakes Region.

(c) FORM.—The strategy under this section shall be submitted in unclassified form, but may include a classified annex.

SEC. 5. HUMANITARIAN ASSISTANCE FOR AREAS OUTSIDE UGANDA AFFECTED BY THE LORD'S RESISTANCE ARMY.

In accordance with section 491 of the Foreign Assistance Act of 1961 (22 U.S.C. 2292) and section 2 of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601), the President is authorized to provide additional assistance to the Democratic Republic of Congo, southern Sudan, and Central African Republic to respond to the humanitarian needs of populations directly affected by the activity of the Lord's Resistance Army.

SEC. 6. ASSISTANCE FOR RECOVERY AND RECONSTRUCTION IN NORTHERN UGANDA.

(a) AUTHORITY.—It is the sense of Congress that the President should support efforts by the people of northern Uganda and the Government of Uganda—

(1) to assist internally displaced people in transition and returnees to secure durable solutions by spurring economic revitalization, supporting livelihoods, helping to alleviate poverty, and advancing access to basic services at return sites, specifically clean water, health care, and schools;

(2) to enhance the accountability and administrative competency of local governance institutions and public agencies in northern Uganda with regard to budget management, provision of public goods and services, and related oversight functions;

(3) to strengthen the operational capacity of the civilian police in northern Uganda to enhance public safety, prevent crime, and deal sensitively with gender-based violence, while strengthening accountability measures to prevent corruption and abuses;

(4) to rebuild and improve the capacity of the justice system in northern Uganda, including the courts and penal systems, with particular sensitivity to the needs and rights of women and children;

(5) to establish mechanisms for the disarmament, demobilization, and reintegration of former combatants and those abducted by the LRA, including vocational education and employment opportunities, with attention given to the roles and needs of men, women and children; and

(6) to promote programs to address psychosocial trauma, particularly post-traumatic stress disorder.

(b) FUTURE YEAR FUNDING.—It is the sense of Congress that the Secretary of State and Administrator of the United States Agency for International Development should work with the appropriate committees of Congress to increase assistance in future fiscal years to support activities described in this section if the Government of Uganda demonstrates a commitment to transparent and accountable reconstruction in war-affected areas of northern Uganda, specifically by—

(1) finalizing the establishment of mechanisms within the Office of the Prime Minister to sufficiently manage and coordinate the programs under the framework of the Peace Recovery and Development Plan for Northern Uganda (PRDP);

(2) increasing oversight activities and reporting, at the local and national level in Uganda, to ensure funds under the Peace Recovery and Development Plan for Northern Uganda framework are used efficiently and with minimal waste; and

(3) committing substantial funds of its own, above and beyond standard budget allocations to local governments, to the task of implementing the Peace Recovery and Development Plan for Northern Uganda such that communities affected by the war can recover.

(c) COORDINATION WITH OTHER DONOR NATIONS.—The United States should work with other donor nations to increase contributions for recovery efforts in northern Uganda and better leverage those contributions to enhance the capacity and encourage the leadership of the Government of Uganda in promoting transparent and accountable reconstruction in northern Uganda.

(d) TERMINATION OF ASSISTANCE.—It is the sense of Congress that the Secretary of State should withhold non-humanitarian bilateral assistance to the Republic of Uganda if the Secretary determines that the Government of Uganda is not committed to reconstruction and reconciliation in the war-affected areas of northern Uganda and is not taking proactive steps to ensure this process moves forward in a transparent and accountable manner.

SEC. 7. ASSISTANCE FOR RECONCILIATION AND TRANSITIONAL JUSTICE IN NORTHERN UGANDA.

(a) SENSE OF CONGRESS.—It is the sense of Congress that, despite reconstruction and development efforts, a continued failure to take meaningful steps toward national reconciliation and accountability risks perpetuating longstanding political grievances and fueling new conflicts.

(b) AUTHORITY.—In accordance with section 531 of the Foreign Assistance Act of 1961 (22 U.S.C. 2346), the President is authorized to support efforts by the people of northern Uganda and the Government of Uganda to advance efforts to promote transitional justice and reconciliation on both local and national levels, including to encourage implementation of the mechanisms outlined in the Annexure to the Agreement on Accountability and Reconciliation between the Government of Uganda and the Lord's Resistance Army/Movement, signed at Juba February 19, 2008, namely—

(1) a body to investigate the history of the conflict, inquire into human rights violations committed during the conflict by all sides, promote truth-telling in communities, and encourage the preservation of the memory of events and victims of the conflict through memorials, archives, commemorations, and other forms of preservation;

(2) a special division of the High Court of Uganda to try individuals alleged to have committed serious crimes during the conflict, and a special unit to carry out investigations and prosecutions in support of trials;

(3) a system for making reparations to victims of the conflict; and

(4) a review and strategy for supporting transitional justice mechanisms in affected areas to promote reconciliation and encourage individuals to take personal responsibility for their conduct during the war.

SEC. 8. REPORT.

(a) REPORT REQUIRED.—Not later than 1 year after the submission of the strategy required under section 4, the Secretary of State shall prepare and submit to the appropriate committees of Congress a report on the progress made toward the implementation of the strategy required under section 4 and a description and evaluation of the assistance provided under this Act toward the policy objectives described in section 3.

(b) CONTENTS.—The report required under section (a) shall include—

(1) a description and evaluation of actions taken toward the implementation of the strategy required under section 4;

(2) a description of assistance provided under sections 5, 6, and 7;

(3) an evaluation of bilateral assistance provided to the Republic of Uganda and associated programs in light of stated policy objectives;

(4) a description of the status of the Peace Recovery and Development Plan for Northern Uganda and the progress of the Government of Uganda in fulfilling the steps outlined in section 6(b); and

(5) a description of amounts of assistance committed, and amounts provided, to northern Uganda during the reporting period by the Government of Uganda and each donor country.

(c) FORM.—The report under this section shall be submitted in unclassified form, but may include a classified annex.

SEC. 9. SENSE OF CONGRESS ON FUNDING.

It is the sense of Congress that—

(1) of the total amounts to be appropriated for fiscal year 2011 for the Department of State and foreign operations, up to $10,000,000 should be used to carry out activities under section 5; and

(2) of the total amounts to be appropriated for fiscal year 2011 through 2013 for the Department of State and foreign operations, up to $10,000,000 in each such fiscal year should be used to carry out activities under section 7.

SEC. 10. DEFINITIONS.

In this Act:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives.

(2) GREAT LAKES REGION.—The term ''Great Lakes Region'' means the region comprising Burundi, Democratic Republic of Congo, Rwanda, southern Sudan, and Uganda.

(3) LRA-AFFECTED AREAS.—The term ''LRA-affected areas'' means those portions of northern Uganda, southern Sudan, northeastern Democratic Republic of Congo, and

southeastern Central African Republic determined by the Secretary of State to be affected by the Lord's Resistance Army as of the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. ENGEL) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

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

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

There was no objection.

Mr. ENGEL. Mr. Speaker, I rise in strong support of the bill and yield myself such time as I may consume.

Mr. Speaker, the Senate bill under consideration today is a companion to H.R. 2478, legislation authored by the gentleman from Massachusetts (Mr. MCGOVERN). I want to thank my good friend and colleague, Mr. MCGOVERN, for championing the cause of the people of northern Uganda who have been victimized for over two decades by the Lord's Resistance Army, a group designated as a terrorist organization by the Secretary of State.

Mr. Speaker, it is almost impossible to describe the horrors that the Lord's Resistance Army, also known as the LRA, has perpetrated on the people of northern Uganda and, more recently, in several neighboring countries.

Joseph Kony, the LRA leader, has led a militia group responsible for the slaughter of thousands of people and the displacement of over 2 million others since it was formed in 1986.

The LRA is most notorious for abducting young children, an estimated 30,000, over the past two decades, and forcing them into armed service and sexual servitude. While claiming to represent the legitimate grievances of the Ocholi people of northern Uganda, Kony has exploited those grievances to justify what only can be described as madness in his pursuit of power.

The Ugandan war is now the longest running war in Africa, longer than the conflict in Sudan. During the course of this war, the LRA has been responsible for widespread human rights violations, including murder, abduction, mutilation, sexual enslavement of women and children, and forcing children to participate in killing of Ugandans, often family members and neighbors.

The LRA shows no mercy for the young. Boys are kidnapped and turned into soldiers. Girls are kidnapped and used as sex slaves. And to terrorize communities, the LRA often amputates limbs and disfigures bodies as so-called lessons learned for those willing to resist.

The Ugandan government and the LRA began peace negotiations in 2006, and signed an agreement in August of that year which provided for hundreds of thousands of internally displaced people to return home in safety. A final peace agreement was reached in 2008, but Kony refused to sign, and the LRA subsequently launched new attacks on civilians in eastern Congo.

Despite the LRA leader's refusal to sign the agreement, the Ugandan government has made a commitment to carry out reconstruction plans for northern Uganda, and to implement those mechanisms of the final peace agreement not conditioned on the compliance of the LRA.

Mr. Speaker, the United States Government is a friend to the people of northern Uganda, and it is in our interest to help rid Uganda and central Africa of the LRA. This bill authorizes the President to provide additional assistance to respond to the humanitarian needs of populations in the Democratic Republic of Congo, southern Sudan, and Central African Republic affected by LRA activity.

It further authorizes the President to support efforts by the people of northern Uganda and the government of Uganda to promote transitional justice and reconciliation on both local and national levels.

Mr. Speaker, it is important that we pass this legislation today to draw attention to the LRA's reign of terror and to demonstrate our support for the people of Uganda. Mr. Speaker, I urge all of my colleagues to support this bill.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

I strongly support the policy objectives of Senate Bill 1067, the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act.

For nearly 27 years, the Lord's Resistance Army, LRA, has been terrorizing civilians, leaving a trail of death and despondency in its wake. The LRA's leader is a soulless mass murderer who has perpetrated some of the most deplorable human rights atrocities known to man.

The LRA is a predatory guerrilla force. They mutilate, torture, rape, and murder with impunity. They have abducted tens of thousands of civilians, mostly children, to serve as soldiers or sex slaves. Abducted children are forced to the front lines. And those who manage to escape find it difficult, if not impossible, to return home after being forced to commit atrocities in front of their very own families.

While the LRA has withdrawn from northern Uganda and security conditions there have improved, it continues to wreak havoc on neighboring southern Sudan, the Democratic Republic of the Congo, and the Central African Republic.

Recent reports indicate that, rather than being weakened, the LRA today is stronger and strategically more sophisticated than it was just last year. The bill before us seeks to change that.

It requires the President to develop a comprehensive strategy to deal with the LRA. It offers political, economic, military, and intelligence support for viable multilateral efforts to protect civilians, to apprehend or eliminate top LRA commanders, and disarm and demobilize the remaining LRA fighters.

It then expresses the sense of Congress that the United States should support humanitarian efforts in LRA-affected areas, as well as programs to advance transitional justice in northern Uganda.

I appreciate the chairman's efforts to ensure that this language does not represent an earmark in funding which would conflict with Republican Members' commitment to the American taxpayer to exercise fiscal restraint and discipline.

I also appreciate that the bill conditions future assistance to the government of Uganda upon transparency and a substantial commitment of Uganda's own resources to support reconstruction efforts in the North.

Mr. Speaker, the U.N. Office for Humanitarian Affairs has said that this conflict is ''characterized by a level of cruelty seldom seen, and few conflicts rival it for its sheer brutality.''

Even so, it remains one of the most overlooked humanitarian and human rights crises in the world today. The fact that we are even debating this topic today is largely due to the tireless efforts of young advocates throughout the United States, including in my own congressional district, who have passionately taken up the cause of those whose lives have been destroyed by the LRA. I urge my colleagues to join them in supporting the objectives of this important bill.

I reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, it is now my pleasure to yield 4 minutes to the gentleman from Massachusetts, the vice chairman of the Rules Committee, Mr. MCGOVERN.

Mr. MCGOVERN. I thank the gentleman from New York for yielding me the time.

Mr. Speaker, this is a very important day for U.S. policy in Africa. Just about 1 year ago, on May 19, my friend and colleague from California and the champion of human rights, Congressman ED ROYCE, and I introduced H.R. 2478, the Lord's Resistance Army Disarmament and Northern Recovery Act. In the Senate, Senators RUSS FEINGOLD and SAM BROWNBACK sponsored the same bill, S. 1067, which is the bill before us for consideration today. Today, H.R. 2478 has 200 bipartisan cosponsors.

When the House passes S. 1067 today, it will be sent directly to the President's desk for his signature, and for the first time the U.S. will be required to design and implement a comprehensive strategy with our multilateral and regional partners to address the violence of the LRA; protect the victims of LRA violence in Uganda, the Democratic Republic of Congo, southern

Sudan, and the Central African Republic; strengthen state presence and capacity in these regions to the benefit of the vulnerable civilian populations; and advance the recovery of northern Uganda from decades of violence.

Mr. Speaker, a great deal has happened across the country to ensure that this bill is before the House Chamber today in scarcely 1 year. I want to especially recognize and thank the national networks, organizations, and grassroots activists of Invisible Children, Resolve Uganda, the ENOUGH! Project, and many other religious and human rights groups who have rallied in support of the people and especially the children of this region of Africa.

These Americans, thousands of them high school and college students, understood that the children and people of northern Uganda, the DRC, the southern Sudan, and the CAR have no voice in Washington.

□ 1845

So they were determined to become their voice. They realized that these African children and families were invisible to Washington policymakers. So they decided to make them visible. They realized there is too much suffering, too much pain, too much destruction, too much killing in this region of Africa, so many thousands of miles away, and that there was just too much silence here in Washington. So they built a grassroots national movement of hope for peace, for justice, for reconciliation, for reconstruction, for the recovery of the human spirit. They believe that the people of northern Uganda, the children of Uganda, the DRC, Southern Sudan, and the CAR, have a right to protection and to have a voice in their own destiny.

So today is a good day, a very good day, Mr. Speaker, because today these hundreds of thousands of voices have brought this bill to the House floor today for final passage. The unresolved crisis with the Lord's Resistance Army is one of Africa's longest running and most gruesome militia-driven conflicts. It has morphed into a sadistic force, wreaking terror on the local populations, filling its ranks with abducted child soldiers and slaves.

Now, at this critical juncture in the conflict's history and when the terror once focused in northern Uganda is spreading throughout the region and surrounding countries, we must ensure that the United States commits to a proactive strategy to help see this conflict to its end, protect vulnerable populations, and support and strengthen recovery efforts in northern Uganda and the region.

I thank the many Americans, especially the young people, who have supported this bill. I urge my colleagues to vote in support of final passage of S. 1067. I thank the gentleman from New York, again, for his leadership.

HUMAN RIGHTS, HUMANITARIAN, AND FAITH-BASED GROUPS BACK LANDMARK U.S. LEGISLATION TO HELP PROTECT CIVILIANS FROM THE LORD'S RESISTANCE ARMY

WASHINGTON, DC, 21 MAY 2009.—THE INTRODUCTION OF LEGISLATION IN THE U.S. SENATE AND HOUSE OF REPRESENTATIVES EARLIER THIS WEEK TO COMMIT THE UNITED STATES TO COMPREHENSIVE EFFORTS TO HELP CIVILIANS THREATENED BY ONE OF THE WORLD'S LONGEST-RUNNING AND BRUTAL INSURGENCIES IS A CRUCIAL STEP FORWARD FOR U.S. POLICY IN THE REGION, A COALITION OF TWENTY-TWO HUMAN RIGHTS, HUMANITARIAN, AND FAITH-BASED GROUPS SAID TODAY.

If passed, the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act would require the Obama Administration to develop a regional strategy to protect civilians in central Africa from attacks by the rebel Lord's Resistance Army (LRA) and enforce the rule of law and ensure full humanitarian access in LRA-affected areas. The Act additionally commits the United States to increase support to economic recovery and transitional justice efforts in Uganda. The coalition of supporting organizations includes groups in Democratic Republic of Congo, Sudan, and Uganda, where communities are currently threatened by the LRA.

''We continue to live in fear of LRA attacks and of our children being abducted,'' said Father Benoit Kinalegu of the Dungu/Doruma Justice and Peace Commission in DR Congo. ''We are praying for help and protection and hope U.S. lawmakers will hear our cries.''

Senators Russ Feingold (D–WI) and Sam Brownback (R–KS) and Representatives Jim McGovern (D–MA), Brad Miller (D–NC), and Ed Royce (R–CA) introduced the bill. It affirms the need for U.S. leadership to help bring an end to atrocities by the Lord's Resistance Army and to advance long-term recovery in the region.

''The LRA has long posed a terrible threat to civilians,'' said Georgette Gagnon, Africa Director at Human Rights Watch. '' This bill will help the U.S. government support for comprehensive multilateral efforts to protect civilians in LRA-affected areas and to apprehend or otherwise remove the group's leader, Joseph Kony, and his top commanders from the battlefield.''

For more than twenty years, northern Ugandans were caught in a war between the Ugandan military and the rebel group. The violence killed thousands of civilians and displaced nearly two million people. Kony and his top commanders sustain their ranks by abducting civilians, including children, to use as soldiers and sexual slaves. Though the rebel group ended attacks in northern Uganda in 2006, it moved its bases to the northeastern Democratic Republic of Congo and has committed acts of violence against civilians in Congo, Sudan, and the Central African Republic. In December 2008, Sudan, Uganda and Congo began a joint military offensive, ''Operation Lightening Thunder,'' against the rebel group, with backing from the United States. As a result, the Lord's Resistance Army has dispersed into multiple smaller groups and has brutally murdered more than 1,000 civilians and abducted over 400 people, mostly children.

''Given the catalytic involvement of the U.S. military in Operation Lightning Thunder—and the horrific aftermath of this operation—the U.S. government now has a responsibility to help end the threat posed by Joseph Kony once and for all,'' said John Prendergast, Co-Founder of the Enough Project. ''One man should not be allowed to terrorize millions of people in four Central African countries. The bill is a crucial first step in galvanizing immediate and effective U.S. action.''

The legislation also aims to help secure a lasting peace in Uganda by supporting measures to assist war-affected communities in northern Uganda and to help resolve long-standing divisions between communities in Uganda's north and south. It authorizes increased funding for recovery efforts in northern Uganda, with a particular focus on supporting transitional justice and reconciliation. It also calls on the Ugandan government to reinvigorate its commitment to a transparent and accountable reconstruction process in war-affected areas.

''Smart investment in long-term recovery is essential if the people of northern Uganda are to live with peace and dignity,'' said Annalise Romoser, Lutheran World Relief Associate Director for Advocacy. ''Transitional justice initiatives and the development of basic infrastructure such as food and water systems are crucial elements to lasting peace and reconciliation in Uganda. Such investment from the United States will support the inspiring efforts of northern Ugandans to return home and rebuild after decades of war and displacement.''

With questions, please contact:

Michael Poffenberger, Resolve Uganda: 202.548.2517 / michael@resolveuganda.org; Eileen White Read, Enough Project: 202.741.6376 / eread@enoughproject.org; and Maria Burnett, Human Rights Watch: 917.379.1696 / burnetm@hrw.org.

Supporting organizations include:

Human Rights Watch, Enough Project, Resolve Uganda, International Rescue Committee, Invisible Children, Refugees International, AVSI, Global Action for Children, Lutheran World Relief, United States Fund for UNICEF, Women's Refugee Commission.

Evangelical Lutheran Church in America, Genocide Intervention Network, Refugee Law Project, Uganda, Gulu NGO Forum, Uganda, Dungu/Doruma Justice and Peace Commission, Democratic Republic of Congo Azande Community World-wide Organisation, UK-South Sudan, Mbomu Charitable Organization, Sudan; Ibba Charitable Organization, South Sudan, Azande Women Organization, South Sudan, Hope Sudan Organization, South Sudan, Eso Development Organization, South Sudan.

Added after 21 May 2009: Nabanga Development Agency, South Sudan, Comboni Missionary Sisters, South Sudan.

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to yield 4 minutes to the ranking member on the Foreign Affairs Subcommittee on Africa and Global Health, the gentleman from New Jersey (Mr. SMITH).

(Mr. SMITH of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. SMITH of New Jersey. I thank my good friend for yielding.

Mr. Speaker, I rise in support of the condemnation of the Lord's Resistance Army expressed in S. 1067 and the bill's goal of supporting civilian protection and development in northern Uganda. Four years ago, I chaired a hearing of the Africa, Global Human Rights and International Operations Subcommittee on: The Endangered Children of Northern Uganda. A courageous young woman named Grace Akallo testified about her abduction at the age of 15, together with 138 classmates at a boarding school, by the LRA. They and approximately 30,000 other children have endured horrifying atrocities as

child soldiers and sex slaves. Ms. Akallo eventually escaped, and her remarkable story was recounted in a book entitled, ''Girl Soldier: A Story of Hope for Northern Uganda's Children,'' that she coauthored with human rights activist Faith McDonnell. I highly recommend the book to my colleagues and anyone who wants to learn more about these incredible human rights violations and how we can all work together to address and to stop them.

Ms. Akallo stated back in 2006 that, unfortunately, her story was not uncommon. And I sadly add that, unfortunately, it is still not uncommon. Joseph Kony continues to lead the LRA in the commission of outrageous abuses and atrocities, including the abduction, rape, and killing of innocent civilians, not only in northern Uganda, but also in the Democratic Republic of the Congo, the Central African Republic, and Southern Sudan. Although Kony has been indicted by the International Criminal Court for these and other crimes against humanity, he and his cohorts have yet to be brought to justice.

Mr. Speaker, we must do everything possible to stop the widespread suffering that he is inflicting and to help those who have survived these atrocities to recover. In her testimony, Ms. Akallo specifically asked for more resources to help people suffering because of this conflict, emphasizing that ''it will be important for the Government of Uganda and the international community to provide returnees with adequate resettlement assistance and support in restoring and developing community infrastructure so that people can begin to rebuild their lives.'' She went on to say, ''I ask for your help and the help of others to take action to end this war so that my sisters and brothers and all children of northern Uganda can sleep in peace.'' Mr. Speaker, I ask that all of my colleagues respond to Ms. Akallo's heartfelt request, and I do hope that this bill will pass.

Finally, I would like to engage my good friend and colleague, the gentleman from New York (Mr. ENGEL) in a very short colloquy.

I would like a clarification that neither the term ''reproductive health'' as it appears in the Peace Recovery and Development Plan for Northern Uganda, referenced in sections 6(b) and 8(b) of S. 1067, nor the term ''sexual reproductive health and rights'' in the Uganda Ministry of Health's Sector Strategic Plan II referenced in the Peace Recovery and Development Plan for Northern Uganda, nor any other references in this Act, include access to abortion for purposes of S. 1067.

I yield to my friend.

Mr. ENGEL. The gentleman from New Jersey is correct.

Mr. SMITH of New Jersey. I appreciate that.

Mr. ENGEL. Mr. Speaker, I now yield 2 minutes to a member of the Foreign Affairs Committee, the gentleman from North Carolina (Mr. MILLER).

Mr. MILLER of North Carolina. Mr. Speaker, I also rise in support of the LRA Disarmament and Northern Uganda Recovery Act of 2009. As other Members have already said, for more than 20 years, the LRA has terrorized the Great Lakes region of Africa and continues to commit atrocities and abduct children across areas of northern Uganda, South Sudan, Democratic Republic of Congo, and Central African Republic, often targeting schools and churches. If the LRA ever sought to right some supposed wrong, if there was ever a grievance or cause that motivated the LRA, that has all long since been forgotten. The LRA's atrocities are barbarism for barbarism's own sake.

The United Nations estimates that 90 percent of the LRA's combatants are abducted children, often as young as 10. When the horrific conflict finally ends, those children must somehow return to civilized society after learning as children to kill innocent human beings without hesitation or remorse. Since the brutal Christmas Day massacres of 2008 in the Congo, the LRA has killed more than 1,000 people, abducted almost 2,000 others, and forced more than 300,000 others to flee their homes in vulnerable areas.

The LRA Disarmament and Northern Uganda Recovery Act would support multilateral efforts to bring stability and peace to northern Uganda and to protect civilians from the Lord's Resistance Army. This legislation authorizes humanitarian funding for communities across central Africa victimized by the LRA and assistance to help with recovery and reconciliation efforts in northern Uganda. This bill will help end permanently the LRA's campaign of brutality and terror and help families rebuild their lives.

Please join me in supporting this legislation.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 4 minutes to the ranking member of the Foreign Affairs Subcommittee on Terrorism, Nonproliferation, and Trade, the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I rise in support of this legislation to end the atrocities of Joseph Kony's Lord's Resistance Army, and I am an original cosponsor of the House version of this legislation. From my view, with the passage of this bill, which now goes to the President's desk, we now are in a situation where I think Kony's removal won't guarantee peace, but it certainly will make it possible in the region. I would also just add that the fact that this legislation has made it this far is really a tribute to a group of young people, young professionals who have come up here on their own time and gone to the universities around this country to organize in order to make people aware of the plight of these children in Africa. I really thank them for that work.

Mr. Speaker, Joseph Kony is perhaps the most wanted man in Africa. He is an indicted war criminal. He is a designated terrorist. Many Americans don't know his name but the children of Uganda and Central East Africa certainly do. He is a very sadistic figure. He has a charismatic appeal to some. He heads a group called the Lord's Resistance Army, and under his two decades of tyrannical leadership that group has conscripted some 30,000 children into this killing squad. I can tell you as the former chairman of the Africa Subcommittee, if you talk to parents in Uganda or the Congo or South Sudan or the Central African Republic, the fear they have is the fear inspired by what he has been able to do.

Human rights groups report that this LRA remains powerful. It has still the ability to kill and to capture children. It may be even accelerating its program of fear and mind control over children. I'm reminded of the words of a recent researcher who interviewed a boy who escaped from the group. He reported that he was forced to kill eight other children who disobeyed Kony's rules in a 5-week time span. Those victims were surrounded in a circle. Children were forced to take turns bashing them with a bat in a ''collective kill.'' That's eight times in 5 weeks.

The LRA's objective remains the same as it's been for a couple generations now: kill, capture, and resupply for its next pillage. There is no other reason for its being. Most experts agree that the removal of Kony and his top leadership would decapitate this group. Kony has long fought the government of Uganda. He has had the support of the Islamist government in Sudan for that war, which wanted to hit back at Uganda's leader for his support of Christians and animists in southern Sudan. Former LRA commanders report that Khartoum, Sudan, has provided ''ammunition'' and provides ''intelligence training'' for Kony's group. More recently, there have been credible reports of the LRA gaining sanctuary in Darfur. A referendum on Southern Sudan is looming next year. Unless the LRA is permanently dealt with now, you can bet that Khartoum will put this killing squad back to use again next year in Southern Sudan.

Mr. Speaker, this civil war, originally contained within Uganda's borders, is now a regional crisis in four countries. This bipartisan legislation aims to spur the administration into devising a strategy to remove Joseph Kony and remove his top commanders from the battlefield. Some targeted assistance from the U.S. could make a world of difference.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to yield 1 additional minute to the gentleman from California.

Mr. ROYCE. I thank the gentlelady.

The world's problems can seem overwhelming at times. It is fashionable to blame conflict in Africa on poverty and other environmental factors. But sometimes just getting rid of one person does make a big difference. History is

full of captivating leaders with bad ideas who do great damage. It's a lesson I learned as chairman of the Africa Subcommittee, when Liberian president Charles Taylor ran a gangster regime in West Africa that brought havoc to neighboring Sierra Leone, where he pioneered this idea of using child soldiers and using amputations and using the techniques that Joseph Kony does now. After the hard-fought removal of Charles Taylor, and after his imprisonment, that region is peaceful.

Mr. Speaker, it isn't an exaggeration to say that the fate of hundreds of thousands of people—certainly of 30,000 children—rests in the hands of a few men. Kony's removal won't guarantee peace, but it will make it possible.

I urge the passage of this legislation.

□ 1900

Mr. ENGEL. Mr. Speaker, I now yield 2 minutes to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, one of the reasons that we have this worthy legislation before us—and it certainly is that—is due to a group of young people who have dedicated their voices and energy to getting the heart-wrenching situation in Uganda the attention it demands. The Invisible Children Organization, which has its headquarters in my district, has brought the awful acts of the Lord's Resistance Army to light.

The group has galvanized an entire generation of young people here to care about children halfway around the world. Their activism has painted for many people in our country the grim, intense reality that is faced by so many Ugandans, especially the children abducted by the LRA and forced to become child soldiers. The volunteers have traveled to our cities, our schools, our businesses, probably even to many of our offices here in Washington to show their films and speak out against Joseph Kony and his army's brutality.

These young members of the Invisible Children Organization know that no child should live in fear of being abducted, mutilated or killed. With that belief, they have helped make the children of Uganda visible to us. And now with this legislation, we have the chance to truly join in this cause. This bill will require the President to devise an interagency strategy to address this crisis and heighten our country's level of support for stopping the LRA.

Last August, I had the privilege of speaking with members of the Invisible Children Organization who had come to San Diego for their training as what they called them, ''roadies.'' I cannot do justice to their passion, their commitment, and their dedication to do what is right. Their energy absolutely ignites the room. Mr. Speaker, we cannot let them down, and more importantly, we cannot let down the suffering children this legislation will help.

Mr. MORAN of Virginia. Mr. Speaker, I rise in support of H.R. 2478—the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009. This legislation calls for the end of the reign of terror perpetrated by Joseph Kony and the Lord's Resistance Army (LRA), and beginning the work of reconstruction and reconciliation efforts across northern Uganda, the Democratic Republic of the Congo, South Sudan, and Central African Republic.

This predatory rebel group has been allowed to roam unchecked across Central Africa for nearly a quarter century, leaving behind a wake of communities ravaged by their senseless violence and barbaric means of recruitment. Since 1986, the LRA has abducted tens of thousands of children to be used as soldiers or sex slaves in one of the worst and most neglected humanitarian crises on the planet.

On December 14, 2009, the LRA initiated a series of attacks in the Makombo region of the Democratic Republic of the Congo, where over the course of 4 days, the LRA massacred at least 10 villages, killing over 321 civilians and abducting over 250 civilians—80 of whom were children. In a continuation of the LRA's 24-year history of brutal, unchecked violence, the terrorist rebel group forced children to kill other children, raped girls as young as 11 years old, and gave a warning of silence to the local population by cutting off a number of villagers' ears and lips. Out of the over 321 civilians whose lives were lost, only two died from gunshot wounds, as LRA combatants are known to conserve ammunition by killing with clubs and machetes. Despite the horrific nature of the attack and the sheer number of causalities, the outside world did not receive word of the massacre before Human Rights Watch released their report almost three months later.

But ultimately there is hope in seeing an end to this crisis. For more than a year, American youth across the country have called for U.S. leadership in ending the conflict; Congress has listened, and in turn, taken concrete action in seeing an end to this war. The LRA Disarmament and Northern Uganda Recovery Act stands today as the most cosponsored piece of legislation on an Africa-related policy issue in modern congressional history; 65 Senators and 197 of my colleagues in the House of Representatives have put their names on this crucial human rights legislation.

This legislation requires that the administration deliver a strategy to Congress within 180 days of the enactment of this legislation that outlines a multilateral, interagency plan for the apprehension of top LRA commanders and protection of civilians in LRA affected areas. This budget neutral bill also sets a priority within existing State Department funding for transitional justice mechanisms in northern Uganda, disarmament, demobilization, and reintegration of former child soldiers, and immediate emergency humanitarian relief to communities devastated by the LRA in the Democratic Republic of the Congo, the Central African Republic, and Southern Sudan.

Most importantly, this bill gives a mandate to the President from Congress and the American people in taking proactive steps to bring an end to the violence of the LRA and restoring peace and stability to Central Africa. By the end of the year, I and my colleagues will look forward to seeing a robust strategy submitted from President Obama and Secretary of State Hillary Clinton, and we will continue tirelessly fighting for its successful implementation. I ask of my colleagues to support this bill.

Mr. MORAN of Kansas. Mr. Speaker, as I travel across Kansas, I frequently visit classrooms to speak with high school and college students about the importance of civic engagement and to let young people know that their thoughts and opinions matter.

Today, the House of Representatives is considering legislation that in many ways is the result of civic engagement among young people, including hundreds of Kansans. We have before us S. 1067, the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act. It is important legislation that requires the President to create a strategy to deal with the 24-year-old conflict in central Africa that has killed thousands and disrupted the lives of an entire generation.

Many young Kansans have passionately advocated for vulnerable children and defenseless communities in Africa. They have participated in events like the Rescue and met with government officials. They have signed petitions, written letters to the editor, and educated others about the terrible violence committed by the LRA. They have done all of this and more knowing that they will not benefit in any material way—they have done it simply because it is the right thing to do.

The hundreds of thousands of young Americans that have advocated for this cause demonstrate to their peers and those younger than them that the voices of young people matter, that young people can make a difference.

I commend the concerned young people in Kansas and across the country for their hard work and dedication. You have reason to be proud today that your efforts are paying off.

As a sponsor of the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act, I encourage my colleagues to vote for this important bill. Let's do the right thing and bring an end to the LRA violence in central Africa.

Ms. HIRONO. I rise in support of S. 1067, the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act.

As a cosponsor of the House version of this legislation, I am grateful that the Senate passed S. 1067 by unanimous consent in March and that the House leadership has given this body the opportunity to vote on it today. I would also like to recognize the thousands of activists across the country, including students at Kalani High School and those affiliated with Invisible Children (Project Hope) in Hawaii, who have spoken out passionately about the need to act on this issue.

This bill provides a critically needed mandate for the United States to develop a comprehensive regional strategy that targets the LRA threat. For too long, the LRA has committed unspeakable atrocities throughout Uganda, including murder, mutilation, and the sexual enslavement of women and children. In addition to displacing an estimated two million Ugandans, the LRA has abducted about 66,000 children, forcing them to fight and commit human rights violations on behalf of this terrorist group. The violence has since spread beyond Uganda's borders to parts of Sudan, Central African Republic, and the Democratic Republic of Congo, resulting in increased instability throughout the region.

S. 1067 requires a plan to strengthen efforts by the United Nations and regional governments to protect civilians from attacks, support

the rule of law, and prevent conflict over the long term. S. 1067 also calls for the United States to develop an interagency strategy and an assessment of options to lead in multilateral efforts to eliminate the threat posed by the LRA, protect children and families from further attacks, enhance efforts to help LRA abductees return home safely, and bring those wanted for war crimes and crimes against humanity to justice.

Enactment of this legislation will give us the tools necessary to respond to the humanitarian needs of those affected by this crisis and begin to support reconciliation efforts in Uganda. I urge my colleagues to vote in support of S. 1067.

Mr. WAMP. Mr. Speaker, the Lord's Resistance Army (LRA) has devastated communities in northern Uganda for more than 20 years and is now killing and abducting men, women, and children across areas of southern Sudan, Democratic Republic Congo, and Central African Republic. Following the brutal massacre of more than 800 Congolese villagers attending holiday worship celebrations on Christmas Day 2008, the rebel group led by Joseph Kony continued its rampage throughout the region. Under his leadership, the LRA went on to kill more than 1,000 people, abduct nearly 2,000 others and force more than 300,000 villagers to flee their homes during the weeks surrounding the Christmas holiday. In another horrific massacre just months ago, the LRA killed 321 people and abducted 250 more, many of whom were children. This particular rebel army's violence far outpaces other violent conflicts in the region, yet it tragically gets little attention.

Thousands of Americans, especially our nation's youth, have recognized the urgency of this conflict. In my hometown of Chattanooga, I participated in an event last year called the Rescue, organized by college students as part of a national movement to raise awareness for the Invisible Children organization. I rescued a group that ''abducted'' themselves for a night and stayed at Coolidge Park symbolizing the thousands of Ugandan children that have been kidnapped and forced to become LRA soldiers. At that Rescue, I committed to doing what I could to help their cause. Several months later, I met with three students from The University of the South in Sewanee, Tenn., who walked 800 miles from their college campus to Washington, D.C., as a symbolic journey similar to the ''night commute'' that children in Uganda make into the cities to hide in schools, churches or hospitals in groups to be less susceptible to kidnappers from the LRA, then return home during the day.

Today, I remain committed to bringing awareness to these atrocities as a cosponsor of the LRA Disarmament & Northern Uganda Recovery Act. The tremendous public and Congressional support behind this legislation calls on the Obama Administration to take robust steps to lead multilateral efforts to permanently stop the rebel group's brutal violence, protect these innocent children and families from LRA attacks and help rebuild the lives of those affected. I urge the President to devise an interagency strategy to address this crisis which has gone on far too long. Alongside my colleagues who support this legislation and the hundreds of thousands of Americans who have advocated for its passage, I look forward to seeing decisive action by President Obama and U.S. Department of State Secretary Hillary Clinton to bring about the U.S. leadership needed to see an end to this urgent and intolerable humanitarian tragedy.

Mr. BACA. Mr. Speaker, I rise to support the passage of the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act.

Since 1987, The Lord's Resistance Army has conducted mass killings, mutilation, and forced recruitment of children. It has terrorized the citizens and families of Uganda, South Sudan, the Democratic Republic of Congo, and the Central African Republic.

This legislation calls for serious action to protect and heal victims of Joseph Kony's LRA—Lord's Resistance Army.

For more than two decades over 20,000 boys and girls have been abducted and over 1.5 million people have been displaced.

Survivors of these horrors are haunted by medical, psychological and social consequences. We must help the abducted return home, where they can receive treatment.

This tremendous humanitarian crisis involving young boys as child soldiers and girls as reward for combatants has almost completely destroyed a generation, in a post holocaust era, when we warn ''never again.''

This legislation calls for the capture of LRA leader Joseph Kony to be tried for crimes against humanity. It is imperative he is removed from society to pave the way for reintegration and reconciliation.

The United States and the appropriate agencies must assist in ending LRA violence and help the people of this region rebuild their lives.

Mr. VAN HOLLEN. Mr. Speaker, as a cosponsor of the House version of this resolution, I stand in strong support of S. 1067. This measure expresses the frustration of many members of Congress who feel that efforts to disarm the Lord's Resistance Army and to bring its members to justice are progressing too slowly.

The LRA is currently branded a terrorist organization by the U.S. government for perpetrating two decades of violence in Uganda, Sudan, Central African Republic and the Democratic Republic of Congo. Led by Joseph Kony, who proclaims himself the ''spokesperson'' of God and a spirit medium, the LRA is responsible for the deaths of thousands of people in northern Uganda and Congo and the displacement of 2,000,000 more.

This resolution requires the president to develop a comprehensive strategy to guide future U.S. support across the region to mitigate and eliminate the threat posed by the LRA. It requires that the strategy include a plan to bolster the efforts of the United Nations and regional governments with the goal of protecting civilians and strengthening regional institutions. Additionally, the resolution recommends that an interagency framework be developed to plan, coordinate and review the diplomatic, economic, intelligence and military elements of U.S. policy across the region. Finally, the measure expresses the sense of Congress that $10 million should be provided in FY 2011 for assistance to the Democratic Republic of Congo, southern Sudan, and Central African Republic to help them respond to the humanitarian needs of populations directly affected by the activity of the Lord's Resistance Army.

For 20 years, the LRA has led a bloody campaign of murder, abduction, sexual enslavement and mutilation across central Africa. I ask my colleagues to join me in helping to establish a stable and lasting peace in northern Uganda and other areas affected by the LRA.

Mr. McNERNEY. Mr. Speaker, I rise today in support of S. 1067, the Lord's Resistance Army Disarmament and Recovery Act, which recently passed the Senate and is under consideration today by the House of Representatives. The Lord's Resistance Army (LRA) formed in Uganda has committed countless atrocities. The LRA is responsible for the abduction of thousands of children from southern Sudan, the Democratic Republic of Congo, and the Central African Republic. These children have been forced to become soldiers of the LRA, and more than a thousand have died. Hundreds of thousands of people have been displaced because of the LRA's actions.

The LRA Leader, Joseph Kony, is wanted for war crimes and crimes against humanity. Leaders who commit war crimes and other atrocities can not be allowed to stay in power and obstruct the peace process that is necessary for the Ugandan people to live without the threat of abduction, violence, or death. That is why I am a cosponsor of H.R. 2478, the House companion to S. 1067, which calls upon President Obama to devise a strategy that will remove Mr. Kony from power and allow Ugandans to rebuild their lives. The U.S. should show leadership by working with international partners to bring stability to Uganda and surrounding areas. We must work to end this reign of violence in Uganda, which is why I encourage my colleagues to support S. 1067.

Mr. REICHERT. Mr. Speaker, I rise today in recognition of H.R. 2478, the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009. The legislation has the kind of broad support necessary for unanimous passage and I urge my colleagues to support this legislation.

I signed on as a co-sponsor to H.R. 2478 in November of last year. I am pleased to see that since that time, many of my colleagues have joined me in supporting this critical legislation. Unfortunately, the LRA's pattern of violence and intimidation in Uganda has shown no signs of slowing down. Joseph Kony, the LRA's leader, is overseeing atrocities and abductions in South Sudan, the Congo, and Central African Republic. Schools, churches, and community gathering places are often targeted by the LRA. Kony and two of his commanders are wanted by the International Criminal Court. The brutal and despicable nature of the LRA's crimes is unprecedented. We must act and we must act now.

H.R. 2478 would be a crucial step in ending the LRA's reign of terror and provide assistance to the victims of the violence in rebuilding their lives. The legislation is of paramount importance and I hope my colleagues join me and provide the leadership necessary to show our disapproval of Joseph Kony and the LRA.

I learned about this legislation when four young people came into my district office last year to urge me to support H.R. 2478. I was—and still am—incredibly impressed with their passion and knowledge. I have no doubt those young individuals will soon lead our nation forward; in fact, they already are. I hope this House will support their passion and knowledge and pass H.R. 2478.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ENGEL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ENGEL) that the House suspend the rules and pass the bill, S. 1067.

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

A motion to reconsider was laid on the table.

RECOGNIZING CLOSE U.S.-U.K. RELATIONSHIP

Mr. ENGEL. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1303) recognizing the close friendship and historical ties between the United Kingdom and the United States, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1303

Whereas the Magna Carta, which subjected the English monarch and the English people to the rule of law and is considered one of the most important documents in the legal history of the United Kingdom and the United States, was recognized in 1957 by the American Bar Association for its importance to United States law and constitutionalism and remains on permanent display at the National Archives and Records Administration Building in Washington, DC;

Whereas the English philosopher John Locke, through his monumental works on social contract theory and natural law entitled ''An Essay Concerning Human Understanding'', ''First Treatise on Government'', and ''Second Treatise on Government'', greatly influenced the American Revolution;

Whereas Scottish economist Adam Smith's ''Wealth of Nations'' greatly contributed to the competition and free market principles of the United States;

Whereas the English lawyer Sir William Blackstone's ''Commentaries on the Laws of England'' had a lasting influence on the development of United States common law and legal institutions;

Whereas the arrival of more than 1,500,000 members of the United States Armed Forces in the United Kingdom in the 1940s was a turning point in World War II that further solidified the close friendship between the United Kingdom and the United States;

Whereas Sir Winston Churchill, who heroically and skillfully guided the United Kingdom through World War II, articulated the close ties between the United Kingdom and the United States when he was recognized by becoming the first Honorary Citizen of the United States on April 9, 1963, stating, ''In this century of storm and tragedy I contemplate with high satisfaction the constant factor of the interwoven and upward progress of our peoples. Our comradeship and our brotherhood in war were unexampled. We stood together, and because of that fact the free world now stands. Nor has our partnership any exclusive nature: the Atlantic community is a dream that can well be fulfilled to the detriment of none and to the enduring benefit and honour of the great democracies.'';

Whereas, on August 14, 1941, President Franklin Delano Roosevelt and Prime Minister Winston Churchill agreed to the Atlantic Charter which set forward principles meant to serve as the precursor for the formation of the United Nations;

Whereas when Sir Winston Churchill resigned from his second tour of duty as Prime Minister of the United Kingdom, he warned his cabinet to ''never be separated from the Americans'';

Whereas the United Kingdom and the United States were founding Members of the North Atlantic Treaty Organization and were 2 of the original 12 countries to sign the North Atlantic Treaty on April 4, 1949, in Washington, DC;

Whereas the special relationship between the United Kingdom and the United States was further strengthened by the coordination of Prime Minister Margaret Thatcher and President Ronald Reagan whose firm opposition to communism ultimately led to the fall of the Union of Soviet Socialist Republics and the Iron Curtain;

Whereas after the September 11, 2001, attacks, Prime Minister Tony Blair immediately flew to the United States to express solidarity with the United States, and President George W. Bush declared in a speech before Congress that the United States ''has no truer friend than Great Britain'';

Whereas the United Kingdom joined forces with the United States against the Taliban in Afghanistan as part of Operation Enduring Freedom from the first attacks in October 2001 and permitted the United States to fly missions from Diego Garcia, part of the British Indian Ocean Territory;

Whereas, as of March 15, 2010, a total of 273 United Kingdom military and civilian personnel have died while serving in Afghanistan since the start of operations;

Whereas there are approximately 1,700 United Kingdom military and civilian personnel currently deployed to assist with the military and reconstruction efforts in Iraq;

Whereas since 2003 the United Kingdom has pledged 744,000,000 British pounds toward reconstruction efforts in Iraq;

Whereas 179 United Kingdom military and civilian personnel have died in Iraq since the beginning of the campaign in March 2003;

Whereas, on August 17, 2006, the United States and the United Kingdom introduced a draft United Nations Security Council resolution for the ''expeditious deployment'' of a United Nations peacekeeping force in Darfur, Sudan, and since have worked collaboratively to press for full implementation of the United Nations-Africa Union Mission in Darfur (UNAMID) mandate;

Whereas the United Kingdom Foreign & Commonwealth Office reports that the United States is the largest source of foreign direct investment in the United Kingdom's economy, while the United Kingdom is the largest single investor in the United States economy and, according to the United States Trade Representative, the United Kingdom is one of the European Union countries with the largest foreign direct investment in the United States; and

Whereas the United Kingdom and the United States share a commitment to free speech, democracy, and the rule of law based on the rich history of a longstanding friendship and shared ideals: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the special relationship between the United Kingdom and the United States;

(2) expresses sincere gratitude to the people of the United Kingdom for their generosity, camaraderie, and cooperation with the people of the United States in military operations, foreign assistance, and other joint efforts throughout the world;

(3) acknowledges the importance of the United Kingdom's political philosophy, law, and history on the cultural, political, and legal institutions of the United States; and

(4) looks forward to continued, deepening ties of friendship between the peoples of the United Kingdom and the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. ENGEL) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

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

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

There was no objection.

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

I rise in strong support of this resolution that recognizes the special relationship and historical ties between the United Kingdom and the United States. Mr. Speaker, I wish to thank my good friend, Congressman LINCOLN DIAZ-BALART from Florida, for introducing this measure.

The United Kingdom and the United States have a long history born of shared values and experiences. British legal and philosophical traditions have greatly influenced American practices while both our nations remain committed to human rights, rule of law, and good governance. Our economies are deeply intertwined, as became particularly evident during the global financial crisis. Indeed, Britain is the largest single investor in our economy, while we are the largest source of foreign direct investment in theirs.

Our two nations also share a proud military history. British and American soldiers have stood shoulder to shoulder throughout the major conflicts of the last 100 years. Together we confronted the challenges of Nazism and communism, while today we are fighting together against the scourge of international terrorism. We remain grateful for Britain's active participation in the military and reconstruction efforts in Iraq and Afghanistan.

In recent months, some in Britain have begun to question this ''special relationship,'' a phrase coined by British Prime Minister Winston Churchill in 1945. As is in the case of all relationships, the dynamic link between the U.S. and the U.K. has evolved over time. However, it is clear that our relationship is unique, vitally important and must continue to be nurtured. The United Kingdom remains an essential ally, a valuable partner and a true friend. All British Prime Ministers and American Presidents have forged effective working relationships in order to confront together the challenges facing the present day.

On May 6, just a little while ago, the British people went to the polls. Yesterday we watched the political drama unfold as a coalition agreement was reached between the Conservative and Liberal Democratic Parties. The United States congratulates and stands ready to foster a strong relationship with Britain's new Prime Minister, David Cameron. This postelection period is an opportune moment to reflect upon the strong ties that bind our nations, to celebrate our friendship, and to recommit ourselves to continued cooperation in the future. Much work needs to be done, and the United States has no better partner in the world than the United Kingdom.

Mr. Speaker, I urge my colleagues to support this resolution, and I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself as much time as I may consume.

I am so pleased to rise in enthusiastic support of this important resolution, authored by my Florida colleague, the gentleman, Congressman LINCOLN DIAZ-BALART. This resolution recognizes the unsurpassed friendship and abiding special relationship between the United States and the United Kingdom.

Throughout the history of our alliance and our friendship, we have stood by each other with a level of military, economic and diplomatic commitment and coordination of such an unparalleled extent that it has even been referred to as the ''special relationship.'' The United Kingdom has been a true friend of the United States even to the extraordinary measures of sharing and even jointly operating military bases overseas and being one of the few NATO allies in Afghanistan without restrictions on its troops' ability to engage in combat operations.

The United Kingdom has also been a significant partner in efforts to prevent an Iranian nuclear weapons capability and has led efforts to convince the EU to adopt strong sanctions against the Iranian regime. Further, our economic bilateral relationship is without comparison as our nations' common sense of entrepreneurship and strong belief in free market principles has fostered extraordinary levels of trade and resulted in each country being the largest investor in the other's economy.

In recent years, there has been some debate about the state of this special relationship and whether it is as solid today as it was in the days of President Franklin Roosevelt and Prime Minister Winston Churchill or in the days of President Ronald Reagan and Prime Minister Margaret Thatcher. I am, indeed, concerned that some members in each of the three major British political parties have asserted a need to reevaluate our special relationship, siting their perception that the United States has already begun to back away from its close relationship toward the United Kingdom.

I believe, however, Mr. Speaker, that the special nature of our relationship is not solely dependent upon the level of camaraderie between our political leaders at any given time. It is, instead, based on the bedrock ideals of democracy, of economic liberty, and respect for the rule of law that we both share.

As with all close allies, it is incumbent upon both parties to continually work to improve and to strengthen the relationship, but I think that there is something of substance in our two countries' relationship, something based on those shared principles and cultural connections that endures.

With passage of this resolution, Mr. Speaker, the House of Representatives will send a strong message of our commitment to that special relationship with our closest ally across the Atlantic, the United Kingdom. I, therefore, urge my colleagues to join me in supporting this important resolution.

Mr. Speaker, I am now very pleased to yield such time as he may consume to my good friend, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), the ranking member on the Rules Subcommittee on Legislative and Budget Process and the author of the resolution before us.

Mr. LINCOLN DIAZ-BALART of Florida. I thank my dear friend Ms. ROS-LEHTINEN and also my friend Mr. ENGEL for their help in getting this resolution to the floor and their strong support of this important resolution.

I take this opportunity, Mr. Speaker, to congratulate the United Kingdom's new Prime Minister, David Cameron, as he, as head of the Conservative Party, forms a new government with the Liberal Democrats. We wish him and all of the British people all the best. It's important that we in Congress take the time to recognize that great friend and ally of the United States. It is important that we recognize the special friendship and all that the United Kingdom has done to stand with the United States.

This resolution recognizes the special relationship between the United Kingdom and the United States. It points out the strong influence that English philosophers, economists, jurists and other leaders have had on American political thought, on the United States legal system and on our government. This strong special relationship, founded on our shared history, continues into the modern day. The United Kingdom has repeatedly demonstrated the strength of its camaraderie with the United States.

Within the last decade, the United Kingdom joined forces with us against the Taliban as part of Operation Enduring Freedom, and U.K. soldiers have fought alongside American soldiers in Iraq. The United Kingdom has suffered a tragic loss of life as a result. As of March, 273 U.K. military and civilian personnel have given their lives in Afghanistan, and 179 have given the last full measure of devotion in Iraq.

I am very proud, Mr. Speaker, to have introduced this resolution, highlighting the strong ties that bind our countries together. The United Kingdom is a great friend and ally of the United States. Reflecting on our relationship, Winston Churchill said, ''In this century of storm and tragedy, I contemplate with high satisfaction the constant factor of the interwoven and upward progress of our peoples. Our comradeship and our brotherhood in war were unexampled. We stood together, and because of that fact, the free world now stands. Nor has our partnership any exclusive nature: the Atlantic community is a dream that can well be fulfilled to the detriment of none and to the enduring benefit and honor of the great democracies.''

During the most trying times in the history of the United States, we have had no truer friend than the United Kingdom. I sincerely hope that our futures will continue to reflect our histories, deepen our friendship and continually refresh our commitment to the shared values of the rule of law and democratic principles. I urge all of my colleagues to support this important and, I believe, timely resolution.

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

□ 1915

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to yield myself 30 seconds to point out that today, on the first day in office of a new British Government, let us send to Prime Minister David Cameron and to the people of the United Kingdom a clear message of our friendship and our commitment to this special relationship. I ask my colleagues to join me in support of this important measure.

I yield back the balance of my time.

Mr. ENGEL. Mr. Speaker, I would yield 30 seconds to myself to say that anyone who has gone to the United Kingdom, you feel this special relationship as we mentioned on both sides of the aisle. You feel the camaraderie and you do feel the special bond. I would say tongue in cheek, if we look at the British coalition together, they put together a coalition of liberal Democrats and conservatives; and I would say to the gentlewoman from Florida, if we could do that more often, we may learn a lot more from the British.

I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DEUTCH). The question is on the motion offered by the gentleman from New York (Mr. ENGEL) that the House suspend the rules and agree to the resolution, H. Res. 1303, as amended.

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

The title of the resolution was amended so as to read: ''Recognizing the special relationship and historic ties between the United Kingdom and the United States.''.

A motion to reconsider was laid on the table.

COMMENDING THE COMMUNITY OF DEMOCRACIES

Mr. ENGEL. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1143) commending the Community of Democracies for its achievements since it was founded in 2000, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1143

Whereas the Community of Democracies is a global intergovernmental organization of democratic countries which aims to promote democracy and strengthen democratic norms and institutions around the world;

Whereas the Community of Democracies was founded in June 2000 at a ministerial conference in Warsaw, Poland;

Whereas the Warsaw Conference was convened upon the initiative of then-Secretary of State Madeleine Albright and then-Minister of Foreign Affairs of Poland Bronislaw Geremek;

Whereas delegations from 106 countries signed the final declaration of the Warsaw Conference on June 27, 2000, endorsing an agreed list of core democratic principles and practices, and committing themselves to the promotion of those principles and practices;

Whereas since the Warsaw Conference, there have been four subsequent ministerial conferences of the Community of Democracies in Seoul, Korea, in November 2002, Santiago, Chile, in April 2005, Bamako, Mali, in November 2007, and Lisbon, Portugal, in July 2009;

Whereas since its founding the Community of Democracies has been guided by a Convening Group, today consisting of Cape Verde, Chile, Czech Republic, El Salvador, India, Italy, Lithuania, Mali, Mexico, Mongolia, Morocco, Philippines, Poland, Portugal, South Africa, South Korea, and the United States;

Whereas in June 2009, Lithuania assumed the Presidency of the Community of Democracies for a two-year term;

Whereas upon the initiative of the Government of Poland, the Community of Democracies established a Permanent Secretariat in Warsaw in January 2009, with the goal of strengthening the institution and enabling it to more effectively fulfill its mission of promoting democracy worldwide;

Whereas the Permanent Secretariat in Warsaw has established itself as a vibrant institution of the Community of Democracies, with an active agenda and effective operation;

Whereas under the leadership of the Convening Group, the Lithuanian Presidency, the Permanent Secretariat, and the International Steering Committee, the Community of Democracies has mounted recent efforts to promote democracy in such countries as Iran, Burma, and Afghanistan, and passed resolutions, issued position statements, and committed itself further to missions assisting democratic advancement in those countries and societies which desire it; and

Whereas on the 10th anniversary of the Warsaw Conference, the Community of Democracies will convene in Krakow, Poland, to re-launch the Community and adopt a work program to advance democracy worldwide: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the Community of Democracies for its achievements since it was founded in 2000;

(2) applauds the recent establishment of the Permanent Secretariat of the Community of Democracies and expresses its appreciation to the Government of Poland for the support it has extended to the Permanent Secretariat and for hosting it in Warsaw;

(3) appreciates the energy and initiative that the Lithuanian Presidency has committed to the Community of Democracies and its Working Groups; and

(4) extends its best wishes for the success of the Community's ongoing efforts to promote democracy worldwide, and of the Krakow Conference, which will be held on the 10th anniversary of the founding of the Community of Democracies.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. ENGEL) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

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

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

There was no objection.

Mr. ENGEL. Mr. Speaker, I rise in strong support of this resolution that commends the Community of Democracies for its many achievements since the organization's founding a decade ago, and I yield myself such time as I may consume.

I wish to thank my good friend, the gentleman from Illinois (Mr. QUIGLEY), for his leadership in introducing this measure and bringing it forward for our consideration today.

Mr. Speaker, in January 1999, then-Secretary of State Madeleine Albright told the Los Angeles Times that her highest priority before leaving office was to create a global community of democracies. That objective became a reality in June 2000 when she, along with then-Polish Foreign Minister Geremek, convened ministerial delegations from 106 countries in Warsaw to sign a declaration entitled ''Toward a Community of Democracies.''

This declaration sought to demonstrate methods of support to countries that strive for freedom and democracy. It also established a global, intergovernmental coalition of democratic countries that are committed to promoting democratic rules and strengthening democratic institutions around the world.

I think it is somewhat ironic that this inaugural meeting was in Warsaw, because we know Warsaw has had a long history of being occupied and not being free. Since Warsaw, ministerial conferences have been held in Seoul, Korea; Santiago, Chile; Bamako, Mali; and Lisbon, Portugal. In addition, a Permanent Secretariat was established in Warsaw in order to strengthen the institution and further its mission of democracy promotion.

In early July, on the 10th anniversary of the organization's founding, the Community of Democracies will meet in Krakow, Poland to relaunch the Community and adopt a work program to advance democracy worldwide. This gathering, which will be hosted by Polish Foreign Minister Sikorski, will undoubtedly be one of the most prominent international gatherings of democracy decision-makers this year.

It is fitting that this meeting once again will be held in Poland, not only because it was the location of the Community's founding and a real success story of post-Cold War democratization efforts, but also because the world is grieving with the Polish people following the tragic loss of their President in the plane crash.

As the United States is one of the founding members of the Community and a participant in its convening group, it is appropriate that the House adopt this resolution that commends the Community of Democracies for its achievements and wishes it much success in its upcoming conference.

Mr. Speaker, I urge my colleagues to support this resolution.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also rise in support of this resolution, and I thank the gentleman from Illinois (Mr. QUIGLEY) for providing us with this timely opportunity to recognize the work of the Community of Democracies. Next month will mark the anniversary of the founding of that intergovernmental organization 10 years ago in Warsaw, Poland.

Unlike the United Nations, the governmental participants in the Community of Democracies are not distinguished merely by the fact that they hold power in a country. They are bound by their commitments to the core democratic principles set out in the Warsaw Declaration, including, among others: the right of citizens to choose their governments through regular, free, and fair elections; freedom of opinion; freedom of expression; freedom of conscience; freedom of religion; freedom of peaceful assembly; freedom of association; the right to be free from arbitrary arrest and detention; and the importance of a competent, independent, and impartial judiciary.

Furthermore, Mr. Speaker, as outlined in the Seoul ministerial meeting in 2002, the Community has developed criteria and procedures to help ensure that only practicing democracies are participants. Maintaining those standards is critical, as they give the Community a moral authority and a substantive voice that is so badly needed in today's world.

The promise and possibilities of the Community have become even more important at a time when other multilateral bodies have been poisoned by membership without standards. We need look no further than the discredited U.N. Human Rights Council. When

a so-called human rights body counts China, Cuba, Saudi Arabia and other abusive regimes as members, we cannot claim to be surprised at how ineffective it has become in protecting and advancing fundamental freedoms.

The U.N. Human Rights Council is a feckless and ideologically manipulated talk-shop that expends most of its energy not on the North Korean gulag or genocide in Sudan or repression in Burma or the brutal dictatorship in Cuba or the beatings of the peaceful Damas de Blanco, or Ladies in White, oh, no. They spend their time attacking the democratic Jewish State of Israel.

In this environment, the need for a cohesive, energetic, multilateral voice that truly stands for and defends political freedom and fundamental human rights is greater than ever. This is where the Community of Democracies can step in and fill that need.

The Permanent Secretariat of the Community of Democracies began operating just in January 2009 and is located where the Community issued its founding declaration: in Warsaw, Poland. We continue to be grateful to the government and the people of Poland for hosting the secretariat and for their living witness to the democratic ideals, ideals nurtured even during their trying experience of communism and Soviet domination in the 20th century.

I also want to express my appreciation to the Government of Lithuania for its presidency of the Community of Democracies since last July. Looking ahead, I sincerely hope that the Community will maintain its distinctive voice.

We must help ensure that the regional groups of the Community will make additional, concrete progress, such as on the Inter-Arab Democratic Charter discussed by members of the Middle East group at the 2005 ministerial meeting in Santiago.

Finally, we must help ensure that the Community will emphasize democracy and human rights as predicates for efficient, responsible, economic development, and not as luxuries that can only be expected in affluent societies.

And as the more than 100 participating countries prepare to meet in Krakow in July, let us all recommit ourselves to promoting the ideals of freedom to which we all aspire.

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

Mr. ENGEL. Mr. Speaker, it is my pleasure now to yield 2 minutes to the gentleman from Illinois (Mr. QUIGLEY), the author of this resolution.

Mr. QUIGLEY. Mr. Speaker, I thank my colleagues for their kind words on this matter.

I rise today in strong support of H. Res. 1143, a bipartisan resolution commending the Community of Democracies on its 10-year anniversary.

The Community of Democracies is a truly global, intergovernmental organization of democratic nations. The organization seeks to promote democracy and strengthen democratic institutions around the world. Spearheaded by former Secretary of State Madeleine Albright, the overarching goal was to create a global community of democratic nations. Secretary Albright's vision became a reality in 2000 when 106 nations came together in Warsaw to launch the Community of Democracies.

This July marks the 10-year anniversary, and my resolution honors their achievements over the last decade. The resolution also expresses hope for success at the anniversary conference to be held in Krakow this July. Honoring the Community has always been important, but in light of the recent tragedy in Poland, the significance of this resolution has dramatically increased.

The Community of Democracies has deep ties with Poland and Polish leaders. The organization was founded in Warsaw, Poland, under the leadership of then-Minister of Foreign Affairs of Poland Bronislaw Geremek. It was the Government of Poland that initiated the establishment of a Permanent Secretariat in Warsaw in January 2009 to strengthen the institution. It is fitting, therefore, that Poland will host the anniversary conference.

Poland has endured much sorrow recently, but we know the country and her people will find the resilience to emerge stronger, as they have before, following this unimaginable tragedy.

This resolution honors those democratic institutions exemplified by Poland and by every other democracy throughout the world. I urge my colleagues to support H. Res. 1143, commending the Community of Democracies.

Ms. ROS-LEHTINEN. Mr. Speaker, I am very pleased to yield such time as he may consume to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), the ranking member of the Rules Committee Subcommittee on Legislative and Budget Process.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I thank my friend for yielding me the time and Mr. QUIGLEY for introducing this important resolution.

The Community of Democracies, a global intergovernmental coalition of over 100 democratic states, has proven its support for the promotion of democracy in civil society over the decade since its founding.

I would like to take this opportunity to highlight, as Ms. ROS-LEHTINEN appropriately mentioned before, the leadership of the Republic of Lithuania, which took over the presidency of the Community of Democracies in July 2009. Lithuania has shown remarkable leadership in pressing forward with the Community's agenda of promoting democracy, human rights, and freedom in oppressed lands such as Burma, Belarus, and Cuba.

Under the guidance of Ambassador Zygimantas Pavilionis, chief coordinator of Lithuania's presidency of the Community of Democracies, the Community created a Parliamentary Forum in March of this year. I have been impressed by Ambassador Pavilionis' exceptional leadership and commitment to strengthening the role of the Community of Democracies in fulfilling its mission of promoting democratic institutions and civil society.

In March of this year, I was privileged to attend the convening meeting of the Parliamentary Forum of the Community of Democracies in Vilnius, Lithuania. At the first meeting of the Parliamentary Forum, Emanuelis Zingeris, chairman of the Foreign Affairs Committee of the Seimas of Lithuania, was elected as the first president of the Parliamentary Forum of the Community of Democracies. Mr. Zingeris is a charismatic and brilliant leader who will doubtless be an effective president of the Parliamentary Forum throughout his term.

Also at the Parliamentary Forum, I had the great honor of being elected one of the seven vice presidents of the new entity, along with fellow vice presidents Michal Tomasz Kaminski, Polish member of the European Parliament and chairman of the European Conservatives and Reformists in the European Parliament; Michael Gahler, German member of the European Parliament of the Group of the European People's Party; Alexandr Vondra, a senator from the Czech Republic; Adriana Gonzalez Carrillo, a senator of the Republic of Mexico; David Kilgour, former member of Parliament and a well-known human rights activist in Canada; and David Bakradze, speaker of the Parliament of Georgia.

□ 1930

Notably, the Parliamentary Forum's first adopted resolution at its convening meeting on March 12, 2010, called for the support of Cuba's pro-democracy movement. I have a copy of that resolution, Mr. Speaker here. I will insert it into the RECORD.

And the Parliamentary Forum's international solidarity, as demonstrated by this resolution, a strong and very appropriate, well-written resolution that, for example, honors, and I read from it, Cuban pro-democracy fighters such as the martyr Orlando Zapata Tamayo and expresses its admiration for the efforts of other heroes such as Guillermo Farinas. This is a concrete, specific demonstration of genuine solidarity by the Parliamentary Forum of the Community of Democracies with the suffering people of Cuba and the freedom fighters who, within Cuba, are struggling to bring democracy and freedom to that land.

Orlando Zapata Tamayo was assassinated by the Cuban dictatorship, and he died after over 80 days on a hunger strike protesting the tortures that he was continuously subjected to as a political prisoner.

And Guillermo Farinas is, as we speak, on a hunger strike in Cuba. This

institution, the Parliamentary Forum of the Community of Democracies, expressed its solidarity with these Cuban rights fighters, fighters for freedom. And in that way, demonstrated its genuine commitment to furthering democratic institutions and assisting those who are fighting for freedom.

The resolution today, Mr. Speaker, that will be passed by the Congress of the United States in support of commending the Community of Democracies on its 10th anniversary is timely. I wholeheartedly support it. I commend the Community of Democracies for 10 years of leadership, and I urge all of my colleagues to vote for this resolution.

Again, thank you, Mr. ENGEL. Thank you Ms. ROS-LEHTINEN. This is an important and timely resolution. These are friends of freedom that we're commending today, an institution that, as Ms. ROS-LEHTINEN pointed out, is not there for cocktail parties or press releases. And it doesn't allow itself to be tarnished, like abominable institutions such as the so-called Human Rights Council of the United Nations, to be tarnished by, in effect, defending tyrannies. The Community of Democracies is that, a community of democracies that stands for and believes in freedom and democracy. That's why it's appropriate to commend them on their 10th anniversary.

THE COMMUNITY OF DEMOCRACIES PARLIAMENTARY FORUM

RESOLUTION CALLING FOR SUPPORT OF CUBA'S PRO-DEMOCRACY MOVEMENT, THE CONVENING MEETING, 2010 MARCH 12

Whereas the pro-democracy movement in Cuba has grown at a rapid pace over the last three years, and specific expressions of the movement are evident today in the explosion of bloggers on the island, independent journalists, musicians, artists, writers, and others, who are using their talents to denounce the atrocities of the dictatorship all while putting forth new ideas for the transition to democracy;

Whereas there are still extraordinary obstacles to overcome such as the continued repression by the totalitarian dictatorship, extremely limited access to the Internet and ''texting'' capabilities, and a lack of a coherent message of solidarity from the international community;

Whereas the dictatorship is fearful of the growth of the pro-democracy movement;

Whereas the message of the Movement is coherent and clear in demanding freedom for all Cuban political prisoners, beginning with those who are gravely ill inside the prison, freedom of expression and free, fair multiparty elections with international supervision;

Whereas this common position of the Cuban pro-democracy movement requires greater recognition, dissemination and solidarity on the part of the Community of Democracies;

Whereas now more than ever the Cuban pro-democracy movement requires that the democratic community takes concrete steps to demonstrate its solidarity; Now, therefore be it

Resolved, That the Community of Democracies Parliamentary Forum—

condemns the brutality of the Cuban regime against Cuban political prisoners;

expresses its full support for the Cuban pro-democracy movement;

honors Cuban pro-democracy fighters such as the martyr Orlando Zapata Tamayo and expresses its admiration for the efforts of other heroes such as Guillermo Farifias;

calls for the immediate release of all Cuban political prisoners and free multiparty elections in Cuba; and

calls on the democratic community to take concrete steps in demonstrating their solidarity with the Cuban pro-democracy movement by providing humanitarian and technological assistance to the pro-democratic movement, urging certain foreign diplomatic posts in Havana to strengthen contacts with pro-democratic activists on the island, encouraging foreign dignitaries to visit Cuba for the sole purpose of meeting with pro-democratic activists, and looking for opportunities to reiterate and support the common position of the Cuban pro-democracy movement in the international community.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ENGEL) that the House suspend the rules and agree to the resolution, H. Res. 1143, as amended.

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

A motion to reconsider was laid on the table.

COMMENDING PROGRESS MADE BY ANTI-TUBERCULOSIS PROGRAMS

Mr. ENGEL. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1155) commending the progress made by anti-tuberculosis programs, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1155

Whereas tuberculosis (hereafter in this preamble referred to as ''TB'') is the second leading fatal global infectious disease behind HIV/AIDS, claiming 1,800,000 million lives each year;

Whereas the global TB pandemic and the spread of drug resistant TB present a persistent public health threat to the United States;

Whereas according to 2009 data of the World Health Organization, 5 percent of all new TB cases are drug resistant;

Whereas TB is the leading killer of people with HIV/AIDS;

Whereas TB is the third leading killer of adult women, and the stigma associated with TB disproportionately affects women, causing them to delay seeking care and interfering with treatment adherence;

Whereas the Institute of Medicine (IOM) found that the resurgence of TB between 1980 and 1992 was caused by cuts in TB control funding and the spread of HIV/AIDS;

Whereas, although the numbers of TB cases in the United States continue to decline, progress towards TB elimination has slowed, and it is a disease that does not recognize borders;

Whereas New York City had to spend over $1,000,000,000 to control a multi-drug resistant TB outbreak between 1989 and 1993;

Whereas an extensively drug resistant form of TB, known as XDR-TB (hereafter referred to in this preamble as ''XDR-TB)''), is very difficult and expensive to treat and has high and rapid fatality rates, especially among HIV/AIDS patients;

Whereas the United States has had more than 83 cases of XDR-TB over the last decade;

Whereas the Centers for Disease Control and Prevention estimated in 2009 that it costs $483,000 to treat a single case of XDR-TB;

Whereas African Americans are 8 times more likely to have TB than Caucasians, and significant disparities exist among other United States minorities, including Native Americans, Asian Americans, and Hispanic Americans;

Whereas, although drugs, diagnostics and vaccines for TB exist, these technologies are antiquated and are increasingly inadequate for controlling the global epidemic;

Whereas the most commonly used TB diagnostic in the world, sputum microscopy, is more than 100 years old and lacks sensitivity to detect TB in most HIV/AIDS patients and in children;

Whereas current tests to detect drug resistance take at least 1 month to complete and faster drug susceptibility tests must be developed to stop the spread of drug resistant TB;

Whereas the TB vaccine, BCG, provides some protection to children, but has little or no efficacy in preventing pulmonary TB in adults;

Whereas there is also a critical need for new TB drugs that can safely be taken concurrently with antiretroviral therapy for HIV;

Whereas enactment of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 and the Comprehensive TB Elimination Act provide an historic United States commitment to the global eradication of TB, including to the successful treatment of 4,500,000 new TB patients and 90,000 new multi-drug resistant (MDR) TB cases by 2013, while providing additional treatment through coordinated multilateral efforts;

Whereas the United States Agency for International Development provides financial and technical assistance to nearly 40 highly-burdened TB countries and supports the development of new diagnostic and treatment tools, and is authorized to support research to develop new vaccines to combat TB;

Whereas the Centers for Disease Control and Prevention, working in partnership with States and territories of the United States, directs the national TB elimination program and essential national TB surveillance, technical assistance, prevention activities and supports the development of new diagnostic, treatment and prevention tools to combat TB;

Whereas the National Institutes of Health, through its many institutes and centers, plays the leading role in basic and clinical research into the identification, treatment and prevention of TB;

Whereas the Global Fund to Fight AIDS, Tuberculosis and Malaria provides 63 percent of all international financing for TB programs worldwide and finances proposals worth $3,200,000,000 in 112 countries, and TB treatment for 6,000,000 and HIV/TB services for 1,800,000, and in many countries in which the Global Fund supports programs, TB prevalence is declining, as are TB mortality rates; and

Whereas March 24, 2010, is World Tuberculosis Day, a day that commemorates the date in 1882 when Dr. Robert Koch announced

his discovery of Mycobacterium tuberculosis, the bacteria that causes tuberculosis: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals of World TB Day to raise awareness about tuberculosis;

(2) commends the progress made by United States-led anti-tuberculosis programs; and

(3) reaffirms its commitment to global tuberculosis control made through the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. ENGEL) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, this is my resolution, and I am proud to be the lead sponsor of it. And I rise today in honor of this resolution to fight tuberculosis, which I introduced with my good friends from Texas, TED POE and GENE GREEN.

House Resolution 1155 seeks to commend the progress made by U.S. anti-tuberculosis programs at the CDC, USAID, NIH and Global Fund to Fight AIDS, Tuberculosis and Malaria, and to reaffirm the House's historic commitment to global TB control made through the Lantos-Hyde Act enacted 2 years ago. My own legislation, the Stop Tuberculosis Now Act, was folded into the PEPFAR reauthorization, and I remain grateful to Chairman BERMAN and Ranking Member ROS-LEHTINEN, the gentlewoman from Florida, for their strong support of this significant investment in tuberculosis control. The chairman of the Subcommittee on Africa and Global Health, Mr. PAYNE, is also to be commended for his commitment to tuberculosis control as well.

Mr. Speaker, TB is the second leading global infectious disease killer behind HIV-AIDS, claiming approximately 1.8 million lives each year.

TB is the leading killer of people with HIV-AIDS. TB control must be strengthened as part of a comprehensive approach to women's health. TB is the third leading killer of adult women globally, and women who develop the disease are more likely to die from it than men. The risk of premature birth or having a low birth weight baby double for women with TB, and those who receive a late diagnosis are four times as likely to die in childbirth.

Mr. Speaker, about half a million people fall ill each year with multidrug-resistant TB, but the World Health Organization estimates that less than 5 percent are receiving appropriate treatment, which is one of the factors fueling the spread of drug-resistant tuberculosis.

Although the number of TB cases in the United States is declining, the nature of this infectious disease presents a persistent public health threat to the United States. Tuberculosis is a significant public health program for the border States of California, Texas, New York, Florida and others.

Drug-resistant TB poses a particular challenge to domestic TB control owing to the high costs of treatment and intensive health care resources required. Treatment costs for multidrug-resistant TB range from $100,000 to $300,000 per person, which can cause a significant strain on State public health budgets. In 2008, 107 cases of MDR-TB were reported in the United States. Of particular concern is that four extensively drug-resistant TB cases were reported, double the number from 2007.

H. Res. 1155 calls attention to the critical need for public and private reinvestment into research to develop new TB diagnostics, drugs and vaccines to replace antiquated technologies that hinder our progress against tuberculosis.

Although drugs, diagnostics, and vaccines for TB exist, these technologies are increasingly inadequate for controlling the global epidemic. The most commonly used TB diagnostic in the world, sputum microscopy, is more than 100 years old and lacks sensitivity to detect TB in most HIV-AIDS patients and in children. The TB vaccine, BCG, provides some protection to children, but has little or no effect in preventing pulmonary TB in adults. We will never defeat TB without a public and private research investment into new tuberculosis tools.

I urge my colleagues to vote in favor of H. Res. 1155, to be on record in supporting the global fight against tuberculosis.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to rise in support of the gentleman's resolution. Tuberculosis is truly a significant challenge for all of us. It is a disease that respects no borders, that claims the lives of over 1.8 million lives worldwide every year, and that continues to cause needless deaths every day. It is a major threat to peoples living in developing countries, but it is also a health risk here in the United States and in other developed countries.

As this resolution correctly points out, drug therapies that are currently used to treat tuberculosis are proving less and less effective as new and different strains of tuberculosis continue to build and develop resistance to these drugs.

There are about 9.4 million new cases of tuberculosis each year. In addition, according to recent news reports, it is estimated that 440,000 people worldwide have been infected with deadly multidrug-resistant tuberculosis in 2008 alone.

Just recently, the World Health Organization released a report that underlined the continuing threat from the spread of drug-resistant forms of tuberculosis.

Furthermore, as statistics reported by the World Health Organization note, parts of Africa face a truly staggering threat, due to the large numbers of those suffering from AIDS in those regions who are extremely vulnerable to tuberculosis. In such regions, tuberculosis can indeed be a fatal sentence of rapid and painful death.

The standard drug regimen for tuberculosis is severely outdated. With current treatment methods, patients treated for tuberculosis have to stay on medication for far too long, and that means that there can be lapses in medication that only feed resistance among strains of the disease. And so, new forms of treatment, new forms of therapies, and new vaccines are needed. But what is needed also at a fundamental level is the continued recognition of the dangerous nature of this disease and the commitment to continue the struggle against it.

I thank my colleagues, the gentleman from New York (Mr. ENGEL), my good friend, and the gentleman from Texas (Mr. POE) for introducing this important resolution. Its adoption by this House should reinforce the message that we will continue to support the vital efforts to fight this disease.

Mr. Speaker, I have no further requests for time, so I yield back the balance of my time.

Mr. ENGEL. Mr. Speaker, before I yield back the balance of my time, I want to thank my good friend, Congresswoman ROS-LEHTINEN, who has partnered with me in so much good legislation through the years. And I really do appreciate her support.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ENGEL) that the House suspend the rules and agree to the resolution, H. Res. 1155, as amended.

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

A motion to reconsider was laid on the table.

APPOINTMENT OF MEMBERS TO PRESIDENT'S EXPORT COUNCIL

The SPEAKER pro tempore. Pursuant to Executive Order 12131, and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Members of the House to the President's Export Council:

Mr. REICHERT, Washington

Mr. TIBERI, Ohio.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO THE STABILIZATION OF IRAQ—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111–108)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the Federal Register for publication, continuing the national emergency with respect to the stabilization of Iraq. This notice states that the national emergency with respect to the stabilization of Iraq declared in Executive Order 13303 of May 22, 2003, as modified in scope and relied upon for additional steps taken in Executive Order 13315 of August 28, 2003, Executive Order 13350 of July 29, 2004, Executive Order 13364 of November 29, 2004, and Executive Order 13438 of July 17, 2007, is to continue in effect beyond May 22, 2010.

Obstacles to the orderly reconstruction of Iraq, the restoration and maintenance of peace and security in the country, and the development of political, administrative, and economic institutions in Iraq continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. Accordingly, I have determined that it is necessary to continue the national emergency with respect to this threat and maintain in force the measures taken to deal with that national emergency.

The Iraqi government continues to take steps to resolve debts and settle claims arising from the actions of the previous regime. Before the end of the year, my Administration will review the Iraqi government's progress on resolving these outstanding debts and claims, as well as other relevant circumstances, in order to determine whether the prohibitions contained in Executive Order 13303 of May 22, 2003, as amended by Executive Order 13364 of November 29, 2004, on any attachment, judgment, decree, lien, execution, garnishment, or other judicial process with respect to the Development Fund for Iraq, the accounts, assets, and property held by the Central Bank of Iraq, and Iraqi petroleum-related products, should continue in effect beyond December 31, 2010, which are in addition to the sovereign immunity ordinarily provided to Iraq as a sovereign nation under otherwise applicable law.

BARACK OBAMA.

THE WHITE HOUSE, *May 12, 2010.*

□ 1945

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 10, 2010.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Monday, May 10, 2010 at 2:47 p.m., and said to contain a message from the President whereby he submits a proposed Agreement Between the Government of the United States of America and the Government of the Russian Federation for Cooperation in the Field of Peaceful Uses of Nuclear Energy.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

AGREEMENT FOR COOPERATION IN THE FIELD OF PEACEFUL USES OF NUCLEAR ENERGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs:

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b), (d)) (the ''Act''), the text of a proposed Agreement Between the Government of the United States of America and the Government of the Russian Federation for Cooperation in the Field of Peaceful Uses of Nuclear Energy (the ''Agreement''). I am also pleased to transmit my written approval of the proposed Agreement and determination that the proposed Agreement will promote, and will not constitute an unreasonable risk to, the common defense and security, together with a copy of an unclassified Nuclear Proliferation Assessment Statement (NPAS) concerning the Agreement. In accordance with section 123 of the Act, as amended by title XII of the Foreign Affairs Reform and Restructuring Act of 1998 (Public Law 105–277), classified annexes to the NPAS, prepared by the Secretary of State in consultation with the Director of National Intelligence, summarizing relevant classified information, will be submitted to the Congress separately.

The proposed Agreement was signed in Moscow on May 6, 2008. Former President George W. Bush approved the Agreement and authorized its execution, and he made the determinations required by section 123 b. of the Act. (Presidential Determination 2008–19 of May 5, 2008, 73 FR 27719 (May 14, 2008)).

On May 13, 2008, President Bush transmitted the Agreement, together with his Presidential Determination, an unclassified NPAS, and classified annex, to the Congress for review (see House Doc. 110–112, May 13, 2008). On September 8, 2008, prior to the completion of the 90-day continuous session review period, he sent a message informing the Congress that ''in view of recent actions by the Government of the Russian Federation incompatible with peaceful relations with its sovereign and democratic neighbor, Georgia,'' he had determined that his earlier determination (concerning performance of the proposed Agreement promoting, and not constituting an unreasonable risk to, the common defense and security) was no longer effective. He further stated that if circumstances should permit future reconsideration by the Congress, a new determination would be made and the proposed Agreement resubmitted.

After review of the situation and of the NPAS and classified annex, I have concluded: (1) that the situation in Georgia need no longer be considered an obstacle to proceeding with the proposed Agreement; and (2) that the level and scope of U.S.-Russia cooperation on Iran are sufficient to justify resubmitting the proposed Agreement to the Congress for the statutory review period of 90 days of continuous session and, absent enactment of legislation to disapprove it, taking the remaining steps to bring it into force.

The Secretary of State, the Secretary of Energy, and the members of the Nuclear Regulatory Commission (NRC) have recommended that I resubmit the proposed Agreement to the Congress for review. The joint memorandum submitted to me by the Secretaries of State and Energy and a letter from the Chairman of the NRC stating the views of the Commission are enclosed.

I have considered the views and recommendations of the interested departments and agencies in reviewing the proposed Agreement, and have determined that performance of the proposed Agreement will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the proposed Agreement and urge the Congress to give the proposed Agreement favorable consideration.

My reasons for resubmitting the proposed Agreement to the Congress for its review at this time are as follows:

The United States and Russia have significantly increased cooperation on nuclear nonproliferation and civil nuclear energy in the last 12 months, starting with the establishment of the Bilateral Presidential Commission Working Group on Nuclear Energy and

Security. In our July 2009 Joint Statement on Nuclear Cooperation, Russian President Medvedev and I acknowledged the shared vision between the United States and Russia of the growth of clean, safe, and secure nuclear energy for peaceful purposes and committed to work together to bring into force the agreement for nuclear cooperation to achieve this end. The Russian government has indicated its support for a new United Nations Security Council Resolution on Iran and has begun to engage on specific resolution elements with P5 members in New York. On April 8, 2010, the United States and Russia signed an historic New START Treaty significantly reducing the number of strategic nuclear weapons both countries may deploy. On April 13, both sides signed the Protocol to amend the 2000 U.S.-Russian Plutonium Management and Disposition Agreement, which is an essential step toward fulfilling each country's commitment to effectively and transparently dispose of at least 34 metric tons of excess weapon-grade plutonium, enough for about 17,000 nuclear weapons, with more envisioned to be disposed in the future. Russia recently established an international nuclear fuel reserve in Angarsk to provide an incentive to other nations not to acquire sensitive uranium enrichment technologies. Joint U.S. and Russian leadership continue to successfully guide the Global Initiative to Combat Nuclear Terrorism as it becomes a durable international institution. The United States believes these events demonstrate significant progress in the U.S.-Russia nuclear nonproliferation relationship and that it is now appropriate to move forward with this Agreement for cooperation in the peaceful uses of nuclear energy.

The proposed Agreement has been negotiated in accordance with the Act and other applicable laws. In my judgment, it meets all applicable statutory requirements and will advance the nonproliferation and other foreign policy interests of the United States.

The proposed Agreement provides a comprehensive framework for peaceful nuclear cooperation with Russia based on a mutual commitment to nuclear nonproliferation. It has a term of 30 years, and permits the transfer, subject to subsequent U.S. licensing decisions, of technology, material, equipment (including reactors), and components for nuclear research and nuclear power production. It does not permit transfers of Restricted Data. Transfers of sensitive nuclear technology, sensitive nuclear facilities, and major critical components of such facilities may only occur if the Agreement is amended to cover such transfers. In the event of termination, key nonproliferation conditions and controls continue with respect to material, equipment, and components subject to the Agreement.

The Russian Federation is a nuclear weapon state party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). Like the United States, it has a ''voluntary offer'' safeguards agreement with the International Atomic Energy Agency (IAEA). That agreement gives the IAEA the right to apply safeguards on all source or special fissionable material at peaceful-use nuclear facilities on a list provided by Russia. The Russian Federation is also a party to the Convention on the Physical Protection of Nuclear Material, which establishes international standards of physical protection for the use, storage, and transport of nuclear material. It is also a member of the Nuclear Suppliers Group, whose non-legally binding guidelines set forth standards for the responsible export of nuclear commodities for peaceful use. A more detailed discussion of Russia's domestic civil nuclear program and its nuclear nonproliferation policies and practices, including its nuclear export policies and practices, is provided in the NPAS and in the classified annexes to the NPAS submitted to the Congress separately.

This transmittal shall constitute a submittal for purposes of both sections 123 b. and 123 d. of the Act. My Administration is prepared to immediately begin the consultations with the Senate Committee on Foreign Relations and House Committee on Foreign Affairs as provided in section 123 b. Upon completion of the 30-day continuous session period provided for in section 123 b., the 60-day continuous session period provided for in section 123 d. shall commence.

BARACK OBAMA.

THE WHITE HOUSE, *May 10, 2010*.

HONORING DALLAS BRADEN FOR PITCHING A PERFECT GAME

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

Mr. MCNERNEY. Mr. Speaker, I am proud to congratulate Oakland A's pitcher and Stockton resident Dallas Braden on pitching a perfect game on May 9, 2010. On Mother's Day, Dallas accomplished a feat that few ever have, going nine innings without allowing a single batter to reach first base. Dallas made history by pitching the 19th perfect game in Major League history.

Dallas has been playing baseball his entire life. He grew up in Stockton and played baseball at Stagg High. He was drafted by the A's in 2004 and made his Major League debut in 2007. Dallas is known for his community service in Stockton. And let me tell you, Dallas, you've made our city proud.

I ask my colleagues to join me in honoring Dallas Braden on pitching a perfect game.

TOWN OF SURFSIDE'S 75TH ANNIVERSARY

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

Ms. ROS-LEHTINEN. Mr. Speaker, I rise to congratulate one of the beach communities in my district, the historic town of Surfside, which will be celebrating its 75th anniversary on May 16.

I have the great pleasure of representing this unique town, which has had an important and historic part in the growth of south Florida from its early days as a beach resort. Surfside's roots stretch back to 1930, when 100 beachgoers formed their own club at 90th Street, beyond the Miami Beach city limits. Surf Club members persuaded local residents to incorporate Surfside and lent the town its first year's operating budget in 1935.

Among the historic figures who stayed at the Surf Club was Winston Churchill, who enjoyed painting by the ocean. Today, Surfside is known for its diverse population and low-rise residential homes in a quiet, peaceful, and relaxed neighborhood setting.

I am proud to salute the 5,000 residents of Surfside, who will be celebrating their anniversary with a parade and beach barbecue this Sunday, including Mayor Daniel Dietch and grand marshal and former mayor Marion Portman. Congratulations to Surfside.

□ 2000

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SCHAUER). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE of Texas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

BREAKING THE BARRIERS OF AN UNFAIR TAX CODE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, last month most Americans filled out what is probably the most complicated and lengthy Federal income tax return in our history. Most everyone agrees that our Nation's tax system is totally flawed and in need of considerable reform. The Tax Code is so complex that more than 80 percent of individual taxpayers either use an accountant or a computer-based program to prepare their tax returns.

The IRS estimates that Americans spend 6.6 billion hours and $194 billion each year to comply with a Tax Code that has far too many complicated provisions which require special paperwork and detailed record keeping.

Our Tax Code has become more and more a complex, burdensome, and expensive drag on the economy which we can ill afford in the middle of a severe economic downturn. It also harms America's businesses' ability to compete in the global marketplace by discouraging saving, by discouraging investing, by discouraging risk taking.

American workers are now asked to work for 3 full months to pay for their annual Federal, State, and local taxes. It is totally unacceptable to require already-stressed families to give up at least a quarter of their income to prop up an expanding Federal bureaucracy while everyone else is making significant sacrifices.

Instead of searching for a way to provide tax relief to American households, some administration officials have proposed new tax schemes that will further burden small businesses and consumers. One of the worst of these is the European-style value-added tax, VAT, which would levy a complicated tax at each stage of manufacturing, thereby adding a hidden cost to the finished product. This is damaging not only to the consumer, but also to many industries involved in manufacturing which have been hard hit during this recession.

Instead of adding new taxes, Congress should be focused on reforming the current tax structure.

I join many of my colleagues in the House who have asked the chairman of the House Ways and Means Committee, the gentleman from Michigan (Mr. LEVIN), to schedule hearings on Tax Code simplification. The last major reform of the Tax Code took place almost a quarter century ago in 1986, and while far from perfect, helped reduce the harm inflicted on the economy in many ways.

The guiding principles of the 1986 reform were that it must not increase the total tax burden, while lowering individual and corporate income tax rates.

Tax reform must not be used as a subterfuge for increasing taxes, as it needlessly complicates an already difficult issue with controversial questions about whether the combined tax burden should be higher or lower.

Mr. Speaker, businesses and families need a stable and uncomplicated Tax Code. Businesses need to know how high their taxes will be in future years to make decisions now about hiring and expanding. Families need to know how high their taxes will be before they make decisions about large expenditures. A constantly changing Tax Code makes it difficult for businesses and families to make these decisions.

The Tax Code has become sufficiently complex and harmful that a major rewrite is in order, and if Congress passes tax reform, it should consider making a commitment to keep the reformed Tax Code in place for as many years as possible.

Congress must remember the sacrifices made by all of America's families. The American people need action that will break the barriers of an unfair and complicated tax system, and Congress must respond because the future health of the U.S. economy demands it.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

AMERICA COMPETES REAUTHORIZATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. SUTTON) is recognized for 5 minutes.

Ms. SUTTON. Mr. Speaker, today I rise as a proud cosponsor in strong support of the America COMPETES Reauthorization Act. As we recover from this recession, we must remain committed to ensuring that our students are properly educated in math and science to strengthen our Nation's economic competitiveness.

With the America COMPETES Reauthorization Act, we will make targeted investments in science, technology, engineering, and math education and groundbreaking research. Research leads to innovation. Innovation leads to manufacturing new products, and manufacturing leads to good-paying jobs.

According to the Alliance for American Manufacturing, every manufacturing job in our country directly supports four additional jobs. This bill will support our manufacturers, many of which are small businesses, by improving access to credit with innovative technology Federal loan guarantees.

This bill improves the Manufacturing Extension Partnership program by reducing the local cost share, allowing Manufacturing Extension Partnership program centers like MAGNET in Ohio to leverage more funds. MAGNET, which is based out of Cleveland, has leveraged Manufacturing Extension Partnership funds to generate nearly $10 million in new investment and has created or retained over 400 jobs in my congressional district alone between 2005 and 2009.

Manufacturing Extension Partnership centers will help rejuvenate our Nation's manufacturing base by informing local community colleges of the skill sets local manufacturers seek. Our workers must have the necessary job training to secure good-paying jobs. We must invest in our students, our workers, our small businesses, and our short-, mid-, and long-term economic competitiveness, and that is exactly what our bill does.

For these reasons, I am proud to cosponsor the America COMPETES Reauthorization Act, and when the bill is called up for a vote tomorrow, I urge a ''yes'' vote.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

IN HONOR OF BRIAN MAHAFFEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. JOHNSON) is recognized for 5 minutes.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today with sadness to recognize fallen Rockdale County Sheriff's Deputy Brian Mahaffey.

On May 8, Deputy Mahaffey was shot and killed in the line of duty while executing a search warrant in Conyers, Georgia. Deputy Mahaffey was shot. Although he was wearing a bulletproof vest, this bullet entered at an unusual angle and, as a result, he received a fatal gunshot wound. Deputy Mahaffey was only 28 years old.

Deputy Mahaffey served his community courageously and honorably. Brian was not only a sheriff's deputy, but he was a husband, he was a father, he was a brother, and he was a son. He loved to fish and he loved to work on cars. His friends often described him as a kindhearted, genuine, sincere, loving person.

It is difficult to see a life cut short, Mr. Speaker, by such a reprehensible act, but the people of the 4th District of Georgia are thankful for his love of serving others and protecting the community.

I am deeply saddened at the loss of our fallen sheriff's deputy, Brian Mahaffey, and my thoughts and prayers are with him and his family—his wife, Diana; 2-year-old son Trenton; almost 3-month-old daughter Anniston; his brother, Christopher; and his parents, Terry and Cindy. I pray that they find comfort in this unimaginably difficult time.

When a law enforcement officer is killed in the line of duty, it's a loss that is felt by all Georgians. We are a family, and we have just lost a son.

Brian Mahaffey was a hero. I am humbled by his service and his sacrifice. Deputy Mahaffey's duty was to protect and serve the citizens of Rockdale County. Thanks to law enforcement officers like Brian, our Nation is more secure. He routinely put his life on the line to defend those in Rockdale County, and his bravery resulted in his death.

The 4th District has lost a dedicated deputy, a public servant, role model, and family man. We must honor his memory with an unwillingness to surrender to crime and to lawlessness, and we must maintain our determination to bring justice to those who make us unsafe.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. KOSMAS) is recognized for 5 minutes.

(Ms. KOSMAS addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

KEEP AMERICA COMPETITIVE IN THE GLOBAL ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KILROY) is recognized for 5 minutes.

Ms. KILROY. Mr. Speaker, I rise today in strong support of the America COMPETES Reauthorization Act, legislation that will create jobs, strengthen our commitment to innovative research, and invest in education to keep our country competitive in the global economy.

Over the last century, America has been the leader in technological and scientific innovation. However, other nations are making investments in their own research capabilities, and we must rise to meet the challenge and insure that we remain the world's leader in innovation and learning while revitalizing our economy and creating jobs in our community.

I am part of the Congressional Competitiveness Task Force, and I also hold hearings on this issue in my own community and recently had the opportunity to meet with executives from the Silicon Valley. They tell me that innovation and research and development is necessary to get America moving again and our economy and keep America the leader in technological and scientific innovation.

The America COMPETES Act will create jobs by strengthening our manufacturing sector. It guarantees loans to small- and medium-sized manufacturers that create innovative products, supports research for transformative advances in manufacturing, and supports the Manufacturing Extension Partnership program so it can continue to meet the needs and challenges of manufacturers today.

The America COMPETES Act also makes investments in clean energy technologies that will help create jobs and secure our long-term economic growth. As China, Brazil, and other countries make huge investments in this growing industry, we must ensure that our country does not lose its competitive edge and fall behind in its technological capabilities.

The America COMPETES Act reauthorizes the Advanced Research Projects Agency for Energy to support high-risk, high-reward energy technology research and establishes Energy Innovation Hubs to support collaborative research and development of advanced energy technology.

Building a workforce that would be competitive in the world global marketplace also requires investments in science, technology, engineering, and mathematics education at all levels of our education system.

The America COMPETES Act updates the Robert Noyce Teacher Scholarship Program to help train secondary teachers to teach STEM in high-needs schools, provides grants to encourage students to major in science, technology, engineering, and math fields, and establishes fellowships for graduates in these fields to lead the way in education research in these areas.

The America COMPETES Act will strengthen diversity for science, technology, engineering, and math students, increasing the participation of women and minorities in the classroom and the workforce. And it increases funding for research reauthorized by the Department of Energy's Office of Science, the largest supporter of physical science research in our country, the National Science Foundation, and the National Institute of Technology, with the intent of doubling funding they receive over the next 10 years.

□ 2015

The research they support will create the innovative technologies of the future and drive students to become the scientists and engineers our country needs.

Chad Bouton, recently named Inventor of the Year by Battelle in my district, is a shining example of this. His work on processing algorithms makes a product called Cyberkinetic Braingate possible, a medical device that allows people to control computers by their thoughts. This has incredible implications for paraplegics who are confined to their wheelchairs, for veterans in need of realistic, functional prosthetics. This is the kind of research we need that not only leads to incredible innovations, but will inspire students with the possibilities of what they can achieve as scientists and researchers themselves.

We have a key opportunity as the economic recovery takes hold to make essential investments that will keep our Nation competitive and secure its long-term economic growth. The America COMPETES Act is supported by the U.S. Chamber of Commerce, the National Association of Manufacturers, the Ohio Business Roundtable, Ohio State University, and hundreds of businesses, professional societies, and institutions of higher learning across the country.

I am proud to cosponsor this bipartisan legislation, and I urge my colleagues, tomorrow when it comes for a vote, to support the America COMPETES Act.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

(Mr. MORAN of Kansas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

(Mr. PAUL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

(Mr. GARRETT of New Jersey addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

JOBS AND OUR ECONOMY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Mr. Speaker, thank you very much for recognizing me and allowing us again on a Wednesday evening to explore the interesting question that has certainly been much in the minds of Americans over the last couple of years; that is, the situation of jobs and our economy. Particularly, what is the connection between jobs and the economy, and what is going on? Do we have reason for hope? Are things turning around or not? And we continue as Americans to ask, where are the jobs? Because there are many, many people who are unemployed, and many people who are unemployed for more than a year are no longer counted in our statistics, which suggests that the unemployment rate is somewhere in that 9 percent or 10 percent area. So the real unemployment rate is probably higher. That is a reason for people to be concerned, if you have a job.

If you don't have a job, it is not a matter of concern; it is a matter of a serious crisis. And there are many people who are struggling with that, and we are going to take a look at that this evening and also take a look at what are the various factors that influence the fact that we don't have jobs, whether we are doing the right or

wrong things, and also the curious phenomena that we are seeing now, where, from a policy point of view, we are doing many things that are very destructive to job creation, and yet the economy seems to be coming back to some degree. What is that? What drives the economy? And, why would Wall Street be having things look good for Wall Street when so many people are out of work? We are going to take a look at those questions this evening.

Starting off, I have depicted here: The lower part of this graph is the net jobs gained or lost. This centerline here is zero jobs. We haven't created any jobs, we haven't lost any jobs if you see a bar that is near this centerline. This is going back to 1993.

We come here: 2001. It was the recession when I was first elected to Congress. In 2001, we were losing jobs. And you can see those. We inherited a recession from the last days of the previous administration. George Bush came to office here, we were losing jobs, and we had to do something to try to turn the economy around. You see, something was done. The economy turned around.

Now, the next and last section of the graph is 2009, and you can see the tremendous number of jobs lost over here, the jobs lost again being the lines under the graph, showing that these are thousands and thousands of jobs that are lost. So this graph here shows the fact that we do have a great deal of job loss. The graph up above is a little bit more complicated. We don't need to get into that for a moment.

So how is it that this whole situation came to be, and how did we get into the problems in the first place? Well, it started some years ago for this particular recession. It was brought on, as you recall, you have probably heard some discussion about the word ACORN or about Freddie and Fannie. The details of this whole situation may seem a little bit hazy to you. That is all right. A lot of things go on, and it is hard to keep track of everything. But the recession really got started because of a combination of several things that happened.

By and large, if you are looking at somebody to blame, you should be looking here. You should be looking at the Federal Government. It was policies of the Federal Government that created this problem, the unemployment problem and the turndown in the economy.

Well, exactly what happened? Well, what happened was, going back many years, people got the idea that it would be a good idea for banks to loan money to people so people could buy houses. But there are some people who economically are not in a very strong position to be able to continue to make their mortgage payment month in and month out. So Congress, in its wisdom, made the decision that we were going to force banks to make loans to people who were bad loan prospects. That means that there was a high chance that they could not repay the loan.

Now, I suppose this was done in the name of compassion or whatever. I am not sure how compassionate it is to put someone into a loan that they can't afford to pay for, but that is what we actually instituted into law. So we had the situation ticking along like a timebomb.

By the time President Clinton was in his last year, he increased the percentage of the loans that had to be made to people who couldn't afford to pay them, so the bankers were going out making loans to people that couldn't afford to pay.

You say, well, why would a banker do that? Well, part of the reason is because a banker could pass the loan on through to Freddie and Fannie. Freddie and Fannie were two quasi-public organizations. They acted like private companies, but there was always this implicit guarantee that if anything happened to Freddie and Fannie, the Federal Government would come in and bail them out.

Well, so what happens? You put that in combination with another thing that was going on, and that was this recession here. The Federal Reserve, first of all, created money, but they also particularly reduced very much the cost of money to banks. So you had almost a zero interest level and you had a lot of liquidity looking for someplace to invest money. So what did people invest money in? They invested money in houses. So everybody started buying houses, and housing prices went up and up and up.

I came down here by 2004 or 2005, and I thought I was the dumbest Congressman in the entire House because I hadn't bought a multimillion dollar house and watched it double in 4 or 5 years. But of course, when you see something expanding that rapidly, it suggests you may be dealing with a bubble, and of course that is what happened: The housing bubble popped.

So it was a combination, one, of policies created by Congress requiring loans to be made to people who couldn't afford to pay them. And as the housing bubble popped and the housing values came down, all kinds of people were like, when the music stops, who is left without a chair?

So the economy starts to take a beating, and the group that was pushing very hard for these loans to people who couldn't afford to pay them of course was ACORN, someone certainly that the President was closely associated with. And was this a big surprise to lawmakers? Well, it really wasn't to many.

In fact, if you take a look at that great conservative oracle, The New York Times—I say that somewhat sarcastically—you find on September 11, 2003, as early as September of 2003, President Bush was saying to Congress, ''Give me authority to work with Freddie and Fannie, because they are spending too much money.'' And so the Congress did that. The Republicans were in charge here in the House.

We passed a bill, it went to the Senate, and it was killed in the Senate because the Republicans did not have 60 votes in the Senate. And so this ticking timebomb continued to tick. We did not deal with the financial mismanagement of Freddie and Fannie until the train came off the tracks somewhat down the line.

That may be a brief version, but it gives you a sense as to how things got started. And it wasn't problems with free enterprise, it wasn't problems with businesses much. It was made right here in this Chamber.

I am joined by a fantastic Congressman from Illinois, somebody who is highly regarded, a graduate of West Point, which we won't hold against him even, and it is Congressman SHIMKUS.

I would be delighted to hear your perspective on where we are going with these things.

Mr. SHIMKUS. I thank my colleague for giving me some time. I am joined with some high school students from North City, Illinois, which is a small rural community. The thing that is worrying them and they are focusing on is, where are the jobs going to be?

And I always come back to over this last year and a half: What have we done to help create an environment? As you know, and you have got a great background in this, there is a simple statement: If you want employees, you have to have employers.

Mr. AKIN. That is a profound statement that you just made. It is so simple, and yet we forget it. Don't we?

Mr. SHIMKUS. Well, we forget it, and we drive them out. You look at what we have done with the bailout of Wall Street. What we actually did was we established a premise of too big to fail, and then we bailed out the huge, powerful, big Wall Street banks. And who is paying the fare? Our small community banks, with new insurance premiums, and they are the ones who loan to small businesses throughout small-town rural southern Illinois.

And then we bring up a cap-and-trade regime on a false premise of carbon dioxide as a toxic emittent. We say we want to tax carbon. What does that mean? Higher electricity prices, higher gas prices. That is not a good signal for people to invest and take over this if they are going to get a return investment.

Then, we do the fraud of all frauds, and we say we are going to provide health care to all Americans, and we are going to cut Medicare $500 billion, we are going to raise another $500 billion in taxes, and we are going to create a system that really is unsustainable.

And the business community is saying, time out. I am not going to take any risk until this thing all sorts out.

So it is unfortunate, when we really need jobs in America, that our response here in the past 18 months is to send every signal against those.

I want to finish with the statement that if you want to pay for government

services, you have to have the private sector that is earning money to pay the taxes to pay for government services. Government employment, government jobs is not going to be able to pay for government services.

□ 2030

Mr. AKIN. Well, you know, you have just made a whole series of very, very excellent, really commonsense kinds of points. And in summarizing what you said, many people have likened that our policy for the last year and a half is the equivalent—it's tantamount to declaring war on business. Now, you can't declare war on business and then complain that there aren't any jobs around. It just doesn't make sense.

Now, supposedly the President was going to do some ''Meetings on Main Street'' about unemployment. So a couple of weeks ago, we had a meeting across the river from you, gentleman, on Main Street in St. Charles, and we invited about 30 or 40 business people, some bigger companies, smaller companies, and we asked them, What are the most important things to get right, for us to get right down here in order to create the environment where the private sector could create jobs? We can't make any jobs in the Federal Government. Every time we make a job, it takes two jobs out of the private sector, but we can set a proper environment for job creation.

So I asked it a little bit from a negative point of view. I said, What are the things that are most destructive to creating jobs? I have got a list of them here, but they put them in order—actually the order that I think is almost common sense. The first thing they said was excessive taxation. Now, starting on excessive taxation, everything that just came out of your mouth, gentleman, is another story of excessive taxation. You've got the Wall Street bailout. I think you mentioned that failed stimulus bill—I would call it a porkulus bill. The $787 billion really turned out to be $800 billion, and then you've got the tax on carbon, the cap-and-tax. That's something we passed in the House, but the Senate, fortunately, hasn't confirmed it.

You know, the President made a promise, he said, No one making under $250,000 is going to need to worry about getting taxed, and yet we pass a bill that the poor soul that flips the light switch is going to be taxed. And then on top of that, we add socialized medicine. All of those things are massive taxes, and our small business people were saying, If there's one thing you want to do to create jobs, you do not want to bury the small business guy in taxes. Now, you know that. It's absolute common sense, isn't it?

Mr. SHIMKUS. Right. And as we follow the now health care law, it's hard for some of us to really—I mean, the reality is that the people who are going to have the most difficulty are the small businesses in complying. And, again, when you talked about small-town rural America, you look at—we want to encourage people to hire folks. We don't want to discourage the centralized—and it's a sad state of affairs that the only place in America that you can go to find a job is Washington, D.C., and the only place that real estate values are high is Washington, D.C. We cannot continue to incentivize the national capital at the expense of Main Street USA.

Mr. AKIN. Right. The first thing is on the taxation point, why would taxation kill jobs? You know, if you think about it—first of all, let's say, whereabouts are jobs? Well, 80 percent of jobs in America are businesses with 500 or fewer employees. So as you're saying you've got these small business guys out there, and all of a sudden the government just lets them have it with a whole bunch of taxes, the small businessman, the profit that his little business makes is viewed as he made a ton of money.

Mr. SHIMKUS. If the gentleman would yield, in small town rural America, a big company has 25 employees, maybe 40 employees. I mean, they are the massive job creators of rural America. And I know the Department of Commerce has their categories of what defines small. Most folks in my congressional district—again, I have someone who joined me tonight—I mean, if someone had 500 jobs in any part of the district, that would be like a massive influx. And so that's where we need to get to. We need to provide the incentive. I'm not just putting just the national government to blame. The State of Illinois is one of the worst States for people to locate and create jobs because of additional things that you just highlighted.

Mr. AKIN. Is it tough on taxes?

Mr. SHIMKUS. It's tough on taxes.

Mr. AKIN. Our businessmen said, That's the worst thing. I think their point was, You've got yourself a little machine shop or some business, if all your money is taxed away from you, you can't put a shed on it and add a new machine tool; you can't invest in a new process or a new idea or a new innovation.

We've got a guy in my district and he actually has a farm over in Illinois, and I just love innovation in Americans. This guy recognized that there is a material that nobody seems to want in our country, and it comes out of the south end of pigs. And it's kind of smelly stuff. He has found some way to put pig manure into these big kettles, run the pressure up and the temperature up and turn it into a crude tar which he uses to make asphalt to make roads. And we have a section of road which is a pig manure road which apparently our Department of Transportation says is pretty good quality asphalt. You know, that's the kind of thing, though, you've got to have money to invest in a new idea, and if the government taxes all your money away, how do you create those jobs?

Mr. SHIMKUS. And you have it up there too. I'm going to end with this: uncertainty, because uncertainty creates a disincentive for people to assume risk. And if they're going to assume risk, that's where bailouts are a failed economic policy because there are two sides of that coin. If you're successful, we want those folks to be rewarded and be able to keep that earned money so that they can grow their business. But if they fail, they fail. Grant failed numerous times. Lincoln failed numerous times. The history of this country is rife with very successful individuals who were not successful in many businesses but didn't turn to government to ask for a handout.

I want to thank you. I wanted to come down and visit. I appreciate your yeoman's work on this, and thank you for your work.

Mr. AKIN. Well, I sure appreciate the way that you represent your district, and I know your constituents do. We're proud of you, and thank you for the fact that you bring that kind of common sense from the heartland here to the Capitol. We need a little more of that common sense. Thank you so much, gentleman.

So I was just running along. We talked about what caused all this problem. Well, a lot of it was government policies and the idea of giving people all these loans. They couldn't afford to repay them, and then you have everybody buying all of these different kinds of mortgage-backed securities. And the major corporations in America, the Wall Street corporations, started to fail and choke on these bad policies that are based on no common sense at all.

So now you have what's happened before in America and, that is, you have a recession going on. So the question is, What do you do if you've got a recession? And different Presidents have had different approaches to that. But what we have seen, as we've just been talking about, is we have done about everything on this list which are things that are going to kill jobs. We've done everything policy-wise wrong. We could hardly get anything more wrong.

First of all, according to the small business people in our community, the excessive taxation. Well, let's talk about what the taxation was. Well, you've got the Wall Street bailout which is basically creating a whole lot of the government debt which is going to have to turn into taxation. You've got the taxation of the cap-and-tax bill that they're talking about. You're going to expire taxes on capital gains, dividends and death taxes. Those taxes are all going to go up next year. And then you've got the tremendous taxes that are inherent in the socialized medicine bill. So you have a whole lot of taxes coming down on the owners of businesses. That's a job killer.

The next thing that my constituents said that was a major part of the problem was the insufficient liquidity. A businessman needs to be able to get

loans from a bank. He doesn't want big ones. He usually gets a loan for 3 to 5 years and has to pay a pretty decent percentage to the local bank to get those loans. Well, what's happened is that we have tightened up the security and the requirements for lenders in small banks so tremendously heavily that it's very hard for small business people to be able to get loans. They can't borrow money, or the money they used to be able to borrow, they're paying twice the interest rate for the money. So the liquidity is a big problem. Insufficient liquidity is a big problem that small businesses are having.

They're having liquidity problems, tax problems. The economic uncertainty—of course all of these massive bills like socialized medicine, those are things that create a lot of uncertainty. So if you're uncertain as a small businessman, what you're going to do, as we say in Missouri, you're going to hunker down. You're going to avoid making decisions. You're going to try to preserve your capital and try do what you can to ride out the storm. So that's the economic uncertainty that has been created.

And then the red tape is another one that they mentioned. Excessive government mandates and red tape. That's particularly deadly to small businesses because a big business could have a red tape department, but a small business can't afford to have that kind of overhead in terms of management staff. So red tape is also very much a job killer.

Now we have employed all of these tools in the last year and a half and essentially declared war on business. So why in the world would we want to do something like that? We shouldn't be doing it. The result then is that we have created an environment to make a recession that could have been bad, we've made it worse. We were told in the recovery plan, in the beginning of the year in 2008 and 2009 here, we were told that if we don't pass the recovery plan—I guess they call it the stimulus plan—if we don't pass this thing, we're going to have unemployment as high as 8 percent or 9 percent if we don't pass it. Well, on a totally party-line vote, the Democrats passed this bill, and our actual unemployment has gone up like a skyrocket. And why is that? Well, it's because obviously the stimulus bill didn't work.

Now, should we have known it wouldn't work? Of course we should have known it. We could have gone back to the days of FDR who also had a recession that he turned into a Great Depression because he used a wrong economic theory. And what was that theory? Well, it was the idea that if the Federal Government just spends money wildly, it will improve the economy because as the government starts buying, they'll get everybody else buying, and the whole economy will take off and do well.

So that was what Henry Morgenthau, with the advice of Little Lord Keynes, did just prior to the Great Depression. So at the end of about 8 years of tremendous pain and suffering where the small businesses were not just hunkered down but were out of business, then what happens is, this guy, Henry Morgenthau who was Secretary of the Treasury under FDR, comes here to Congress. He talks to the Ways and Means Committee, and he said, You know, we tried spending, and it doesn't work. It just doesn't work. And he said, What's more, we're tremendously in debt as well. So that goes back to basically World War II days that shows that this idea of the stimulus bill just doesn't work. It's not the right way to do it.

Now, is there a way to deal with a recession that comes along? Well, the answer is yes. It's been tried by quite a number of different Presidents, and the various Presidents that have been most successful in stopping these recessions, one was JFK. Now, of course the Democrats run everything down here. Republicans in the House are 40 votes short of the majority, so we don't have a lot to say about these different bills that were passed, and the same thing is going on in the Senate, and of course there's a Democrat in the Presidency.

Now, is there an approach that they could do? I have been critical of Democrats, but not because of the fact that I have anything personal but because the policies have been hurting our country.

Here is a case, JFK, who is a Democrat, that did the right thing. They should have learned from him. And what did he do? He cut taxes. How does that help? He cut taxes. You've got problems all over. The government should be spending money and things. If you cut taxes, what happens is, it leaves more money for that small businessman to invest. As he invests, it creates jobs. As more people have jobs and make a good income, they pay more in taxes. So it's an ironic effect of economics that you can actually reduce taxes and increase government revenue. We saw it happen under the Bush administration. JFK of course was followed by, you know, Ronald Reagan and Bush. Both of them used the same approach. By cutting taxes, they turned us out of a recession.

You could see that on the first chart that we had. You can see that this recession that President Bush inherited here, he had in 2001—and you have kind of lackluster job growth through 2002 into 2003. And then put the policies of these tax cuts, which he was able to get through the Senate. In spite of the fact that we did not have 60 Republican votes, we did get tax cuts through the Senate, particularly capital gains dividends and the death tax. And when we got that through, you can see that the recovery followed. And so that's the effective way, and I think it's not American even to be critical of a political party or somebody else's solution without proposing a better idea. So certainly the better idea is cut taxes. That's what always works. It's worked in other economies and other parts of the world as well.

So here we've got actually a little bit of a cartoon of what's going on. Sometimes we have to laugh a little bit even though it doesn't seem very funny when you don't have a job. But you have the President here saying, Now give me one good reason why you're not hiring. Well, there are a whole bunch of good reasons in these bulls that are in the china shop. Certainly the health care reform is a huge tax, but it's also a tremendous amount of government red tape and an extreme, extreme incentive not to hire workers because you have to pay so much in health care if you are a small businessman with this new socialized medicine that has just been approved.

The cap-and-trade or cap-and-tax is the energy bill. Of course, most businesses use energy. So if you have an increase in the cost of energy, which this bill would do, you're taxing small business. And then of course you have other different taxes in the background coming in. So we're doing a lot of things that are absolutely the wrong thing to do. So that basically could be summarized as a war on business.

□ 2045

We have talked about what the right thing to do is, which is to cut our spending and also to cut taxes. The point of the matter here is that our economy and these jobs all work according to basic principles of economics.

So now we come to, I think, a very, very interesting question, and this is the question: If we have been doing everything wrong, which I would suggest from a policy point of view we have done about everything wrong. We have created red tape. We have created tremendous taxes, and we are not allowing the liquidity that the businessmen need to make jobs. On top of that, you have a high level of uncertainty and excessive government spending. If we are doing all of those things wrong, how come it seems like the stock market is bouncing back and it seems like we are starting toward a recovery in appearances? That becomes kind of an interesting question.

If what I am saying is true that we have done all of the wrong things for businesses, and if you check with almost any small business man in America, they would say yes, you do not want to increase taxes and uncertainty and government red tape. You want small business men to have access to capital and liquidity, and all of those things, if we haven't done a good job, are problems. Almost all small business men will say that is common sense, and if you want jobs, you have to have healthy businesses.

How come is it, then, that it appears that we are pulling out of the recession and starting to do better? Well, obviously the answer to that question is that there are some other things that also affect our economy. In fact, there

is another thing that is even stronger than all of the policies that are so important that we get right down here. What is that force that is so powerful? Well, in a way, you could look at it as the crack cocaine of our economy. Think of it for a minute that there is a person standing there. They are in need of a seven-way heart bypass and they have diabetes and they are getting older. So they are not too healthy. But with a little crack cocaine, they think they are Superman.

Well, we have the equivalent of crack cocaine in our economic system in America, and that is the Federal Reserve. And their crack cocaine is to increase the money supply. It used to be called ''running the printing press,'' except today we don't run printing presses. Things are just recorded. But the point of the matter is that the Federal Reserve has created a tremendous spike in liquidity to try to deal with the tough times in the economy.

On top of that increase in liquidity, they have dropped the interest rates down very low toward zero. What that does is it creates all of this easy money that is looking for a home, and that has a tremendously stimulating effect on the economy, a little like crack cocaine does to somebody who might otherwise be sick.

So, when we have done this in the past, we run into these bubble cycles where you have easy money at a low interest rate. There are people who have access to that money, and they want to buy stocks. They find something they want to buy; they bid it up. It goes up, up, up, and then the bubble collapses. We saw it with the high-tech stocks, and we have just been through it with real estate. People who had a lot of money, particularly low interest rates in 2004, 2005, they go out and buy real estate because what is more solid and American and reliable than mortgages of Americans for their own homes? It has been a very steady business.

Well, you have to watch out when you see money get too easy to be made. You saw home prices in many areas double, and then the top blows off. That is created by this easy money, or what I would call the crack cocaine of our economic system. That is what is going on right now. That is why you see Wall Street apparently seeming to do better, the stock market seeming to go up, and yet all of the policies from a logic point of view that are necessary for a healthy business environment and for lots of good-paying jobs, those policies are not in place and they are being ignored.

In fact, it is almost ironic. The President made a statement, and I had it on a chart last week. He said the government can't so much make the jobs, but we need to set the environment so there is the proper environment for job creation. He was exactly right on that. And then he turned around and has advocated every single policy that he has been advocating, all of his priorities are going to have the net effect of destroying jobs. So there is a little bit of a dichotomy here.

Now, I have been critical of Democrat policies, not because I don't like Democrats, and maybe I ought to make it clear. Everybody that I know of in this Chamber here, there are a lot of fantastic people, and I don't know of anybody who wakes up in the morning and thinks, How I can mess up our country? Nobody thinks that way, but the point of the matter is there are policies that work and there are policies that don't work. The policies that work to create jobs is you have to get off of the big spending and you have to back off on taxes. If you do that, you will actually get more revenue and you can pay for more government services.

Let's take a look at what I am talking about, big spending. Many people felt President Bush spent too much money; in fact, he probably did. These blue lines are President Bush, and these show what the deficit is by year. If you take a look here, the very worst Bush deficit was this year. It is shown in red because this was the Pelosi Congress with Bush as President. He was somewhere just about $450 billion of deficit, which was President Bush's worst deficit. So he spent more money than we had, and that wasn't a good thing to do. He had two wars going on, and we were just coming out of a recession. Anyway, his worst spending year was 2008.

Now we come to Obama's first year as President. What we find is that now the deficit has more than tripled in 1 year. So we go from $450-some billion under President Bush, which was about 3.1 percent of our gross domestic product, which is about average, really, for some of the deficits that various Presidents have run. The deficit is about 3 percent of our gross domestic product. The next year, under Obama, the deficit, and PELOSI and REID, the deficit triples to $1.4 trillion.

Now, what does $1.4 trillion mean? Well, it is three times bigger than Bush's worst deficit, but as a percent of GDP, it is 9.9 percent of GDP. That is the highest since World War II in terms of government spending.

So this is not the thing to be doing when there are not a lot of jobs and when businesses are being hammered. We don't want to be running that kind of spending, and that kind of spending tends to lead to all kinds of taxes. What happens is you can take a recession and turn it into a Great Depression by using the wrong policies.

Now, one of the things that I hear sometimes from people, and I think it is a fair and a good question, and that is: Okay, Congressman AKIN, you are criticizing some of these Democrats, but I think you have a short memory. Don't you remember that the Republicans used to be in charge of 2001 through 2006? You were in the majority. What kinds of things did you do?

Well, when we were in the majority, we did a lot of things that nobody knows anything about, but they were not actually such bad policies.

In the case of health care, for instance, did you do anything in health care? Yes, we did. We passed a number of bills to move forward with associated health plans. That was something where small businesses could pool their employees together and get a better price on health insurance.

What happened to the bills that the Republicans passed in the House? They went to the Senate.

What happened in the Senate? Republicans did not have 60 votes in the Senate, so the bill died for associated health plans. It was brought up numerous times.

We had bills to change tort reform. They passed in the House and they went to the Senate. What happened in the Senate? You guessed it. We didn't have 60 votes and they were killed in the Senate.

We had bills to protect against the problems of Freddie and Fannie. The Republicans passed a bill to create more government control of Freddie and Fannie because they were cooking their books and they were not solvent the way they should have been. Guess what happened to those bills over in the Senate? Because we did not have 60 votes, they were killed by Democrats in the Senate because we didn't have enough to get to 60 votes.

We also passed a number of energy bills in the House to protect against spikes in gasoline prices that we have experienced. What happened to our energy bills? A number of them that were sent to the Senate, you guessed it. They were killed by Democrats in the Senate. In fact, people are surprised to note that there is more difference on a party-line vote on energy in the U.S. Congress than there is on the subject of abortion. Most people know Congress gets polarized on the abortion issue. They don't realize that we are even more polarized on things like energy. All of these different bills were passed in the House. And, of course, we did get some strong judges on the Supreme Court.

Now, one of the things that has always surprised me from a policy point of view—aside from the fact that we can't seem to learn from the other countries that have gone bankrupt and the States in America that are going bankrupt because they are spending too much money—why is it that we have so much faith in big government? That is something that is a real puzzle to me.

I think of another country that was founded on the idea of a great, great deal of faith in big government. This was a major world power, and their whole basic way of thinking about things was that the government is going to provide you with food, the government will provide the citizens with housing for a place to live, the government will provide the citizens with education so they can be well-educated, the government will provide

them with a job, and the government will provide them with health care. So this was the idea that big government is going to provide you with food and clothing and shelter and a job and education and health care. What was the name of this big country? Well, it was known as the Union of Soviet Socialist Republics, the USSR. It was done by the Communists, and they felt it was the thing that big government could be trusted to provide all of those nice things for citizens.

It turned out, as we took a look at it, that it wasn't such a nifty theory. It didn't work, and it created a great deal of poverty. And not only that, the people who had adopted that theory had failed to recall that historically one of the greatest dangers to human life is big government. Big governments have killed far, far more human beings of their own citizens than all of the wars of history. If you take the wars of history from the time of Christ forward, you will find that there weren't nearly as many casualties from war as there were just from the casualties of a couple of Communist dictators to what they did to their own people. That's not to mention the Nazis and other kinds of dictators that have likewise killed many of their own citizens.

In the case of Stalin, about 40 million people were starved in the Ukraine. And, of course, Chairman Mao, not to be outdone, is noted for having murdered about 60 million Chinese. That is more, the combination of those people under communism, under the big government theory, killed more people than any wars.

So why do we have so much faith in big government when we have seen its tremendous failures? And yet it seems over the past year and a half, the solution to everything is more taxes and more government. I don't see the logic of why we want to be doing that. So that is what is driving this tremendous Federal spending is this faith that big government has to do everything for us; and, of course, economically that is not a good approach.

The result is we have gotten into this particular situation here. This is the actual money that the Federal Government takes in is the blue dot, and the red circle here is the money we are spending. Obviously, if you look at this, you can see the blue circle is smaller than the red circle. That says we are spending more money than we are taking in.

What is that ratio? That ratio today is when the Federal Government spends a dollar, 41 cents of it is borrowed. Out of a dollar, 41 cents is borrowed. That is the difference between the blue and the red circle.

Where is the Federal spending going? It is going to Medicare and Medicaid, which are now mathematically broken. Over time, if you run what is happening with these programs, you don't change the programs any, you just have more and more people asking for services out of these programs, that, in combination with Social Security, the dark red here, is growing at a rate that you could get rid of defense, nondefense and everything else, and you are not going to have enough money to run the government.

This is really a crisis, and it is a little bit ironic that when the Federal Government cannot run health care, that is Medicare and Medicaid, which is currently the Federal Government's responsibility to be running Medicare and Medicaid, although Medicaid is passed on to the States to a degree, too, that we cannot run that well, and so what do we do? We are taking all of that over and have the government run all of health care with this new socialized medicine bill. Certainly the solution to that bill is only one thing: It must be repealed. It is the worst piece of legislation I have ever seen in Congress, and I believe that there are many, many other people who have the same opinion that the solution for America to move forward with decent health care has to start with a repeal of socialized medicine. You can see we are not running medicine too well with the government even before socialized medicine, and that is the problem with this excessive spending.

□ 2100

And what happens then too is as the government grows and grows, you take money away from small businesses. First of all, they hunker down. They don't make decisions. They don't make jobs. They lay people off. But eventually you could make them sick enough that they close their doors. And guess where the jobs go? There will be jobs, they just won't be in America. They will be overseas. And that's the problem with the excessive taxation and the war that's going on in our economy on businesses and jobs.

People have taken a look at various countries and looked at this problem with excessive government and the regulations and the increases, and we can see in 2001, that the United States was sixth in terms of an economic freedom index. I think this is calculated by the Heritage Foundation. And they took a look at all kinds of things like taxes, redtape and a whole series of other factors, and the United States is sixth with the particular list they calculated. We've dropped, just in 10 years, to eighth, behind several other countries.

And one of the things that a lot of the European countries have discovered, and it's a little bit ironic because we always thought of them as being much more socialistic and Big Government in their solutions. They're finding that they're in a race to try to cut back on taxes on business because they realize businesses are the keys to prosperity, both in terms of jobs, but also in terms of government revenues.

You have to remember that when the economy is sick, the State governments really take a beating, and so does the Federal Government. In fact, if you take a look at the early Bush years, 2001, 2002, what you found was the cost of the tax cuts that the Bush administration put together, including the cost of the two wars in Iraq and Afghanistan, that the total of that amount of money was less than the drop in revenue because of the recession.

So when you have a recession, it's not just small businesses. It's not just citizens that take a beating. It's also governments that don't have revenue.

So by cutting taxes all of a sudden, what happens? Well, what you find is that the government revenue starts to go up. You say, that's just like making water run uphill. Congressman AKIN, you're an engineer. How can you say something that seems to be so hard to understand? How is it that the government could cut taxes and actually increase their amount of revenue that they take in through taxes?

Well, the answer is pretty straightforward. If you think about it for a minute, pretend that you're king for a day and your job is to tax a loaf of bread. And so you're going to do—you've got to sort of think in your mind, now, how much tax am I going to put on a loaf of bread? Am I going to charge a penny per loaf? Or am I going to charge maybe $5 for a loaf of bread for taxes? Well, you start thinking, if I do $5 that's probably too much. People may not buy any bread at all. If I do a penny, I probably am not getting all the taxes I could get.

Well, common sense says that somewhere there is an optimum amount the government can tax something that's optimum in terms of how much revenue you can get. And what's happened is the government has increased taxes so heavily that we're way beyond the optimum. And so, by reducing the amount of taxes, you actually can increase the amount of revenue because, as the economy gets going, it generates more jobs, more prosperity. And as you take a percentage of that in taxes you end up, even though it's a smaller percent, you end up with more tax revenue for the government, which is what actually happened in 2004, particularly, and 05 and 06.

And so anyway, some of these different governments, these foreign governments are starting to realize, you know, the Americans were right all the time. JFK was right. Ronald Reagan was right. Bush was right. When you get in trouble, you want to drop taxes and cut government spending, and you don't want to get into this highly and excessive kind of government spending here. And so that's what they did. That's what many foreign countries figured out.

And here we go along, the USA, and our tax on corporations is the second-highest in the world. It's like we haven't learned at all from the lessons that Europe has been learning. And so that's something we need to be paying particular attention to.

Now, to add insult to injury, we not only are overspending, we're not only

overspending by looking at it in a different way, we're not only hammering businesses with all kinds of regulations, redtape, with a lack of liquidity, huge and high taxes, but now, we've gotten to the point where we're that cynical here in Congress that we're not even going to create a budget. It seems like I think it's the first time this has happened in a very long time, that the U.S. Congress is not going to have a budget for the year.

And maybe you could say, well, you haven't stayed in your budget anyway, so what's the point of creating it? But you've got to have some guidelines, some sort of rules that we're going to go by. And apparently, it's not in the cards that we're going to create a budget this year.

All of these things are very concerning. All of these things affect Americans everywhere. And they're things that it's right that the American public should be upset, should be concerned about these things. And there is certainly a level of fear and anger in the general public because of the fact that we're not really paying attention to our business. We're not really being responsible economically, with our constituents.

Now, all of this stuff about the economy, jobs, the Federal Reserve creating liquidity and low interest rates, I guess it can seem kind of mathematical or maybe even a little boring if it didn't have such a tremendous impact on the lives of everyday Americans and citizens.

I think sometimes it's helpful to put a picture on what we're talking about. And in my own mind, as a guy who's responsible for earning income for my family, the picture that I guess I live in fear of is a picture of a house with a sidewalk out in front, and the family furniture, like a sofa and an easy chair and an ironing board, and I don't know what else, sitting out on that sidewalk because I couldn't afford to pay the mortgage payment on the house. And so the house has been taken away from me and the family.

And I'm picturing a wife and some kids looking at Dad saying, now what are we going to do? Now where are we going to go? You haven't had a job in a long time, Dad.

And that's being created by the wrong policies right here in government. And it's that reason that there needs to be a change, and there needs to be a whole new look at what we're demanding that the Federal Government does.

What's happened is we have drifted from the idea of limited government, of the Federal Government primarily doing only the things that States cannot do for themselves. Originally, a couple of hundreds years ago the Federal Government was very boring. We only had about four laws to the books. We had a law against piracy on the high seas because that wasn't a State function. We had a law against counterfeiting because that wasn't a State function to take care of that. And we had a law against treason because when somebody is a spy on America, they're a spy on the whole country. So there were a very limited number of laws at the Federal level. And all of the other kinds of things, things like murder and stealing and all those things, were all State laws.

Now we look at the Federal Government, and what do we want the Federal Government to do?

Oh, we want the Federal Government to do food, and we want the Federal Government to do housing, and we want the Federal Government to do education. We've just taken over almost all of the student loans in this last year or two, so now the Federal Government's in the student loan business. And we've got the Federal Government in the car-making and the insurance business and the flood insurance business. And we've got the Federal Government in the food business and in the housing business, in all of these different things, which never, never were dreamed of by the Founders, that the Federal Government would get into the health care business and all of these different things.

And so what's been the result? Well, the result, as you can see, is excessive spending. But it's been that chairs and furniture sitting out on the sidewalk, and the father trying to figure out, I've been looking for a job for over a year now, and I still don't have a job, and asking himself, what went wrong?

Well, an awful lot went wrong. It started right down here when we started imitating the socialistic Big Government idea that the government is going to do everything for everybody. And the fact of the matter is, the government shouldn't and it can't, and we are getting a real lesson in that in these very days.

And so it is that we've come taking a good look at where the problem started, the fact that we have done the wrong solutions, the solutions of excessive government spending, excessive taxation, taking away liquidity from small business people, and then, last of all, using the crack cocaine of the Federal Reserve to create tons of money and low interest rates. That will boomerang on us, just as crack cocaine does to a sick person, and it will continue to make our country sick until we can start to direct the Federal Reserve to control and regulate the supply of money in such a way that we don't create tremendous amounts of liquidity and inflation.

I'm joined here this evening on the floor by a good friend of mine, the Congressman from Iowa who's noted as a businessman, a man of a considerable amount of common sense, a man who's not shy about expressing his opinions. And so it's a treat for me to just welcome my good friend, Congressman STEVE KING, if you'd like to share a word or two. We're about to close up.

Mr. KING of Iowa. Well, I thank the gentleman from Missouri for heading up this Special Order hour and for talking so much common sense into the RECORD himself. And as we watched, there are two different paths one can follow. The road that's being traveled by the Obama administration and the Pelosi House and the Reid Senate is a road down the path of Keynesian economics on steroids. And the path that we should have followed, and the path that we've got to get back to, is more of the Adam Smith, free market component of our free enterprise economy. And if we look at all of the components of this free market that have been nationalized, taken over, or are under a great threat of this Congress taking them over, we can add up, as I've many times said, the banks, the insurance companies, Fannie and Freddie and the car companies, the student loan program completely, the nationalization of our bodies under Obamacare, our skin and everything inside it. Now we have the financial services bill sitting over there in the Senate about ready to get shoved out of there and back here for a conference report, and it could end up on the President's desk. If we add all of that up, and if we add to that cap-and-tax, which is another huge endeavor on the part of the President, the Speaker and the majority leader in the Senate——

Mr. AKIN. Controlling energy, controlling health care, controlling every financial transaction, it's like three nets of oppression, isn't it?

Mr. KING of Iowa. Let me add up the percentages of the formerly private sector from a year and a half ago, and it comes to 74 percent of the private sector would be either nationalized today or nationalized with the two acts that are pending that they're trying to bring at us, that being cap-and-trade and the financial services, Mr. AKIN, and I'd yield back.

Mr. AKIN. Wow, that's incredible. Now, that's 74 percent of what used to be private a couple of years ago has been nationalized, or at least under heavy national regulation and control?

Mr. KING of Iowa. We are at least at 51 percent that has been nationalized, and that's the banks, the insurance, Fannie and Freddie, the car companies, and then Obamacare. That's 51 percent.

Mr. AKIN. Now, is that based on the amount of revenue that each one—the size of the business? Is that how you figured it?

Mr. KING of Iowa. It's based upon the private sector activity as analyzed by Dr. Boyle of Arizona State University, who's written the analysis and the article on it, Mr. AKIN.

Mr. AKIN. Wow, that's absolutely incredible. So just in the last year or two we've seen history being made.

□ 1715

Mr. KING of Iowa. We have seen history being made. And those things are what one would consider to be a done deal. And then we are on the cusp of the financial regulations, which is another 15 percent of the economy some

say. And then add to that another 8 percent, and which I think is a very low estimate of what cap-and-trade or cap-and-tax would actually do to us. So I don't know what's left. Whatever part of the economy they would like to take over.

But from my standpoint, every bit of free enterprise that's out there increases the vitality of Americans. They have got a reward for working and producing more effectively. It's not enough to work hard; you have got to work smart, too. And everything that the Federal Government takes over diminishes the vitality of the American worker and lowers the average annual productivity of our American people, which diminishes us as a people and reduces our gross domestic product and takes our standard of living down.

Mr. AKIN. You know, what you are talking about makes all common sense economically. One other thing, and I have heard people talk about this, you can take a look and see that we are not learning from history. You can see that socialized medicine didn't work well in England because you look at the cancer rates there. You take a look at Canada, their socialized medicine system costs them a fortune. When you get sick in Canada, you come down to America to get medical care. And you can see examples.

You can see examples of it not working in Massachusetts, not working in Tennessee. And yet we refuse to learn from it. It didn't work in the Soviet Union. We refuse to learn. And to some degree, you can say logically we should be smarter than to do all this socialistic stuff.

But there is another argument why it's not a good idea which I have not heard as often. Maybe it's a more emotional argument, but it is true nonetheless. And that is that it's stealing. It's stealing. When the government takes money that it's not authorized constitutionally to take, that it has no moral logical reason why the government should take money and redistribute money, it goes back to the argument between the President and Joe the plumber. And the President made it very clear. He said we think it's the job of government to take money from one person and give it to someone else.

Now, when and where does the government have the authority to steal money from one person and give it to someone else? If I beat you over the head and take your wallet, we call it stealing. But if the government takes your money out of your pocket and gives it to me, is it morally any different? It's still institutionalized theft. And fortunately, our Founders understood that.

They pitched socialism out with Governor Bradford in the 1620s when it was imposed on the Pilgrims by the loan sharks from England. They understood that not only did socialism not work, they tried it. They almost starved under it. They also knew that it was morally wrong and that it was institutionalized theft.

Mr. KING of Iowa. Is that the point in history when the first order came down no work, no eat?

Mr. AKIN. I think that the no work, no eat came a long time before the Pilgrims. As I recall, it was written in the Good Book.

Mr. KING of Iowa. But in the United States?

Mr. AKIN. That might have been a direct quote from Scripture, though. So that's good.

We are getting pretty close in time. Well, I am very thankful for the opportunity to share with my colleagues and friends my very deep concerns about the fact that we are doing the wrong things in the economy. And the solution is straightforward. It is cut taxes, cut government spending, and repeal the socialized medicine bill and get back to some sense of fiscal sanity and reduce the number of functions the Federal Government is trying to do. This isn't that complicated. It's been done before. There is all the precedent that shows if we do this it will work. But we are on the wrong track now.

I do thank my good friend from Iowa, Congressman KING, who has just been a stalwart of freedom and liberty. And God bless you and God bless the USA.

IMMIGRATION ISSUES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I appreciate the privilege to be recognized to address you here on the floor of the House of Representatives and the privilege to also have the gentleman from Missouri (Mr. AKIN) yield to me as he delivers the leadership hour presentation on the economic situation here in the United States and the opportunity to say a few words on that particular subject. And I may revert back to that subject, Mr. Speaker.

However, I would shift this subject a little bit over onto a subject matter that seems to be on the minds and lips of Americans all across this country. I have had the privilege to travel to some of the corners of America in the last few weeks and had my conversations in the coffee shops and in the restaurants and in city halls and in meeting places, and I was a little bit surprised that—I had had the perception that in my district immigration becomes an issue that is very much front and center, and I expect that's going to be the case in States like Arizona, California, Texas, those States that are border States, New Mexico, where you have a large number of illegal border crossings. But I didn't expect it would be the case in the Northeast, for example, and other places across the country to the intensity that it was.

I found that at every stop someone would bring up immigration. And it reminded me of the times in 2006 and in 2007 when this Nation debated immigration intensively and constantly at every stop, even to the point where, as much as I like to talk about it, and as interested as I am in the subject, and since I am also the ranking member of the Immigration Subcommittee it's my job, Mr. Speaker, but in my town hall meetings in '06 and '07, in many of them I set the rule that we were going to talk about everything except immigration until we had dealt with everybody's concerns and issues. And then we would go to immigration to finish the time that we had left. And invariably, we would get to immigration and it would burn all the time that we had left because the American people are very intense on the immigration issue.

And we watched as Frank Luntz did a focus group, or at least one that I could see down in Arizona, he just came back from that recently, and we watched how that group itself was divided between themselves, with very intense emotions, most of them full of frustration and anger about the immigration issue, not in complete agreement on what to do.

It seems as though the Hispanics in America are where you find the objections to the enforcement of immigration law, the most vocal ones. And yet we also know there is a large number of Hispanics that many of them have been here for hundreds of years, their families have been. But I will submit that that doesn't get anybody anything.

I just shook the hand of an individual down at the Turkish reception tonight who is a naturalized American citizen as of about less than 3 weeks ago. And I would express this, that for any of us to argue that our ancestors have been here since the beginning of the Republic, the Daughters of the American Revolution, for example, and I am glad that they maintain those traditions. And it means a great deal throughout the families. And we understand that we have obligations that are generational that pass along because of the culture and the heritage of the family and the duty to our country.

But I recall standing in the Indian Room in the Old Executive Office Building as Emilio Gonzalez, the director of the Department of Citizenship and Immigration Services, gave a speech at a naturalization ceremony there which I attended for that purpose. And when he said to those gathered that were about to take the oath to become naturalized American citizens, he said, Look out that window. Look out that window. And when you look out the window, you look out at the White House itself and you see the vast south lawn and the south side and the west side of the White House. And he said, I want you to know two things. One of them is from this day forward you are as much an American as the person that lives next door. And he pointed to the White House, where President Bush lived at the time.

He said, when people ask you where are you from, don't tell them that you

are from Turkey or France or Mexico or Canada or wherever it may be. Tell them you are the first American. That you are an American and you are the first American, and you are as much American as the man that occupies the White House today. That's the right sentiment for this country for legal immigration. That's the way we should think about new Americans, in every bit as good a standing once they take that oath of citizenship and go through their naturalization process, in every bit as good a standing as someone born to the 10th generation of Americans that might be here.

But each of us has a different set of history, a different set of family memories that were taught a little bit differently, but we need to tie together under this American banner and this American history.

And so the idea that we are going to see students that are sent home from school because they are wearing the red, white, and blue on a day that's supposedly Mexican nationalist day, a day that's Cinco de Mayo, a day that's not celebrated to any significant extent even down in the city in Mexico where the Mexicans won the victory over the French, but celebrated here in the United States. Started up as a promotion. I think it was a beer distributor that actually began the celebration of Cinco de Mayo here in the United States, whatever that is.

Mr. Speaker, I don't take issue with the celebration of a holiday that makes people proud of their culture and their heritage. If that were the case, then I couldn't celebrate St. Patrick's Day, which I also recognize isn't celebrated so intensively in Ireland itself, but here it really is. And there are some real parallels here. It's the people that reject the American flag and reject the American culture that I take issue with, not the new Americans that are here that are proud of being and becoming Americans by choice.

But we have a big decision to make in this country. And this immigration debate has gone on for a long time. And it centers on this: it centers on the idea that the people that came across the border illegally should somehow be granted citizenship or a path to citizenship, if that's their goal, and somehow it turns into a reward for breaking the law.

Now, we need to recognize, Mr. Speaker, that there are hundreds of millions of people across this globe, and perhaps billions, that would love to come to the United States and become Americans. And they are waiting in line in the right way. They are respecting our laws. And I will submit that the people that respect our laws will make better citizens than those who have broken our laws. And our argument here in this country comes down to this: grant amnesty to people that broke our laws, reward them for breaking our laws because there is an argument that we must capitulate because we can't enforce the laws that we have.

Mr. Speaker, it is not the case that we can't enforce the laws that we have. And it is not the case that enforcing those laws would be ineffective in resolving this immigration problem that we have in this country. The problem we have is our administration lacks the will to enforce the law. And it isn't just the Obama administration and it isn't just Secretary Napolitano who have demonstrated a lack of will in enforcing immigration law. This goes back through several Presidents.

I would take us back to 1986, when President Reagan signed the Amnesty Act of 1986. And it was to provide amnesty for a million people that were in the United States illegally. And by the way, President Reagan was honest enough to call it the amnesty bill when he signed it. It was one of the very few times that President Reagan I will say let me down on something that I thought was philosophically wrong. And I remember disagreeing with President Reagan in '86 when he signed the amnesty bill. And I didn't consider that I would end up in the United States Congress some less than 20 years later to my arrival here and there would be an argument about what was amnesty.

It wasn't any question about what amnesty was in 1986. Ronald Reagan admitted the bill was amnesty. But he said he had to sign the bill. In order to get control of the borders, in order to enforce the law, he had to sign the amnesty bill. Now, that was his calculation. And I don't think he liked it philosophically, and he probably came to a conclusion that he didn't have a choice. Whatever the rationale was, he signed the bill. He called it amnesty. No one argued it was amnesty. It was to be a million people.

But the fraud and the corruption, the people that gamed the system tripled the number. And those who received amnesty in '86 were closer to the number of 3 million than they were the number of 1 million that was supposed to be the amnesty to end all amnesties that was going to put this away. And the only way we could get control of our borders in 1986 was to give amnesty to the people that were here and enforce the law against the employers and tighten the border and make sure that there wouldn't be a magnet for people to come into the United States.

And so, Mr. Speaker, what happened was the enforcement that was stronger, far stronger under Dwight Eisenhower, that diminished from Dwight Eisenhower's time on was stronger under Ronald Reagan than it was under the first Bush administration, and it was stronger under the first Bush administration than it was under President Clinton. And I recall my frustration with each of those Presidents and their lack of will to enforce immigration law.

And under Bill Clinton there was an accelerated effort to naturalize a million people into the United States. And I will say legal or illegal, as the anecdotes came to me. And I have talked to some of these people. They told me that they understood that they would be fast-tracked to citizenship, but they were to vote for Bill Clinton for President. That's what I heard from some that came through my district that I have sat down and talked with. And I don't know the specific data on that; I only know the anecdotal data. But if one shows up and tells me that, it's a pretty sure bet that there are quite a few others that had that same idea.

So a million were accelerated through naturalization in 1996, and a lot of them voted for Bill Clinton. And a lot of frustration was built among those of us who respect our borders, the sovereignty of the United States, the need and the obligation to defend the borders, and who respect the rule of law and do not want to see it subverted or eroded, especially intentionally and willfully by an administration seeking to produce a political gain.

And then, Mr. Speaker, from the Clinton administration, we transitioned into the Bush administration, George W. Bush, a man who I personally like and respect and admire, and found a couple of things to disagree with along the way, and this was one of them.

Well, it's odd for me, Mr. Speaker, to stand here on the floor and speak to the issues that I disagreed with with Ronald Reagan or the issues that I disagreed with on George W. Bush, but I saw a lack of enforcement of our immigration laws during that period of time under the George W. Bush administration as well.

□ 2130

And there was, in the second term of the Bush administration, there was a concerted effort to try to bring our—to try to bring comprehensive immigration reform to bear. ''Comprehensive immigration reform'' was the fancy term for ''amnesty,'' and the debate about the meaning of amnesty ensued then. And rather than simply admit the meaning of the word ''amnesty'' and admit that comprehensive immigration reform really is comprehensive amnesty, the debate ensued about what amnesty was.

So the American people had to submit to a cacophony of different definitions of amnesty, and continuously the argument was made that, well, whatever it was they wanted to do to provide amnesty wasn't amnesty. I recall that discussion about, well, what if they pay a fine for $500 and they promise to learn English and they promise to pay their back taxes, couldn't we give them a path to citizenship? And that's not amnesty, is it, because, after all, you charge them a fine. It's, well, if you're going to sell a path to citizenship for $500, I will have to call that amnesty.

And if someone promises to learn English, that's an obligation of the naturalization process. You have to prove proficiency in both the written

and spoken word of the English language to be naturalized as an American citizen. Now, I know they get a little sloppy with that, and some of the people that are naturalized just aren't so very good when it comes to the spoken or written word of English. And you'll notice that at a naturalization ceremony when it comes time for people to stand, they may not recognize what that means. And I have heard different directions that have gone out to the crowd, and some sat there without responding, even though it was the most significant and pivotal moment of their life.

Well, I'm surely proud of those who step up and want to become an American and who are determined to assimilate themselves in the broader overall American culture, which has a lot of subcultures in it, admittedly, Mr. Speaker.

But we saw the enforcement of immigration diminish over these administrations that I've talked about from Dwight Eisenhower all the way to Barack Obama. And with Barack Obama, it's different than it was under the Bush administration. The Bush administration actually accelerated it and began to enforce the law at least more aggressively than they were in the last couple of years. It was, I believe, an effort to convince the American people that they were committed to enforcing immigration law. And I don't know if their heart was ever in it, but I believe it was at least, at a minimum, an effort to establish a record and a standard that they would use enforcement so that the rule of law could be reestablished, and then upon the establishment of the reestablishment of the rule of law, might possibly be able to pass an amnesty bill that the American people would accept.

I think it was a political miscalculation. I think it was a mistake for George W. Bush to give his amnesty speech that he gave on that January 5 or 6 of that year, sometime about January 5 or 6 of 2005, I believe it was. I think it was a mistake for the President to do that. I think that he should have first come out with a standard of we're not going to ask the American people to establish a new policy and grant a path to anything, to guest worker, or path to citizenship, or more of a permanent green card status until—unless and until we can establish, as a Federal Government, that the rule of law and the law enforcement personnel whose job it is to enforce immigration law will be enforced, and that those who break the law would do so with the expectation that they would be confronted by the law and punished in proportion to their crime.

And I will also submit, Mr. Speaker, that a nation that doesn't have a border can't declare itself a nation. We must have a border. We must define the border, and we can't call it a border unless we defend the border. And on our side of the border, the law must prevail and justice must be blind, and it has got to be enforced by the people who are paid to enforce the law. If they decide not to do that, they are subverting our very civilization.

Many of the people who come here come into the United States because they live in a country that doesn't have the rule of law, a country that has corruption, a country that's always spiraled downward into third worldism, a country that probably can't be brought up to a—what I will say is a successful, modern, civilized nation within our generation, this generation of man. Many times it's hopeless to think of it with the level of corruption and the lack of rule of law.

Can't have that happen in the United States of America. Justice has been blind in America, and the rule of law has been firm, and it's been evenhanded, and it's been rigid throughout centuries.

So Arizona recognized that there were Federal immigration laws that were not being enforced, despite all of the Federal officers that worked the border in Arizona, the lack of will, the lack of will that comes from the top, from the President of the United States to the Secretary of the Department of Homeland Security right on down the line through the Border Patrol and U.S. Customs and Border Protection personnel. You can go into the station at the Border Patrol and you can read the mission: We're going to get operational control of the border, to put it in the short version. The mission sounds good. But the mission has got to be in the heads and the hearts of the people who are carrying it out, and that's got to come from the top.

I listened last week to a speech that was delivered here at the American Enterprise Institute by General Petraeus who received the Irving Kristol Award there that evening, and it's a very respectable honor that recognizes the contributions of a very respectable man, Irving Kristol. And General Petraeus is a very fitting recipient of that reward.

And from memory, he made three points. As he left Iraq, and where I had first met him in 2003 where he commanded the 101st Airborne at Mosul, I think it's important to note that General Petraeus, even then, they swept in and liberated the northwest quadrant of Iraq and the Mosul region and a couple of other provinces there. That was around March 22, in that period of time. By mid to late May, General Petraeus had held an election in Mosul. That's 2003. They elected a governor, a vice governor, and I met with them and also a business representative in Mosul.

He promoted very effectively liberty and freedom and a version of democracy there that could be carried out in that country. And I asked him, How did you have an election? How did you know how to do that? He said, We didn't know how. We just knew we needed to have one. We needed to have local representatives that we could deal with.

It was interesting that General Petraeus set the governor and the vice governor at the head of the table. He sat on the side of the table to send the signal that the Iraqis were running the show even then, even within months of the time that they had been liberated.

Well, General Petraeus' speech last week laid out three steps along the way to success, and they were points that he made as he holed up at Fort Leavenworth there in Kansas, not that far from me, I would add. And he and others that he gave significant credit to wrote the COIN language, the counterinsurgency booklet that was so well published and distributed across the country. Over a million copies have been distributed, and I've read fair parts of it.

But he laid out this point that first you've got to get the big things right. You've got to articulate the mission. You've got to plan the mission. The mission's got to be right. It's got to be understood. You have to get the big things right. Then you've got to market it and sell it to the people who have to carry it out. That's step number two. Step number three is see to it that the mission is carried out, right down to the details.

But first, you've got to define the mission, and then you have to market the mission to the people who are going to carry it out, and then you have to follow up to make sure that the mission is carried out down to the details.

Well, the mission that we have in border security and immigration enforcement in America is not clearly articulated. Congress can pass legislation, which we did in the Secure Fence Act that establishes that we're going to build 854 miles of double fencing, in some cases triple fencing, and that the Secretary of Homeland Security had to certify when they had operational control of the border. Operational control of the border. And there's a good definition in the Secure Fence Act that defines ''operational control of the border.''

But it suffered an amendment to it over in the Senate that weakened the Secure Fence Act that was DUNCAN HUNTER's major effort here in the House of Representatives. The definition of ''operational control of the border'' was reduced and subverted. And the result was that the mission that Congress laid out for the border protection personnel altogether was ill defined because of the squabbles from within.

So we weren't able to get the big thing right, the first thing right. We were not able, as a Congress, to define the mission. Even though we tried and we voted on it here in the House and we passed a very clear mission, but it was subverted over in the Senate, and it's been undermined by some of the people on the border.

And the effort to require that before you could build a fence you have to negotiate with the local political subdivisions and local people, and that local

includes the people on the south side of the border? I don't think there's any merit to going to Mexico and asking them if we can protect our border. That's just an added mission that undermines the mission.

So what we have are custom border protection personnel, border patrol agents, ICE agents, others along the border, including our National Parks personnel that are swimming upstream against a high tide of illegal people and drugs pouring through there. Maybe they understand the mission, but they do not believe, nor do they have the confidence, that the higher-ups will support them.

And so they are out there every day, punch the clock, do their shift, do what they can do, plug the hole here, plug the hole there. But there isn't anyone in this administration from the White House on down that has defined how we actually accomplish this mission of controlling our borders and shutting off illegal immigration in America.

Now, I don't think it happens to be all that complicated, Mr. Speaker. I think you have to have the will.

And so the first thing to do is shut off the bleeding at the border. And as Congressman PHIL GINGREY from Georgia so articulately said, and I'm confident he's worked—he's a doctor. I'm confident he's worked in the emergency room. He said, when somebody comes in that's a victim of an accident and they wheel him in on the gurney and they're bleeding all over the place and they're bleeding all over the floor and bleeding from several places in their body, he said the first thing that you don't do is grab the mop and the bucket and start to clean up the mess. The first thing you do is stop the bleeding. Get the patient stabilized and get it under control. And once you get it stabilized, then you can worry about cleaning up the mess. Well, we have a lot of discussion about what to do about cleaning up the mess, and we don't have a lot of discussion about what to do to stop the bleeding.

So here are the places where the bleeding exists so we can do something to stop it. First on the border is this. We have had—and I don't know that I have confidence in the numbers in the last—during this administration. They're telling me that they have fewer interdictions at the border; therefore, that shows there are fewer border crossings. I suspect that if you just stopped enforcing the law you would have fewer interdictions on the border. They've never given me a real number of how many come across the border and how many are stopped in their attempt to cross the border.

But I do a lot of asking, and we do have testimony before the Immigration Subcommittee. We have numbers such as this, that we have as many as 4 million illegal border crossing attempts a year, as many as 4 million. Now, some of those could be people trying more than once. In fact, I know it is.

And when I asked the Border Patrol what percentage of those attempts are you able to stop? On the record, they'll say, We think about 25 percent. But when I go down to the border and I ask those who are engaged in this on a daily basis what percentage do you stop, they will look at me. And I'll say, 25 percent? They'll look at each other and laugh and they'll snicker and they will say—the most common number I get is it's more like 10 percent that we stop on their way across the border. And some will tell me it's 3 to 4 percent, but I've never had anyone tell me in private that they think they stop 25 percent or 20 or 15. I can't think of a number above 10 percent, but I can think that the number that I most often hear is 10 percent.

So if we have 4 million illegal border crossings a year and we stop 10 percent of that, that's not a very big number, Mr. Speaker. And it's not very good efficiency on what we need to be doing down there on the border.

We need to look at this from this standpoint: What would you do to stop the bleeding? Number one thing, shut the border off. It's not that hard to figure out. Why can't we do that? Someone said it's only 2,000 miles, as if that's a vast, undefendable territory, and it's not. Look at the territory that we're defending in places like Iraq and in Afghanistan, for example. A lot of that border is really easy to defend.

□ 2145

It's not very difficult terrain. It's wide open desert on both sides where you can see a long ways. And we are spending $12 billion on the southern border every year to protect it. That works out to be, a 2,000-mile border, $6 million a mile. That's when you add up the cost of the Border Patrol, customs and border protection, the Humvees and the pensions and the payroll and all the fuel and the gas and everything that goes into this, and a support network of helicopters, et cetera, it adds up to around $12 billion, and that's $6 million a mile.

Now I don't know the most current numbers that we've had on what it takes to build an interstate highway or a four-lane highway, but it's not $6 million a mile. The cost to defend the southern border, and I think it's probably less than half of that price, Mr. Speaker, at least in some of those older numbers that I've looked at, but for the cost of what we're spending to defend the southern border, we could pave a four-lane highway for 2,000 miles a year every year. This is every year. $6 million a mile.

Now I ask myself, if Janet Napolitano came to me and said, Congressman KING, I want to contract this border control with you, and I'd like to give you a mile to start out. And it's just a mile that looks like the gravel road from my house west that nobody lives on for a mile, or it's a mile of open desert, and I'm going to give you $6 million to see to it that nobody crosses that mile for a year. Now on second thought, since the government does these budgets over a 10-year period of time, give me a 10-year contract to guard a mile of border and give me $60 million to watch that border for 10 years, a mile of it.

Mr. Speaker, I will submit, $60 million would be more than adequate to seal that border up so nobody got across my mile. I would guarantee it. I'd bond it. I'd be willing to watch you dock my pay if anybody got across and got away. And if I'm in the private-sector business industry, I'm not going to create this huge enterprise of hiring people and putting Humvees underneath them and all of the trappings that go along with that. Yes, you need some. We need some boots on the ground. We need to protect and defend them and give them good equipment. And we know that their lives are on the line every day. And we've got to respect them and appreciate them and pray for them. But, Mr. Speaker, building empire with boots on the ground isn't the only way to solve this problem. In fact I will submit it's not the most cost effective way. The most cost effective way would be to do what a businessman would do. If Janet Napolitano handed me $60 million and said, Guard that mile for 10 years, you can bet that I would put up, not just a fence; I would build a concrete wall. And I would put some wire on top of that wall, and I would have a road, and I'd have a wire fence behind that road, and I would have cameras and monitors and vibration-sensing devices. I would have all of the electronics necessary to send me signals if anybody came and tried to get over, under, around, or through that wall. And so would anybody else that would do a cash flow calculation on how best to defend the border. Well, anybody except Boeing, for example, who spent a lot of money down there, a lot of money convincing this Congress that they should accept a virtual fence and that virtual fence so far has been a bust. And as much as I appreciate and respect Boeing when it comes to airplanes and tankers, the job down there on the border, they've got some making up to do. We would have been better off if we had spent a couple million dollars a mile to build the concrete wall that I designed and put the wire on top of there and build the sensory devices and build a road behind that and then put a fence in there so that there would be a zone that if you got over the concrete wall, you took some other equipment to get over the fence that's there, and we could defend it. We could patrol it. That's what we needed to do. For a couple of million dollars a mile, we could set that system up. And that leaves $4 million a year left over.

Now it doesn't mean that I'm going to be able to do all that without hiring people and paying wages to guard that mile, but let's just say we spent $2 million a mile to put in a wall and a fence and a road and some sensory devices. That still leaves $4 million left over for that year to hire some help, buy a few

Humvees, get some radios, some uniforms, some pension plans, all these things that go into it.

So I will submit that it's cash flows, Mr. Speaker, to build a wall, build a fence, because it reduces the number of personnel necessary, and it's far more effective. It is far more effective from a cash flow standpoint, from an American taxpayer dollar invested standpoint, to put the infrastructure in place, to maintain the infrastructure.

And we had the Corps of Engineers come out with some wild number that it would cost something like $50 billion to maintain the fencing on the southern border. It was a ridiculous number. And there were no numbers to back that up, no numbers to support it. It was a wild number that they pulled out of the sky. I build things. We do Corps of Engineers work. Well, I have in the past. I am now out of that construction business. But I designed a concrete wall that one could put the footing in with the slip form and drop in precast panels and put the wire on top, lay the sensors in there and build that thing, and it wouldn't take us much to put together a crew that could build a mile of that a day.

Now that would be not the kind of all-hands-on-deck effort that you see in, oh, a Manhattan Project or a NASA project, or even the kind of effort that they're using to put out the leak in the gulf right now. This is just a little old construction company that would set the system up and toss those panels in, set them in with a crane, one after the other right on down the border. It's not that hard. And it's not that expensive. And it is very effective. And it lets the Border Patrol concentrate on those areas where they would be going through and going under and going around. And it would reduce that traffic dramatically, especially concrete, because you don't cut through that with a torch or a hacksaw; you have to have a concrete saw. And I don't know one that doesn't make noise or vibration, so we would have those kind of sensors that are there.

And to those people that will argue that if you show me a 20-foot wall, I'll show you a 21-foot ladder—oh, I think it was perhaps Janet Napolitano that said, if you show me a 12-foot wall, I'll show you a 13-foot ladder, that has got to be the weakest, most specious argument I've ever heard. I've heard people on both sides of the aisle that will make that argument.

And so I asked the question of the chief of the Border Patrol at a hearing at Ellis Island a few years ago; that if we can build an impermeable barrier from heaven all the way down to hell that no one could go under, no one could go over, and no one could get through it, how many Border Patrol does it take to man that impermeable barrier for our southern border? The answer that I got back was, It still takes boots on the ground. In fact, it still takes more boots on the ground, because that's the argument.

Well, I want enough boots on the ground. I want enough Border Patrol. I'm ready to put the National Guard down there again and guard that border. I'm ready to turn that southern desert into a training ground for Afghanistan and Iraq. We should have done that a long time ago. That all makes sense to me.

But if you follow what I've said, an impermeable barrier all the way from heaven to hell—that you couldn't dig under and you couldn't go over the top—the full length of 2,000 miles on our southern border, how many people does it take to watch that? I know. It's hypothetical and it's theoretical, but the answer within those parameters, Mr. Speaker, is zero. It takes nobody to watch the impermeable barrier that they can't go under and they can't go over. That means it takes zero personnel to watch something like that. That's the hypothetical answer that needs to come.

Now we know we don't have that kind of a barrier. We know we can't build that kind of a barrier. But my point that I'm making for those who would willfully deny the utter logic of this is that the better the barrier, the fewer the personnel. And I don't argue that we have to build 2,000 miles of border fence and control. We just build it where they are crossing the most and we keep building it, building the length of it, until they stop going around the end. If that's 2,000 miles, then it's 2,000 miles. If it's 854 miles as described by the Secure Fence Act, then it's 854. But that kind of barrier makes the personnel we have more effective; it allows us to get control of our border. It can force all traffic through our ports of entry, and that's what we've got to do. And we've got to beef up our ports of entry, beef up our surveillance and our technology at our ports of entry so that we can catch those drugs and the illegal people and the contraband that's going through those ports of entry. That's part of our job. We can do that.

Now under this plan that I've laid out, with the money we have, we could easily build all of the barriers on the border that we deem are appropriate and effective and useful and we should and must do that, and we still have money left over for the personnel that we have, and we'll be more effective in what we do. We can shut off the bleeding at the border.

The next thing that needs to happen, Mr. Speaker, is we've got to then shut off the jobs magnet. And some of that can be done at the same time. There's no reason we can't do it simultaneously. This effort on the part of the Obama administration to steer away from enforcing against illegal workers but go against the actual employers without bringing the illegal workers into this—when I say that the raids in Postville were inappropriate, unjust, maybe they'll argue that they're racially motivated. I'm out of patience with people that play the race card the first time. You can deal them out a deck, and out of 52 cards, somehow they will lead with the race card every time as if the race card is trump. Well, the rule of law has got to be trump, and the rule of law is justice is blind. Justice is blind and does not regard race as a factor. The Arizona law prohibits the utilization of race as a sole factor when it comes to evaluating reasonable suspicion. And these officers know what reasonable suspicion is.

I happen to have written the reasonable suspicion law in Iowa with regard to workplace drug testing. It's very similar to the Arizona statute and the definition that they are utilizing, which is Federal case law on reasonable suspicion. And in 12 years in Iowa, even though we're not using law enforcement officers to define a reasonable suspicion, what we're doing is asking the employer to designate an employee—the employer himself or herself or an employee—as their specialist in drug abuse in the workplace. And if they see behaviors that are erratic, that are indicators of drug abuse—maybe the look of their eyes, their pupils, the dilation of the pupils, maybe erratic work habits, showing up late, production going down, things of that nature, let alone accidents where people can get hurt or killed—they just simply say to that employee, I have a reasonable suspicion that you're using drugs, and you need to go into the nurse's office or downtown to the clinic right now and provide a urinalysis, and we will test it and find out if you're abusing drugs.

In 12 years, we haven't had a constitutional issue, we haven't had any litigation, I haven't heard a complaint about one person being unjustly targeted under reasonable suspicion for race or any other cause. Or even because of personalities. And you have to know, Mr. Speaker, that even in Iowa there are companies where that personnel who manages the ''reasonable suspicion'' definition, whose job it is under Human Resources to do that evaluation and make the call, that individual, yes, they're trained, but surely we would have one that would be a racist like all of these cops in Arizona have been described to be, by the people who oppose this Arizona immigration law. Surely there would be one that would have a personality disagreement with an employee, and they would like to get even with them by making them go take a drug test at will. But none of those objections have been raised.

□ 2200

So it's hard for me to accept the idea that trained law enforcement officers—it might be the janitor or the nurse or the truck driver that's pointing his finger at an employee and saying, You go take a drug test. That's what's going on in Iowa without complaints or objections. In Arizona, these are trained law enforcement officers whose training is being focused because of an executive order of Governor Jan Brewer,

and they are very sensitive to these issues. They understand this law, and they're going to understand it even more before it goes into effect in August. A lot of them are Hispanic themselves. And to presume that law enforcement officers are racist and racially motivated is a division among the American people that's caused and perpetrated by people who would sow seeds of discontent and distrust and untruth and dishonesty for political gain. That, Mr. Speaker, is what's going on in Arizona.

The law that they passed in Arizona is a law that mirrors Federal immigration law. It directs local law enforcement to enforce immigration law, and it also allows the citizens of Arizona—it gives them standing to sue if the local government is not enforcing immigration law to the standards defined.

Now, I understand that law enforcement thinks they're in a squeeze, that they might be sued because they will be accused of discriminating; and on the other hand, they might be sued because they didn't discriminate. That might be what we've already heard down there. But it's my experience that when you bring a law like this—and I've had that experience happen to me at least two times in other circumstances. One is the drug testing law that brought out people that were aggressively opposed to it and accused that it would be setting things up for discrimination based on personalities, race or any other reason.

And then when we passed the official English law in Iowa that took 6 years to get there—finally it became law—there were a lot of objections from some of the more liberal members of the Latino community. I sat with them, and I listened to their voices over and over again. But of all the fears that they voiced over all of those months and years, there hasn't been a single report that's come back since then that anybody was disparaged or discriminated against because someone said to them, Well, English is the official language of the State of Iowa.

And so these fears didn't come to fruition there. The same kinds of arguments that were made in Iowa as are being made in Arizona today on their immigration law, the same kinds of arguments over the official language of English, the same kinds of arguments that were being made in Iowa over the reasonable suspicion language on Iowa's drug testing law, none of those fears came to fruition under official English or under the drug testing reasonable suspicion in Iowa.

And I can't stand here tonight, Mr. Speaker, and allege that any of those fears will come to fruition in the State of Arizona, but I can with great confidence predict that there will be far, far less going on that reflects the fears of the objectors of the Arizona immigration law than are predicted by the people that are demonstrating in the streets.

I think that my friend and former colleague, Tom Tancredo, got it right when he said, You can judge their fear of the effectiveness of a law by the level of hysteria that they demonstrate. They're not demonstrating against an injustice or something that is really unconstitutional. They're demonstrating because they're afraid the law's going to work, that it will be enforced, and it will actually be effective, and it will clean up a lot of the illegal immigration in Arizona, the 460,000 that they say are there, and I suspect it's significantly more than that.

And when you have across this country some of the cities that decide they want to boycott Arizona because Arizona said we want to help the Federal Government enforce immigration law, that's a reason not to buy something from Arizona? That's a reason not to go down there for a convention? I think, Mr. Speaker, it's a reason to go. I think we ought to get together and take a bus and go to Arizona and spend some money. Don't have a boycott—have a buycott. I might go down there and pick up some items from Arizona and bring them home just to express to the Arizonans my solidarity and appreciation to them for stepping up to enforce a law that the American people support, this Congress has passed, it's on the books, that President Obama took an oath of office to uphold and still willfully refuses to do so through his subordinates, such as Janet Napolitano.

And I might also point out, Mr. Speaker, that tomorrow Attorney General Eric Holder comes before the House Judiciary Committee. And as he comes before the Judiciary Committee, there will be a whole series of discussions and questions that will be brought out, I am confident. Eric Holder took a look at the Arizona law, and I think was responding to a direction from the President of the United States to see if he could find anything unconstitutional about the Arizona immigration law or something that was unlawful about the Arizona immigration law. So that tells me that they didn't know the Constitution very well, and they probably thought there was something in there that made all immigration law the exclusive jurisdiction of the Federal Government. Well, that's not true. It does say in the Constitution that it's the Federal Government's job to protect us from invasion, and it also says in the Constitution it's the Federal Government's job to set a uniform practice of naturalization.

Now, you can tell that I drew a bit of a hesitant blank there. But let me see, article I, section 8 says ''establish a uniform Rule of Naturalization.'' So that would be what it says in the Constitution, Mr. Speaker. Those are the two references that we have to immigration in the Constitution, but it doesn't make immigration law exclusive to the United States Constitution and the Federal Government. There's nothing in the Constitution that excludes the States from enforcing Federal immigration law or writing their own. It just can't supersede Federal law.

And there's a case that is U.S. v. Santana-Garcia that establishes the precedent that it is implicit that local government law enforcement has the authority to enforce immigration law in the United States. It's implicit in that decision U.S. Government v. Santana-Garcia. Santana-Garcia was that side of the case, up against the United States Government.

So anybody that puts on a gun and a badge and a uniform and provides for the safety and the security of the American people and has pledged to preserve and protect the Constitution of the United States ought to know that when you take an oath to uphold the Constitution of the United States, that means also the laws that are written within the parameters of that Constitution. It's implicit. When we take an oath here to this job as a Member of the United States Congress, preserve, protect and defend the Constitution of the United States, as the President does—so help him God—it doesn't mean his interpretation of the Constitution as he sees it. It's not a growing, moving, changing document, as Elena Kagan believes. It's a document that is firm, and it's fixed, and it's rigid. And it's the text of what it says and what it was understood to mean at the time of ratification of either the broader document, the base document of the Constitution, and also the amendments as they were ratified.

The local law enforcement still has a responsibility to step up and help enforce immigration law. It isn't a hands-off thing. They don't sit there and look around and think, Well, let me see, the State Bank of Tucson was robbed, and I'm a State highway patrol officer. So I will chase down the bandits who robbed the State Bank of Tucson because that's my job. But, oh, I pulled him over, and I was wrong. It was a mistake. I didn't even have reasonable suspicion. They actually robbed the National Bank of Tucson. No jurisdiction here. I have to let them go. Let the Federal officers go collect those robbers who robbed the National Bank, but the State Bank, of course, might be their jurisdiction.

And then the city police officers, what do they do? Do they refuse to enforce speeding laws that are not perhaps the city ordinance? Does the county sheriff only serve papers and refuse to enforce the ordinances of the city when they're blatantly violated in front of them? No and no. Our law enforcement officers in this country have always cooperated with each other throughout the levels of law enforcement to the extent that they can do that in order to produce an effective enforcement of the law. That is how it has been. That is how it shall be. That's how it shall be in Arizona.

Sheriff Joe Arpaio of Maricopa County has been enforcing those laws for a long time now, and he's taken the heat

from Eric Holder, and that I think implicitly comes from President Obama. And Janet Napolitano, who knows him well, made remarks that would imply that she had come to a conclusion that there were biased violations of people's civil rights under the enforcement of Sheriff Joe Arpaio. There is no basis for it, but they stirred up enough furor that a few of the American people began to believe that there was a basis for it. I went down and took a look at Tent City down in Phoenix. And if I remember my numbers correctly—and this is from memory, not from notes, Mr. Speaker, so it's subject to correction—but about one-third of the inmates in Tent City were there because they were illegal, and about two-thirds of them were there for other reasons. A peaceful group of people. They're there in striped uniforms, and they do get some pink underwear. It's not the nicest place, and it doesn't need to be the nicest place. We don't want to advertise it as a place to come back to. It's a place to leave and not come back to. That's why we have jails.

But this situation in Arizona, we've got to stand with them. I stand with Governor Brewer. I stand also with Representative Pearce in Arizona for the work that he has done. And he is very, very articulate in stepping up to defend immigration law. I encourage and look forward to making a new effort to establish a new fence and barrier on the border, one that works out to be a cash flow.

And I also look forward to moving legislation in the aftermath of this November election that adopts the New IDEA Act. The New IDEA Act is the legislation that I have introduced in the last couple of cycles, and there aren't very many new ideas under the sun. It takes a little audacity to declare a bill a new idea, but I think it is a new idea.

□ 2210

But I think it is a New IDEA. And New IDEA stands for the New Illegal Deduction Elimination Act; New IDEA.

What it does is it recognizes that there are agencies out there that are pretty aggressive in enforcing their turf. I have noticed that the IRS is pretty aggressive in enforcing their turf, the Internal Revenue Service. So I asked myself, of all of these agencies, which one would be the most aggressive. It comes back to me that the IRS would be useful people. It is like when you go to have a pickup game and you start choosing up sides. I look across here and I think, Who do I want on my team if I want to get something done? If I am going to have to defend the border, give me the military first. They will get the job done. I don't want to get into the argument about the Army, Navy, Air Force, Marines, or Coast Guard. They all get the job done. So if I were to chose, I would say first give me the military. Let us go to the border and let's seal the border with the military. They will get the job done.

Then I would look around at who else would I like to pick for my team. Of all the government agencies, if I want somebody to help me enforce immigration law, would I pick somebody from the EPA? No. They would stand in the way. Would I pick somebody from the USDA? No, not likely. But of all of those agencies, maybe somebody from the Department of Homeland Security. Yes, but at the top they are not given a very defined mission. It looks as though their mission is being subverted by the Secretary, Janet Napolitano. So I would pick the IRS for my team because they are effective. They are good at doing what they do.

Here is how I would bring the IRS into this effort to help control immigration law. This legislation, the New IDEA Act clarifies and establishes the wages and benefits paid to illegals are not tax deductible for income tax purposes.

And so let's just say you have an employer that has been paying a million dollars a year out to a good number of employees at a rate of $10 an hour. That million dollars a year is tax deductible because it is a business expense like electricity, heat, fuel, or merchandise that is purchased for resale. All of those things are business expenses. New IDEA clarifies that the wages and benefits paid are not tax deductible. So the IRS would come in, and during the course of their normal audit, they would take the list of employees, punch the Social Security numbers of those employees into the E-Verify database, and if it comes back that they are not lawful to work in the United States, the IRS would take those wages and say, Sorry, employer, this million dollars is not tax deductible for you.

So it goes from the expense side, pushed over into the column that makes profit. If you calculate that profit, at the time I did this, it was 34 percent corporate income tax rate, and you add the interest and penalty, the effect of that million dollars denied as a tax deduction becomes an addition of about $6 an hour. So your $10 an hour illegal becomes a $16 an hour illegal because of the audit of the IRS. And, by the way, it is required to grant safe harbor to an employer who uses E-Verify in a legitimate, reliable way. So we give the employer safe harbor if he uses E-Verify. We give the IRS the authority to deny that deductibility if they are not able to work lawfully in the United States. And we put interest and penalty on there as well as the tax liability. Your $10 an hour illegal becomes a $16 an hour illegal. And what will happen all across this country is 8 million illegals will be looking for work, and there will be 8 million jobs that will open up for American workers, lawfully present people who can work in America with a green card or American workers.

That solves about half of our unemployment problem right there, and it legitimizes the employers and gives them something they can count on. There are some things that need to be cleaned up with that, in addition, Mr. Speaker.

Another one is E-Verify must be changed so employers can use it on legacy employees, that means current employees, and also use E-Verify with a bona fide job offer, rather than the law right now requires the employer to hire the worker and then find out whether they are legal or not. By that time, the employer has invested training in them and they have passed up somebody else to fill that job. So they will have somebody there for perhaps a week, they will have to pay them, and so the employer ultimately has to break the law to find out if they are breaking the law. They need to be able to use E-Verify with a bona fide job offer. They need to be able to use E-Verify to verify those legacy employees that work for them now, their current employees.

We can do all this. We can seal the border with a concrete wall and a secondary and a tertiary fence where it matters. We can put sensory devices there. We can build a road to patrol it. We can put cameras up and monitor it. We can man it effectively; in fact, more effectively with fewer personnel than we have if we build the barrier. We need to shut off the jobs magnet in the interior. We can do that by enforcing current law and by passing E-Verify to establish that the IRS is part of a team member that would be required to cooperate with the Social Security Administration and with the Department of Homeland Security. So the right hand, left hand, and middle hand all knew what the other was doing.

It is pretty simple to solve this problem. It has been solved in 60 minutes, Mr. Speaker, and if anybody has any questions, they can easily visit my Web site, Steveking.com, where I will be happy to answer any questions that might come up.

Meanwhile, I appreciate your attention on this subject matter, and I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. JACKSON LEE of Texas (at the request of Mr. HOYER) for today on account of an emergency.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. SUTTON) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.
Ms. KOSMAS, for 5 minutes, today.
Ms. KILROY, for 5 minutes, today.
Ms. KAPTUR, for 5 minutes, today.
Mr. JOHNSON, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. SUTTON, for 5 minutes, today.

(The following Members (at the request of Ms. ROS-LEHTINEN) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, May 19.

Mr. JONES, for 5 minutes, May 19.

Mr. GARRETT of New Jersey, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, May 18 and 19.

ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1121. An act to authorize a land exchange to acquire lands for the Blue Ridge Parkway from the Town of Blowing Rock, North Carolina, and for other purposes.

H.R. 1442. An act to provide for the sale of the Federal Government's reversionary interest in approximately 60 acres of land in Salt Lake City, Utah, originally conveyed to the Mount Olivet Cemetery Association under the Act of January 23, 1909.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on May 6, 2010, she presented to the President of the United States, for his approval, the following bills.

H.R. 3714. To amend the Foreign Assistance Act of 1961 to include in the Annual Country Reports on Human Rights Practices information about freedom of the press in foreign countries, and for other purposes.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 17 minutes p.m.), the House adjourned until tomorrow, Thursday, May 13, 2010, at 10 a.m.

BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to Public Law 111–139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 959, the Officer Daniel Faulkner Children of Fallen Heroes Scholarship Act, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 959 AS TRANSMITTED TO CBO BY THE HOUSE BUDGET COMMITTEE ON MAY 10, 2010

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
	Net Increase or Decrease (−) in the Deficit												
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0	0

Note: H.R. 959 would amend the Higher Education Act of 1965 to set the expected family contribution used in determining student aid eligibility to zero in the case of a student applicant whose parent or guardian died as a result of performing service as a public safety officer.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

7434. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Cranberries Grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York; Changes to Reporting Dates [Doc. No.: AMS-FV-09-0073; FV10-929-1FR] received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7435. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of Papayas From Colombia and Ecuador [Docket No.: APHIS-2008-0050] (RIN: 0579-AC95) received April 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7436. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Milk in the Northeast and Other Marketing Areas; Order Amending the Orders [Doc. No.: AMS-DA-09-0007; AO-13-A78, et al.; DA-09-02] received April 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7437. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Cranberries Grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York; Revised Nomination and Balloting Procedures [Doc. No.: AMS-FV-09-0070; FV09-929-1FR] received April 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7438. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — U.S. Honey Producer Research, Promotion, and Consumer Information Order; Referendum Procedures [Doc. No.: AMS-FV-07-0091; FV-07-706-FR] (RIN: 0581-AC78) received April 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7439. A letter from the Acting Under Secretary Research, Education, and Economics, Department of Agriculture, transmitting the Department's final rule — Veterinary Medicine Loan Repayment Program (VMLRP) (RIN: 0524-AA43) received April 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7440. A letter from the Under Secretary, Department of Defense, transmitting the annual report on the payment of incentive pay to members of precommissioning programs pursuing foreign language proficiency for Fiscal Year 2009, pursuant to Public Law 110-417, section 619; to the Committee on Armed Services.

7441. A letter from the Assistant Secretary, Department of Defense, transmitting the Department's annual report for fiscal year 2009 on the quality of health care furnished under the health care programs of the Department of Defense; to the Committee on Armed Services.

7442. A letter from the Chair, Congressional Oversight Panel, transmitting the Panel's monthly report pursuant to Section 125(b)(1) of the Emergency Economic Stabilization Act of 2008, Pub. L. 110-343; to the Committee on Financial Services.

7443. A letter from the Assistant General Counsel for Regulations, Office of General Counsel, Department of Education, transmitting the Department's final rule — Emergency Management for Higher Education Grant Program received April 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

7444. A letter from the Secretary, Department of Education, transmitting the Department's final rule — Race to the Top Fund [Docket ID: ED-2010-OESE-0005] (RIN: 1810-AB10) received April 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

7445. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Health Care Reform Insurance Web Portal Requirements (RIN: 0991-AB63) received April 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7446. A letter from the Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting formal response to the Government Accountablility Office's report number GAO-09-120; to the Committee on Foreign Affairs.

7447. A letter from the Principal Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-017, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7448. A letter from the Principal Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-005, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7449. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting letter regarding the proposed opening of five new passport agencies; to the Committee on Foreign Affairs.

7450. A letter from the Secretary, Department of the Treasury, transmitting as required by section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997; to the Committee on Foreign Affairs.

7451. A letter from the Deputy Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7452. A letter from the Deputy Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7453. A letter from the Deputy Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7454. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier II — Extraterritorial Income Exclusion Effective Date and Transition Rules Directive #1 [LMSB-4-0310-011] received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7455. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier I — Industry Director Directive on Domestic Production Deduction (DPD) #4 [LMSB-4-0310-010] received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7456. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Section 1274.—-Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2010-12) received April 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7457. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Transitional Guidance for Taxpayers Claiming Relief Under the Military Spouses Residency Relief Act for Taxable Year 2009 [Notice 2010-30] received April 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7458. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Mandatory Guidelines for Federal Workplace Drug Testing Programs received April 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Oversight and Government Reform and Appropriations.

7459. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare and Medicaid Programs; Changes in Provider and Supplier Enrollment, Ordering and Referring, and Documentation Requirements; and Changes in Provider Agreements [CMS-6010-IFC] (RIN: 0938-AQ01] received April 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. FOSTER (for himself, Mr. LIPINSKI, Mr. HARE, Mr. SHIMKUS, Mr. MANZULLO, Mr. QUIGLEY, Mr. SCHOCK, Mr. DAVIS of Illinois, Mr. GUTIERREZ, Mr. KIRK, Mr. COSTELLO, Ms. BEAN, Mrs. BIGGERT, Mr. JACKSON of Illinois, Mr. RUSH, Mrs. HALVORSON, Mr. JOHNSON of Illinois, Mr. ROSKAM, Ms. SCHAKOWSKY, Mr. ROHRABACHER, Mr. GARRETT of New Jersey, Mr. EHLERS, Mr. GOHMERT, Mr. HENSARLING, Mrs. DAHLKEMPER, Mr. PLATTS, Ms. KOSMAS, Mr. PAUL, Ms. MARKEY of Colorado, Mr. BARTLETT, Mr. MINNICK, Mr. JORDAN of Ohio, Mr. SENSENBRENNER, Mr. RYAN of Wisconsin, Mr. COSTA, Ms. HERSETH SANDLIN, Mr. BACHUS, Mr. FLAKE, Mr. CANTOR, Mr. MORAN of Kansas, Mr. LATOURETTE, and Mrs. BACHMANN):

H.R. 5278. A bill to designate the facility of the United States Postal Service located at 405 West Second Street in Dixon, Illinois, as the ''President Ronald W. Reagan Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. GENE GREEN of Texas (for himself and Mr. DOGGETT):

H.R. 5279. A bill to amend the Internal Revenue Code of 1986 to provide for active qualified public safety employees to elect to be covered under the hospital insurance tax, and for other purposes; to the Committee on Ways and Means.

By Ms. GIFFORDS:

H.R. 5280. A bill to amend title 10, United States Code, to reform Department of Defense energy policy, and for other purposes; to the Committee on Armed Services.

By Mr. JOHNSON of Georgia (for himself, Mr. CONYERS, Mr. SMITH of Texas, and Mr. COBLE):

H.R. 5281. A bill to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes; to the Committee on the Judiciary.

By Mr. BARROW:

H.R. 5282. A bill to provide funds to the Army Corps of Engineers to hire veterans and members of the Armed Forces to assist the Corps with curation and historic preservation activities, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. FORTENBERRY:

H.R. 5283. A bill to provide for adjustment of status for certain Haitian orphans paroled into the United States after the earthquake of January 12, 2010; to the Committee on the Judiciary.

By Ms. BORDALLO:

H.R. 5284. A bill to amend the Sikes Act to improve natural resources management planning for State-owned facilities used for the national defense, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BIGGERT (for herself, Mr. KILDEE, Mr. PLATTS, Ms. FUDGE, and Mr. SESTAK):

H.R. 5285. A bill to amend subtitle B of title VII of the McKinney-Vento Homeless Assistance Act to provide education for homeless children and youths, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOSWELL:

H.R. 5286. A bill to amend the Internal Revenue Code of 1986 to allow a credit against tax for qualified tuition and related expenses; to the Committee on Ways and Means.

By Ms. CORRINE BROWN of Florida:

H.R. 5287. A bill to amend the Outer Continental Shelf Lands Act to permanently prohibit the conduct of offshore drilling on the outer Continental Shelf of the Atlantic Ocean and Gulf of Mexico; to the Committee on Natural Resources.

By Mr. COSTA (for himself, Mr. WELCH, Mr. COURTNEY, Mr. LARSEN of Washington, and Mr. LARSON of Connecticut):

H.R. 5288. A bill to amend the Dairy Production Stabilization Act of 1983 to establish a dairy price stabilization program; to the Committee on Agriculture.

By Ms. ESHOO (for herself and Mr. GEORGE MILLER of California):

H.R. 5289. A bill to amend the Safe Drinking Water Act to reduce lead in drinking water, and for other purposes; to the Committee on Energy and Commerce.

By Ms. GIFFORDS (for herself, Mr. BURGESS, and Mr. LARSON of Connecticut):

H.R. 5290. A bill to permit physicians and suppliers a new election to become Medicare participating physicians and suppliers if Medicare physician fee schedule rates are extended; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MURPHY of New York (for himself, Mr. CHILDERS, Mr. ROSS, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. CARDOZA, Ms. HARMAN, Mr. COOPER, Mr. SCHRADER, Mr. BISHOP of Georgia, Mr. PETERSON, Mr. TANNER, Mr. CARNEY, Mr. MATHESON, Mr. HILL, Ms. HERSETH SANDLIN, Mr. SHULER, Mr. CUELLAR, Mr. MCINTYRE, Ms. GIFFORDS, Mr. BRIGHT, Mr. MITCHELL, Mr. COSTA, Mr. ARCURI, Ms. MARKEY of Colorado, Mr. BOYD, Mr. MOORE of Kansas, Mr. KRATOVIL, Mr. SCHIFF, Mr. ELLSWORTH, Mr. MICHAUD, Mr. HOLDEN, Mr. CHANDLER, Mr. DAVIS of Tennessee, and Mr. DONNELLY of Indiana):

H.R. 5291. A bill to require the Joint Committee on Taxation to analyze each tax expenditure identified in its annual tax expenditure report for equity, efficiency, and ease of administration; to the Committee on Ways and Means.

By Ms. PINGREE of Maine (for herself and Mr. MICHAUD):

H.R. 5292. A bill to require the continuation of full-service operations at the commissary and exchange stores serving Naval Air Station, Brunswick, Maine; to the Committee on Armed Services.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Mr. BACA, Mr. BECERRA, Mr. BERMAN, Mr. CARDOZA, Ms. CHU, Mrs. DAVIS of California, Mr. FARR, Mr. FILNER, Mr. GARAMENDI, Mr. HONDA, Ms. LEE of California, Ms. ZOE LOFGREN of California, Ms. MATSUI, Mr. MCCLINTOCK, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Ms. RICHARDSON, Ms. ROYBAL-ALLARD, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. SHERMAN, Ms. SPEIER, Ms. WATSON, and Ms. WOOLSEY):

H.R. 5293. A bill to designate the facility of the United States Postal Service located at 3270 Firestone Boulevard in South Gate, California, as the ''Henry C. Gonzalez Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. RANGEL:

H. Con. Res. 277. Concurrent resolution expressing the sense of Congress that Lena Horne should be recognized as one of the most outstanding American entertainers of the 20th century, who broke racial barriers and created opportunities for generations of African American performers who followed in her footsteps; to the Committee on Oversight and Government Reform.

By Mr. STARK (for himself, Mr. MCNERNEY, and Ms. LEE of California):

H. Res. 1351. A resolution congratulating Dallas Braden and the Oakland Athletics baseball team for pitching a perfect game against the Tampa Bay Rays on Mother's Day, May 9, 2010; to the Committee on Oversight and Government Reform.

By Mr. WU (for himself, Mr. HONDA, Ms. ROS-LEHTINEN, Mr. SHERMAN, Mr. ROHRABACHER, Mr. SIRES, Mr. INGLIS, Mr. GENE GREEN of Texas, Mr. DEFAZIO, Mr. HOLT, Ms. BALDWIN, Mr. MARSHALL, Mr. KIND, Mr. COURTNEY, Mr. MOORE of Kansas, Mr. ETHERIDGE, Mr. DEUTCH, Mr. BOSWELL, Mr. DONNELLY of Indiana, Ms. LORETTA SANCHEZ of California, Mr. PETRI, Mr. GONZALEZ, Mr. GARAMENDI, Mr. TONKO, Mr. PERLMUTTER, Mr. SERRANO, and Mr. GRAYSON):

H. Res. 1352. A resolution supporting the goals and ideals of Taiwanese American Heritage Week and recognizing the close relationship between the United States and Taiwan; to the Committee on Foreign Affairs.

By Mr. BISHOP of New York:

H. Res. 1353. A resolution supporting the goals and ideals of Student Financial Aid Awareness Month to raise awareness of student financial aid; to the Committee on Education and Labor.

By Mr. DAVIS of Illinois:

H. Res. 1354. A resolution honoring the John G. Shedd Aquarium on the occasion of its 80th anniversary and the 10th anniversary of its award-winning ''Amazon Rising'' exhibit; to the Committee on Natural Resources.

By Mr. KENNEDY:

H. Res. 1355. A resolution expressing the sense of the House of Representatives regarding the human rights crisis in Papua and West Papua; to the Committee on Foreign Affairs.

By Mr. SKELTON:

H. Res. 1356. A resolution recognizing the 150th anniversary of the birth of General John J. Pershing, an American military hero; to the Committee on Armed Services.

By Ms. WATSON (for herself, Ms. KAPTUR, Mr. HINCHEY, Ms. KILPATRICK of Michigan, Ms. LORETTA SANCHEZ of California, Ms. SPEIER, Mr. SHERMAN, Ms. LINDA T. SÁNCHEZ of California, Mr. BECERRA, Ms. ROYBAL-ALLARD, Mrs. NAPOLITANO, Mr. BACA, Mr. REYES, Mr. HINOJOSA, Ms. WOOLSEY, Ms. SCHAKOWSKY, Mr. BARROW, Mr. CLAY, Mr. PASCRELL, Mr. CUELLAR, Mr. SCHIFF, Mr. FARR, Mr. STARK, Mrs. CAPPS, Ms. LEE of California, Ms. CHU, Ms. HARMAN, Ms. SHEA-PORTER, Mr. CAMPBELL, Mr. LEWIS of California, Mr. GARY G. MILLER of California, Mr. CALVERT, Mr. GALLEGLY, Mr. MCCLINTOCK, Mr. ISSA, Ms. WATERS, Mr. ROHRABACHER, Mr. BUCHANAN, Mr. BILBRAY, and Mr. RUSH):

H. Res. 1357. A resolution commending and congratulating the Hollywood Walk of Fame on the occasion of its 50th anniversary; to the Committee on Oversight and Government Reform.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

276. The SPEAKER presented a memorial of the House of Representatives of the State of Idaho, relative to House Joint Memorial No. 10 urging the United States Air Force to use Idaho for its F–35 missions; to the Committee on Armed Services.

277. Also, a memorial of the House of Representatives of the State of Idaho, relative to House Joint Memorial No. 9 urging the Congress of the United States not to enact S. 787; to the Committee on Transportation and Infrastructure.

278. Also, a memorial of the House of Representatives of the State of Idaho, relative to House Joint Memorial No. 11 urging the Congress to reject all efforts to use global warming as a pretext to increase federal revenues; jointly to the Committees on Energy and Commerce and Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 197: Mr. ARCURI.
H.R. 273: Mr. SMITH of Nebraska.
H.R. 275: Mr. POSEY and Mr. SCHIFF.
H.R. 537: Mr. GRAYSON.
H.R. 707: Ms. HIRONO.
H.R. 734: Mr. MATHESON and Mr. PALLONE.
H.R. 775: Mr. CLAY, Ms. CHU, and Ms. HERSETH SANDLIN.
H.R. 847: Mr. OBERSTAR.
H.R. 868: Mr. RYAN of Ohio.
H.R. 878: Mr. CALVERT.
H.R. 932: Mr. JACKSON of Illinois.
H.R. 995: Ms. CHU.
H.R. 1126: Mr. MINNICK.
H.R. 1215: Mr. CONYERS.
H.R. 1265: Mr. ISRAEL.
H.R. 1339: Ms. NORTON.
H.R. 1362: Ms. SUTTON.
H.R. 1443: Mr. HARE.
H.R. 1470: Mr. FILNER.
H.R. 1521: Mr. TOWNS.
H.R. 1547: Mr. BOUSTANY, Mr. MELANCON, and Mr. DAVIS of Illinois.
H.R. 1570: Ms. NORTON.
H.R. 1616: Mr. KILDEE.
H.R. 1691: Ms. CHU and Mr. TIBERI.
H.R. 1729: Mr. HOLT.
H.R. 1792: Mr. MARCHANT, Ms. BALDWIN, and Mr. BOUCHER.
H.R. 1806: Mr. DONNELLY of Indiana and Mr. ROTHMAN of New Jersey.
H.R. 1826: Mr. ACKERMAN.
H.R. 1844: Ms. LINDA T. SÁNCHEZ of California.
H.R. 1884: Mr. WU, Mr. OWENS, Mr. LOBIONDO, and Mr. BRIGHT.
H.R. 2002: Mr. MORAN of Kansas.
H.R. 2067: Mr. RYAN of Ohio.
H.R. 2089: Mrs. CAPPS and Mr. MCGOVERN.
H.R. 2105: Mr. ALEXANDER.
H.R. 2112: Ms. BEAN.
H.R. 2142: Mr. PLATTS.
H.R. 2159: Ms. SHEA-PORTER and Mr. HOLT.
H.R. 2198: Mr. MANZULLO.
H.R. 2204: Mr. SMITH of Washington, Mr. BISHOP of Utah, and Mr. GRAVES.
H.R. 2381: Mr. BRADY of Pennsylvania.
H.R. 2417: Mrs. CAPPS and Mr. GRIJALVA.
H.R. 2443: Ms. NORTON and Mr. SMITH of Nebraska.
H.R. 2448: Mr. VISCLOSKY.
H.R. 2478: Mr. ROSKAM, Ms. SPEIER, and Ms. JACKSON LEE of Texas.
H.R. 2480: Mr. SCHOCK.
H.R. 2483: Ms. ZOE LOFGREN of California and Ms. WOOLSEY.
H.R. 2565: Mr. MORAN of Virginia.
H.R. 2597: Mr. MURPHY of Connecticut.
H.R. 2672: Mr. CALVERT.
H.R. 2737: Mr. DONNELLY of Indiana and Mr. GRAYSON.
H.R. 2817: Mrs. NAPOLITANO.
H.R. 2819: Mr. ROTHMAN of New Jersey.
H.R. 2906: Mr. OLVER.
H.R. 3012: Mr. FOSTER.
H.R. 3035: Mr. SERRANO.
H.R. 3116: Mr. COSTELLO and Mr. ADERHOLT.
H.R. 3151: Mr. MOORE of Kansas and Mr. COHEN.
H.R. 3421: Mr. HODES, Ms. PINGREE of Maine, and Mr. GRAYSON.
H.R. 3441: Mr. MICHAUD.
H.R. 3519: Mr. WOLF.
H.R. 3781: Mr. LUJÁN.
H.R. 3836: Mr. POLIS.
H.R. 3974: Mr. CAPUANO.
H.R. 4028: Mr. FALEOMAVAEGA.
H.R. 4038: Mr. CALVERT.
H.R. 4051: Mr. MCCOTTER.
H.R. 4133: Mr. BOUCHER.
H.R. 4155: Mr. POLIS.
H.R. 4182: Mr. NADLER of New York.
H.R. 4195: Mr. HALL of New York, Mr. JACKSON of Illinois, and Mr. WOLF.
H.R. 4199: Mr. BOSWELL and Ms. RICHARDSON.
H.R. 4241: Mr. HODES.
H.R. 4274: Mr. HINCHEY.
H.R. 4278: Ms. BALDWIN.
H.R. 4302: Mr. WELCH, Mr. MORAN of Virginia, Mr. DONNELLY of Indiana, Mr. CUMMINGS, Ms. KILROY, Mr. HONDA, Ms. SCHAKOWSKY, and Mr. HINOJOSA.
H.R. 4394: Ms. WOOLSEY and Mr. GRIJALVA.
H.R. 4399: Mr. RANGEL.
H.R. 4494: Mr. JACKSON of Illinois.
H.R. 4509: Mr. LATOURETTE.
H.R. 4530: Mr. LUJÁN.
H.R. 4594: Ms. ROYBAL-ALLARD, Mrs. KIRKPATRICK of Arizona, Ms. HARMAN, and Mr. LOEBSACK.
H.R. 4662: Mr. COHEN and Ms. WASSERMAN SCHULTZ.
H.R. 4684: Mr. CLEAVER, Mr. PLATTS, Mr. LANCE, Ms. KILPATRICK of Michigan, Mr. THOMPSON of Mississippi, and Mr. LANGEVIN.
H.R. 4710: Mr. GRIJALVA, Mr. ROTHMAN of New Jersey, and Mr. WELCH.
H.R. 4734: Mr. BISHOP of New York.
H.R. 4755: Mr. MCCOTTER.
H.R. 4761: Mr. PERRIELLO.
H.R. 4780: Mr. MILLER of Florida.
H.R. 4785: Mr. GUTHRIE.
H.R. 4788: Mr. DELAHUNT, Mr. NADLER of New York, and Ms. CHU.
H.R. 4796: Mr. ADLER of New Jersey, Mr. ROSKAM, Ms. SUTTON, Mr. HIMES, Mr. WEINER, and Mr. JONES.
H.R. 4806: Mr. ELLISON.
H.R. 4807: Mr. CALVERT.
H.R. 4844: Mr. HOLDEN.
H.R. 4846: Mr. COHEN.
H.R. 4850: Mr. PAYNE and Mr. HARE.
H.R. 4856: Mr. HOLDEN.
H.R. 4868: Mr. JACKSON of Illinois and Mr. BRADY of Pennsylvania.
H.R. 4888: Ms. ZOE LOFGREN of California.
H.R. 4933: Mr. FARR and Ms. WATERS.
H.R. 4985: Mr. KINGSTON and Mr. STEARNS.
H.R. 5008: Mr. DONNELLY of Indiana.
H.R. 5015: Mr. JOHNSON of Georgia.
H.R. 5034: Mr. PALLONE, Mr. BROWN of South Carolina, Mr. BROUN of Georgia, Mr. THOMPSON of Pennsylvania, Mr. SPACE, Mr. SCHOCK, Mr. POMEROY, Mr. CAPUANO, Mr. SIMPSON, Mr. LINCOLN DIAZ-BALART of Florida, Mr. POSEY, Mr. GARY G. MILLER of California, Mr. GONZALEZ, Mr. RUSH, Ms. WASSERMAN SCHULTZ, and Mr. TIM MURPHY of Pennsylvania.
H.R. 5035: Mr. TAYLOR.
H.R. 5040: Mr. KILDEE.
H.R. 5041: Mr. PETERS, Mr. SPACE, Ms. WASSERMAN SCHULTZ, Mr. PASCRELL, and Ms. DELAURO.
H.R. 5043: Mrs. NAPOLITANO.
H.R. 5084: Mr. CARNEY.
H.R. 5091: Ms. FUDGE.
H.R. 5092: Mr. REICHERT, Mr. MCINTYRE, Mr. BARRETT of South Carolina, Mr. TAYLOR, Mr. QUIGLEY, Mr. CHANDLER, Mr. FALEOMAVAEGA, Mr. MARCHANT, Mr. FRANK of Massachusetts, Mr. MEEKS of New York,

Mr. CRENSHAW, Mr. SHADEGG, Mr. BISHOP of Georgia, Mr. PUTNAM, Mr. BONNER, Mr. TERRY, Mr. WITTMAN, and Mr. HELLER.

H.R. 5118: Mr. LUCAS.

H.R. 5141: Mr. BOOZMAN, Mr. BURTON of Indiana, Mr. LAMBORN, and Mr. PAUL.

H.R. 5145: Mr. DONNELLY of Indiana.

H.R. 5163: Mr. ARCURI and Mr. TIM MURPHY of Pennsylvania.

H.R. 5164: Mr. ARCURI and Mr. TIM MURPHY of Pennsylvania.

H.R. 5175: Ms. LORETTA SANCHEZ of California, Mr. HIMES, and Mrs. DAVIS of California.

H.R. 5200: Mr. MORAN of Virginia.

H.R. 5206: Mr. DOGGETT.

H.R. 5207: Mr. GUTHRIE and Mr. GERLACH.

H.R. 5211: Mr. POLIS and Mr. ETHERIDGE.

H.R. 5222: Mr. GARAMENDI.

H.R. 5234: Mr. HOLDEN.

H.R. 5235: Mr. JONES and Mr. POSEY.

H.R. 5236: Ms. KILPATRICK of Michigan.

H.R. 5241: Mr. THOMPSON of California, Ms. HARMAN, Ms. ROS-LEHTINEN, Ms. WOOLSEY, Mr. LANGEVIN, Mr. KENNEDY, Mr. WELCH, Mr. GARAMENDI, and Mr. FILNER.

H.R. 5244: Mr. SABLAN.

H.R. 5268: Mr. ELLISON, Mr. PAYNE, Ms. WATSON, Ms. SLAUGHTER, Ms. KILROY, and Mr. HONDA.

H.J. Res. 76: Mr. BOYD.

H.J. Res. 77: Mr. TURNER.

H. Con. Res. 240: Mr. JACKSON of Illinois.

H. Con. Res. 266: Mr. BRADY of Pennsylvania and Mrs. LUMMIS.

H. Con. Res. 273: Ms. GRANGER, Mr. LATTA, Mr. POSEY, Mrs. LUMMIS, Mr. BISHOP of Utah, Mr. MARCHANT, Mr. MCCLINTOCK, Mr. SHIMKUS, Mr. BARTLETT, Mr. HALL of Texas, Mr. CAMPBELL, Mr. FRANKS of Arizona, Mr. HUNTER, Mr. PITTS, Mr. NEUGEBAUER, Mr. OLSON, Mr. KING of Iowa, Mr. SAM JOHNSON of Texas, Mr. JONES, Mr. BURTON of Indiana, and Mr. AKIN.

H. Con. Res. 275: Ms. GIFFORDS, Mr. HASTINGS of Florida, Mr. SERRANO, Mr. SCOTT of Virginia, Mr. HIMES, Ms. DELAURO, Mr. JACKSON of Illinois, Ms. KILROY, Mr. VAN HOLLEN, Mr. PETERSON, Mr. SABLAN, and Mr. HODES.

H. Res. 111: Mr. COLE and Mr. HEINRICH.

H. Res. 173: Mr. GENE GREEN of Texas.

H. Res. 287: Mr. QUIGLEY.

H. Res. 536: Mrs. MILLER of Michigan and Mr. LATHAM.

H. Res. 584: Mr. PAUL, Mr. MOORE of Kansas, Mr. HINOJOSA, Mr. THOMPSON of Mississippi, Mr. POSEY, and Mr. CHILDERS.

H. Res. 611: Ms. KILROY.

H. Res. 764: Mr. BURTON of Indiana.

H. Res. 873: Mr. CROWLEY and Mr. ROYCE.

H. Res. 989: Mr. MORAN of Virginia, Mr. FALEOMAVAEGA, Mr. CLEAVER, and Mr. JACKSON of Illinois.

H. Res. 1073: Mr. VISCLOSKY, Mr. COLE, Mr. SHUSTER, Mr. LATHAM, Mr. DEFAZIO, and Mr. TIAHRT.

H. Res. 1110: Ms. BORDALLO, Mr. PUTNAM, Mr. LOEBSACK, Mr. SHIMKUS, Mr. HARE, Mr. LAMBORN, Mr. KILDEE, Mr. LEE of New York, Mr. CARTER, Mr. GRIFFITH, Mr. THORNBERRY, Mr. FORTENBERRY, Mr. NEUGEBAUER, Mr. BUCHANAN, Mr. HERGER, Mr. DENT, Mr. ROGERS of Alabama, Mr. FRANKS of Arizona, Mr. HELLER, Mrs. MILLER of Michigan, Mr. TERRY, Ms. GRANGER, Mrs. CAPITO, Mr. CAMP, Mr. BOOZMAN, Mr. MARIO DIAZ-BALART of Florida, and Mr. SHUSTER.

H. Res. 1196: Mr. CULBERSON.

H. Res. 1245: Mr. CALVERT.

H. Res. 1250: Mr. COHEN.

H. Res. 1251: Mr. BOOZMAN and Mr. YOUNG of Alaska.

H. Res. 1258: Ms. EDWARDS of Maryland, Mr. BISHOP of New York, and Mr. PRICE of North Carolina.

H. Res. 1261: Mr. BISHOP of New York.

H. Res. 1291: Mrs. HALVORSON and Mr. TIM MURPHY of Pennsylvania.

H. Res. 1303: Mr. LUETKEMEYER and Mr. WILSON of South Carolina.

H. Res. 1326: Mr. ROTHMAN of New Jersey, Mr. WOLF, Mr. CAO, Mr. FALEOMAVAEGA, Mr. BURTON of Indiana, and Mr. INGLIS.

H. Res. 1335: Mr. MARKEY of Massachusetts.

H. Res. 1338: Mr. FILNER.

H. Res. 1346: Mr. MANZULLO, Mr. GERLACH, Mr. DENT, Mr. CAMPBELL, Mr. LEE of New York, Mrs. BACHMANN, Mr. OLSON, Ms. GRANGER, and Mr. MARIO DIAZ-BALART of Florida.

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PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

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

Let us pray.

Lord of Life, in whose will is our peace and who is worthy of a greater love than we can either give or understand, accept the gratitude of our thankful hearts. Thank You for protecting us from seen and unseen dangers and for being our shield in dangerous times. We praise You for life and health, for sunshine and shadows, for peace in the midst of life's storms. Lord, we are grateful for our lawmakers and rejoice that Your providence will prevail. Keep our Senators firm and steadfast as they put on Your whole armor of faith, hope, and love. Fill this Chamber with Your presence and our hearts with Your magnanimous attitude toward others.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 12, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, today, the Senate will resume consideration of the Wall Street reform legislation, with the time until 10 a.m. equally divided and controlled between the two leaders or their designees. At 10 a.m. this morning, the Senate will proceed to a series of three rollcall votes in relation to the following amendments: the Merkley amendment regarding underwriting standards; the Corker amendment regarding underwriting standards; and the Hutchison, as modified, amendment regarding the Board of Governors. Additional votes are expected throughout the day.

MEASURE PLACED ON THE CALENDAR—S. 3347

Mr. REID. Mr. President, I am told that S. 3347 is at the desk and is due for a second reading.

The ACTING PRESIDENT pro tempore. The Senator is correct.

The clerk will read the title of the bill for the second time.

The assistant legislative clerk read as follows:

A bill (S. 3347) to extend the National Flood Insurance Program through December 31, 2010.

Mr. REID. Mr. President, I object to any further proceedings with respect to this bill.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

Mr. REID. Mr. President, would the Chair report the bill, please.

RESERVATION OF LEADER TIME

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

RESTORING AMERICAN FINANCIAL STABILITY ACT OF 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 3217, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 3217) to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail,'' to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

Pending:

Reid (for Dodd/Lincoln) amendment No. 3739, in the nature of a substitute.

Corker amendment No. 3955 (to amendment No. 3739), to provide for a study of the asset-backed securitization process and for residential mortgage underwriting standards.

Merkley amendment No. 3962 (to amendment No. 3739), to prohibit certain payments to loan originators and to require verification by lenders of the ability of consumers to repay loans.

Hutchison modified amendment No. 3759 (to amendment No. 3739), to maintain the role of the Board of Governors as the supervisor of holding companies and State member banks.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10 a.m. will be equally divided and controlled between the leaders or their designees.

Mr. REID. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally to both sides.

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

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

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

NOMINATION OF ELENA KAGAN

Mr. MCCONNELL. Mr. President, we have only had a few days to consider the President's latest nominee to the Supreme Court, but a few things are already becoming clear about the administration's approach to this vacancy.

As Solicitor General, Ms. Kagan is a member of the President's administration. The President, on Monday, also said: We are friends. The Vice President's chief of staff, who helped oversee her nomination, is evidently hard at work convincing members of the President's party that they will have nothing to worry about in terms of Ms. Kagan's possible appointment.

But in our constitutional order, Justices are not on anybody's team. They have a very different role to play. As a Supreme Court Justice, Ms. Kagan's job description would change dramatically. Far from being a member of the President's team, she would suddenly be serving as a check on it. This is why the Founders were insistent that Justices be independent arbiters, not advocates.

As one of the Founders once put it:

> Under a limited Constitution, the complete independence of the courts of justice is peculiarly essential.

And further:

> There is no liberty, if the power of judging be not separated from the legislative and executive powers.

So it is my hope that the Obama administration does not think the ideal Supreme Court nominee is someone who would rubberstamp its policies. But this nomination does raise the question, and it is a question that needs to be answered. Americans want to know that Ms. Kagan will be independent; that she will not prejudge cases based on her personal opinions; that she will treat everyone equally, as the judicial oath requires. That is the defining characteristic of any good judge, much less a judge on the Nation's highest Court.

The simple fact is, her lack of a record—especially her lack of a judicial record, and the fact that she does not have much of a record as a practicing lawyer either—gives us no way of answering that question at this particular point with any degree of comfort.

She has never had to develop the judicial habit of saying no to an administration, and we cannot simply assume she would. Later this morning, I will have an opportunity to meet with Ms. Kagan and to mention some of the concerns I have raised to her personally. We will welcome her to the Capitol and congratulate her once again on her nomination. This is not an easy process for any nominee, but it is an important one.

MIRANDA WARNINGS

Mr. President, President Hamid Karzai will visit the Capitol today to discuss the current situation in Afghanistan. His visit reminds us that the surge of forces into Afghanistan is not yet complete and that the counterinsurgency strategy developed by General McChrystal is still in its early stages.

President Karzai's visit also reminds us of the importance of completing our work on the war supplemental. We must complete this bill to fund our forces in the field, to help General McChrystal in his efforts to ensure that the Taliban does not return to power, and to ensure that Afghanistan does not again become a sanctuary for terrorists.

Let's remember that the 9/11 attacks were planned in Afghanistan, and that it was because of this attack and al-Qaida's many other attempts to kill innocent Americans that President Obama implemented a strategy for reversing the momentum of the Taliban in Afghanistan last December.

This is why it is so worrisome and, frankly, baffling to hear the Attorney General say the administration's views on issuing Miranda warnings to terrorists are now under reconsideration because of a ''new threat,'' and because we are ''now dealing with international terrorism.''

Perhaps it is the reported involvement of TTP in the Times Square attack that the Attorney General believes is ''new.'' But most people have been aware of the terrorist threat of international terrorists to the homeland since September 11, 2001.

The fact is, the clear purpose of many of the antiterror policies this administration in its first days tried to undo through Executive order was to deal with this threat that the Attorney General is now calling ''new.'' These threats did not begin with the Times Square bomber any more than they ended on 9/11. They have been with us for a long time now, and they are as urgent today as they were 9 years ago.

CONGRESSIONAL BUDGET OFFICE REPORT

Now, Mr. President, I would also like to note some news that might have slipped past some people yesterday in the midst of everything else that is going on. I am referring to the Congressional Budget Office report that the health care bill is now expected to cost $115 billion more than the administration said it would, wiping out every penny of savings they claimed the bill would produce.

This is truly astounding. Here was one of the Democrats' primary arguments in favor of their health care bill: that it would lower the deficit. Yet now we are learning that it will not. But you will not hear a word about it from the people who made that argument day in and day out for more than a year.

The fact is, the list of failed promises is growing every day. They called us alarmists for saying businesses would dump employees from their insurance plan. Yet now it is being reported that some of the Nation's biggest employers are seriously considering cutting employee health care and paying the lower cost penalties instead, just as we predicted. There goes the President's vow that ''if you like the plan you have, you can keep it.''

Another thing we heard was that the health care bill would slow the growth of health care costs for families, businesses, and government. Yet an analysis last month by the Obama administration's own Actuary found that this bill will actually increase costs and that the national spending on health care alone could go up by $1/3 trillion—$1/3 trillion.

The President and the Democrats in Congress said time and again that their health care bill would strengthen Medicare. Yet the administration's own experts now say it would drive nearly one in six hospitals into debt and threaten access to care for seniors on Medicare.

They said the bill wouldn't raise taxes on the middle class. Yet now Congress's own bipartisan scorekeeper on the legislation says middle-class taxpayers will pay billions more in taxes as a result of this bill. Millions more will get hit with a fine for choosing not to buy government-approved insurance.

They said health insurance premiums would fall, but we have learned from the administration just this week that even some of the smaller reforms in this bill will actually drive up premiums.

So when Speaker PELOSI said we would have to pass this health care bill to find out what is in it, she knew what she was talking about, and what they are finding out is that Republicans were right all along. For every promise that crumbles, another one of our warnings is vindicated. Day after day, Republicans said the health care bill would raise taxes, raise premiums, and cut Medicare for seniors. We said it would increase costs because it didn't take an actuary to figure out that you don't save money on health care by spending more on it. Yet, even in the face of the clearest proof that we were right on every single count, the people who forced this bill through Congress against the will of the people continue to call us alarmists and to question our motives. But all of these headlines are already confirming what the American people already believe and what Republicans said all along: More government isn't the solution to out-of-control health care spending any more than spending money we don't have on

projects we don't need is the secret to robust job growth.

The American people are tired of the reckless spending and the failed promises, and they are tired of elected representatives who won't own up to their mistakes.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

TIMES SQUARE BOMBING ATTEMPT

Mr. DURBIN. Mr. President, America was alarmed to learn that Times Square was closed for business because of the potential of a bomb threat. A vehicle was discovered with smoke coming out of it. Some alert people on the sidewalks and vendors called it to the attention of police, and they determined the contents of that vehicle at least included the crude elements that could have resulted in a bomb killing many innocent people. All they had to go on was the vehicle itself and a fleeting glimpse of the person who might have been responsible leaving, changing his shirt as he left that vehicle. It was a frightening situation where many innocent people who were visiting our largest city in America could have been killed just as on 9/11. What happened? Fifty-three hours later, our government arrested the prime suspect, the man who has conceded he was responsible for that vehicle in Times Square—53 hours.

I listened to some of the criticisms from those who come to the floor and say we should do this better, we should be more vigilant, we should change our approach. I would concede that we need to learn from every single incident how to make America safer, how to avoid those vehicles even being in Times Square in the first instance. But let's be honest—to arrest the person responsible for it within 53 hours is an indication of some pretty good work by law enforcement and intelligence officials.

Then comes the argument about Miranda rights. Should we be treating terrorists as enemy combatants or as criminal defendants? Should they be sent to military commissions for trial or to our courts? Well, the fact is, the person involved in the Times Square bombing incident was an American citizen. He cannot be tried in a military commission under existing law. There is a recourse for him, and that is in the courts of America.

If he is to be tried in the courts, the ordinary process of due process suggests he will receive a Miranda warning. In this circumstance, after a number of hours of interrogation, the suspect was given his Miranda warnings. We hear them often on television. It didn't deter him from continuing to offer information literally for days to our law enforcement and security officials.

Many have come to the floor and suggested it is a bad policy for us to consider giving Miranda warnings to those suspected of terrorism. What they failed to note—and I have never heard one of them concede—is this policy is a policy created by George W. Bush and his administration after 9/11. They decided it would be the basic standard when it comes to interrogating suspected terrorists, particularly those who are American citizens, that a Miranda warning would be given.

This past weekend, Attorney General Holder said he believes we should consider some other elements in terms of when the Miranda warnings would be given and when a person would be presented before a court. I think that is a reasonable challenge for us to look to. But remember that the last time the Congress tried to change basic Miranda warnings, a very conservative Supreme Court across the street said no. They said, in fact, that this is part of due process in the United States of America.

So let's approach this carefully. Let's try to take the politics out of it for a moment. Let's concede that the former Republican President made Miranda warnings part of his ordinary process in dealing with terrorists.

Let's also acknowledge that a lot of hard-working men and women, in the 53 hours after the discovery of that vehicle, did everything in their power to find the person responsible and were successful. Let's give them some credit. These are men and women who work night and day, virtually unheralded, who, in this instance, did an extraordinary job and should be acknowledged in a positive way and not in a negative way.

HEALTH CARE REFORM

There has also been conversation on the floor this morning about the health care reform bill. Make no mistake, not a single Republican Senator voted for it. In fact, they virtually boycotted the efforts to build this legislation, to write this legislation. Given ample opportunities to produce their own amendments or a substitute bill, they did not. When they offered a few amendments, they turned out to be amendments primarily designed to protect health insurance companies for a program known as Medicare Advantage. So at the end of the day, only the Democrats voted for health care reform.

Immediately, we heard from the other side of the aisle and from many of their supporters around the United States: Repeal it. Get rid of it.

Well, the American people see it differently. If Republican Senators are going to come to the floor and talk about polls, they should acknowledge that the polls clearly show the American people believe health care reform should be given a chance.

I think the Senator from Kentucky was suggesting to us this morning that we need to pull the plug on health care right now and stop. So does that mean he wants to eliminate the small business tax credit included in health care reform to help businesses with fewer than 25 employees pay for health insurance premiums? Does that mean the Senator from Kentucky wants to eliminate the $250 to be given to those under Medicare who use the Medicare Part D prescription drug program to fill the so-called gap in coverage called the doughnut hole? Does he want to eliminate that? Does the Senator from Kentucky want to eliminate our efforts to move forward so that children up to the age of 26 will be covered by family plans while they are finishing college and looking for a job? Does he want to eliminate and repeal that? Is that what he is looking for? I hope not.

The suggestion that we can't revisit this bill—and we will revisit it in the future—is just plain wrong. I have said on the floor before that there are few perfect laws that have been written and not many by U.S. Senators. In this circumstance, we did our very best, working with the experts.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. DURBIN. I ask unanimous consent for 5 additional minutes.

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

Mr. DURBIN. Thank you. I will be glad to concede the floor to one of my Republican colleagues if they come during this 5-minute period.

When we wrote the health care reform bill, we relied on the best experts we could find. We were dealing with one-sixth of the American economy, which is the sum total of the cost of health care in our Nation, and we did our very best to move forward. It would have been an easier task had we had the cooperation and joint efforts of the Republican side of the aisle, but they decided to step away and say no.

SECRET HOLDS

The last point I wish to make is that we have reached a historic milestone in the Senate with the Executive Calendar. At this point, we have over 100 nominations to the Obama administration for positions, large and small, that have been held up by the other side of the aisle. I wish to salute Senator CLAIRE MCCASKILL, Senator SHELDON WHITEHOUSE, and a number of my colleagues who have come to the floor and challenged the fact that this calendar is glutted with over 100 nominees who can't be brought to the floor for a vote.

Now let's examine a historical parallel. At the same time in President George W. Bush's administration, there were 20 nominees being held. Now over 100 are being held. Overwhelmingly, these nominees have passed out of committee to the Senate floor with unanimous bipartisan votes or overwhelming bipartisan votes. They are not controversial. These men and women deserve an opportunity to have an up-or-down vote.

What is happening here is that these nominations are being held as bargaining chips for projects and for—I am not sure what. But it is unfair to these men and women who have said they will offer some time in their lives to public service and will go through the

rigors of being examined and questioned and then stand up and try to help make this a better Nation by serving in a government post. There is nothing wrong with that. Whether it is Republican or Democrat—and many of these are Republicans—they should have that opportunity.

I would suggest to the Republican side of the aisle, let's not use these good men and women of both political parties as bargaining chips for something else. Let's eliminate the so-called secret holds where Senators can, in fact, hold up these nominees without ever disclosing publicly that they are responsible. If they have a legitimate grievance against the nominee, make that grievance known publicly, argue it on the floor. But to hold up innocent people, to leave them stranded on the Executive Calendar for weeks and months is unfair to them and certainly unfair to this administration.

I see the Senator from Tennessee in the Chamber, and I yield the floor to my colleague from Tennessee.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

AMENDMENT NO. 3955

Mr. CORKER. Mr. President, I thank my friend from Illinois.

I wish to speak for just a moment on the Corker amendment that will be coming up very shortly, and I thank the Presiding Officer for the time.

First of all, I thank Senator GREGG, Senator LEMIEUX, Senator COBURN, and Senator BROWN for being cosponsors. I thank Senator SHELBY for all he has done to help support and make this amendment possible as well as Senator ISAKSON, who brings a wealth of experience to this body as it relates to real estate lending. I thank all of them for their support of this amendment.

It is a basic, commonsense amendment. I think everybody in this body knows that we as a country are going down a pretty slippery slope and that we as politicians act as enablers. We don't tell people what they need to hear. Instead, we try to give them what they want without any degree of discipline.

What this amendment does is restore within the housing market a focus on the core issue that took us into this crisis—something many people in this body do not want to discuss—and that is the fact that there were a lot of loans written to people who had no ability whatsoever to pay them back.

So this amendment does some very simple things. No. 1, it requires a very modest 5-percent downpayment for new home mortgages. If someone borrows more than 80 percent loan to value, it requires a credit enhancement—something that has been part of the American psyche for a long time. Believe it or not, it asks that there be fully documented income, including credit history and employment history. Gosh, what a big issue that would be, just to know someone had the ability to pay back the loan. Then it requires a method for determining the borrower's ability to repay, including consideration of their debt-to-income ratio, which is very important. So this would be done by banking regulators. It does not apply to VA or rural housing administration mortgages. It does give an exemption for organizations such as Habitat and Enterprise and others that allow homeowners to use sweat equity to actually build up some equity in a home.

This is a commonsense amendment. While I respect Senators on the other side of the aisle, Senators MERKLEY and KLOBUCHAR, who have worked on a side-by-side, I want to say to people in this body that while that is a good-intentioned amendment, what it does is build on the construct of the Dodd bill where, in essence, we are giving to this new consumer protection agency the ability to do loan underwriting. I think that is a dangerous path for our country to go down.

I thank my colleagues for letting me give an overview of this amendment, and I urge everybody in this body to support it.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I rise as a cosponsor in support of the Merkley-Klobuchar amendment to prohibit kickbacks to lenders who steer homeowners into bad mortgages.

The U.S. Senate Permanent Subcommittee on Investigations recently completed an 18-month investigation and a series of four hearings looking into some of the causes and consequences of the financial crisis. In our first hearing, the subcommittee examined the high-risk lending practices of Washington Mutual Bank, ''WaMu,'' which led to the largest U.S. bank failure of all time. WaMu was brought to the precipice of collapse, in large part, by irresponsible and abusive home lending practices such as steering homeowners into high-risk and high-cost loans, and failing to even verify borrower income when making those loans. The Merkley-Klobuchar amendment prohibits those practices, and would go a long way towards preventing the irresponsible behavior that led to the financial crisis.

In the years prior to its failure, WaMu routinely issued stated income and negatively amortizing loans, which undermined the safety and soundness of the bank and injected hundreds of billions of dollars of high-risk loans into the U.S. financial system. Stated income mortgage loans, sometimes called ''liar loans'' or ''no-doc'' loans, allow borrowers to write their income on a loan application, without offering proof such as a pay stub or W–2 form, and without lender verification. Stated income loans made up 90 percent of WaMu's home equity loans, 73 percent of its option arms, and 50 percent of its subprime loans. During our hearings on regulatory oversight of WaMu's high-risk lending, both regulators—the Office of Thrift Supervision and Federal Deposit Insurance Corporation—supported an end to stated income loans, and inspectors general from those same agencies also advocated that Congress consider doing so.

It's no surprise that WaMu loan originators were steering borrowers into high-risk, high-cost loans, because they were being paid more to do it. Wall Street had an appetite for high-risk loans, and so WaMu built a conveyor belt to churn them out. In order to generate the volume of high-risk loans needed to keep the conveyor belt running, WaMu had to convince people to take out high-risk loans, like Option ARMs, in lieu of low-risk fixed rate loans. WaMu paid loan originators and mortgage brokers much more for issuing these high-risk loans, and so the originators and brokers would do the convincing, and make the sales.

It is time to stop those dangerous lending practices, which had such disastrous consequences for the U.S. financial system, our economy, and American families.

The Merkley-Klobuchar amendment contains one clause that does concern me. The amendment explicitly allows loan personnel to be paid bonuses for loan volume. The recent financial crisis shows how dangerous loan volume incentives are—they encourage loan officers and mortgage brokers to issue as many loans as possible as quickly as possible, with the inevitable consequence being shoddy lending in which loan personnel cut corners and churn out loans to boost their compensation. Our hearing demonstrated how the bonuses paid by WaMu for loan volume and speed resulted in poor quality and even fraudulent loans. It is my hope that the regulators recognize the problem and interpret that provision to permit banks to assign bonuses for only a reasonable number of loans, and that those same bonuses also be made contingent on good quality lending. Regulators should interpret the provision in the context of the overall amendment whose clear aim is to prohibit shoddy lending practices and shut down the type of conveyor belt lending that dumped so many toxic loans into the marketplace.

The Merkley-Klobuchar amendment takes the steps needed to bar stated income loans. It doesn't go as far with respect to negatively amortizing loans, although it takes an important initial step. That step is requiring lenders to qualify borrowers for these loans by evaluating their ability to pay the highest interest rate that would be charged at any time during the first 5 years of the loan. While that is a good first step, I have introduced an amendment with Senator KAUFMAN that would go further and would effectively ban negatively amortizing loans because of their detrimental impact on the safety and soundness of individual financial institutions and the financial system as a whole.

WaMu's experience with neg am loans shows why these loans were so

dangerous to its operations. In 2006, more than 95 percent of WaMu's Option ARM borrowers made minimum payments, and, by the end of 2007, 84 percent of the total value of the Option ARMS in WaMu's portfolio were negatively amortizing. WaMu projected that negative amortization increased monthly mortgage payments for borrowers by 60 percent. Regulators found instances at its subprime originator, Long Beach Mortgage, of payment shock as high as 240 percent, where a loan payment jumped from $1,700 to $5,705 per month, with no data showing the borrower could afford the extra $4,000. Not surprisingly, the payment shock from much higher loan payments led to loan defaults by a large number of borrowers. According to the Treasury and FDIC Inspectors General, WaMu failed largely because of its high-risk loans. The subcommittee investigation found that these high-risk loans also contributed to the 2008 financial crisis, by loading up the financial system with toxic mortgages.

I am cosponsoring the Merkley-Klobuchar amendment because it would take the steps necessary to end stated income loans and lending practices that cause loan officers to steer borrowers to high-cost, high-risk loans.

AMENDMENT NO. 3759

Mr. DODD. Mr. President, I commend my colleagues for their work on this amendment. But, as I have stated, I believe it will fuel, and not limit, the type of charter shopping in search of the most lax regulator that we have seen in this past crisis.

The Hutchinson amendment would preserve the status quo by allowing the Federal Reserve to continue regulating about 845 State banks that are members of the Federal Reserve System out of a total of approximately 6,000 State banks.

This is a tremendous shame. Over the last 2 years, I sat through 80 hearings, listening to witnesses discuss the failings of the Fed—the failure of the agency to write rules protecting consumers, the failure of the agency to regulate derivatives, and its failure to properly supervise holding companies.

In response to these hearings, I initially introduced a bill that would have both streamlined our bank regulatory system and stopped banks from being able to engage in regulatory arbitrage. It would have consolidated the bank supervisory functions of four regulatory agencies—the OCC, the OTS, the FDIC, and the Fed—and would have created a single new agency to supervise banks. In other words, it would have taken the Fed out of the business of bank supervision entirely.

I ended up modifying this proposal in response to concerns raised by my colleagues, but the bill that we passed out of committee still consolidates bank regulatory functions in a clear and logical way. It eliminates the OTS, and gives supervision of all federally chartered depositories to the OCC, and all State-chartered depositories, including both State member and nonmember banks, to the FDIC.

And small holding companies and their banks are supervised by a single regulator. We looked into how these companies are structured and determined that in most cases these holding companies are just shells and their primary assets are just simply banks. In these circumstances, it just makes no sense to have a separate holding company regulator. So, under the bill, small national banks and their holding companies are regulated by the OCC. And small State-chartered banks and their holding companies are regulated by the FDIC.

Meanwhile, the bill requires the Fed to focus on several key areas—its monetary policy role, and its role as lender of last resort. It also expands the Fed's reach into areas that compliment these central bank functions.

The bill gives the Fed supervision of bank holding companies with $50 billion in assets and over, and the supervision of other nonbank financial companies if the failure of these companies would pose a risk to the U.S. financial stability.

The Fed is given the responsibility to establish heightened prudential standards for these companies, including tougher capital and liquidity requires.

And, the bill gives the Fed additional authority to regulate the payments system.

But apparently this isn't enough.

One of the main arguments the Fed makes for retaining this authority is that it needs a window into the workings of small banks in order to formulate monetary policy.

I say to my colleagues—this is a red herring. Take a look at the Fed's Beige Book. The Fed is able to collect information about a variety of sectors in the economy—about manufacturing, real estate, the energy sector, and the agricultural sector without direct regulation in these areas.

And by law, the Fed can already gather any information it wants from any depository institution—whether it regulates that institution or not. Let me read from the relevant parts of the law:

> The Board of Governors of the Federal Reserve System shall be authorized and empowered . . . to require any depository institution specified in this paragraph to make, at such intervals as the Board may prescribe, such reports of its liabilities and assets as the Board may determine to be necessary or desirable to enable the Board to discharge its responsibility to monitor and control monetary and credit aggregates. [12 USC 248(a).]

The Fed also is arguing that it needs to be the regulator of all holding companies so that it can respond effectively in the event of a regional crisis.

I ask my colleagues—do we need a regulator that can respond effectively in the event of a regional crisis or that can effectively prevent the next crisis from occurring?

I would like to point out the possible downside of allowing the Fed to continue supervising State member banks.

Let me play this out. The agency that regulates this country's largest national banks is the Office of the Comptroller of the Currency, which is a bureau of the Treasury Department. The OCC is funded through assessments on the banks that it regulates.

By contrast, the FDIC and the Fed use revenues from their other operations to pay for their supervisory activities and don't charge their banks for examinations. State banks are examined by State authorities every other year, but the States do not charge as much as the OCC. So, it is much cheaper to be a State bank.

I fear that the very largest national banks will have tremendous incentives to become State member banks so that they will have a single Federal regulator—the Federal Reserve. This will concentrate enormous power in the Federal Reserve System—an agency that the financial crisis has shown is already stretched too thin with its many and varied responsibilities.

This could also result in increased regulatory arbitrage. Since the OCC depends on assessments from the banks it regulates to fund its operations, the agency may go to great lengths to keep its banks from converting to State charters. We have seen what happens when depository institutions exploit these weaknesses in our bank regulatory system and when agencies compromise their supervisory integrity to maintain companies within their domain.

If this happens, we could have another race to the bottom—just like the competition and regulatory arbitrage that lead to the financial crisis.

Some will argue that my fears are unfounded, but I remain concerned about the unintended consequences that will flow from the Fed's continued regulation of State member banks.

And therefore I oppose the Hutchison amendment.

The ACTING PRESIDENT pro tempore. The Senator from Oregon is recognized.

Mr. MERKLEY. Mr. President, I ask unanimous consent that there be 2 minutes of debate prior to the first vote, equally divided between the two sides.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The Senator from Oregon is recognized.

Mr. MERKLEY. Mr. President, today, we have two amendments that address integrity in retail mortgage origination. I am certainly encouraging you to place your vote squarely for the Merkley-Klobuchar amendment.

This amendment is critical to end no-document liar loans—a big factor in the meltdown that occurred last year.

Second, it establishes underwriting integrity so that underwriters will look at loan to value, credit history, and current obligations—again, integrity of mortgages—which enables loans to be securitized and creates liquidity

so families can get loans at a lower interest rate.

Third, the Merkley-Klobuchar amendment ends steering payments. This is essential. The originators have been in an awkward position where they have been paid bonuses for making deals that weren't in their clients' interests.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. CORKER. I yield back our time.

Mr. MERKLEY. I yield back our time.

The ACTING PRESIDENT pro tempore. Under the previous order, the question is on agreeing to amendment No. 3962 offered by the Senator from Oregon, Mr. MERKLEY, and the Senator from Minnesota, Ms. KLOBUCHAR.

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

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 63, nays 36, as follows:

[Rollcall Vote No. 141 Leg.]

YEAS—63

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

NAYS—36

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

NOT VOTING—1

Byrd

The amendment (No. 3962) was agreed to.

AMENDMENT NO. 3955

The ACTING PRESIDENT pro tempore. Under the previous order, there is 2 minutes of debate prior to a vote on amendment No. 3955, offered by the Senator from Tennessee, Mr. CORKER.

The Senator from Tennessee is recognized.

Mr. CORKER. Mr. President, I think everybody in this body knows the core of this last financial crisis was because there were a lot of loans written in this country that people couldn't pay back. The Dodd bill does a lot, but it doesn't deal with that basic core issue of loan underwriting. This is an opportunity for people on both sides of the aisle to support a commonsense amendment that requires a 5-percent downpayment, with fully documented income, including an employment history and a credit history, which I think all of us would like to see, and a method for determining the borrower's ability to repay and that being part of loan underwriting put in place by bank regulators.

This commonsense amendment should be supported by both sides of the aisle. It gives the ability for Habitat, for Enterprise, for those organizations that use sweat equity to be excluded. This is something we all know needs to be common practice. Let's put it in the law and ensure that another financial crisis doesn't come on the backs of homeowners who borrow money, by the way, irresponsibly, and we enable them to do it. Let's vote for something that ensures that common sense is in place in loan underwriting.

This is a good amendment, and I hope my colleagues will support it.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

Mr. DODD. I thank my colleague from Tennessee. He has been a positive, constructive Member of this effort before us, but I oppose his amendment for two reasons.

First of all, it creates a very bright line of mandating 5 percent. Every nonprofit, all FHA mortgages would be subject to that rule, which would exclude an awful lot. The Merkley-Klobuchar amendment we just adopted establishes underwriting standards.

Further, what the Corker amendment does is it strips out the skin in the game. One of the things we learned is that brokers and mortgage dealers had no skin in the game. They were selling off these items and they didn't care what was in it because they were being paid.

Under an amendment we will adopt after the Corker amendment is considered—the Isakson-Landrieu amendment—we will set a standard allowing for the option of that skin in the game, which I think strengthens the bill even further, and I appreciate Senator ISAKSON and Senator LANDRIEU offering that idea to this bill that will come right after this.

For those reasons, I urge my colleagues, respectfully, to reject the Corker amendment.

I yield back.

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

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second. The question is on agreeing to the Corker amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 42, nays 57, as follows:

[Rollcall Vote No. 142 Leg.]

YEAS—42

Alexander	Cornyn	Lugar
Barrasso	Crapo	McCain
Bayh	DeMint	McConnell
Bennett	Ensign	Murkowski
Brown (MA)	Enzi	Risch
Brownback	Graham	Roberts
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Chambliss	Hutchison	Snowe
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Collins	Johanns	Voinovich
Conrad	Kyl	Warner
Corker	LeMieux	Wicker

NAYS—57

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

NOT VOTING—1

Byrd

The amendment (No. 3955) was rejected.

Mr. DODD. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3759, AS MODIFIED

The ACTING PRESIDENT pro tempore. Under the previous order, there is 2 minutes of debate prior to a vote on amendment No. 3759, as modified, offered by the Senator from Texas, Mrs. HUTCHISON, and the Senator from Minnesota, Ms. KLOBUCHAR.

The Senator from Texas is recognized.

The Senate will come to order.

Mrs. HUTCHISON. Mr. President, I ask to be notified after 30 seconds so my colleague, Senator KLOBUCHAR, can speak.

The ACTING PRESIDENT pro tempore. The Chair will do so.

Mrs. HUTCHISON. Mr. President, this is an amendment that reinstates the Federal Reserve as the prudential regulator for small holding companies and State-chartered banks. The State-chartered banks and the community banks have asked to retain the capability to be members of the Fed. They want their input into monetary policy. Over half of the Federal Reserve Bank presidents have also weighed in, saying

this is essential. For instance, in the Dallas Fed it would go from over 500 regulated banks and bank holding companies to 1 or 2. Only the biggest banks would be heard.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, this amendment assures the Nation's monetary policy has a connection to Main Street and not just Wall Street. As the president of the Grand Rapids State Bank in Grand Rapids, MN said to me recently:

All Senators should be reminded that the Federal Reserve System was created to serve all of America, not just Wall Street.

If you talk to the regional Federal Reserves all over this country, they need this information. This amendment makes a difference. This amendment has support from the Lone Star State of Texas to the North Star State of Minnesota. I ask for your support.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Who yields time? The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I yield my time. Unless someone wants to speak in opposition, I oppose the amendment but I am not going to speak against it.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

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

The ACTING PRESIDENT pro tempore. 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 West Virginia (Mr. BYRD) is necessarily absent.

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

The result was announced—yeas 91, nays 8, as follows:

[Rollcall Vote No. 143 Leg.]

YEAS—91

Alexander	Cornyn	Landrieu
Barrasso	Crapo	Lautenberg
Baucus	DeMint	Leahy
Bayh	Dorgan	LeMieux
Begich	Durbin	Lieberman
Bennet	Ensign	Lincoln
Bennett	Enzi	Lugar
Bingaman	Feingold	McCain
Bond	Feinstein	McCaskill
Boxer	Franken	McConnell
Brown (MA)	Gillibrand	Menendez
Brown (OH)	Graham	Merkley
Brownback	Grassley	Mikulski
Bunning	Gregg	Murkowski
Burr	Hagan	Murray
Burris	Hatch	Nelson (NE)
Cantwell	Hutchison	Nelson (FL)
Cardin	Inhofe	Pryor
Carper	Isakson	Reid
Casey	Johanns	Risch
Chambliss	Johnson	Roberts
Coburn	Kaufman	Rockefeller
Cochran	Kerry	Schumer
Collins	Klobuchar	Sessions
Conrad	Kohl	Shaheen
Corker	Kyl	Shelby
Snowe	Udall (CO)	Webb
Specter	Udall (NM)	Wicker
Stabenow	Vitter	Wyden
Tester	Voinovich	
Thune	Warner	

NAYS—8

Akaka	Inouye	Sanders
Dodd	Levin	Whitehouse
Harkin	Reed	

NOT VOTING—1

Byrd

The amendment (No. 3759, as modified) was agreed to.

CHANGE OF VOTE

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that I be recorded as yea on vote No. 143. Doing so will not affect the outcome of the amendment.

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 Connecticut.

Mr. DODD. Mr. President, I move to reconsider that vote and lay that motion upon the table.

The motion to lay upon the table was agreed to.

Mr. DODD. Mr. President, what I wish to do at this juncture, if we could, is we have an amendment being offered by our colleague from Louisiana, Senator LANDRIEU, and our colleague from Georgia, Senator ISAKSON.

I believe if they take 10 minutes or so, we could do it on a voice vote. I support and, in fact, I am a cosponsor of their amendment. I think it strengthens our bill tremendously. I want to thank my colleague from Georgia very much, who has forgotten more about real estate than most of us will ever know, having spent a good separate part of his life involved in the business.

We have worked together on a lot of issues over the last couple of years related to real estate. I thank him for his contribution, as well as my dear friend from Louisiana.

I yield the floor to them.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 3956 TO AMENDMENT NO. 3739

Ms. LANDRIEU. Mr. President, I thank the chairman for his acknowledgment and his work with us on this amendment. It has broad bipartisan support. I offer it on behalf of myself and the good Senator from Georgia, Mr. ISAKSON, whose expertise in housing matters is well known; also on behalf of Senator WARNER, Senator HAGAN, Senator MENENDEZ, Senator TESTER, Senators LINCOLN, LEVIN, BURR, and HUTCHISON.

We have broad and deep bipartisan support for this amendment, and the reason we do is because it is a good amendment and, more specifically, it addresses the risk retention provisions currently in the bill by helping to eliminate the excessive risk taking we saw in the home mortgage market between 2004 and 2007, without raising interest rates for those home buyers who have maintained good credit, document their income and assets, and finance their home the old-fashioned way. Back to the basics, with savings.

I call up amendment No 3956 at this time, and offer it for the Senate's consideration. I wish to also give 1 minute on our side to the Senator from Virginia, Mr. WARNER, and then turn it over to my colleague from Georgia. But we are proud to offer this amendment for the Senate's consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU], for herself, Mr. ISAKSON, Mrs. HAGAN, Mr. WARNER, Mr. MENENDEZ, Mr. TESTER, Mrs. LINCOLN, Mr. LEVIN, Mr. BURR, and Mrs. HUTCHISON, proposes an amendment numbered 3956 to amendment No. 3739.

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

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

The amendment is as follows:

(Purpose: To exempt qualified residential mortgages from credit risk retention requirements)

On page 1047, strike line 4 and all that follows through line 20 and insert the following:

''(i) not less than 5 percent of the credit risk for any asset—

''(I) that is not a qualified residential mortgage that is transferred, sold, or conveyed through the issuance of an asset-backed security by the securitizer; or

''(II) that is a qualified residential mortgage that is transferred, sold, or conveyed through the issuance of an asset-backed security by the securitizer, if 1 or more of the assets that collateralize the asset-backed security are not qualified residential mortgages; or

''(ii) less than 5 percent of the credit risk for an asset that is not a qualified residential mortgage that is transferred, sold, or conveyed through the issuance of an asset-backed security by the securitizer, if the originator of the asset meets the underwriting standards prescribed under paragraph (2)(B);

''(C) specify—

''(i) the permissible forms of risk retention for purposes of this section;

''(ii) the minimum duration of the risk retention required under this section; and

''(iii) that a securitizer is not required to retain any part of the credit risk for an asset that is transferred, sold or conveyed through the issuance of an asset-backed security by the securitizer, if all of the assets that collateralize the asset-backed security are qualified residential mortgages;

On page 1051, between lines 3 and 4, insert the following:

''(4) EXEMPTION FOR QUALIFIED RESIDENTIAL MORTGAGES.—

''(A) IN GENERAL.—The Federal banking agencies, the Commission, the Secretary of Housing and Urban Development, and the Director of the Federal Housing Finance Agency shall jointly issue regulations to exempt qualified residential mortgages from the risk retention requirements of this subsection.

''(B) QUALIFIED RESIDENTIAL MORTGAGE.—The Federal banking agencies, the Commission, the Secretary of Housing and Urban Development, and the Director of the Federal Housing Finance Agency shall jointly define the term 'qualified residential mortgage' for

purposes of this subsection, taking into consideration underwriting and product features that historical loan performance data indicate result in a lower risk of default, such as—

''(i) documentation and verification of the financial resources relied upon to qualify the mortgagor;

''(ii) standards with respect to—

''(I) the residual income of the mortgagor after all monthly obligations;

''(II) the ratio of the housing payments of the mortgagor to the monthly income of the mortgagor;

''(III) the ratio of total monthly installment payments of the mortgagor to the income of the mortgagor;

''(iii) mitigating the potential for payment shock on adjustable rate mortgages through product features and underwriting standards;

''(iv) mortgage guarantee insurance obtained at the time of origination for loans with combined loan-to-value ratios of greater than 80 percent; and

''(v) prohibiting or restricting the use of balloon payments, negative amortization, prepayment penalties, interest-only payments, and other features that have been demonstrated to exhibit a higher risk of borrower default.

''(5) CONDITION FOR QUALIFIED RESIDENTIAL MORTGAGE EXEMPTION.—The regulations issued under paragraph (4) shall provide that an asset-backed security that is collateralized by tranches of other asset-backed securities shall not be exempt from the risk retention requirements of this subsection.

''(6) CERTIFICATION.—The Commission shall require an issuer to certify, for each issuance of an asset-backed security collateralized exclusively by qualified residential mortgages, that the issuer has evaluated the effectiveness of the internal supervisory controls of the issuer with respect to the process for ensuring that all assets that collateralize the asset-backed security are qualified residential mortgages.

The PRESIDING Officer. The Senator from Virginia.

Mr. WARNER. Mr. President, I want to commend the chairman of the Small Business Committee, and my colleague and friend, Senator LANDRIEU, and Senator ISAKSON for this amendment. I am proud to be part of it.

I think those of us on the committee when we were drafting the legislation wanted to make sure that the mortgage security securitization process, the originators of mortgages, had skin in the game. I think as we went through this process, and working particularly with the expertise of the Senator from Georgia, we realized that while skin in the game is important, it is more the underlying quality of the mortgage.

If we have mortgages that have that 20 percent down, with a high FICO score, the same level of skin in the game is not required. I think this amendment stays true to the intent of the Banking Committee bill.

I am glad the chairman of the Banking Committee is supportive of it. I think this is an amendment that refines and improves the legislation. I am proud to be a cosponsor of it, and grateful for the expertise of the Senator from Georgia and the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, first, I appreciate the kind remarks of the Senator from Connecticut, the Senator from Louisiana, and the Senator from Virginia. I ask unanimous consent that Senator GRASSLEY of Iowa be also added as a cosponsor.

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

Mr. ISAKSON. The committee did a great job to ensure subprime loans would never be made again by requiring risk retention of 5 percent. The only problem is they have called it on all loans, which meant there would be no mortgage loans. You would not have subprime, you would not have good loans because you cannot make it work with a 5-percent risk retention. As I have cautioned all of my colleagues, in the 1980s when the savings and loan industry failed, they had 100 percent risk retention. Risk retention is not the cure-all to good lending; underwriting is.

The Senator from Louisiana and the other sponsors of this amendment are ensuring that people who have incomes that are verified, they will ensure that they have ratios that meet the tolerance levels for a qualified loan, meaning you are not borrowing more than you can pay back; they will ensure there is equity of 20 percent in every loan made, either through the downpayment being 20 percent or through whatever downpayment is made, having mortgage guarantee insurance on the amount above 80, and up to the downpayment, which is the way things used to work.

In other words, the underlying lender is never at risk for more than 80, more than 80 is made by the borrower, it is mortgage guarantee insurance, which means if there is a default, that insurance is paid immediately, which ensures you that you are making a better quality loan.

What Senator LANDRIEU has basically said is, we are not going where we make zero down, interest-only, all-day, stated-income, reversed amortization loans anymore. But we are going to make the good-old-days loan, where there is a downpayment, where there is skin in the game, where there is an income-to-debt ratio, and where the borrower is qualified to borrow the money they are borrowing.

The only risk retention that will be required is when someone is making a bad loan, which means people will stop making bad loans, which means this bill, with this amendment, will have truly addressed the heart and soul of what led to the failure of the housing market and ultimately the subprime securities in New York.

I appreciate the chairman's acceptance of the amendment. I commend Senator LANDRIEU as the original author of the amendment. I appreciate the time she offered me on the floor today.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. I wish to ask for immediate consideration of the amendment, if it could be voice voted at this time and, if not, scheduled for the earliest possible vote.

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

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

AMENDMENT NO. 3918 TO AMENDMENT NO. 3739

Mr. DODD. Mr. President, I ask unanimous consent that we temporarily lay aside the Landrieu-Isakson amendment.

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

The Senator from Maine.

Ms. SNOWE. I call up amendment No. 3918.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Ms. SNOWE], for herself and Ms. LANDRIEU, proposes an amendment numbered 3918 to amendment No. 3739.

Ms. SNOWE. 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 improve title X)

On page 1272, line 2, strike ''services who'' and insert ''services, but only to the extent that such person''.

On page 1272, line 22, strike ''(C)'' and insert ''(C)(i)''.

On page 1273, strike line 19 and insert the following:

''(C) LIMITATIONS.—

''(i) IN GENERAL.—Notwithstanding sub-''.

On page 1273, line 20, after ''subparagraph (B)'' insert '', and except as provided in clause (ii)''.

On page 1274, between lines 2 and 3, insert the following:

''(ii) EXCEPTION.—Subparagraph (A) and clause (i) of this subparagraph do not apply to any merchant, retailer, or seller of nonfinancial goods or services, to the extent that such person is subject to any enumerated consumer law or any law for which authorities are transferred under subtitle F or H.''.

On page 1274, strike line 3 and all that follows through ''may'' on line 4 and insert the following:

''(D) RULES.—

''(i) AUTHORITY OF OTHER AGENCIES.—No provision of this title shall''.

On page 1274, between lines 13 and 14, insert the following:

''(ii) SMALL BUSINESSES.—A merchant, retailer, or seller of nonfinancial goods or services that would otherwise be subject to the authority of the Bureau solely by virtue of the application of subparagraph (B)(iii) shall be deemed not to be engaged significantly in offering or providing consumer financial products or services under subparagraph (C)(i), if such person—

''(I) only extends credit for the sale of nonfinancial goods or services, as described in subparagraph (A)(i);

''(II) retains such credit on its own accounts (except to sell or convey such debt

that is delinquent or otherwise in default); and

''(III) meets the relevant industry size threshold to be a small business concern, based on annual receipts, pursuant to section 3 of the Small Business Act (15 U.S.C. 632) and the implementing rules thereunder.

''(iii) INITIAL YEAR.—A merchant, retailer, or seller of nonfinancial goods or services shall be deemed to meet the relevant industry size threshold described in clause (ii)(III) during the first year of operations of that business concern if, during that year, the receipts of that business concern reasonably are expected to meet that size threshold.

''(E) EXCEPTION FROM STATE ENFORCEMENT.—To the extent that the Bureau may not exercise authority under this subsection with respect to a merchant, retailer, or seller of nonfinancial goods or services, no action by a State attorney general or State regulator with respect to a claim made under this title may be brought under subsection 1042(a), with respect to an activity described in any of clauses (i) through (iii) of subparagraph (A) by such merchant, retailer, or seller of nonfinancial goods or services.''.

Ms. SNOWE. I thank the chairman of the committee, Senator DODD, for being responsive and receptive to a number of amendments we have offered with respect to small businesses and for making sure there are not unintended consequences as a result of this legislation that require more regulation on their part.

I also thank the chairman of the Small Business Committee, Senator LANDRIEU, for cosponsoring this amendment and for her efforts as a strong champion on behalf of small businesses. I thank the chairman for working with me to forge a compromise on this particular amendment that gives small businesses certainty that they will be exempted from the Consumer Financial Protection Bureau to the degree that they are not involved in financial products that will be regulated under this legislation.

This amendment will modify a provision in the underlying legislation that could unintentionally ensnare small businesses within the Consumer Financial Protection Bureau if they are judged by the bureau as having engaged ''significantly'' in consumer financial products or services such as selling goods or services on credit or through an installment program.

The term ''significantly'' is unclear. Certainly, it could potentially lead to Main Street enterprises such as jewelers, orthodontists, or furniture store owners being roped into a bureau intended to regulate providers of financial services. The chairman has been clear that through his interpretation, small business owners are specifically excluded, that they were never intended to be placed within the bureau itself. Yet the bill's use of the term ''significantly'' is vague.

Perhaps an article entitled ''To Protect Consumers, Who Will Be Regulated?'' published by the New York Times on April 30 captured this issue the best when it noted:

A review of the consumer protection provisions, which account for 335 pages of the 1,565-page bill, shows that the intent of this legislation is not to cover Main Street businesses. But the ambiguity of some terms—like the word ''significantly''—leaves the regulations open to broad interpretation.

Accordingly, while I strongly believe Congress should pursue the providers of abusive and predatory financial products that harm Americans, we must be careful not to inadvertently target Main Street small businesses. Given the state of the economy and the difficulties placed on small businesses struggling to keep their doors open, entrepreneurs already have enough to be concerned about. We should not be injecting more uncertainty in the very enterprises we are counting on to reverse the 7.8 million job losses we have experienced thus far in this recession and create opportunities for the 15.3 million Americans who remain unemployed. Additional uncertainty will make small firms far less likely to take risks and make new investments.

I believe we add clarity to this provision by virtue of this amendment. We prevent the overregulation of small businesses that may result in regulators interpreting this statute too broadly.

My amendment creates a quick, easy, bright-line test for small businesses. Firms that fall under the Small Business Administration's North American Industry Classification System—the classification system small businesses use to file their taxes and qualify for SBA programs and services—would be exempt so long as the small business extends credit for the sale of nonfinancial goods and does not securitize its debt. For example, this means a doctor's office would be exempt if it has less than $10 million in revenue, a jeweler would be exempt if it has revenues below $7 million, and a grocery or convenience store would be exempt if it has revenues under $27 million. As a result of this modification, business owners would know with certainty that if they were defined as small businesses by SBA standards, they would be exempt from regulations by the bureau. In addition, if a business is in its first year of existence, it would be considered a small business if it is reasonably expected to fall under the SBA's size standard.

This simple measuring stick provides objective criteria for small firms and has also been endorsed by the National Federation of Independent Business, the largest organization and voice for small business. It is also endorsed by the American Dental Association and the American Association of Orthodontists. Finally, the U.S. Chamber of Commerce has indicated that although it continues to have concerns with the Consumer Financial Protection Bureau, it views this amendment as an important step forward.

In the past year, the economic recession and the radical overhaul of the Nation's health care system have sown the seeds of doubt and uncertainty in America's small businesses. In Maine, I have been told time and again by constituents and small business owners that they are concerned about the future and worried about the growth of government. Adding another regulator with ambiguous powers is not the answer small businesses and Mainers are looking for to enable them to make plans about their futures, potentially adding jobs and making future investments.

This is why I have also filed—and intend to call up during this debate—another amendment that I filed with my good friend and colleague, Senator PRYOR. That amendment would ensure that when the newly created Consumer Financial Protection Bureau promulgates rules and regulations, it fully considers the economic impact that those rules and regulations would impose on our Nation's 30 million small firms and their ability to access credit. I look forward to working with Senators DODD and SHELBY to have that amendment considered.

In conclusion, this bipartisan amendment now before the Senate was crafted in consultation with small business stakeholders and is a commonsense solution to this problem. Given that ''stability'' is in the title of this legislation, I urge Members on both sides of the political aisle to aid small business owners and gain a measure of stability in these uncertain times and support the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. I ask unanimous consent to add Senator BURRIS as a cosponsor of the amendment.

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

Ms. LANDRIEU. I thank my colleague, Senator SNOWE, who chaired the Small Business Committee for many years, for her dogged determination to make sure the language in the underlying bill, which is most certainly necessary to curb gross abuses in the financial market, does not unintentionally do harm to small businesses that are the engines of growth to pull us out of this recession. Our amendment helps in a significant way to do that by drawing fine lines and clarifying definitions.

I thank the Federation of Small Businesses, the American Dental Association, and the American Association of Orthodontists, as well as dozens of other organizations that have supported this clarifying language.

I thank the chairman of the committee for giving us an opportunity to offer this important amendment, and I urge my colleagues to accept it. I urge them to look at the cosponsorship opportunity as well.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I thank both of my colleagues, not only for their work on this particular amendment but for the way they have approached the bill. They have been tremendously constructive in offering very solid ideas.

This is one amendment that does a great deal of service to the legislation. As the Senator from Maine pointed out, it was certainly always our intent not to include retailers and merchants under the auspices of the consumer financial product safety commission. The language they have now offered and on which they worked so hard makes that abundantly clear. The word ''significantly'' clearly is an opaque word. No matter how much I tried to make clear what my intentions were with that language, this amendment strengthens it tremendously. As I have said, this was never intended to affect Main Street merchants.

I am delighted that the National Federation of Independent Business, along with the American Dental Association and the American Association of Orthodontists, is now in support, because they were two groups about which it was unclear whether they would be included. As a result of what we have been able to craft, with the leadership of Senators SNOWE and LANDRIEU, we now have their support. I thank them.

Ms. SNOWE. Mr. President, I wish to express my appreciation to the chairman for working so constructively to develop this amendment, to build a consensus, and to give a strong measure of assurance to the small business community about the intent of this legislation so it doesn't create unintended consequences. I appreciate all he has done to make sure this amendment could be considered and hopefully adopted.

Mr. DODD. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. BURRIS. Mr. President, I am pleased to join the distinguished Senator from Louisiana in supporting this small business legislation. There is a growing chorus in Washington of national leaders and advocacy groups, concerned citizens who have all come together to call for financial reform. Across America, folks are demanding a return to accountability, commonsense regulations, and fair business practices.

Each of us has been touched by this economic recession. Every Member of this body has heard from countless businesses and families back home who have had to tighten their belts and brace for the worst. We have all seen the raw numbers. We have heard the statistics over and over. Too often, we forget what is behind the numbers—real folks experiencing real pain. This economic crisis is far from abstract. It has touched millions of American lives. It has made people wonder when or even if our economic future will be secure again. It has shaken us to the core.

Things are finally starting to look a bit better. Thanks to bold steps taken at the national level, America is back on the road to recovery. Key economic indicators are turning around. But we are not out of the woods yet. The national unemployment rate stands at almost 10 percent. Our economy is growing but more slowly than we had hoped. Some people, especially the elderly and racial and ethnic minorities, remain especially vulnerable. Their pain is real. That is why, as the Senate considers financial reform legislation, we need to make sure they are protected. We need to make sure recovery continues along the right path and, at the same time, to stand up for these folks and prevent this from happening again.

That is why we need to create a Consumer Financial Protection Bureau, a strong advocate standing squarely on the side of the ordinary American, defending them from abuse at the hands of large corporations. This new bureau must be at the center of the financial reform package. It must be empowered to set and enforce strict consumer protection rules.

We should start with the mortgage industry. For years, banks have been allowed to relax their standards. They have made bad loans to people who were never able to make the payments. As a result, foreclosures skyrocketed.

Almost no community in America was immune to the subprime lending crisis, but minority populations were hit the hardest. At the height of the subprime boom, 54 percent of the loans made to African Americans were high-priced loans. The recession has caused these borrowers to come under severe stress, and as a result the Black home ownership rate has decreased.

We need to stop this kind of predatory lending and restore basic principles of fair play to the mortgage industry. That is why our Consumer Financial Protection Bureau would take a hard look at the way the mortgage brokers operate. It would ensure borrowers have access to loans they can afford. It would shut down scam operations, end abusive practices, and keep all brokers honest.

But it doesn't stop there. I believe we should extend many of these same protections to the student loan industry.

Today's young people represent the best America has to offer. They are our future, and we need to invest in their education, so we can make sure they have the tools that will help them succeed in the global marketplace. That is why our Consumer Protection Bureau would have the authority to set basic rules of the road, to make sure students are empowered to make smart choices.

The bureau would provide assistance to borrowers and institutions alike, increasing the flow of information and breathing transparency back into this complicated system. This would provide significant benefits to young people across America. But it would have the strongest impact on minority households, 49 percent of which currently have installment loans, including student loans.

Finally, we must task our new bureau with increasing financial literacy among consumers. Today, far too many Americans get caught up in the fine print, trapped by the deceptive practices of major financial institutions. So if we pass financial reform that includes a Consumer Financial Protection Bureau, these folks will have access to clear information in plain English. If they are still confused, they will be able to call a consumer hotline. This will connect them directly with experts at an office of financial literacy, so they can get their questions answered and make sure they are getting a fair deal.

This will empower consumers to make smart choices and will prevent big financial institutions from taking advantage of ordinary Americans. It would ensure that we stay on the road to recovery and extend a helping hand to regular folks who need it—especially the disadvantaged communities that have felt the worst effects of this crisis.

Most importantly, a Consumer Financial Protection Bureau will help prevent this kind of crisis from ever happening again. We must never forget that cold statistics and Wall Street balance sheets do not tell the complete story of this financial meltdown. It is important to think of the real human beings—individuals and families—who are behind these numbers: the ordinary folks who continue to suffer.

I believe it is time to stand up for these folks. That is why I am glad a Consumer Financial Protection Agency is at the center of our Wall Street reform bill.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CORKER. Mr. President, I appreciate the opportunity to come back to the floor and speak on financial regulation. First of all, I wish to congratulate the Presiding Officer from Colorado for being very successful yesterday on passing an amendment that I think is going to be good for our country.

I rise to speak about an amendment I had earlier today. It was a commonsense amendment that I think gets at the heart of this financial crisis. It didn't pass, but the amendment was to put in place underwriting standards to keep the kind of crisis we just saw happen in our country over the last couple of years from happening again.

I think we all realize the base of this crisis, which the Dodd bill does not address, was the fact that we had large numbers of loans written around this country that people couldn't pay back. The underwriting standards were poor. Credit was extended to people who couldn't pay the mortgages back. Those mortgages were passed throughout the world, and then we had $600

trillion worth of notional value derivatives that were based on, again, these underlying bad mortgages. Then we had a systemic crisis not only in this country but around the world.

So what I attempted to do with my amendment was to put some appropriate underwriting standards in place where everybody who purchased a home would need to have a 5-percent downpayment. If they borrowed more than 80 percent loan to value, there would have to be some credit enhancement, up to 100 percent, to ensure it, in fact, was a safe loan. They had to fully document their income. What a breakthrough. They would have to include their credit history and employment history. Then we would have to determine the borrower's ability to repay, including consideration of their debt-to-income ratio.

This was just a basic underwriting guidelines amendment. Again, I think we know at the base of this problem we just went through was the fact that we had a lot of bad loans written.

I had a number of Democratic colleagues come up to me after the vote—or actually during the vote—and they said: I support what you want to do, but the provision striking the 5-percent retention dealing with securitization, which we did have in this amendment, was what kept me from voting for this underwriting amendment.

I put that in there because I think most people looked at the Dodd proposal and the 5-percent retention on securitization and realized that it created a problem, not a solution. So I actually did that to draw people to our amendment. But since I had a number of Democrats, my friends on the other side of the aisle, come up and say they would have supported it without striking the risk retention, I have now refiled that amendment.

I am now saying, OK, let's have some standard underwriting procedures in this country. Now that I have refiled that amendment, if it was the issue of risk retention on the securitization piece that kept you from coming onto this amendment, I have refiled it, and now I am seeking on the other side of the aisle some cosponsors.

We had some great cosponsors last time—Senators GREGG, LEMIEUX, COBURN, and BROWN. Senator SHELBY also supported this amendment. We had JOHNNY ISAKSON, from Atlanta, who probably knows more about real estate lending than anybody here, on behalf of this amendment.

For my friends on the other side who said: I would have done this, but that risk retention piece you had in there regarding securitization kept me from it, now I have a clean amendment that does nothing in that regard. It leaves that in place. Again, it puts into place these underwriting standards. I had a number of Democrats who said: I agree that we ought to at least have 5 percent down. I think maybe we ought to have more.

Well, because I want everyone in this body to have the opportunity to vote for a good, sound amendment, one that takes us away from the way we have been going in this country, which is we want to make sure everybody is entitled—it is no longer the American dream that someone owns a home; it is an American entitlement. Nobody saves. I should not have said that. We have moved away from requiring that people save and show discipline in order to own homes. We have made it now, according to an amendment that passed today, which the Presiding Officer put into place, and I respect what he tried to do, but in essence we said in that amendment that what you can do to have proper underwriting is you can borrow and pay, over time, the downpayment. We are not going to require a downpayment. We will let you put that into the cost of the loan—borrow it and pay it back over time.

Mr. President, I thank the Chair for the opportunity to speak today. Again, I have so many friends on the other side of the aisle who said: CORKER, I would have supported your amendment, but it had that one phrase in it about risk retention. I have taken that out and, hopefully, we will have the opportunity to vote on this again.

I see my friends on the other side of the aisle smiling. I am looking for cosponsors on the other side of the aisle for a simple, commonsense amendment, which says that everybody in America who buys a home will at least put 5 percent down. We will be able to see their income. Let's document their income and see that they can pay the loan back. This will be a brandnew day in America.

My sense is that, as the realtors come to the hill today—my friends—and as the home builders come to the hill today—and they are my friends—obviously, they don't want any underwriting requirements because they want to make sure loans go to everybody in America. I am thankful my friends on the other side of the aisle have come to me today and said: CORKER, ''only if.'' Now I am offering the ''only if.'' I look for cosponsors to help me.

I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

HEALTH CARE LEGISLATION

Mr. BARRASSO. Mr. President, I come to the floor today—and the Republican leader has already addressed this body—to discuss the issues of health care, about new revelations, new information that has come forth in terms of the specifics of the costs of the health care bill that has been signed into law—the costs that far exceed what was ever anticipated.

I come here as somebody who has practiced medicine in Wyoming for 25 years as an orthopedic surgeon, taking care of families in Wyoming, as medical director of the Wyoming Health Fairs, a program that provided low-cost health screening in Wyoming. This gave people an opportunity to take more responsibility for their own health and keep down costs of their medical care.

I come to the floor with a second opinion, as a physician—a practicing physician, taking care of patients; it is a second opinion about the health care law.

Today, I come to the floor because the goal of the health care bill was truly to improve quality and access and get the cost of care down. Those are the things I think all of the Senate wanted to have achieved.

But having seen this bill that has been passed and signed into law, I believe the bill is going to be bad for patients, bad for our providers, the nurses and doctors who take care of them, and bad for the payers—the American people, who will foot the bill for this health care bill.

I believe this bill will fundamentally, as it has been passed into law, result in higher costs for patients and in less access to care for people all across America. It is going to result in unsustainable spending, at a time when we are running record deficits.

I think about the things the President said when he was not just running for office but as President. He said: The plan I am announcing tonight—it was a joint session—will slow the growth of health care costs for our families, for our businesses, and for our government.

But in fact, the Chief Actuary for Medicare and Medicaid has said that the President was wrong. He said the cost of care will actually go up by $311 billion through 2019. And now we heard the revelation yesterday from the Congressional Budget Office that when you look at some of the things that hadn't been scored, as they say, costed out, it will add another $115 billion on top of that. The President said if you like your health care plan, you will be able to keep it, ''period.'' He said the word ''period.'' He said nobody will take it away, ''period.'' No matter what, ''period.''

The CBO and the Chief Actuary said that 14 million Americans will lose their employer-sponsored health coverage under the new law.

Today, I come to the floor to also mention that recently the Secretary of Health and Human Services, Kathleen Sebilius, had an epiphany about the doctor shortage in America. Last week, she said a nationwide primary care physician shortage had to be addressed before over 30 million Americans get access to subsidized health insurance coverage.

This is her quote:

How are we going to be ready when we already have a shortage in too many parts of the country?

This shortage should not have been a surprise to the Secretary of Health and Human Services. The American Association of Medical Colleges tells us that at the current graduation and training rates, we are facing a shortage of 150,000 doctors in the next 15 years. Over the past year, medical experts warned Congress—this body—and the administration that any health reform bill should tackle the issue of physician shortages. Instead of helping doctors, the new law actually discourages the next generation from becoming doctors. This new bill cuts payments for doctors and cuts patients on Medicare, and it doesn't include enough money to train new doctors.

I believe it was intentional. Maybe the Secretary, maybe the Obama administration, and maybe the Democrats in Congress should have paid attention to the experts before jamming this health care law down the throats of the American people. Maybe they should have heeded the calls I heard from medical professionals all across Wyoming and the country to slow down, let's get it right. But, no, they didn't. And now the American people are stuck with a law that costs too much, doesn't solve America's doctor shortage—doesn't even address it—and doesn't deliver good care for patients.

This should not have been a surprise to the Secretary, because the Wall Street Journal, over a month ago, said that the medical schools can't keep up. As the ranks of the insured expand, the Nation faces a shortage of 150,000 doctors. Right here, it says a shortage of primary care and other physicians could mean more limited access to health care and longer wait times—more limited access and more wait times.

What about the training of doctors? The Secretary just realized this, but it has been in print for months. Doctors' groups and medical schools had hoped the new health care law passed in March would increase the number of funded residency slots—you know, where they train family doctors—but such a provision didn't make it into the final bill. With over a trillion dollar bill, are we going to train doctors? No, they left it out.

Then what about hospitals? Here it is in the Wall Street Journal—the headline ''Hospitals Under the Knife. New York City System Aims to Cut 2,600 More Jobs as State Funding Drops.''

Not enough doctors? All you have to do is go to the New York Times, and this headline: ''More Doctors Giving Up Private Clinics.''

That is the end of it. So why would so many doctors behave this way? Let's look at Congress Daily this past week, May 4: ''Latest CBO Figures Show Higher 'Doc Fix' Price Tag.''

That is to pay doctors for the doctor bill. Of course, it was left out of the health care bill. How can we have a national health care law that fails to address training doctors and paying for them? It is astonishing. It says that scheduled cuts take effect June 1, an option outlined Friday by CBO to freeze Medicare payment rates which, under the new figures, would cost $275.8 billion through 2020. That is an amazing amount, because physician payment rates for Medicare are expected to be cut 21 percent on June 1.

That is what we are looking at now. That is why, today, I come to the floor to give, as a doctor, a second opinion, because it is time to repeal this legislation and replace it with legislation that delivers more personal responsibility and more opportunities for individual patients. We need a patient-centered health care bill, one that provides individual incentives, such as premium breaks for people who behave in a way that encourages healthy behavior and gets down the risk factors that increase the cost of care; that allows people to take their health insurance with them when they switch jobs; that gives people who buy their own health insurance the same tax relief available to people who get their insurance through work; that allows Americans to buy health insurance across State lines; that deals with lawsuit abuse and that allows small businesses to join together to offer health insurance to their employees. These are the things that will work to get down the cost of care and deliver higher quality of care to the American people.

They are not in the health care bill that passed the Senate, that passed the House, and was signed into law. That is why today, once again, in light of this brandnew information on the increased costs and the final realization that the Secretary of Health and Human Services now says: Gee, we don't have enough doctors to cover the situation, it is time to repeal this bill and replace it with what we know will work for the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 3736

Mr. WEBB. Mr. President, I rise to speak on an amendment I submitted, amendment No. 3736. This amendment I know has caused some concerns in different places, both in the political process and in the financial sector. I believe it is a very fair, carefully drawn amendment. It is a fulfillment of a promise I made when I voted in favor of the TARP funding on October 1, 2008, when I stated I would do everything I could to make sure, first of all, that we look at appropriate executive compensation issues; second, that we would work to reregulate the financial sector, which we are doing in this bill, thankfully; and third, we would invest the American taxpayers in the upside of the economy when it started to come back because it was the American taxpayers' funding of rebuilding our economy that made this happen, not the funding of the banking system.

This amendment simply says that if you received $5 billion or more from TARP and if you are a couple of other companies, such as Fannie Mae and Freddie Mac, that received significant Federal funding in this bailout, any compensation you received in 2009 that is above your basic compensation and above an initial $400,000 bonus should be shared with the taxpayers who made this possible.

This is not a clawback. It is not retroactive. It is moneys earned in 2009 which were paid out in 2010. It is not ongoing. It is a one-shot proposition. It affects only 13 companies. From the executives of those 13 companies, it is estimated the American taxpayers would be remunerated to the extent of $3.5 billion to $10 billion. I believe this is very fair. But at the same time I understand, based on discussions with leadership, that there may be a constitutional point of order that would preclude consideration of this amendment on this particular piece of legislation.

I wish to take this opportunity to inquire of Chairman DODD, through the Chair, whether that is his understanding as well.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I thank my friend and colleague from Virginia. He is absolutely right. That is exactly the case. Under the Constitution of the United States, all revenue-rising measures must originate in the other body, the House of Representatives.

Despite the merits of his amendment, with which I agree, we have what we call a blue slip. When an amendment originates over here and it impacts the Internal Revenue Code, it is subject to an objection, what we call a blue slip. It does not go to the merits of the amendment. It goes to the constitutionality of such a proposal where revenue is affected. Those matters must begin in the House.

I say to my colleague from Virginia, there will be opportunities, I am sure, with revenue measures coming from the House for our consideration to raise this amendment again. I, for one, am attracted to the amendment and what he is proposing and hope at another point—and I presume that opportunity will arise in the next couple months because I gather revenue measures will be coming over—that we will have another chance to address this issue.

I appreciate his consideration of this matter and look forward to working with him on this question the next opportunity we have to do so. It is my understanding the amendment would suffer from that constitutional question at this point.

Mr. WEBB. Mr. President, I thank the chairman for his clarification. The last thing I wish to do in a bill this complex is to tie up the Senate in procedural votes, rather than votes of substance. Even if this point of order were raised, it is my understanding then

there would be a mandatory vote which would tie us up. I am not going to call up this amendment. I very much appreciate what the chairman said about the possibility that we be allowed to vote on other appropriate legislation being considered in the Senate.

As I previously stated, I believe this is a matter of very eminent fairness, and it would be for the body to vote on it. I would like to have that vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, while we are waiting, there are two pending amendments which we can voice vote, but I gather there may be a second-degree amendment offered to one of these amendments. It will be the first time a second-degree amendment has been offered to one of these amendments.

We are trying to go through the process and give everybody a chance to air their ideas. There have been no tabling motions, no filibusters, at least none declared on the bill at this point. Nonetheless, Senators have the right to offer second-degree amendments, if they wish. We have avoided it up to now, having considered quite a few proposals on the floor of the Senate.

I count about 15, 16, at least on my list of amendments, on the Democratic side Members who would like to be given the opportunity to raise. I cannot speak to the number on the other side, but it is not a large number. Our Republican colleagues, at least based on the list I have seen—it is about six or seven or eight. I may be off a little bit on that count, but it is not a large number.

Here we are again, it is almost 12:30 p.m. and sitting here, potentially going to a quorum call. I am hearing again my colleagues say we have to stay on this bill and don't get off it. I am prepared to stay and work, but we cannot work when Members will not come over and at least allow us to vote up or down on rollcall votes on these amendments.

On Saturday, I submitted to my good friend from Alabama, Senator SHELBY, and his staff a list of technical amendments, as well as bipartisan amendments and others that I thought were noncontroversial that we could make part of a managers' amendment. We can only do a managers' amendment when we get consent. Obviously, any objections to any of the suggestions I sent over on Saturday would exclude them from a managers' amendment.

It is now Wednesday, and I have not heard back whether we can subtract or add to those amendments. It would help tremendously to clean out a lot of issues on which I believe there is consensus.

I made it privately and I make a plea publicly. At some point, the leader is going to say enough is enough on the bill. We are trying to go back and forth in an orderly fashion so Members will have a chance, on either side of this so-called political divide, which I wish did not exist—even in this Chamber—for people to offer amendments. In a dead time such as this, the clock is ticking. We have no votes this Friday. We will not be in on Saturday or Sunday. We would like to move on to other issues.

We have taken a lot of time on this bill. I am a strong advocate of doing that to prove this body can function, we can consider each others' ideas, modify them, vote for them, vote against them but to do what we tell every high school class or elementary school class we talk to as Senators about how the Senate functions. I think we are proving we can do that on this bill, despite the significance of it—the first time in almost 100 years reforming the financial structure of our Nation.

My hope is we will continue and finish it without having to get involved in procedural motions that would deprive people of being heard on their ideas, whether you like it or not, but at least have the opportunity for it to come up.

I am trying to orchestrate the votes that relate to the matters with which we are dealing. It does not work perfectly. It is what every manager tries to do. I know some Members are frustrated because they have not been able to be heard yet on their ideas. I wish to give them an opportunity to do so.

When we get delays such as this, when the time could be filled on considering these matters, it sets us back from the goal of having a bill completed in this Congress where all Members have had a chance to be heard, that we were able to tackle a significant issue and come to a conclusion about it.

There are those who think we cannot do that any longer. I believe we can, and we have been proving it in the last couple weeks. After 2 weeks of a good, spirited, civil, in some cases partisan but civil debate, let us complete the work as we have begun it.

My plea to my colleagues, particularly on the minority side right now, is please respond to these requests so we can have some idea of what can be accepted, what can be modified and not accepted so we can move forward with the legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I add my compliments and gratitude to Chairman DODD for his unbelievable patience and hard work and the hard work of his staff in trying to come up with a good consensus, finding common ground where we can move forward and address the economic crisis that has hit this country and deal with the consequences we have seen and certainly the ideas we know exist, to be able to solve the problems and move forward, put our economy back on track, put people back to work, making sure we are rebuilding our country in a way that is going to be sustainable, with a good financial regulatory reform initiative that is going to be meaningful.

I applaud his efforts and patience in what he is doing, working with everyone. I certainly add my efforts in trying to work together with others to make sure we can move this bill expeditiously as possible, obviously with the consideration he has given to everyone's concerns and desires to make it a better bill.

Mr. DODD. Mr. President, if my colleague will yield for a minute, I thank the Senator from Arkansas. She is chairperson of the Agriculture Committee, which is a huge undertaking. Every State is affected by decisions made in that committee. Even small States in New England, contrary to what many people may think, have agricultural interests, maybe not to the extent of Oregon and Arkansas but we have them.

I am very grateful to her and members of her committee for the work they engaged in. We are truly fortunate to have the Senator from Arkansas in the position she is in—making decisions, providing valuable contributions, not just to this effort; we have worked together on a lot of issues over the years. She is a great advocate of her State, but I also say she is a great advocate of our country. That is the quality we hope people bring. We have an obligation to keep an eye out for what happens in our States but also to keep an eye out for what happens to our country. Striking that balance is a challenge we face at one time or another. No one does it better than the Senator from Arkansas, striking a balance.

I have heard that word about Arkansans over and over during her tenure. She is as tenacious a fighter as any State has had in my 30 years here. She is also mindful that Arkansas, similar to Connecticut, is part of a country, and we all have to be mindful of each other's interests. Striking that balance has been invaluable in this debate.

I did not want the moment to pass without thanking her immensely and her staff and others for the contributions they have made.

Mrs. LINCOLN. Mr. President, I thank the Senator from Connecticut. I am grateful to him for his comments and again grateful for his patience and perseverance in getting something done that is meaningful to all Americans. Arkansans are clamoring for it, and I know others across the Nation are.

The will say about the work of the Agriculture Committee, for all Americans who enjoy nutrition, that comes from the hard-working farm families across this country who produce the safest, the most abundant, and affordable food and fiber. We all have a little bit at stake in that Agriculture Committee.

We appreciate so much working with the Senator from Connecticut. Chairman DODD has done a tremendous job.

HONORING OUR ARMED FORCES

LANCE CORPORAL RICHARD R. PENNY

Mr. President, this week, my home State of Arkansas marks a somber

milestone. Since September 11, 2001, 100 service men and women with ties to Arkansas have given their life to help defend our freedoms in this great country. I rise to honor their ultimate sacrifice on behalf of our Nation.

It is also with great sadness that I pay tribute to the family of LCpl Richard R. Penny, 21 years of age, of Fayetteville, AR. Lance Corporal Penny was killed May 6 while supporting combat operations in Helmand Province in Afghanistan, making him our State's 100th service man or woman to have given his life to help defend our freedom.

Along with all Arkansans, I am grateful for Lance Corporal Penny's service and for the service and sacrifice of all our military servicemembers and their families. More than 11,000 Arkansans on Active Duty and more than 10,000 Arkansas Reservists have served in Iraq and Afghanistan since September 11, 2001. These men and women have shown tremendous courage and perseverance through the most difficult of times.

My father and both my grandfathers served as infantrymen. They served our Nation in uniform and taught me from an early age about the sacrifices our troops and their families make to keep our Nation free. As neighbors, as Arkansans and as Americans, it is incumbent upon us to do everything we can to honor their service and to provide for them and their families not only when they are in harm's way but also when they return home.

While it is important to honor those who have served our country in uniform with words, we must also honor them with our actions. I have consistently supported initiatives that expand the benefits our servicemembers and veterans have earned and deserve. During these tough economic times, it is even more important that we don't shortchange these heroes and their families.

That is why I have authored several bills on behalf of Arkansas's military servicemembers, veterans, and their families. In doing so, I have focused on a number of priorities, including requiring more accessible health care for guardsmen and reservists so they can maintain the medical readiness required to fulfill their mission and also ensuring that future GI benefits for members of the National Guard and Reserve keep pace with the national average cost of tuition, and allowing beneficiaries of the post-9/11 GI bill to use their GI benefits more flexibly to develop skills that are critical to our workforce and our economy and their reentrance into the workplace, and also addressing inequities in survivor benefits for military families.

With more than 600,000 courageous men and women who have returned from combat in Iraq and Afghanistan, and with thousands more on the way, mental health care is an issue that also deserves more attention. I have visited injured servicemembers at Walter Reed and in Arkansas and witnessed firsthand that more and more of our troops are affected by service-connected mental health issues, such as traumatic brain injury and post-traumatic stress disorder. To address this issue, I have introduced legislation to ensure that our troops receive proper mental health assessments before and after they enter a conflict zone.

The issue of mental health does not just affect our troops. With more National Guard and Reserve from our rural communities serving abroad, families have expressed concerns to me about the impact increased military deployments have on other children, and particularly their children, and whether schools have sufficient resources to meet these challenges. To meet these concerns, I have also introduced legislation to increase the number of school counselors, school social workers, and school psychiatrists and psychologists in high-needs school districts, many of which are located in our rural areas all across this great Nation.

All of our veterans, from the ''greatest generation'' to Vietnam war veterans to the new generation of servicemembers in the Middle East and across the globe, all of our veterans have sacrificed greatly on behalf of our country. Although the challenges and needs of veterans have changed over time, one thing remains constant: It is the responsibility of our Nation to provide the tools necessary to care for our country's returning servicemembers and honor the commitment our Nation made when we sent them into harm's way in the first place.

Our grateful Nation will not forget them when their military service is complete. It is the least we can do for those to whom we owe so much.

I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Virginia.

Mr. WARNER. Madam President, I thank my friend, the Senator from Arkansas, for her statement today about the sacrifice of folks not only from Arkansas but across the country—Virginia, Delaware, and from North Carolina.

Madam President, I wasn't planning on speaking, and I will only do so briefly because my friend, the Senator from Delaware, is going to speak much more extensively on this issue. But I think many of us who have had the opportunity to preside have heard—and in particular on Monday afternoons—the Senator from Delaware come down on a regular basis, for months, to speak on what, until last Thursday, was a pretty esoteric issue—an issue that, for somebody who spent 20 years around the finance sector before I got into politics full time, I thought I might have some knowledge of.

But as the Senator started talking about high-frequency trading, collocation, sponsored access, and flash trading, I realized this was a whole realm of new terms that actually even makes derivatives look simple.

The Senator from Delaware sounded an early warning signal that the massive amounts of investments that have been made by certain firms to try to get what appears to be a fractional millisecond advantage in the trading process might come back to haunt us all. Last Thursday afternoon we saw potentially—and we still don't know, and the regulators were up testifying on the Hill yesterday on the House side—what could have been the first warning shot across the bow of what could be the next systemic risk crisis when the stock markets in the United States lost over $1 trillion of value in a dramatic downsweep of about 16 to 20 minutes.

The market recovered, but almost a week later we still don't know the real cause, and I don't think we can blame the regulators. I have had conferences with the head of the SEC, and she acknowledges the difficulty in keeping up with the technology and having the oversight for all of this proliferation of new exchanges—electronic exchanges—many that didn't even exist a few years back.

Most investors probably think they trade on the New York Stock Exchange, the American Stock Exchange, or the NASDAQ. They don't realize the majority of trades are now on electronic exchanges they have probably never even heard of. The Senator from Delaware has consistently raised this issue, and whether we simply need additional speed limits, system brakes, or whether we need to make sure there is not an unfair advantage that is being created, these are all issues we need to come back to.

I want to personally say I am proud of the fact the Senator from Delaware and I contacted the chairman of the Banking Committee and we have spoken out. But he has been the leader on this issue, and I have been proud to follow his lead. I know he is going to speak more about this issue today, and I am sure in the coming weeks. I don't have all the knowledge, I don't know the right answer yet, but I know in my gut that the Senator from Delaware is onto something here; that we all need to make sure we take a better examination of it.

The last thing the market needs right now, particularly for that small-time investor, is some sense that somebody on Wall Street is getting even one further advantage through the use of technology or that there is not appropriate system brakes in the event of a mistake made.

So as I yield the floor, I commend my friend, the Senator from Delaware, and look forward to working with him and the chairman of the Banking Committee, who has said the committee will be taking up this issue. It is something I think we all need to take heed of to make sure in this very important legislation that Chairman DODD is working on we not only make sure we fix the last crisis but we potentially get ahead of the next crisis.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. KAUFMAN. Madam President, I ask unanimous consent to speak as in morning business.

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

Mr. KAUFMAN. Madam President, the Senator from Virginia, as usual, is modest. He has explained a lot to me about the intricacies of this area, which is of great concern, and his knowledge on this is great. It is, I am finding, incredibly rewarding working with him on this issue. So I want to speak about that a little today and follow up on the remarks the Senator from Virginia made.

As Senator WARNER said, last Thursday, for one of the few times since 24 stockbrokers first gathered under a Buttonwood tree in 1792, we had a stock market that for 20 minutes stopped performing its essential function—discovering the price of securities based on a balance between buyers and sellers. Our equities markets collapsed in a matter of minutes—liquidity dropped off, a deluge of sell orders overwhelmed the buyers, and the rug was pulled out from underneath millions of investors, plummeting the Dow Jones Industrial Average toward its biggest intraday loss in history—nearly 1,000 points.

Then, just as quickly, and inexplicably, the market reversed course, snapping back like a yo-yo, and recovered much of its lost ground, thank goodness. In the immediate aftermath, the world's focus turned to black-box computer trading, which relies upon electronic trading algorithms to execute thousands of orders in tiny fractions of a second. These high-frequency trading computer programs determine, with minimal, almost no human intervention, the timing, price, and quantity of orders.

It is too soon to know the myriad of factors that played into the week's meltdown, although it appears to be quite likely that we witnessed a real-time example of high-tech trading run wild or, in some cases, unplugged.

The cooperation between the SEC and the CFTC is critical to unraveling what happened in the futures and equities markets, and we should wait for their investigation and for all the facts to be discovered. It is also too soon to coalesce about Band-Aid solutions; that is, without also committing to dive deeper into structural problems and inherent conflicts of interest that are part of all our capital markets. The SEC still has not discovered or explained what triggered or accelerated the incident, but already the leaders of the exchanges have admitted that no one had previously thought to implement system-wide circuit breakers or adequately protect against the possibility of erroneous trades.

Yesterday, after the meeting with the leaders of six exchanges, the SEC released a statement saying:

> As a first step, the parties agreed on a structural framework, to be refined over the next day, for strengthening circuit breakers and handling erroneous trades.

Madam President, that is fine—and I mean that is fine—but it is indeed, as the SEC said, only a first step. While it is true we should wait for information to come in before we reach any conclusions, there are many questions that must be carefully reviewed and answered. The first and most obvious is whether we have gone from too few market centers—it wasn't all that long ago we just had two, the New York Stock Exchange and NASDAQ—to too many, each with different standards and procedures for protecting investors and preserving market integrity.

We now have over 50 market centers, which has brought added competition. Competition is good. Today, algorithmic trading interests are wired against markets—equity, fixed income, futures, and options. The market is the network, and yet our regulators work in silos. Responsibilities are divided between the Securities and Exchange Commission and the CFTC. Within equity markets, we have several self-regulatory organizations setting rules—more silos: New York Stock Exchange, NASDAQ, FINRA, National Stock Exchange, and more. All too often, those rules have been watered down and eliminated in the absence of the SEC establishing these and other regulatory controls across equity markets.

We created a national market system, but we forgot to create a national regulatory and surveillance system to go along with it. We need—we absolutely have to have—a consolidated audit trail across all market centers, as Senator SCHUMER and others have raised. As FINRA Chairman Rick Ketchum admitted last October, regulators are looking at ''an incomplete picture of the market and knowing full well that this fractured approach does not work.''

That is quoting the chairman of FINRA, Rick Ketchum.

The second obvious question is, Why is it taking the SEC so long to reconstruct the unusual market activity of last Thursday? There is an answer to that—because there is no transparency. The Commission does not yet collect by rule the data it needs to officially reconstruct unusual market activity. Even though Congress gave the SEC ''large trader'' reporting authority in the Market Reform Act of 1990—that is 1990, after the SEC had difficulty in reconstructing market incidents in 1987 and 1989—the SEC has never used it.

The SEC proposed a large trader rule in 1991, received comments, reproposed in 1994, and then unfortunately never adopted it—this, even though the Commission acknowledges:

> The current Electronic Blue Sheet system does not efficiently collect large volumes of data in a timely manner that allows the Commission to perform contemporaneous analysis of the market events. Further, the data generated by the EBS system does not include important information on the time of the trade or the identity of the customer.

This is what the Commission acknowledges, that the data generated by the EBS system does not include important information—the time of the trade and the identity of the customer. How are you supposed to find out how something happened if you don't have data on the time of the trade or the identity of the customer?

Flash forward to 2009. To SEC Chairman Mary Schapiro's credit, and to her real credit, she began a process of studying market structure and high-frequency trading last October.

I have to say, however, the pace of the Commission's progress has been slow. Indeed, as many of my colleagues know, I have come to the floor repeatedly to call for a greater sense of urgency at the Commission.

For example, last year on September 23, I spoke on the Senate floor and asked about high frequency trading strategies:

> Do these high-tech practices and their ballooning daily volumes pose a systemic risk?
>
> What do we really know about the cumulative effect of all these changes on the stability of our capital markets?
>
> In order to maximize speed of execution, many sponsored access participants may neglect important pre-trade credit and compliance checks that ensure faulty algorithms cannot send out erroneous trades.

On November 20, 2009, I wrote a letter to SEC Chairman Mary Schapiro asserting:

> [T]ransparency, disclosure and risk compliance requirements on the trading activities of high frequency traders are needed urgently. And while I was encouraged to hear that the Commission may move sooner with its existing authority to require ''tagging'' and reporting by ''large traders'' now using high-frequency algorithms, I am concerned that the Commission does not intend to issue a concept release on high frequency trading until early next year, and that rule proposals should not be expected before the summer of 2010–2011. Given that the Commission under current procedures is now blind to high frequency operations, the need for immediate action should not wait until the Commission has completed its comprehensive review.

In her response on December 3, Chairman Schapiro assured me the Commission was planning to issue a proposed ''large trader'' tagging rule the following month. That was back in December.

But it was not until months later, on April 14, that the Commission finally did so. While I understand these were incredible problems that faced the SEC because there was no real regulatory oversight for many years, and because of the many hurdles regulatory agencies face which slow them down—in particular the need to avoid unintended consequences—this process was clearly way beyond deliberative.

Given the deficiencies in the current data collection system that the SEC itself acknowledges and which Congress gave the SEC the authority to address in 1990, this delay is inexcusable.

The SEC must move aggressively to finalize the large trader rule and insist on fast-track implementation by the industry.

There are many other questions a deeper review should study.

Particularly the problem of high frequency programs which sell stock short without first locating the underlying shares or borrowing them in hope that their price will drop and they can buy those shares back—so-called naked short selling—before the required delivery date—at a lower price for a profit. Last Thursday, it appears that the computers went into overdrive spewing out sell orders, and in the critical 10 minute time period, I will bet my bottom dollar that many of those sell orders were short sales that did not first locate the stock.

Now as I have said repeatedly, there is nothing wrong with short selling, I have done it myself. But I have always had to borrow the stock first.

Last July, along with JOHNNY ISAKSON (R–GA) and six other Senators, we wrote the SEC demanding that short sales not be permitted unless the seller first obtains a ''hard locate'' of specified shares. But that proposal went nowhere, even though the SEC held a Roundtable last September to discuss the problems associated with naked short selling.

The larger point is these high frequency trading firms have assumed the role that specialists used to take. Some of them get the same benefits of specialists. They get to ignore short-selling locate rules. They get to step in front of other orders on the book legally. All because they provide liquidity, for which they are also paid.

Why should they have those advantages? Did some of them abandon their role of liquidity provider when the market needed them most, and instead use their advantages to disadvantage everyone else on the way down? Those questions must be answered.

Last September 14 I went to the Senate floor and spoke about the dangers of unregulated high-frequency trading, asking:

> If we experience another shock to the financial system, will this new, and dominant, type of pseudo market maker act in the interest of the markets when we really need them?
>
> Will they step up and maintain a two-sided market, or will they simply shut off the machines and walk away?
>
> Even worse, will they seek even further profit and exacerbate the downside?

After Thursday's plunge, I am afraid my questions have been answered.

Instead of providing ''fair and orderly markets'' as some market makers are obligated to do, some of these unregulated players may have added to the chaos, while others simply unplugged their computers and suspended operations, reducing liquidity when the market needed it the very most.

Here is another related question: Was there manipulation involved on Thursday? More to the point, does the SEC even have the ability to detect illegal manipulation by high frequency algorithms?

We know the SEC doesn't have the data it needs. The large trader rule hopefully will fix that at some future date. Hopefully sooner before later.

There is also the question of whether the SEC has the internal analytical capability to use that data to police trading activities? I know this is something they want to do and we in Congress should help them get it as soon as possible.

I have been suggesting that once the SEC collects the data, it should mask the proprietary nature of the data and either No. 1 release it to the marketplace, or No. 2 to academics and private analytic firms under ''hold confidential'' agreements. I believe the SEC needs help in conducting analyses about whether high frequency trading practices are harmful to the interests of long-term investors.

Another question I have raised in the past is whether the SEC needs to impose industry-wide pre-trade operational risk controls, in order to prevent the incidents and magnitude of trading errors and the havoc they can cause.

After last Thursday, that one is starting to look easy.

Markets have always had operational risks, but it is clear that the proliferation of competing complex computer models has the potential to magnify and exacerbate these risks in ways that can fundamentally damage market integrity and confidence.

With computerized, high-frequency trading now responsible for an estimated 70 percent of daily trading volume, markets have come to rely upon these black-box systems for ample and consistent order flow.

Yet humans are simply unable to evaluate in real-time whether their trading models are working as intended.

Yet another question is whether our markets are still performing one of their best and most important functions: the constant and reliable channeling of capital through the public sale of company stock known as initial public offerings. According to a series of reports released last year by the accounting firm Grant Thornton, the answer is no, the IPO market in the United States ''has practically disappeared.''

The IPO market is where small and medium-size businesses go to get the capital they need to grow, to pass through the valley of death, to get on with what they have to do.

Without a doubt, there have been many causes of the sad state of America's IPO market. But one source of the problem might be the dominance of high frequency trading strategies designed to trade in the most active, highly liquid names, but with little support for small-cap stocks.

Our markets should work to best serve Americans—by reflecting changes in supply and demand and investors' assessments of stock fundamentals—not by encouraging a battle between algorithms looking to shave microseconds from their transactions in a few highly liquid names. As Dallas Mavericks' owner and longtime and very successful and knowledgeable investor Mark Cuban has recently asked: ''What business is Wall Street in? . . . [I]t is important for this country to push Wall Street back to the business of creating capital for businesses.''

There are other questions, as well, many involving conflicts of interest and the failures of some of the exchanges and market centers to fulfill their gatekeeper function as self-regulatory organizations.

Moving forward, I applaud Senator DODD, the chairman of the Banking Committee, for calling for hearings to be chaired by Senator JACK REED who is very knowledgeable in this area on the market's recent plunge and recovery. It could not be in better hands.

And I am also pleased that a number of market participants and regulators have recognized the need for regulations that will protect the markets from future periods of extreme and inexplicable volatility like last Thursday's.

I am concerned, however, that the SEC must not solely look for quick fixes and surface solutions. The events of May 6 call for a meaningful review of these structural issues, leading to reforms that truly protect investors and, really important, restore the credibility of our markets so they serve well their highest and best function.

That is why Congress, consistent with its oversight responsibilities, must direct regulators to study and report, in a timely manner, on what needs to be done to prevent another meltdown of this magnitude or one even worse. It is entirely appropriate for Congress to elaborate on the needed elements of a meaningful review, many of which I have outlined today.

Senator MARK WARNER and I want to add language to the current Wall Street Reform Act that would do just that. Once that report to Congress is finished, only then can Congress either draft needed legislation or encourage new rules.

We all know that the challenge for regulators is to see beyond the horizon and to act preventively before financial crises hit. That is the key to everything we do around here. We have to look ahead.

This is always difficult, but especially so when markets are opaque and Wall Street interests resist even reasonable suggestions about needed reforms.

During the past 9 months, in response to my calls for transparency and an SEC review of high frequency trading, many voices on Wall Street praised the virtues of electronic trading—and almost none were interested in looking critically or even honestly for weaknesses or potential systemic risks. ''There is nothing wrong here.'' ''You shouldn't even look at this.'' That is all I was looking for and so many on

Wall Street said, ''No, nothing wrong here. We should not spend time on that.''

My staff has read through nearly a hundred comment letters submitted over a period of months from brokerage firms, consultants, exchanges, high frequency firms, and alternative trading systems. The vast, vast majority of those letters stated the markets have performed exceptionally, and just needed to be left alone. They all stated how things were fine and saw nothing amiss. Systemic risk? Not here.

Our exchanges—which by statute are required to ''prevent fraudulent and manipulative acts and practices'' and be the first line of regulatory review of trading practices—are now competing vigorously to attract high volume traders to maintain their profits. Yet in response to the SEC's concept release raising questions about market structure issues, sources of systemic risk and possible manipulation by high frequency traders, the CEO of BATS Exchange sent out a ''call to action'' for all high frequency trading firms, suggesting that they all file comment letters on common themes. ''The best defense is a good offense,'' he wrote.

His letter also said:

> BATS doesn't believe the equities markets are broken. To the contrary, we would argue that the US equity markets were a shining model of reliability and healthy function during what some are calling one of the most challenging and difficult times in recent market history.

He went on to write:

> Those outside the industry, who have differing opinions, are likely to have a difficult time bringing forward compelling arguments based on the lack of hard evidence.

I ask: Is this the attitude we want from those charged with protecting investors? Yes, when the markets are opaque and no one outside the industry has any data, when the exchange leadership itself stays on the offense, it is indeed difficult to offer hard evidence supporting a contrary view.

Then we read from a comment letter to the SEC written by the Securities Traders Association in the week before the meltdown. The week before the meltdown.

> The equity markets are functioning properly, and there are no signs of significant deficiencies or an inability to perform their important functions.

Saying it does not make it so. Now the credibility of both markets is urgently in need of repair. But for that to happen, democracy must work in a way that permits timely reform of our most powerful financial institutions, and Wall Street must and should recognize its own long-term interests. The credibility of our markets is vitally at stake.

As I have said many times on this floor, what is important are two things that make this country great: democracy and our capital markets. If we let something happen to the credibility of our capital markets, we will have done a great disservice to our country now and to our grandchildren.

I will close my remarks today with the same words I used to conclude my floor speech last September 23, as they still ring true to me.

> We cannot simply react to problems after they have occurred. We need the information and resources to identify problems before they arise and stop them in their tracks . . . [We] cannot allow liquidity to trump transparency and fairness, and we cannot permit the need for speed to blind us to the potentially devastating risks inherent in effectively unregulated transactions.

I thought I was right when I gave it on September 23. After what happened last Thursday, I feel it is even more appropriate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN of Ohio. Madam President, I appreciate the leadership of my colleague from Delaware who understands this Wall Street reform perhaps better than anybody in the Senate, and has particularly led the charge on working on too big to fail meaning too big. That the size of banks in this country—when the six largest banks' assets 15 years ago were only 17 percent of GDP, and today the assets of the six largest banks total 63 percent of gross domestic product, we know that too big to fail really is too big. I appreciate the work Senator KAUFMAN has done on that.

We know what a financial meltdown looks like. It means pensions shattered, it means homes lost, it means college plans delayed or even abandoned, it means good-paying jobs lost, it means middle-class security undermined. Two years after the financial collapse in March 2010, there were 655,000 unemployed Ohioans. Ohio's unemployment rate today is 11 percent. Three of the largest banks slashed their SBA lending by 86 percent from 2008 to 2009. In Ohio, small business SBA-backed loans went from 4,200 of them in 2007 to 2,100 of them in 2009. Wall Street's casino gambling with the housing markets has caused nearly 90,000 foreclosures in Ohio just in the year 2009. The average median sales price of existing single-family homes across eight of Ohio's metropolitan markets plunged by an average of 16 percent from 2007 to 2009.

So why are my colleagues on the other side of the aisle trying to maintain the regulatory environment that allowed Wall Street to squander middle-class wealth and security? It makes me incredulous to think there are people in this institution, and a number of them, who want to continue the way it is always done, who think Wall Street does not need further regulation.

They were the same people who in the Bush years pushed for deregulation, and then President Bush assisted his Republican friends by putting more pro-bank, pro-Wall Street bank regulators in place to regulate after already weakening the regulations.

Neither Republicans nor Democrats should be starting this debate, should be starting the legislative process, by thinking, well, what is best for Wall Street, and then by working backward to see which consumer protections Wall Street can live with. That is not how you start this debate.

You do not say: Well, we have got to decide, can Wall Street live with these protections? Are these protections okay? Does Wall Street approve of these protections before we do them? That is not the way we should be legislating. We should be starting with what will protect middle-class families from another devastating economic blow, and we should then move forward to put those protections in place. It should be as simple as that.

My Democratic colleagues and I are fighting for the strongest possible measures to hold Wall Street accountable. I hope my Republican colleagues resist the temptation, a temptation they usually succumb to, to water down reform and carve out loopholes for the special interests. That has been the problem all along, the power of the bank lobby here, the power of Wall Street in the House of Representatives and the Senate, the bias so many have that, well, Wall Street did not really do that badly, we should water down this reform, we should carve out loopholes so Wall Street can continue doing business the way they did.

It is time, instead, to act on behalf of the people we serve, not Wall Street firms. Too many of my colleagues across the aisle, simply put, are putting Wall Street before Main Street.

The first step toward the financial recovery is protecting American families who rely on credit cards to meet their financial obligations or mortgages, to finance their dream of home ownership. Let's not forget that the kindling for this fire that became the global financial crisis was a pile of exploding mortgages. If we allow lenders of all types to continue preying upon hard-working Americans, then we are setting ourselves up for another disaster. This time it was securitized mortgages. Next time it can be student loans or it could be credit card debt, or it could be commercial real estate or it could be the junk bond market. Who can say for sure? That is why the independent consumer protection bureau in this legislation is essential.

It will create, for the first time, an entity dedicated to protecting the interests of middle-class Americans against the greed and the recklessness of Wall Street. We need a watchdog to make sure Wall Street gamblers and their lobbyists do not trample the American dream as a means of feeding their own greed.

Beyond establishing this agency, an agency tasked with protecting the interests of middle-class families, we have an opportunity to do much more to protect American families. We should adopt an amendment offered by Senator WHITEHOUSE, cosponsored by my colleague sitting nearby on the floor, Senator CASEY, and a number of us, a bipartisan amendment, that

would empower States to protect their citizens from unfair credit card interest rates.

Thirty-two years ago the Supreme Court decision, the Marquette decision, perhaps the most important Supreme Court decision Americans do not know about, overruled the consumer protections, so-called usury rates, interest rates, among the 50 States.

In other words, if the legislatures of the State of Pennsylvania, the State of North Carolina, the Presiding Officer's State, or my State of Ohio, enacted an 18-percent usury rate or a 16-percent usury rate, that is the top rate at which lenders can charge customers. Those rates were overturned by the Supreme Court decision because the Supreme Court decided it does not matter where the customer is, whether the customer is in Charlotte or Harrisburg or Cleveland or Columbus, it mattered where the bank was.

Basically what that meant was, bank after bank after bank located their operations in a State with very high usury rates or no usury rates at all. Therefore, a customer in Akron or a customer in Toledo or Mansfield or Springfield or Xenia, having a credit card with a bank in South Dakota paid much higher interest rates, even though Ohio set its interest rates much lower.

Usury rates—I quoted today in a presentation earlier—were established by the Bible. In Exodus 12, I believe, the Bible says clearly that usury rates—the usurious interest rates aimed at the poor, and aimed really at everybody, simply should not stand.

Yet, by this Supreme Court decision in 1978, the Court ruled we would basically outsource our interest rate, our consumer protections, to the lowest common denominator State. So if South Dakota has no usury rates or no limit or a very high limit on their interest rates, it means a credit card holder in Lima, OH or Troy, OH or Springboro, OH is paying those high interest rates, even though the Ohio legislature has acted against their doing that.

So the Whitehouse-Casey-Sanders-Brown amendment, a bipartisan amendment, is particularly important simply to give the power back to the States to make a determination of interest rates. For too long, as this Supreme Court decision indicates, and the lack of response from Congress indicates, Washington has been looking out for the megabanks.

Some of my colleagues are still saying these banks' interests are more important than protecting the American public. This bill would not even allow the consumer protection bureau to set rules regarding credit card interest rates. Meanwhile these rates are inexplicably going through the roof, at the same time the banks are again enjoying record low borrowing costs. It makes no sense. We report to the American public, not to high-risk business models.

The next element of financial collapse came when Wall Street bundled toxic mortgages into untested products such as mortgage-backed securities and collateralized debt obligations, and synthetic CDOs and credit default swaps. Many of these new products, products that almost nobody understands, were unregulated derivatives sold in over-the-counter markets with no oversight or transparency.

As a member of both the Banking and the Agriculture Committees, I want to commend the Chairs of each of those committees for the work in creating a derivatives title, a regulation of derivatives, that will provide much needed oversight to the $210 trillion—$210 trillion—that is the 210 thousand billion dollar U.S. derivatives market.

At the same time we balance the need in regulation of derivatives, we balance the needs of manufacturers in Dayton, Youngstown, and Toledo, who used these products appropriately, and that was not where the problem was, to limit their business risk.

This bill provides for financial stability by requiring banks to put capital behind their trades. It uses transparency and accountability to prevent Wall Street banks from taking advantage of their business customers. It reduces speculation that fuels bubbles in markets such as natural gas and mortgages.

I want to single out Chairman LINCOLN's proposal to separate derivatives operations from commercial banks. It is the right thing to do, because the megabanks' speculation is detracting from their primary job, lending. Over the last six quarters, megabanks have decreased their consumer and small business lending. At the three biggest banks, lending under the SBA's 7(a) program, the primary SBA program to help startup and existing small businesses, lending under that program declined 86 percent from 2 years ago to last year, and it does not appear to be getting a lot better this year.

Over the same period, banks' securities holdings increased by 23 percent. What does that mean? That means rather than investing in a local manufacturing company, Elyria Foundry, or Alcoa in Cleveland, or smaller companies, a fastener company in Bedford, or companies, manufacturing companies, instead of investing in those, their security holdings increased. That is where their capital went.

That was not productive for our country. It may have been profitable for the banks, but it does not work to get our economy back in gear. Taxpayer-funded assistance from the FDIC and the Fed should not be going to support a bank's gambling, it should be supporting sound economic growth.

In an ideal world, we would treat derivative products like all other investment products and trade them on exchanges.

This is a strong bill, particularly now that we have adopted Senator CANTWELL's antimanipulation amendment. We are finally going to impose some order and allow sunlight into what has been and is currently a completely dark and opaque market.

The final ingredient to the financial crisis came when massive, interconnected Wall Street banks and investment houses—such as AIG and Citigroup and others—gorged themselves on risky derivatives backed by predatory mortgages. When these bets went bad, the U.S. Government decided these banks were too big to fail, and the U.S. taxpayer was forced to settle their hundreds of billions of dollars in obligations. These too big to fail banks are getting even bigger. Right now the five biggest banks control 97 percent of all U.S. derivatives. For the first time, we are going to have a process to liquidate these large financial institutions if they fail. Such a system was lacking at the time the giant investment banks, such as Lehman Brothers, Bear Sterns, and Merrill Lynch, were in financial peril, due to overleveraging and investment in toxic investments.

I believe the bill should be strengthened to make absolutely certain there are no more meltdowns and no more bailouts. I would like to add stronger safeguards against behemoth banks that control so much of the Nations's wealth they could singlehandedly send our economy spiraling downward. Too big to fail means too big. While this is mostly about the risk these banks took and might take in the future, it is also about size. When 15 years ago the assets of the six largest banks combined were 17 percent of the GDP and today the six banks' total assets make up 63 percent of GDP, too big to fail is also simply too big. It is crucial we adopt an amendment offered by Senators MERKLEY and LEVIN to ban proprietary trading. Too many Wall Street banks got rich at the expense of clients they were supposed to be serving and American families whose homes have been taken from them.

It is equally important that we consider and adopt the amendment offered by Senators CANTWELL and MCCAIN to reimpose the Glass-Steagall wall between commercial and investment banking. We should pass the Dorgan amendment, giving the systemic risk council the authority to spin off parts of large, cross-border financial institutions. After 2 years, after millions of jobs lost, after millions of homes foreclosed upon, we are attempting to put in place rules that might prevent the next crisis. We should not dilute this critical piece of legislation with amendments that coddle Wall Street. Too many of my Republican colleagues are still trying to do that, introducing amendments that choose Wall Street over Main Street.

It is important this legislation move forward. It is important that all of us fight to choose Main Street over Wall Street so this works for Findlay, Warren, Bolero, and Tipp City, OH, communities that have been hit hard by the

greed and recklessness of Wall Street banks.

That is clear.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Madam President, I rise to speak about amendment No. 3878.

We are in the midst of the worst recession, the worst economic climate since the 1930s. That is irrefutable. We have had record job loss, more than 15 million Americans out of work. In Pennsylvania, some 582,000 people are out of work, with the unemployment rate hitting 9 percent. I know a lot of other States have had double-digit unemployment for a long time, but 9 percent is still more than 580,000 people out of work.

There are a number of ways to measure the horrific consequences of this recession—all those individuals out of work, all those families destroyed and communities destroyed, by one estimate $8 trillion of wealth lost by Americans. We can attribute $100,000 per family in negative impact due to what happened on Wall Street.

In the midst of that, a number of people in the Senate have worked very hard to try to put in place new strategies to create jobs, to help us continue to recover. The impact of the recovery bill is still being felt. We are recovering. Economic growth has picked up. Job growth has improved substantially, but we still have a long way to go.

Despite that, we still have people in Washington who don't seem to get it. They seem to want to continue to protect Wall Street. Time after time, when an amendment is proposed to the Restoring American Financial Stability Act, there are still some who want to protect Wall Street. The choice is very clear. There is no middle ground. The American people know it. We can either protect Wall Street and let them do what they have been doing for years, destroying lives because of high-risk practices, allowing these scheme artists—and that is a charitable way of describing people who commit fraud or at least engage in practices that make a very small sliver of the American people on Wall Street very wealthy, creating a handful of billionaires at the expense of tens of millions of Americans who lost their job, their home or, in some cases, both and are in the process of trying to dig out of that and rebuild their lives. You are on one side or the other in this debate. You are either for Wall Street or you are for reforms that will, at long last, begin to hold Wall Street accountable.

It is essential to the economy that we pass this legislation. If we don't, we will be right back where we were, with no commonsense rules in place, Wall Street doing virtually what they want to do to make money, no matter what the consequences downstream with regard to those who lose their jobs, their homes and, by definition, their hopes and dreams. We have to put in place new strategies not only to create jobs but to reduce the deficit. We cannot do that unless we take affirmative steps to hold Wall Street accountable and give some measure of protection to families who have, for too long, been at the other end of the bargain. They lose their house. They lose their job. Wall Street wins. They lose $100,000, on average, per family. Wall Street wins very big.

One of the things that should be in place is at least the examination of something that was discussed at the G–20 conference in September of last year in Pittsburgh, where the leaders of the 20 largest economies came together and talked about our financial crisis which, of course, is an international crisis. It is not something limited to the United States. Recently, the European Parliament took the first step by passing a resolution supporting a study on a financial transaction tax, a fee. The resolution specifically calls for an in-depth study that would provide technical recommendations on how such a fee should be structured across the Euro zone. The study proposed in my amendment mirrors the European study and positions the United States to have an informed debate about the issue. This study is simple but can have a tremendous impact on the economy because of what we will learn.

The study would examine the implementation of a transaction fee on all security-based transactions, including swaps and security-based swaps, except those that are somehow hedging or mitigating risk. Also included in these transactions would be stock and debt instruments.

Here is what the study would assess. Again, this is not the imposition of a transaction fee. This is a study of the imposition of a transaction fee or the implementation thereof. The study would assess, first, past uses of such fees, what has happened in the recent past and our experience with this, other countries that have tried this, other experts who have weighed in, obviously, on the advantages and disadvantages of this kind of fee, and the potential to raise revenue.

We hear a lot of talk in this Chamber about reducing the deficit. It is going to be pretty difficult to do that in the current environment unless we have new revenue. One of the ways to have new revenue in place is to have a transaction fee. Again, this amendment would simply require the study of a transaction fee.

Next, the study would assess the impact on financial markets, which is something we have to consider and weigh and analyze, and the impact on risky investment behavior. We might know the answer to that, generally, because with a transaction fee in place, it is probably less likely that a financial institution would engage in the kind of risky, reckless, irresponsible and, in some cases, illegal behavior they have engaged in which has cost the average American family $100,000 per family because of what they did on Wall Street over a number of years.

The study called for in the amendment would be open to public comment, would be conducted by the Securities and Exchange Commission and the Commodity Futures Trading Commission, in coordination with the Department of the Treasury. It is important to have those three agencies involved in the review. It is not just going to be farmed out to some think tank, where it can be criticized because it lands on one side of the political divide or another. It is going to be conducted, if we get this in place, by the Securities and Exchange Commission and the Commodity Futures Trading Commission, two agencies with substantial experience and expertise about this kind of a fee, a transaction fee, working in coordination with the Treasury Department. It is important to have those agencies involved instead of having a study done by a group that has, in many cases, limited expertise.

Given the dramatic cost of the recession on our economy, the horrific and destabilizing job loss we have had, not to mention the world economic downturn, we need to be proactive and thoughtful and analytical in assessing a transaction fee and the positive impact it can have on reducing the deficit and creating jobs.

For those who will weigh in against the amendment, I ask: Where is the other revenue they are going to need to reduce the deficit or at least to allocate part of the revenue we generate to reducing the deficit? What are they going to do about job creation? If they are not doing some work on both of those, they are not too concerned about where the economy is going. If we are going to fully recover and grow and sustain growth overtime, we need job creation, and we need to reduce the deficit.

Predictably, I received a letter recently from the Chamber of Commerce that has come out against the study of a transaction fee. In my judgment, it is entirely predictable that the Chamber of Commerce of the United States is opposed. I will leave it to them to make their case. I hope the amendment has bipartisan and broad support, which I believe eventually it will. Unfortunately for the Chamber of Commerce, they are doing what they always do. They are trying to protect Wall Street in a debate on the study of a transaction fee but in the larger debate as well.

It is very simple. There are two places to be—protecting Wall Street or standing for reform. The Chamber of Commerce has just weighed in on the side of Wall Street. They will have to answer to all the small businesses in Pennsylvania, for example, and across the country and even larger businesses but especially small businesses that have been devastated by what has been happening on Wall Street. The idea that the Chamber of Commerce is coming out against the study—the study;

the analysis—of a transaction fee is disturbing. It tells you a lot about where they stand in this debate.

I know where the American people are. They want reform, and they want it now, and they do not want it watered down. They do not want the bill gutted with amendments. They want to have information they should have a right to expect on the effect of a transaction fee—good, bad, or indifferent. They should have that information. What the American people do not want is the Chamber of Commerce or any other organization standing between Wall Street and what has been happening there and reform.

I urge the leadership of the Chamber of Commerce to go back, take another look at this, take another look at what is the harm of having a study conducted by the Securities and Exchange Commission and the Commodity Futures Trading Commission in conjunction with the U.S. Department of the Treasury. I do not care what year it is. I do not care what administration it is, those three parts of our government should have the right and should be instructed by the Congress to study something that has potential—significant potential—to lower the deficit, or help us lower the deficit, and to create jobs.

But to have the usual knee-jerk political reaction the Chamber of Commerce and others will have is not in the best interests of the American people and is not helping in any way the debate we are having on the floor of the Senate.

So for the chamber folks—or for their allies—it is simple, folks. You have two choices. You can stand here and protect, with all your might, the practices on Wall Street—the fraud, the manipulation, the scheme artistry that put us into this ditch we are in right now—or you can be for reform. You have a choice to make. It is very simple. There is no middle ground.

I hope the Members of the Senate would take a closer look at this than apparently the chamber has and stand up for the American people and show at long last we are not going to allow Wall Street to destroy more lives, we are not going to allow Wall Street to allow an adverse impact of $100,000 per family to transpire again, that we are going to at long last provide real reform for the American people and hold Wall Street accountable for the abusive practices they engage in, for the dishonesty and fraud and sometimes criminal conduct they engage in.

It is about time the groups that are opposing reform—of course, the chamber has been opposing lots of reform lately; we will not go into all of it, but I would hope the Chamber of Commerce would make it very clear where they stand in this debate. Because when they come out against proposals such as this, they stand to protect Wall Street at the expense of the American people.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I have an amendment which has been filed and is at the desk, and a modification of that amendment, which I wish to explain for a moment.

It is an amendment related to interchange fees. Interchange fees are the fees charged to commercial establishments which accept credit cards. So if I owned a restaurant and accepted Visa or MasterCard, when my customer, who has a bill, presents the credit card to pay for it, then I have to pay a percentage of that bill to the credit card company. That is called the interchange fee.

That is separate and apart from the customer's relationship with the credit card company. This is the relationship of the merchant, the retail establishment, the small business, with the credit card company. Unfortunately, over the years, small businesses across America have had little or no bargaining power with the major credit card companies. They impose interchange fees on these businesses, and if you speak to some of the small businesses in Illinois or across the Nation, you will find that many of them feel they are being treated unfairly.

Let me give you an example. About half of the transactions that take place now using plastic are with credit cards, and there is a fee charged—usually 1 or 2 percent of the actual amount that is charged to the credit card. It is understandable because the credit card company is creating this means of payment. It is also running the risk of default and collection, where someone does not pay off their credit card. So the fee is understandable because there is risk associated with it.

But now gaining in popularity is this so-called debit card, where a person directly draws money from their checking account to pay that same restaurant. Had that person chosen to pay by check—a written check—it would have been banked by the restaurant in their own bank, and drawn from the bank of the customer, with no fee associated with it. If the customer uses a debit card—which accomplishes the same thing without the actual check paper involved—the credit card/debit card companies, Visa, MasterCard, and others—charge similar fees to what they charge for credit card. Yet there is virtually no risk involved in a debit card.

So many of these retail establishments and small businesses across America have come and said: We are not opposed to paying a reasonable, proportional amount for the use of a debit card, for example, at our business, but we cannot even get to first base with Visa and MasterCard. They say: We are going to charge you what we are going to charge you—take it or leave it.

As a consequence, I have submitted this amendment. This amendment is on behalf of small businesses across the United States which have rallied behind this because of their concerns about interchange fees on their cost of doing business. It says we will use the same mechanism we used in credit card reform—a bill that was brought to the floor by Senator DODD of the Senate Banking Committee, which called on the Federal Reserve to establish the appropriate fees and charges to business establishments for the use of credit cards—and that these fees and charges be reasonable and proportional when it comes to debit cards. I do not think that is unreasonable. Senator DODD offered that as part of the original credit card reform when it came to customers using credit cards. I do not think it is unreasonable to apply it to the business establishments.

You would think there would be general support of this across the board, except from the credit card companies and the biggest banks. But it turns out there is opposition to this from the so-called independent community banks and credit unions.

We created an exemption in my amendment saying if you are a so-called independent community bank that has assets of less than $1 billion, you will not be affected by this—believing we took the lion's share, the vast majority of community banks, and exempted them with the $1 billion exemption. Regardless, the independent community banks again teamed up with the American Bankers Association and said: We are going to oppose it anyway, even if the majority of our members are not covered by it. And credit unions, which go lockstep with the so-called independent community banks when it comes to a lot of banking issues, said the same thing. So in an effort to reach a compromise here that will help Members come to the support of this amendment, I am going to modify my amendment to extend and enlarge the exemption to institutions of $10 billion or less.

Let me tell you what that means. With the modification—changing it from $1 billion to $10 billion—it will have a dramatic difference. With a $10 billion exemption, 99 percent of banks would be exempt. All but the very largest banks in America—the ones that have a controlling interest in establishing interchange fees, I might add—99 percent of banks would be exempt. And 99 percent of credit unions would be exempt. All but three credit unions in the United States have less than $10 billion. And 97 percent of thrift institutions would be exempt—19 thrift institutions across America.

When I have talked to my friends on both sides of the aisle, they have said: If you can find a way to resolve the opposition of the community banks and credit unions, then we are open to this. Many of them have said they believe small businesses and retail establishments are being treated unfairly and they wish to support this. But they wanted to make sure they did not harm local and community banks.

Well, I have gone from a $1 billion exemption to a $10 billion exemption. There are very few communities across America that have banks that will not be protected because of this enlargement of this exemption, and I urge my colleagues to consider that, and to also consider the other side of the equation. Think of the hundreds, if not thousands, of small businesses in your State that are being disadvantaged and treated unfairly with these interchange fees.

What we are asking for is to have an arbiter—in this case the Federal Reserve—determine whether the interchange fees, particularly for debit cards, are reasonable and proportional.

We also say you ought to allow a commercial establishment which accepts a credit card to establish a minimum amount which you can charge to a credit card. I went into Washington National Airport, standing at a news stand there, and was behind a woman who was charging 35 cents to a credit card. I said to the person at the cash register: Is that the lowest amount you have ever had charged to a credit card? She said: No. We had 25 cents charged one day.

If you look at the actual calculations of fees paid by that business for the use of that credit card, they lost money on that transaction. They did not make any money on that. By the time they paid the swiping fees and the interchange fees, at the end of the day, they made nothing. They could have lost money.

Is it unreasonable for a business to say: We are not going to accept credit cards for any purchase under $5 or $1? I do not think that is unreasonable since they are going to lose money in the process, and yet the credit card companies prohibit small businesses from even establishing those basic standards. They prohibit small businesses from saying: We will give you a discount on the price if you pay cash. Why? If we are truly going to have a competitive atmosphere and give small businesses in a struggling economy a fighting chance, why would we prohibit these things? Why would we give a monopoly—a virtual monopoly—situation here, where two major credit card companies can impose rules on small businesses which are so costly to them?

That is why I have submitted this amendment. It is not an easy amendment—I understand that—because we have some competition among friends here and Members will have to decide which they think is the just position. I hope they believe this amendment is. I hope they believe that small businesses—which currently have no bargaining power against these monopolies, such as Visa and MasterCard—deserve a voice in the process. I hope they believe that some of the unreasonable standards set by credit card companies and imposed on small businesses have to stop across America.

I cannot tell you how many glowing speeches are given in Congress on behalf of small businesses. We all know how much they mean to us in our communities and in our overall economy. Well, here is our chance. Senators will have a chance to vote on behalf of retail establishments and small businesses all across their States who have come to me, begging me to move forward on this amendment.

I have said—and I believe it is true—this is the first time anyone has offered an interchange fee amendment on the floor of the Senate or in the House of Representatives. The fact is, it has not been offered because it is controversial. Some people do not want to touch it: Stay away from it. Don't bring it up. Well, that is not fair to small businesses. They deserve for us to step forward, and to offer these amendments, and to make a policy choice.

When I tried to offer this amendment on the Credit Card Reform Act, they said: Wrong place. When I try to offer it on this bill related to banks and financial institutions, some have said: It is the wrong place.

I have concluded there is no right place. This is a good place because it relates to consumer protection, it relates to financial institutions, it relates to our economy and making sure it thrives, and thrives in a responsible way. That means making sure interchange fees are reasonable across the board.

This amendment is needed. It is a response to price fixing by Visa and MasterCard. Interchange fees are received by the card-issuing bank in a debit transaction. However, Visa and MasterCard—which control 80 percent of the debit market—set the debit interchange fee rates that apply to all banks within their networks. Every bank gets the same interchange fee rate regardless of how efficient they have been in conducting debit transactions.

Visa and MasterCard do not allow banks to compete with one another or negotiate with merchants over interchange rates, and there is no constraint on Visa's and MasterCard's ability to fix rates at unreasonable levels. VISA and MasterCard consistently raise interchange rates because the more interchange fees the banks receive, the more the banks will issue cards. Visa and MasterCard receive a fee each time a card is swiped, so rising interchange rates enrich them as well.

Visa and MasterCard incidentally have reduced debit card interchange fees in other countries while they have increased them in the United States. Let me repeat that. Visa and MasterCard have reduced debit interchange rates in other countries while they have increased them in the United States. Visa and MasterCard continue to raise U.S. interchange rates, which are already the highest in the world.

The General Accounting Office found that regulators in other countries have worked with VISA and MasterCard to voluntarily reduce their interchange rates. Just last month, VISA lowered many European debit card rates by 60 percent while increasing many U.S. debit card rates by 30 percent.

What can businesses do about it? Nothing—no bargaining power. So these American-based companies are cutting their charges in overseas markets and raising them at a time when we are facing one of the worst recessions in American history. They are making it tougher for that small business to survive. They are making it tougher for them to keep their employees at work. Is that the right thing to do when our economy is facing a recession? I don't think so.

I don't set an interchange fee rate in this law. Some have argued that we would reduce credit availability by regulating credit card interchange rates. However, the amendment's reasonable fee requirement only applies to debit cards; it doesn't apply to credit cards.

The Durbin reasonable debit fee requirement exempts small banks and credit unions with assets under $10 billion, which, as I say, includes 99 percent of all banks, credit unions, and thrift savings and loans across the United States.

This amendment would not enable merchants to discriminate against debit cards issued by small banks and credit unions. VISA and MasterCard contractually require merchants to accept all cards within their networks, and the amendment does not change that requirement. The amendment would not have the Federal Reserve set interchange prices. Under this amendment, the Fed would not set them. Instead, it would oversee the debit interchange fees set by card networks to ensure they are reasonable and proportional to cost.

It is the same standard which the Banking Committee and Senator DODD offered when it came to credit card reform. It is not a radical notion. It is in the law already.

There is an argument some make that consumers benefit greatly from the current interchange fee structure. Let me tell my colleagues the reality. This statement is contradicted by statements from groups that represent consumer interests.

Ed Mierzwinski, who is the consumer program director at U.S. PIRG, testified before the House Judiciary Committee and said as follows:

> The deceptive anticompetitive practices of the two credit card associations VISA and MasterCard have injured consumers and merchants for years. Interchange fees or hidden charges are paid by all Americans, regardless of whether they use credit, debit, checks, or cash. These fees impose the greatest hardship on the most vulnerable customers: The millions of American consumers without credit cards or banking relationships. These consumers subsidize credit card usage by paying inflated prices for many goods and service. These prices are inflated by the billions of dollars of anticompetitive interchange fees used to subsidize reward programs.

The industry of credit cards also argues that merchants benefit from the

present interchange system. A 2009 GAO report found that merchants receive benefits from the existence of credit and debit card systems. It does not say those benefits are the result of the present interchange system. In fact, the same report starts with the title, ''Rising Interchange Fees Have Increased Costs for Merchants,'' citing numerous growing costs that the interchange fee structure imposes on merchants. For example, the report states:

Although accepting credit cards provides benefits, merchants report card costs are increasing faster than their ability to negotiate or lower these costs.

I would say basically if we are going to revitalize small business in America in retail establishments, if we are going to give them a fighting chance, we cannot ignore this any longer.

There are some who say: Withdraw this amendment. Wait for another day. Well, I have waited for a year and I don't want to wait anymore. I think we ought to go on the record. I think we ought to have the courage to stand up and say reasonable and proportional debit card rates that will be regulated by the Federal Reserve is not unreasonable; and secondly, that the anticompetitive practices which are imposed on small businesses and retailers across America have to come to an end.

Most of the people I talk to on the floor of the Senate understand this. I hope this modification I am making to my amendment—creating an exemption for banks with assets valued at lower than $10 billion—will make it clear that we are not trying to create any hardship on community banks and credit unions. Instead, we are going after the largest banks and credit card companies for what I consider to be unreasonable conduct when it comes to the treatment of small businesses and retail businesses as well.

I hope to call up this amendment either late today or tomorrow. I hope my colleagues will join me in standing up for small business. We give a lot of speeches about small businesses and retail businesses. This will give my colleagues a chance to vote for them on this interchange fee regulation reform.

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. CRAPO. 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. CRAPO. Mr. President, I call for the regular order with respect to the Landrieu amendment.

The ACTING PRESIDENT pro tempore. The amendment is now pending.

AMENDMENT NO. 3992 TO AMENDMENT NO. 3956

Mr. CRAPO. Mr. President, I call up a second-degree amendment, which is at the desk.

Mr. DODD. First, Mr. President, are we temporarily laying aside the Snowe-Landrieu? What is the pending amendment?

The ACTING PRESIDENT pro tempore. The Landrieu amendment No. 3956 is now pending.

Mr. DODD. OK.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from Idaho [Mr. CRAPO] proposes an amendment numbered 3992 to amendment No. 3956.

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

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

The amendment is as follows:

(Purpose: To improve the credit risk retention provisions)

On page 1 of the amendment, strike line 3 and all that follows through page 3, line 7, and insert the following:

''(i) a portion of the credit risk for any asset that is transferred, sold, or conveyed through the issuance of an asset-backed security by the securitizer; or

''(ii) a reduced portion or no portion of the credit risk for an asset described in clause (i), if the originator of the asset meets the underwriting standards prescribed under paragraph (2)(B) or subsection (e)(4);

''(C) specify—

''(i) the permissible types, forms, and amounts of risk retention that would meet the requirements of subparagraph (B), including—

''(I) retention of—

''(aa) a specified amount or percentage of the total credit risk of the asset;

''(bb) the value of securities sold to investors; or

''(cc) the interest of the seller in revolving assets;

''(II) retention of the first-loss position by a third-party purchaser that specifically negotiates for the purchase of such first-loss position and provides due diligence on all individual assets in the pool before the issuance of the asset-backed securities;

''(III) a determination by a Federal banking agency or the Commission that the underwriting standards and controls of the originator are adequate for risk retention purposes; and

''(IV) provision of adequate representations and warranties and related enforcement mechanisms; and

''(ii) the minimum duration of the risk retention required under this section;

Mr. CRAPO. Mr. President, this is a second-degree amendment to the Landrieu-Isakson amendment. It is not a competing amendment; it is an amendment to add additional provisions. I support the material in the Landrieu-Isakson amendment, which deals with the home mortgage market. This amendment has further provisions in the same section of the bill to deal with risk-retention issues relating to the commercial real estate market and other asset classes.

According to market analysts and financial regulators, the provisions aimed at the securitized credit market in this bill will undoubtedly impact access to credit for millions of American consumers and businesses.

These issues—such as ''risk retention''—are very complicated.

The reforms are aimed at the ''residential and subprime'' market, and I am quite concerned that have not been carefully examined for all markets.

Additionally, they are have not been reviewed in the context of other moving parts outside the bill, such as changing accounting standards, capital requirements, other regulatory mandates, etc.

When combined, these significant changes create a huge amount of ''uncertainty'' in the market, which today serves one of the greatest impediments to new and private lending and investing.

The stakes are high. As Treasury Secretary Geithner has stressed, ''no financial recovery plan will be successful unless it helps restart securitization markets for sound loans made to consumers and businesses—large and small.''

Yet, the ''totality'' of regulatory and account changes impact the future viability of these markets. In fact, both market participants and financial regulators agree that the outcome is unclear in both the short and long term. The ''warning signs'' are there and cannot be ignored after comments by the Fed, the OCC, the FDIC, and the International Monetary Fund, among others.

As such, we must carefully examine any new mandates to determine the most appropriate and direct way to strengthen our lending markets, and to better serve consumers and businesses, while avoiding negative complications.

Such reforms are very important, and it is critical that we get them right.

This ''middle ground'' approach has two basic components:

First, because ''skin-in-the-game'' is important and can come in many forms, the proposed language improves the existing framework—using the current language and construct in the Dodd bill—and requires the regulators to examine and consider equally which method of ''skin-in-the-game'' is most appropriate:

A percent retention; Underwriting standards; strong, standardized and disclosed ''representations and warranties''; Other methods—e.g. a ''third party'' retention for CMBS in the ''Minnick-Bean-Moore-Adler-Campbell-Miller amendment that passed in the House unanimously—or the like.

Second, it clarifies existing language in the bill that requires reforms to be considered by ''asset class.''

Under the Landrieu amendment, the regulators shall create the ''qualified mortgage'' framework important to the residential market.

Under this secondary amendment, the regulators shall consider the appropriate forms of retention by ''asset class'' and type of loan—as well as risk profile associated with it. This would include allowing the regulators to consider using and strengthening a ''third party'' retention framework that is important to CMBS and CRE market participants.

Ultimately, we think such an overall amendment is important because it comprehensively addresses all asset classes, (residential and commercial mortgages, student loans, auto loans, etc.) and helps to have a better format for approaching risk retention.

What the amendment does is take the exclusive focus off of just one form of risk retention and allows the regulator to evaluate the best approach to address risk retention by asset class.

This still includes a percent retention (if necessary), as well as underwriting standards that actually get at the heart of the loans and even strong and uniform ''representations and warranties''—which are important to the investors—such as pension funds, mutual funds and endowments—who fuel lending in the securitized credit markets.

The amendment simply gives important direction to the regulators on structuring reforms by ''asset class.'' This is critical in the context of conflicting rules and proposals aimed at these markets—some of which prejudge or disregard the House and Senate language in this area.

Most important, when taken with the Landrieu amendment, it would address and encourage well underwritten loans—including the ''qualified mortgage'' framework—as well as uniqueness of very different markets—such as commercial real estate, auto loans, student loans, etc.

And, by avoiding a single asset ''carve-out'' for just ''residential,'' it simply allows the regulators to customize ''skin-in-the-game'' for all asset classes—particularly ones that were not a ''root case'' or ''systemic risk''. This protects consumers and businesses that are struggling to get access to credit.

Without ''reinventing the wheel'' on the Dodd bill, this approach provides important reforms, while avoiding negative complications concerning capital, liquidity and credit availability—particularly in the commercial real estate market, which faces challenges and has a very different structure.

Such an approach is crucial for business and consumer credit, and for an overall economic recovery.

And, for that reason, it is supported by lenders of all sizes and in all markets, commercial borrowers who have been active on this issue, and investors who fuel lending and are seeking certainty and confidence.

Lastly, some of the language in this bill, particularly related to the commercial mortgage market, passed the House Financial Services Committee unanimously, as offered by Representatives MINNICK, BEAN, ADLER, MOORE, CAMPBELL, and MILLER.

I urge all my colleagues to accept this amendment as an addition to the Landrieu-Isakson amendment, not a change of it, to help us address more than simply the issues dealing with the residential real estate market but also, and most important, the commercial real estate market and other asset classes.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

Mr. DODD. First, let me acknowledge the contributions of Senator CRAPO to the Banking Committee efforts. While not endorsing the bill as it presently reads, he has been a valuable member of the committee for many years. I deeply appreciate his input. His ideas are always tremendously constructive in any debate we have. I thank him for that.

I have asked my staff to meet with his staff to try to clear up some things. I would like to be in a position of where we can accept the amendment. I am not trying to prejudice one over the other. We would like to keep some risk retention or good underwriting standards so the choice is there. We are not trying to impose both.

I know the staffs are talking. On page 2 of the amendment, beginning around line 18, paragraph (I), beginning ''retention of'' and then it lists three paragraphs and possibly a fourth. We are looking for some clarity on the meaning of ''the value of securities sold to investors or the interest of the seller in revolving assets.'' On those two, we particularly need some clarity on what that means. It seems vague to us as to how that would apply.

Rather than rush this along, we would like to take a few minutes and see if we can come to some resolution of that and possibly accept it. Senator LANDRIEU will have to come over. It is her amendment we are amending. We will see if we can reach accommodation and adopt it, if possible.

Let's take a few minutes and look at how we might work on this together. If we can come to a conclusion, I will be prepared to support the Senator's amendment. I am not trying to distinguish real estate from commercial. I realize there are some differences. They are different transactions, obviously, but the point is the same. We would like to make sure the securitization, on which the Senator is absolutely correct—I think these words become pejorative. When done well, it expands opportunities tremendously in terms of creating additional liquidity, making resources more available for more loans, home sales, and the like, providing there are sound underwriting principles involved so we are not getting ourselves into trouble again. That is why we have had an insistence on strong underwriting standards and risk retention, the old skin in the game. That is what risk retention means. If you have equity in it, you will be careful about what goes out the door and becomes securitized.

I am not interested in having risk retention if, in fact, we have good standards that apply and we don't end up where we were 2 years ago, discovering a lot of these instruments that got securitized ended up being worthless, even worse than worthless, in some cases, because of the problems they caused.

I respect where my colleague is coming from. If we can spend a few minutes and try and resolve this, then maybe we can come to some agreement. That would be my hope.

The ACTING PRESIDENT pro tempore. The Senator from Idaho.

Mr. CRAPO. Mr. President, I appreciate the chairman's remarks and willingness to work on this amendment. We are both trying to get at the same thing. I believe we can work out the questions with regard to the language so we can move forward in a fashion that will help us to address these problems to make sure the ultimate objective, on which we all agree—namely, making sure we have confidence in the quality of the assets that are utilized in securitization—is achieved.

I welcome that opportunity and look forward to working with the chairman.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

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

The assistant Daily Digest clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3918

Mr. DODD. Mr. President, I ask unanimous consent to temporarily lay aside the Landrieu-Isakson amendment.

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

Mr. DODD. Mr. President, I believe we are prepared to have a voice vote on the Snowe-Landrieu amendment, which is the pending amendment, if I am not mistaken.

The ACTING PRESIDENT pro tempore. If there is no further debate, the question is agreeing to amendment No. 3918.

The amendment (No. 3918) was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DODD. Mr. President, let me once again thank Senators SNOWE and LANDRIEU for their very valuable contribution to this bill in more clearly refining and making it abundantly clear that merchants and retailers and others are not included as financial services or financial products companies and are not to be covered by the consumer financial product bureau. I am very appreciative to both of them for their contribution.

With that, Mr. President, I see my colleague from North Dakota is here, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I know this is beginning to be a lengthy debate

and process on the floor of the Senate to get through amendments. My colleague from Connecticut exhibits great patience to try to work through this. I know there are a lot of interests that have different views about this, and they come to the floor and they want this amendment or that. I understand all that. I know my colleague from Connecticut views this with the same seriousness of purpose as I do and understands that many of us not on the Banking Committee have not had the opportunity to be involved in the debate until now—until it comes to the floor of the Senate—and have not been able to offer amendments.

I think that represents the appetite in the Senate to be engaged and to understand what has caused the most devastating financial event for our country since the Great Depression—something that collapsed some $15 trillion in value for the American people, caused very substantial unemployment, dramatic losses in income, the loss of homes and has led to hopelessness and helplessness for many Americans.

What happened to cause that? Was this some sort of natural disaster? No, it wasn't a fire, a flood, a tornado, or an earthquake. It wasn't a natural disaster. This was made with human hands. This is a manmade disaster and, by the way, it could well have been predicted, in my judgment, and some of us did. Without pointing at myself necessarily, I said 11 years ago that I thought we were setting ourselves up for massive taxpayer bailouts. I will not show the charts again, but it is not surprising. We were going to modernize the financial system a decade ago in order to compete with the Europeans and to bring it into the modern age. Modernizing meant deciding let's deregulate everything. Let's not look at everything that is going on. The result is, a decade later, a very substantial collapse in our economic system.

Mr. President, I have been thinking about the work that has gone on in the last couple of weeks on the floor of the Senate. I came in early this morning to get something from the radio addresses of Franklin Delano Roosevelt in 1933 and 1934. The situation in this country, while different by many decades, is similar with respect to what caused a substantial problem in this country. Then it was the Great Depression.

Let me read, if I might, just a couple of excerpts of what then-President Franklin Delano Roosevelt said about our country and about what was needed to be done because it has, I think, significant application to today. Here is a quote from Franklin Delano Roosevelt on March 12 of 1933:

> We had a bad banking situation. Some of our bankers had shown themselves either incompetent or dishonest in their handling of the people's funds. They had abused the money entrusted to them in speculation and unwise loans. This was of course not true in the vast majority of our banks but it was true in enough of them to shock the people for a time into a sense of insecurity and put them into a frame of mind where they did not differentiate, but seemed to assume that the acts of a comparative few had tainted them all. It was the government's job to straighten out this situation and do it as quickly as possible. And the job is being performed.

This was, again, from President Franklin Roosevelt in 1933. Quoting again, he says:

> After all, there is an element in the readjustment of our financial system more important than currency, more important than gold, and that is the confidence of the people. Confidence and courage are the essentials of success in carrying out our plan. You people must have faith; you must not be stampeded by rumors or guesses. Let us unite in banishing fear. We have provided the machinery to restore our financial system; it is up to you to support and make it work.

He was talking about a time in the shadow of the Great Depression. On September 30, 1 year later, in his address to the Nation, Franklin Delano Roosevelt said:

> The second step we have taken in the restoration of normal business enterprise has been to clean up thoroughly unwholesome conditions in the field of investment. In this we have had the assistance from many bankers and businessmen, most of whom recognize the past evils in the banking system, in the sale of securities, in the deliberate encouragement of stock gambling, in the sale of unsound mortgages and in many other ways in which the public lost billions of dollars. They saw that without changes in the policies and methods of investment there could be no recovery of public confidence in the security of savings.

Interesting. You could read that today, and it describes the task we have before us today. But this wasn't language of today. This was from 1933 and 1934. The thoroughly unwholesome conditions in the field of investment, in the sale of securities, in the deliberate encouragement of stock gambling, the sale of unsound mortgages. That is the year 2005, 2009. Yet Franklin Delano Roosevelt described it in 1934, and he put together a plan. That plan included Glass-Steagall and other things to protect this country; to say never again will we allow that to happen.

Then, a little over a decade ago, in this Chamber and in the White House, they said: We have to modernize our system. We have to get rid of all those protections from the Great Depression. They are old-fashioned. Let's dump them. So the Congress dumped them. I didn't support that. I vigorously opposed that. But they dumped them.

So the country had a very serious problem—the runup of a substantial amount of new exotic securities, things that people didn't understand very well—CDOs, securitization of almost anything somebody could securitize, getting fees from the sale of the transfer of securities, and then the development of something new called the credit default swap.

The credit default swap was a new approach. It was an insurance policy against a bond default. But then there was a synthetic CDO or a synthetic credit default swap, or what some called naked default swaps. That meant that you could buy one of these instruments back and forth without ever having an insurable interest in the instrument itself, just making a wager with someone else about what might or might not happen in the future.

During all of this time we watched a very substantial amount of activity, on Wall Street particularly, take place that I think has been pretty unwholesome for our country. This is an article of September 30, 2008, which talks about the money from Wall Street that is beyond the legal reach. It says there is $1.9 trillion of money that is run out of the New York metropolitan area that sits in the Cayman Islands—a secrecy jurisdiction. Another $1.5 trillion is lodged in four other secrecy jurisdictions.

Let me quote from this article by Robert Morgenthau in the Wall Street Journal on September 30, 2008.

> Following the Great Depression, we bragged about a newly installed safety net that was supposed to save us from such a hard economic fall in the future. However, the Securities and Exchange Commission, the Federal Reserve System, the Comptroller of the Currency and others have ignored trillions of dollars that have migrated to offshore jurisdictions that are secretive in nature and outside the safety net—beyond the reach of U.S. regulators.

Well, it is not surprising that at the same time that money was being hidden in other parts of the world by some of the same Wall Street interests that a massive amount of money was being paid one to another on Wall Street and in the investment banking area.

Just to cite a couple of these examples, I have a description from about a year and a half ago when Lehman Brothers went bankrupt. The Lehman Brothers bankruptcy followed Lehman Brothers Holdings agreeing to pay a total of more than $23 million to three executives leaving the securities firm just days before it collapsed.

The reason I point this out is there was so much money around for everybody—for everything—days before the collapse of Lehman Brothers. There was $23 million paid to three executives leaving the securities firm days before it collapsed. You wonder why. Does that make any sense? Does anybody think that is something that is worthy?

Here is a payment of $19 million to a man named Alan Fishman. He was the CEO of Washington Mutual, which was run right into the ditch and went belly up and had to be acquired by another company. Alan Fishman worked 3 weeks for Washington Mutual, and he got a severance deal of $19.1 million—$19.1 million.

In the heyday of executive compensation a couple of years ago on Wall Street, in 2007, the head of Merrill Lynch made $161 million. That was Stanley O'Neal. John Thain at Merrill Lynch made $83 million; Lloyd Blankfein of Goldman made $54 million; John Mack of Morgan Stanley made $41 million; James Dimon of

JPMorgan Chase made $29 million; and—well, the list goes on. Kenneth Lewis of Bank of America only made $20 million. He must be looking up at Stanley O'Neal's $161 million and asking: Where did I miss the boat?

But this kind of money was hanging around all of these issues and these firms, and it was, Katey, bar the door. We are making massive amounts of money and we are going to pay almost never before heard of sums to individuals for running these big companies—$150 million, $50 million, $83 million. So it is not surprising, then, that the American people have a pretty dim view of what was going on on Wall Street when we announce that what went on on Wall Street led to this dramatic economic devastation to our country.

By the way, the devastation doesn't apply to everybody. I just saw this morning that the unemployment rate among the higher income Americans is 3 percent. So they are not feeling the pinch so much. But in the bottom 20 percent of the American people, the unemployment rate is around 18 percent. So there are a whole lot of folks at the bottom of the economic ladder who are paying the price for this unbelievable behavior.

So the question is, What do we do about all this? What do we do to make sure that when we are done in the Congress on something called financial reform, the American people have some notion that we will have done the right things to prevent from happening again that which happened to us in the last couple of years?

The presentations I have made on the Senate floor have perhaps led people to think that I believe investment banks have no merit or no worth. That is simply not the case. I understand that our country and the ability to produce in our country through a productive sector needs financing and that financing would include a range of financing opportunities. You do need investment banks, you need commercial banks, you need venture capital firms, you need securities. I understand all of that.

But I also understand—it was a comedian, Mark Russell, who once described investment banks by saying: ''Investment banking is to productive enterprise like mud wrestling is to the performing arts.'' If ever that applied, it surely must apply now when we look back to see what has happened in the last decade in investment banking. If we do not fix it in this legislation, put a cork in it, and we leave this Chamber and this Congress and claim to have fixed it and have not done it, then shame on us.

We have a responsibility. Let me tell you what I think the responsibility is. It relates to a range of things that are not yet done. It relates to dealing with the issue of too big to fail. I know we had one vote, and we failed, unfortunately. There are other ways to do this. But if we have institutions that are too big to fail, that are so large that they cause moral hazard to this country should they fail, so large that they cause completely unacceptable risks of bringing the country's economy down should they fail—if we do not do something about that, we cannot claim ever that we have done something about this system. It is not about saying big is bad. It is about saying no-fault capitalism doesn't work if you allow financial institutions to become so large that their failure can bring down this country's economy. That is what the issue is, and that needs to be fixed.

It appears to me we are probably not on the way to fixing that, but hope still arises. For me, it is not a triumph of hope over expectation; it is a triumph of hope, believing it is still possible for us to do the things necessary to fix what we need to do.

I also think the set of issues, in addition to too big to fail, includes an amendment I will be offering banning naked credit default swaps, saying that if there are credit default swaps issued that have no insurable interest in bonds, then it seems to me that is just wagering and that can be done at our gambling centers in our country but ought not be done in the lobbies of banks. That is an amendment which is very important. If we don't fix this, we will leave this town saying we did financial reform but we did nothing about too big to fail and we did nothing about the binge of speculative activity in instruments that have no insurable interest in bonds, credit default swaps that have no insurable interest in bonds.

Mr. Pearlstein, who writes a column for the Washington Post, asked a question which led me to be interested in the question, Why should there be more insurance policies against bonds than there are bonds?

In any event, why should we, in our financial institutions, have people wagering about whether a bond will default when, in fact, they have no interest in the bond? We do not allow people to buy life insurance on someone else's life because they don't have an insurable interest. We don't allow someone to buy fire insurance on someone else's house because there is not an insurable interest. Yet we have trillions of dollars out there, called credit default swaps, making a wager on someone else's bond, whether someone else's bond will fail, despite the fact that they have no insurable interest in the bond. If we do not put a dagger in the heart of that kind of intense speculation that has caused a significant amount of these problems, then we will have, in my judgment, failed to have addressed the real causes and failed to have done what we should do to make sure this cannot happen again.

I believe my colleague from the State of Washington is going to offer a restoration of sorts of the old Glass-Steagall law, which I think makes sense. Others will offer legislation that would say to insured banks: You ought not be trading securities and derivatives on your own proprietary accounts. It makes a lot of sense to me. All of those are important.

I mentioned before that I wrote the cover story for the Washington Monthly magazine 15 years ago titled ''Very Risky Business.'' At that time, there was $16 trillion of notional value of derivatives, and I wrote the article saying it was very risky business because even then banks were beginning to trade derivatives on their own proprietary accounts. That is not what insured banking should be. That is far too risky and puts the taxpayer at risk.

Now we see that unemployment is at 9.9 percent. We are still trying to recover from this devastating recession. We are making some progress.

Wall Street is back on track for record profits. This is 5 months ago, now, from the New York Times. In a report released Tuesday, the comptroller of New York State said Wall Street profits in 2009 are on track to exceed the record set 3 years ago at the height of the credit bubble. He also talked about bonuses at six banks that he thought would exceed the $162 billion paid in 2007. By the way, fueling these record profits by these institutions is from the firm's own securities trading accounts, according to this story, as they borrow at near zero interest rates and put the money to work in the securities markets. It sounds as if nothing has changed. That is what helped cause this mess. Yet here we are, back again, and the question is, Who is healing? The big investment banks are healing.

Let me for a moment remind everyone how important regulation is. This bill has a lot of regulatory allowance—some instruction but a lot of it allowance that says to regulators: Here is your responsibility.

One of the key issues that has exacerbated this substantial economic collapse was something that happened in 2004, on April 28, in the basement of the Securities and Exchange Commission. On the afternoon of April 28, 2004, there were five members of the Securities and Exchange Commission who met in a basement hearing room to consider a request by the five biggest investment banks. They wanted an exemption for their brokerage units from the old regulation that limited the amount of debt they could take on. What they said is: We want to be able to unshackle billions of dollars now that we hold in reserve as cushions against losses on investments. If we could unshackle that money we have to hold in reserve against losses, we could use that to flow up to the parent company and we could enable it to invest in a fast-growing world of mortgage-backed securities and credit derivatives and so on.

The five investment banks that led the charge—one of them was Goldman Sachs, headed then by Henry Paulson, who 2 years later was Secretary of the Treasury and inherited the mess that

was in part created by it. They had 55 minutes of discussion that afternoon, and after 55 minutes of discussion, the Securities and Exchange Commission voted unanimously to allow these biggest banks in America to take on leverage, going from about 12 to 1 or so, to 33 to 1. In other words, for every dollar in equity, it could leverage about $33 in debt. By that notice in a basement hearing, with no press there at all—I think one reporter was there; it was barely reported—they set the stage for loading up dramatic amounts of debt in these institutions.

Now these institutions are, of course, very opposed to the amendment I am going to be offering here at some point, I hope, I expect, or I insist—one of the three—that would ban naked credit default swaps trading. They are very opposed to that. I understand why. They are making a lot of fees and profits as a result of this massive bubble of speculation in these kinds of securities. But I don't think we have any choice but to be taking on the center of the cause of this economic collapse in our country.

The amount of effort that has been made to water down some of the amendments that have been offered is troublesome to me. I think the legislation that came out of the Banking Committee is meritorious. It has value. I appreciate the work the committee did. But, as I said when I started, most Members of the Senate have not had a chance to weigh in on this, and there are some substantial improvements that can be made—I hope should and will be made to the Banking Committee product. But the improvements will not be improvements that strengthen our ability to prevent what happened from ever happening again if the so-called improvements are diminishing the strength of this bill.

We need regulatory oversight. If we have learned one thing in the last decade, it is that you have to have regulators on the beat who take regulation seriously. You also have to decide to put a stop to the things that don't represent the kinds of business practices that give any strength to this country at all and, in fact, represent business practices that undermine this country's economy. That is why I believe it is critically important we continue to address the issues as I have just described—too big to fail and credit default swaps and related issues.

I am going to read, just for a moment, something from the November 5, 1999, New York Times article when Congress passed a new piece of legislation called financial modernization. This was written by Stephen Labaton. This is a quote, after the passage of the bill. I voted against it. I believed strongly then that it was a dangerous mistake for our country. It turns out it was even more dangerous than I thought.

The architects and others said:

> Today, Congress voted to update the rules that have governed the financial services industry since the Great Depression and replaced them with a system for the 21st century. This historic legislation will better enable American companies to compete in the new economy.

Another quote—in fact, that was from the White House, by the way. That was from someone at Treasury.

This is from a Senator:

> The world changes and we have to change with it.
>
> We have a new century coming and we have a new opportunity to dominate this century the way we dominated that century. Glass-Steagall in the midst of the depression came at a time when the thinking was that government was the answer. In this era of prosperity, we decided that freedom is the answer.

Another Senator said:

> If we don't pass this bill, we could find London or Frankfurt or, years down the road, Shanghai becoming the financial capital of the world. There are many reasons for this bill but first and foremost is to ensure that U.S. financial firms remain competitive.

The passage of that bill set this country up for the biggest fall since the Great Depression.

The question on the floor of the Senate is this: Are we going to pass a piece of legislation that has real strength in deciding that which caused this deepest recession since the Great Depression cannot be allowed to happen again? Are we going to pass a piece of legislation that has real regulation and real rules that work? Are we going to pass a piece of legislation that says too big to fail is too big, period? Are we going to pass a piece of legislation that pierces the balloon of speculation in instruments such as naked credit default swaps—something that was not even in our language 20 years ago. Are we going to address the questions of the securitization of everything, in many cases just for the sake of being able to capture fees? Are we going to address the question effectively of rating agencies that gave AAA ratings to bonds that were worthless? Are we going to address all these questions or are we just going to pass a bill to say: We did it, good for us, this is success, only to find out 5 years later or 10 years later that we are right back in the same swamp?

I wish to simply say today that the American taxpayer has now been obligated—in addition to the joblessness and homelessness and other things visited on the American people and the loss of about $14 trillion or $15 trillion in value, the American taxpayer has been obligated to the tune of somewhere around $11 or $12 trillion lent, spent, or borrowed to interests that we do not now know because the Federal Reserve Board says: It is none of your business to whom we gave trillions of dollars.

Given that, given the economic catastrophe that has visited a lot of the American people, I think we owe them a piece of legislation here with amendments that improve it, a piece of legislation that allows all of us at the end of this day to say no, we didn't water it down, we strengthened it. We recognize the value of our financial institutions, but we don't recognize the value of financial institutions that run this country into the ground, pay $83 million in salaries, $20 million in bonuses, buy things they will never get from people who never had them and claim fees on both ends, and claim they have done something good for the country.

This country can do better than that. This is one of those times—I know this is not seen perhaps by some with the same passion as some of the other issues that get peoples' blood boiling, but I tell you, what we do here will long be remembered because it will have consequences, whether this country has a growing, strong economy for many years ahead, and whether we avoid economic collapse or a deep recession.

I watch every morning and read the stories about Greece and other countries that are in great difficulty. Our country is in some significant economic difficulty. We have sent people off to fight wars for 8, 9 years, not paid for one single penny of it. Unbelievable to me. Every single bit was borrowed and put on the debt.

Then we have got people who thumb their suspenders and talk about how awful the debt is. We have a trade deficit that is relentless and means we end up owing other countries, which will be paid with a lower standard of living in our country. In addition to those issues, we have got this issue of the near collapse of our economy by unbelievable speculation coming from the banking industry.

We have got to fix all of these things if we want a country that gives our children the same opportunities we had. We cannot fix it by glossing over things with a coat of light paint. This has to be fixed with real policies that tackle the central issues on what caused this collapse.

I am here and I am ready to offer my amendment. In fact, the sooner the better. I have been anxious to do that. I will stick around. As soon as I am told my amendment will be in order, I am going to offer it. I guess we will be here until we finish this debate and complain until I get to offer the amendment.

With that, I yield the floor. I will be hanging around.

The ACTING PRESIDENT pro tempore. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, what is the current business before the Senate?

The ACTING PRESIDENT pro tempore. The Crapo amendment and the Landrieu amendment are the pending questions.

AMENDMENT NO. 3816 TO AMENDMENT NO. 3739

(Purpose: To implement regulatory oversight of the swap markets, to improve regulators' access to information about all swaps, to encourage clearing while preventing concentration of inadequately hedged risks in central clearinghouses and ensuring that corporate end users can continue to hedge their unique business risks, and to improve market transparency)

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the pending amendments be set aside and I be allowed to call up my amendment No. 3816.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Reserving the right to object, and I will not object at all, I have chatted with my friend, Senator CHAMBLISS, as well. I know he is inquiring among his members, as is my colleague from Arkansas as well, about a time agreement on the Chambliss amendment.

My hope would be it would not take too long. I know that is the plea of every manager, majority and minority leader. So if they can inquire as soon as possible on a time. There are several other amendments tonight I think we will be able to deal with, some of which will not require any rollcall votes.

But, obviously, Members like to get some sense of when votes will occur. I am not trying to suggest we truncate anything. I know my colleagues agree that we need to find a time agreement. So I make that plea to both the chairman and the ranking member of the subcommittee.

With that, I have no objection.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Reserving the right to object, and I will not object, I understand the unanimous consent request is to set aside the pending amendment. Is that correct?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. DORGAN. I will not object. Let me respond for a moment, if I might, to the Senator from Connecticut.

I have indicated I wish to offer an amendment at some point. I want to know if I am on the list.

Mr. DODD. I say to my good friend, he is on the list. We are going to try to get to that amendment as soon as we can. I promise the Senator that.

Mr. DORGAN. Mr. President, the word ''promise'' actually made the day for me. So I will not object, and look forward to offering that amendment at the earliest opportunity.

Mr. DODD. I thank my colleague.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. CHAMBLISS], for himself, Mr. SHELBY, Mr. MCCONNELL, Mr. GREGG, Mr. CRAPO, Mr. JOHANNS, Mr. COCHRAN, Mr. VITTER, and Mr. THUNE, proposes an amendment numbered 3816 to amendment No. 3739.

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

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

(The amendment is printed in the RECORD of May 5, 2010, under ''Text of Amendments.'')

Mr. CHAMBLISS. Mr. President, first, let me thank the chairman. And he is exactly right, I would encourage all of those who have indicated to me they wish to speak on my amendment, from both sides of the aisle, to let us know, come down to the floor. We wish to dispose of this amendment as soon as possible. I am prepared to enter into any kind of reasonable time agreement as soon as we get an idea of exactly how many speakers there will be in order to accommodate those folks.

I am going to talk in detail about the amendment, but first I do want to respond to the Senator from North Dakota who makes some good points with which I agree. But when we talk about the elimination or not allowing credit default swaps, let me say what bothers me about that.

In 2000, when we passed the Commodities Futures Modernization Act, nobody envisioned that credit default swaps would mushroom as they did. The fact is that not only did they grow larger in number, they grew in dollar volume, and they grew in a way that certainly did participate in the collapse that occurred in 2008.

But the real problem with it is not that we had those products on the market but that the regulators did not have the power and authority and the tools to deal with those products, rather than thinking about eliminating a specific product, knowing these smart folks who are in this business in the financial industry are out there right now looking at this bill, and trying to figure out other products they can design that will be different from a credit default swap, but yet be as dangerous as what happened in 2008. We need to give the regulators the power and authority to look at these products and put 100 percent transparency in place. That is what I want to see, and that is what my chairman, Senator LINCOLN, wants to see, and I think everybody in here agrees we ought to have full transparency.

Mr. DORGAN. Will the Senator yield for a clarification?

Mr. CHAMBLISS. Surely.

Mr. DORGAN. Mr. President, let me clarify that my position is to ban what are called naked or synthetic credit default swaps, not ban credit default swaps. Those with no insurable interest of any kind are considered naked credit default swaps. It appears to me that 70 to 80 percent of all credit default swaps are in that category; they have no insurable interest. So I did not want the Senator to think I want to ban credit default swaps. That is not the case. Naked credit default swaps, yes.

Mr. CHAMBLISS. I understand that. My point is the same, though, that if we give the regulators the authority to regulate those products, then I think we can deal with it better that way than targeting specific products to be eliminated or banned.

Among the many complex issues this body deals with every day, there are few more complicated than the issue of derivatives. However, we should not let the complexity of the swaps market be an excuse for ignoring good public policy and ensuring that our markets are both safe as well as functional.

In the past couple of years, a lot of people have become acquainted with one particular type of derivative known as, as we have just talked about, a credit default swap or CDS, which permits one party to transfer the credit risk or bonds or syndicated bank loans to another party.

Since AIG was heavily involved in CDS, it seems simple enough to blame swaps generally for what went wrong in the system. However, that would be an inaccurate oversimplification, because the real situation is much more complicated. We need to distinguish between credit default swaps and the actual underlying assets represented by those swaps, in this case mortgage-backed securities or mortgages that were themselves the root of the problem.

There are so many other types of swaps that U.S. businesses rely on every day to mitigate just about any risk they face in the ordinary course of doing business. Before we make a big policy change that makes these over-the-counter products less desirable to market participants or require that these products trade only on an exchange type facility, we need to ask ourselves whether this will even address the underlying problem.

Why take a chance in these uncertain times to make legislative and regulatory changes that could possibly make things worse, potentially dry up more capital or force the cost of business going higher? This does not mean there is not room for improvement. That is why I have joined with several of my colleagues today in developing an amendment to apply strong and reasonable regulation to the derivatives markets.

Let me be clear. We share the desire to apply stronger safeguards in these markets to regulate swap market participants and to ensure that swap transactions are more closely monitored by the regulators. I am absolutely convinced that the market volatility and financial meltdown of the recent past makes the case for more market transparency.

How can we in the Congress be sure of the outcome of sweeping reforms without first properly identifying the exact cause of these problems? How can we identify the cause of the problem without authorizing and requiring more transparency through the collection of necessary data?

For this reason, I have worked with several of my colleagues to develop an amendment that would require all swap transactions be made known to the appropriate regulators so effective regulation can be applied where necessary.

Additionally, there will be public dissemination of prices and volumes of completed swap transactions in order that investors and other market participants might be assisted in marking existing swap positions to market, making informed decisions before executing future transactions, and assessing the quality of transactions they have executed.

Beyond requiring more transparency, I also believe we should provide the CFTC and the SEC with the necessary authorities to more properly regulate those market participants who are potentially contributing to the type of risk that jeopardizes our financial system: swap dealers, Fannie Mae, Freddie Mac, large hedge funds, and AIG-type entities.

Many may not even realize that swaps are statutorily excluded from the current regulatory oversight of both the CFTC and the SEC. That is right; current law does not provide for clear regulation of swap market participants. Our amendment would ensure that these market participants are fully regulated and that their swap positions are cleared through a fully regulated clearinghouse. This is a huge departure from current law.

Speaking of clearing, we need to determine how best to encourage the clearing of certain derivative products without jeopardizing either the use of these risk management tools or the sustainability of our clearinghouses. For that reason, our amendment would enable true end-users, those businesses that use swaps to hedge their risk, not for speculative purpose, but true hedging, to avoid an expensive mandate to clear their swaps.

These businesses had absolutely nothing to do with the financial crisis and should not be punished with increased costs and burdens. We certainly do not want to discourage them from managing their risk, especially not in the current economic environment.

Last Friday, the Department of Labor published their unemployment report for the month of April. Again, unemployment rose from 9.7 percent to 9.9 percent. In my State, it is in excess of 10 percent. Why would we subject U.S. companies to expensive mandates when we should be advancing policies that lessen their financial burdens so they can employ more people?

Why is Congress considering slapping an additional cost on them in the form of a clearing mandate? This does not make sense, when these individual companies are the true end-users of the products they are trading in, and they were absolutely not the cause of the financial meltdown. Those mandates should be targeted and in such a way to lessen the risks of those large financial institution swap dealers who are responsible for the bulk majority of all swap transactions and, therefore, contributing to systemic risk.

But a clearing mandate is not appropriate for businesses using swaps to manage their risks and keep their costs down. This is very simple. If their costs go up, they will either pass it along to consumers or stop managing their risk, and then they certainly cannot afford to hire more workers.

Our amendment has a more targeted clearing mandate designed to reach those who are actually responsible for this crisis we are in, Wall Street and not Main Street businesses.

The Senate will soon have the chance to vote on this substitute amendment on derivatives. I am looking forward to further debate on our amendment because it will highlight a handful of significant differences between the derivatives language in the Dodd-Lincoln amendment versus our amendment. I believe our approach on transparency, on clearing, on end users, on capital requirements, and on trading mandates is much more appropriate, much more reasonable, much more business friendly, and, frankly, much more secure. My amendment will ensure that Main Street businesses will still be able to appropriately use derivatives in hedging their daily business risks, while ensuring that appropriate regulatory standards are put into place for the institutions and transactions that contribute to systemic financial risk.

If Congress is truly interested in addressing the problem as opposed to politicizing a solution, we can no longer ignore the complexities of these markets. We must seek to understand the legitimate purposes these complex instruments serve for large and small businesses in each of our States. Unfortunately, the language currently before the Senate misses the mark when it comes to the appropriate regulation of derivatives. The underlying bill would have many unfortunate consequences—some intended, some unintended—resulting from applying complicated regulations too broadly and will subject our American businesses to more risk, not less.

Three consequences of the underlying bill on derivatives are these: One, the users will pay huge clearing fees and pass on those expenses to consumers; two, no longer will businesses use the derivatives market, and they will pass on the higher, unstable market costs to consumers; and three, these businesses, instead of using U.S. markets, will simply take their business offshore. As they do today, they will trade in the dark, and no U.S. regulator will ever see what they are doing. That is not right. That is not what any of us intend to see happen.

The fact is, if we pass the derivatives provisions in the underlying bill, there is going to be a significant number of end users who take their business offshore. That truly is unacceptable. Our amendment makes good business sense and good common sense.

We have received support for our amendment from a wide array of businesses. These are not banks that stand to make profits. These are individual users. I have a letter from the National Association of Manufacturers which states:

> We have serious concerns that the current end-user exemption in S. 3217 (and in the pending Dodd Substitute) is not strong or clear enough. In addition, other provisions in the derivatives title could effectively eliminate the exemption for many companies and, in some cases, subject them to capital and margin requirements or higher costs. Conversely, the Chambliss/Shelby substitute includes a clear and strong end-user exemption that appropriately exempts businesses that use OTC derivatives to hedge their business risk from the regulatory scheme applicable to swap dealers.

From the Coalition for Derivatives End-Users, we have the following: That my amendment would ''strike the right balance between bringing fundamental and needed reforms to the over-the-counter (OTC) derivatives market while also ensuring significant and burdensome new costs are not necessarily imposed on business end-users.''

Lastly, I have a letter signed by several energy supply groups which states that they ''remain concerned about the potential impact of the proposed financial reform legislation on end-users.'' They go on to say that:

> Due to the broad definition of ''swap dealer,'' end users may be ineligible for the end-user exemption if they engage in hedging business risks in the ordinary course of business.

I ask unanimous consent that these respective letters be printed in the RECORD.

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

NATIONAL ASSOCIATION OF MANUFACTURERS,
Washington, DC, May 10, 2010.

DEAR SENATORS: The National Association of Manufacturers (NAM), the nation's largest industrial trade association representing small and large manufacturers in every industrial sector and in all 50 states, urges your support for the Chambliss/Shelby Substitute Amendment (SA 3816) to S. 3217, the Restoring American Financial Stability Act.

While the NAM supports initiatives to prevent excessive speculation and improve transparency and stability in the derivatives market, it is critical that policymakers preserve the ability of responsible companies to access over-the-counter (OTC) derivative products. Manufacturers of all sizes use customized OTC derivatives to manage the cost of borrowing or other risks of operating their businesses, including fluctuating currency exchange, interest rates and commodity prices. In today's challenging economy, these risk management tools help businesses keep operations going, invest in new technologies, build new plants and retain and expand workforces.

NAM members believe strongly that any derivatives reform effort should ensure business end-users' continued access to OTC derivatives, providing them with greater financial certainty and allowing them to allocate resources to core business activities. In addition, we have called for clear exemptions

from central clearing, bilateral margining and exchange-trading requirements for business end-users to avoid drawing large amounts of capital from business operations, including job creation.

We have serious concerns, however, that the current end-user exemption in S. 3217 (and in the pending Dodd Substitute) is not strong or clear enough. In addition, other provisions in the derivatives title could effectively eliminate the exemption for many companies and, in some cases, subject them to capital and margin requirements or higher costs.

Conversely, the Chambliss/Shelby Substitute includes:

Clear exemptions from central clearing, bilateral margining and exchange-trading requirements;

A clear and strong end-user exemption that appropriately exempts businesses that use OTC derivatives to hedge business risk from the regulatory scheme applicable to swap dealers;

Clarification that any increases to capital charges on swap dealers are based on actual risk of loss and designed to promote the safety and soundness of the financial system rather than to penalize the use of OTC derivatives; and

Prospective application recognizing that market participants negotiated current derivatives contracts with an understanding as to their potential obligations based on the laws and market practices in place at that time.

The NAM's Key Vote Advisory Committee has indicated that all votes related to the Chambliss/Shelby Substitute Amendment (SA 3816), including procedural motions, may be considered for designation as Key Manufacturing Votes in the 111th Congress. Thank you for your consideration.

Sincerely,

JAY TIMMONS,
Executive Vice President.

COALITION FOR
DERIVATIVES END-USERS,
May 11, 2010.

TO THE MEMBERS OF THE UNITED STATES SENATE: The Coalition for Derivatives End-Users strongly supports an amendment that has been filed by Sen. Chambliss, SA 3816 to S. 3217, the ''Restoring Financial Stability Act,'' because it would bring important and needed reforms to the derivatives markets. If this amendment is brought to a vote, the Coalition urges you to support it.

The Chambliss amendment would strike the right balance between bringing fundamental and needed reforms to the over-the-counter (''OTC'') derivatives market, while also ensuring significant and burdensome new costs are not unnecessarily imposed on business end-users. Consistent with the Coalition's position, the amendment:

Provides explicit exemptions from central clearing, bilateral margining, and exchange trading requirements for business end-users that do not pose a threat to financial stability and that primarily use OTC derivatives to hedge business risk;

Ensures increases in capital charges continue to be based on risk of loss and aimed at promoting safety and soundness of the financial system, and not used to penalize OTC derivatives;

Provides legislative certainty that any new requirements are applied prospectively, recognizing that market participants negotiated existing trades based on the laws and market practices in effect at the time of these transactions.

Throughout the legislative process, the Coalition has advocated for a strong derivatives bill that brings full transparency to OTC derivatives market, imposes new regulatory standards on swap dealers and market participants whose activities in the OTC market could impact the stability of the financial system, and provides a strong clear exemption from mandatory clearing and bilateral margining for business end-users.

The Coalition remains concerned that Title VII of S. 3217 does not provide a strong clear exemption for end-users. If implemented, we believe many end-users of derivatives would be forced to divert precious working capital away from productive use to margin accounts, move their hedging practices overseas, or forego hedging altogether—leaving them exposed to the volatility and price uncertainty that OTC derivatives have so effectively mitigated. A survey and analysis conducted by the Business Roundtable and Keybridge Research found that a requirement to impose initial margin on OTC derivatives could lead to a loss of 100,000 to 120,000 jobs within the S&P 500 companies alone. The additional impact of variation margin could significantly increase this negative impact on jobs.

The Coalition urges you to support the Chambliss amendment. We stand ready to support any further amendments that will ensure a viable OTC market for companies across the country, and look forward to working with Members of the Senate to that end.

Sincerely,

American Petroleum Institute; Business Roundtable; Financial Executives International; National Association of Corporate Treasurers; National Association of Manufacturers; National Association of Real Estate Investment Trusts; The Real Estate Roundtable; U.S. Chamber of Commerce.

APRIL 29, 2010.

Hon. CHRISTOPHER DODD,
Chairman, Senate Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

Hon. BLANCHE LINCOLN,
Chairman, Senate Committee on Agriculture, Nutrition and Forestry, Russell Senate Office Building, Washington, DC.

DEAR CHAIRMAN DODD AND CHAIRMAN LINCOLN: Commercial end-users support transparency and efforts to control systemic risk in U.S. financial markets. As you know, commercial end-users use over-the-counter derivatives as a risk-management tool to hedge against fluctuations in commodity prices, interest rates, and currency exchange rates. This process creates market stability, and keeps costs down for businesses and for the consumers who use their products.

To that end, we would like to express our appreciation for your inclusion of a commercial end-user exemption in your compromise language. This exemption is critical to ensuring that end-users are not faced with the costly requirements of mandatory clearing and bilateral margining.

However, we remain concerned about the potential impact of proposed financial reform legislation on end-users. Due to the broad definition of ''swap dealer,'' end-users may be ineligible for the end-user exemption if they engage in hedging business risks in the ordinary course of business.

To clarify and strengthen the exemption, we recommend the legislation define ''Swap Dealer'' as ''any person who—(i) holds itself out as a dealer in swaps; (ii) makes a market in swaps; (iii) regularly engages in the purchase and sale of swaps in the ordinary course of business; and (iv) engages in any activity causing the person to be commonly known in the trade as a dealer or market maker in swaps'' instead of as any person meeting any one of those criteria.

We would also ask that you include the following de minimis exception, which ensures that end-users whose swap transactions are nominal will be exempt from the designation of ''swap dealer.'' ''De Minimis Exception.—The Commission shall exempt from designation as a swap dealer an entity that engages in a de minimis quantity of swap dealing in connection with transactions with or on behalf of its customers.''

Our concerns can also be addressed by clarifying that commercial end-users are not swap dealers. This can be achieved in the following way: ''In General.—The term 'swap dealer' means any person (other than a commercial end-user) who—''

Again, thank you for the inclusion of an end-user exemption. We would ask that you carefully consider our suggestions. Clarification of the definition of ''swap dealer'' is critical to ensuring that end-users have access to the capital needed to remain competitive in the global marketplace and expand job growth in the U.S.

Sincerely,

American Petroleum Institute; National Association of Manufacturers; Natural Gas Supply Association; US Oil & Gas Association.

Mr. CHAMBLISS. Mr. President, I have had numerous discussions with both the chairman of the Banking Committee as well as the ranking member and the chairman of the Ag Committee about this issue for weeks and months. I know we have the same goal in common: to ensure there is transparency in the marketplace and that we have regulators who will do the job we ask them to do. Frankly, I am not sure that was the case 5 years ago or even 2 years ago. But if we give these regulators the tools and if we give them the opportunity to look at every transaction, irrespective of whether it is going through a clearinghouse or whether it is over the counter, and they have the opportunity to review every large institution or every small institution that engages in these transactions and they also have the opportunity to look at the other side and see which companies are using these products or which entities are using them and they can then deal with those entities that become systemically risky—they didn't have that power and authority before, and we are going to give them that power and authority now—I have all the trust and confidence that they will use it in the right way and that with those tools and with that transparency and with the bringing of these trades out of the shadows and into the sunlight, we will be able to control the financial markets in a way that allows our end users, those who did not cause any of the problem and are not part of the problem, from being thrown into the same basket with those folks who did become systemically risky and caused the financial meltdown that occurred.

My amendment does that. It does it in the right way. I urge my colleagues to support the amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I rise with great respect for my colleague from Georgia, my ranking member on the Ag Committee, and all his attempts and ideas on how to make our

economy stronger and better. I do rise to speak in opposition to the Chambliss amendment. Again, with the greatest respect for my colleague, the ranking member, he and I and our respective staffs spent several months developing draft legislation in the Agriculture Committee. I am unbelievably grateful to him and his staff as well as my staff. We have made progress. In the end, we accomplished 80 to 90 percent of what is now the Dodd-Lincoln substitute. But as with all policy decisions, some tough choices needed to be made. Senator CHAMBLISS and I simply could not resolve our final differences. We ran out of time, basically, in the committee.

Let me be clear. As chairman of the committee, I made the decision to move forward with a strong reform bill, a bill that was voted out of my committee on a bipartisan vote. I know to my colleagues the Agriculture Committee derivatives title is the only legislation to gain bipartisan support in this debate. We want to strive to continue in that vein and to work in a bipartisan way to get to a good resolution of something that is going to be beneficial to this Nation, to our economy, and that is going to gain the respect of Americans who have suffered from this financial crisis.

Unfortunately, the amendment being considered today by Senator CHAMBLISS and some of my Republican colleagues does not contain the essential reforms required to ensure the stability of our markets. It creates loopholes and fails to bring the transparency and accountability Americans are demanding of us at this juncture. This amendment would be detrimental to our economy and to our markets.

The derivatives title of the Dodd-Lincoln bill is strong reform. Our bill provides necessary transparency and accountability to our shattered financial markets and regulatory system. Today this derivatives market is completely in the dark with no—I repeat, no—regulation, no oversight, and no public disclosure. The Dodd-Lincoln bill will bring a completely unregulated market into the light of day for the first time ever. But it is important to point out, it is not regulation for regulation's sake. The steps we have taken in this bill have meaningful issues in terms of what they are dealing with. It maintains a narrow end-user exemption, appropriate restraints on the regulators, where necessary, and provisions that recognize we are competing in a global financial marketplace.

Many have commented about what might happen in these markets, in moving markets overseas. I will address that in a moment. But I believe all Americans are certainly demanding good, sound marketplaces. I think people globally are clamoring for those same types of sound marketplaces.

The facts speak for themselves. The Chambliss amendment does not meet the test of what our markets require. It is a stark reminder that if we do not act boldly in the face of the near collapse of our economy, tragic Wall Street abuses and abysmal regulatory failures, we will all suffer the consequences.

I have a number of concerns with the Chambliss amendment. Clearing and exchange trading is at the heart of reform, mitigating risk, reducing leverage, and forcing accountability on the derivatives marketplace. This amendment would remove the underlying bill's mandatory exchange trading requirement and remove the mandatory clearing provisions. This is not acceptable. We understand and know from our experience with the futures market what the clearing does and the stability it brings to the marketplace. It is absolutely essential.

This amendment removes real-time price transparency to the public. The Dodd-Lincoln bill provides real-time price transparency to the public and to the regulators. Without robust transparency, the markets would not function, and the regulators can't do their jobs. That real-time, 100 percent transparency is what moves these activities into those exchanges, into the clearing that is so necessary to ensure we bring that stability to the marketplace.

Information is power. This amendment will keep this power in the hands of those on Wall Street instead of giving it to Main Street. We have watched as these selected few on Wall Street have maintained their grip on these dark markets and on this information. What have they done with it? They have benefited themselves. It has not produced the kind of benefit across this great country that people in communities in places such as Arkansas and other States could see the benefit of that information because we had no access to it. Shedding sunlight on that, that sunlight, which is the disinfectant we need on Wall Street, is going to be critically important to making sure we are a success, and ensuring that transparency is here is part of what we have done in the Dodd-Lincoln bill.

If we do not capture the AIGs of the world, we cannot claim to have real reform. This amendment would miss many of the largest and riskiest players by narrowly defining both swap dealer and major swap participant and exempting too many market participants. More so, this amendment requires less of the largest, riskiest market participants. They will have fewer business conduct standards, fewer recordkeeping requirements, and fewer regulatory core principles to follow. This amendment also weakens the capital standards in the underlying bill. Customized, bilateral, over-the-counter transactions are less safe than those that are cleared and exchange trading. There is no way to get around that. We should expect more capital to back up those riskier transactions, not allowing the obligation to rest on the taxpayers or on the depositors in these banking institutions.

This substitute misses that opportunity in terms of making sure those riskier tools and those riskier transactions are required to have greater capital backing them as well as greater regulation, which is appropriate for their expanded risky nature.

To the comments of those who have said this is going to be pushed into other markets, into other countries, the American people are demanding stability. Consumers are demanding stability in our marketplaces. Why should we think that other countries are any different, particularly as we have seen what has happened in these other countries?

We can seize this as an opportunity to be a leader globally—globally—in this world to create sounder markets, stronger markets, not just for us but for the global economy, which we are such an enormous part of now and will continue to be in the 21st century.

I would prefer to see us seizing that opportunity to be a leader in those global economic markets, and I think we should with a good, strong, stable bill that will be recognized by both markets as well as consumers.

This amendment also delays the implementation of regulatory reform for at least a year. The American people are demanding real reforms, and why we would want to delay implementation is beyond me. The time is now. People are wondering why it has taken us this long already to take these actions, and I think it is clear we must get started.

This amendment removes an important provision that would require swap dealers to put the financial interests of State and local governments, retirement plans, pensions, university endowments, and retirees before their own. The stories of abuse in this area are alarming and need to be addressed.

Jefferson County, AL, is one of the starkest examples we have. Jefferson County was taken advantage of by Wall Street and is now on the edge of bankruptcy, in part because of a $3 billion derivatives deal on bonds that went wrong. Without any responsibility to those entities, we will continue to see these types of circumstances perpetuated, and we have to stop that.

This amendment creates loopholes and broadly defines hedging. We cannot have a situation where the exemptions swallow the rule. Under this amendment, few will end up being regulated, and we will be back to business as usual, and I think we cannot allow that to happen.

The Dodd-Lincoln bill gives regulators explicit authority to prosecute swaps dealers who are aiding and abetting those who commit fraud using swaps. The Chambliss amendment would remove that authority. The Chambliss amendment also fails to require registered entities such as swap repositories or swap execution facilities to have chief compliance officers, allowing these entities to avoid regulatory compliance and further, again, endangering Main Street investors.

This amendment completely removes an important whistleblower program

for commodities markets. The amendment also removes the underlying bill's additional stronger antimanipulation authorities. The amendment also removes important authority for the regulators to close loopholes and strips key anti-evasion language that would allow the regulators to go after anyone who tries to evade the law.

This amendment arbitrarily moves jurisdictional lines and removes more than 30 years of good-faith agreements between regulators, ignoring the expertise of individual agencies and jeopardizing the ability of regulators to act quickly. This is a dangerous path to go down for the ranking member of the Ag Committee, and I hope we will be able to stop this amendment and continue to work in a way that will bring about the kind of solid regulation, transparency, and oversight that needs to be in this bill.

Finally, the Dodd-Lincoln bill includes important conflict of interest provisions that would allow the regulators to ensure that no market participant unduly influences or monopolizes the market. What does the Chambliss amendment do with this provision? It would eliminate it—in effect, handing more power over to Wall Street.

These changes are simply an effort to weaken the bill and riddle it with loopholes. I understand many of my colleagues are being pressured to take this path. But we must forge ahead and enact meaningful—meaningful—reform. The American people deserve no less. They have seen what this financial crisis has done to them—in middle America, where they have seen their savings for their children's college funds, their retirement funds, other things put at risk because of risky businesses and risky deals that have happened in a small group of Wall Street banks that have chosen basically to take those risks, with unfortunately, the liability falling on the depositors as well as the taxpayers.

The same claims and worn-out, catch-all defenses of ''unintended consequences'' or ''driving business overseas'' have been used for decades as reasons to weaken financial reform efforts, and critics are using the very same arguments again today. We are here to tackle complicated problems and find real solutions—meaningful solutions—that will again bring the kind of confidence to the marketplace and consumers we need to be able to strengthen our Nation and our marketplaces and our economy to create the jobs all Americans want to see, and to set the example globally of what good, strong regulations and solid markets can do in terms of growing the global economy.

We certainly should not squander the opportunity for historic reform, nor support any efforts to weaken it. Therefore, I intend to vote ''no'' on this amendment, and I respectfully encourage my colleagues to do the same.

Mr. President, I know I have other colleagues on our side who want to speak on this amendment, and I know there are others on the Republican side. I would encourage all of our colleagues to come to the floor to take the opportunity to speak on this amendment. I know Chairman DODD is anxious to move the bill, as well as others, and we have a great opportunity here to visit about and debate this portion of the bill, and I encourage my colleagues to do that.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, once again, we are debating a comprehensive bill. This one, of course, is only 1,407 pages, as opposed to 2,700 pages that did health care. But this probably does not affect everybody—just almost everybody. This could have been three separate bills, and we could have put a lot more effort into getting it right if it were three bills instead of one. This is one that takes care of the problem with big banks. There is another one that provides consumer protection that people are going to be stunned at, to find out every single transaction, practically, they can make can be controlled by a new board that has no oversight, gets to write their own rules, and has virtually an unlimited budget.

But the piece we are talking about right now has been labeled ''derivatives.'' I keep thinking maybe it has been labeled ''derivatives'' so the American public would not know what we are talking about. It is important they know what we are talking about.

I rise in strong support of Senator CHAMBLISS's effort to improve this ''derivatives'' section in the bill. But I am disappointed Senator CHAMBLISS is even required to offer his amendment. Senators LINCOLN and CHAMBLISS were well on their way to moving toward a bipartisan package of reforms for the derivatives market.

This is the market used to hedge against risk, and if we make a mistake in dealing with it, businesses will suffer, students will suffer, farmers and ranchers will suffer. Many businesses want to lock in a price, so they hedge their risk. They make a long-term commitment to purchase something at a particular price, so they have certainty and avoid the risk that the price will change.

For example, many airlines use this market to lock in long-term fuel prices they can rely on. That is a derivative. That contract can be bought and sold as the market changes—again, to take an acceptable risk. Sometimes I think we call it a derivative, as I mentioned before, so the American people will be confused and will not pay attention.

Senators LINCOLN and CHAMBLISS were on the verge of putting together a key piece of financial reform in a bipartisan fashion. Unfortunately, buoyed by the passage of the extraordinarily partisan health care reform bill, the White House intervened in negotiations. They urged an end to bipartisan negotiations. They pushed the bill further to the left, and we are now faced with a product that will make it harder for American companies to obtain capital or to assure future purchase prices for essential products. This will drive some American jobs overseas, and perhaps entire businesses as well.

It is disappointing that this is becoming commonplace in the Senate. During the health care reform debate, I worked with five other members of the Finance Committee on a comprehensive health care package. We were making progress on a bipartisan bill when the majority, with the guidance of the White House, decided to go it alone, decided that was better politically.

Now we are having a debate about the future of the financial industry. We are working to protect our economy from future collapse and, unfortunately, we are having this discussion in a mostly partisan manner because the White House is interested in scoring some more political points. It is an election year, and these are election-year politics at their worst, and I am disappointed it is becoming the norm.

The White House believes they can win political points on this issue because the word ''derivatives'' is something of a boogieman. People hear that word and they assume it is a group of Wall Street bankers plotting how to increase their end-of-the-year bonuses, as they seek to ruin the rest of the economy. My constituents are told by fear mongers on the left that derivatives are risky transactions, and they are misled into believing there is nothing about derivatives that is useful to ordinary businesses.

The facts do not support those claims. Derivatives are, by their very nature, measures to help limit risk. It is hedging the bet. The vast majority of Fortune 500 companies and many smaller companies are involved in the derivatives market. Employee pension funds are involved in the derivatives market. The agriculture derivatives market is one of the oldest and most established financial markets in the United States because agriculture can be an inherently risky business unless you lock in a favorable price. Producers are at the mercy of the weather, transportation networks, varying input costs, and the global supply of agricultural commodities. These unique market conditions mean that without risk management, markets fluctuate wildly.

I think it could be helpful to those listening to the debate to try to make clear how these transactions actually work. Oftentimes, in business, the greatest potential for profit involves the greatest risk. It only makes sense I would have greater potential to make money if I invest in a startup company than if I invest in a Treasury bond or an old established company. It is also more likely I will lose money with my

investment if I invest in that startup company. I may want to limit the chance I will lose all my money. I may want to figure out a way to lessen my risk. Another company may believe my investment was good, so I will essentially sell them some of my investment in the startup company—along with my chance for maximum profit—in order to have money to invest in a more stable Treasury bond and less profit—hedging my bet. The entity that facilitates that sale is a swaps or derivatives dealer, and they play an important role by helping find willing buyers and sellers to help companies limit exposure—to hedge the risk.

The goal of this legislation should be regulating the market in a way that ensures companies, individuals, and other entities can have access to as much money for investment to create jobs as possible, at the same time that we create a situation where we will never again be forced to bail out the biggest banks, and where we never allow another AIG to occur.

I am not convinced the bill as written addresses the concerns, although I feel confident the bill will lead to less access to money for businesses at a time when our economy is struggling.

In my home State, I am hearing from the energy industry and from agricultural groups that the bill has the potential to treat companies that are trying to limit risk as major banks. Although the bill does provide an end-user exemption, it is unclear if companies can avoid being misclassified as a swap dealer or major swap participant, and if they are misclassified, they lose their end-user exemption.

The Chambliss amendment clarifies the end-user exemption to ensure that bona fide hedging transactions, including those used by a wheat grower in Wyoming or a power company in the Midwest, remain regulated in a reasonable fashion.

One of the difficulties with the way we are doing things here with most of the work being done on the floor is that you cannot pick the glimmer of an idea out of one and the glimmer of an idea out of another and put it together and have a good amendment. Plus, there is all this pressure that the party line should be protected. That is not what this amendment involves. This is trying to make a bona fide change to it. It has to be done in a more global way than we would like, but we are limited on the number of amendments we get to do. There is already talk about how we need to close this debate. I know of dozens of amendments out there that people believe are good changes to this bill to make it a working bill that we probably will not get to debate.

In a meeting yesterday with Federal Reserve Chairman Ben Bernanke, the Chairman emphasized that what has become known as section 106 provisions remain problematic. In the current version of the legislation, the provisions have been moved to section 716 and require that swap business be conducted and affiliated separate from the FDIC-insured banks.

Chairman Bernanke didn't think this section was nearly ready to go, and I suspect the FDIC folks don't either. Although the idea appears to make sense on its outset, the provision will further reduce access to investment money to create jobs as banks are required to hold additional money in their related businesses to limit credit exposure. Instead of using the capital at the bank to limit credit exposure, they are forced to have a second pot of money that they will be unable to lend. The provision will result in less investment money entering the market. It will lead to further consolidation of the market because fewer institutions will be able to meet the credit risk requirements, and it will increase costs to end users.

Putting on my hat as the ranking member of the Health, Education, Labor and Pensions Committee, the Chambliss amendment also helps resolve a concern that pension and retirement plans have with the Lincoln-Dodd substitute. Many people do not realize that pension plans dislike big fluctuations in the market. Private pension plans invest for the long term and would prefer to have steady, long-term growth rather than investing in a volatile market which could cause a company's pension obligation payments to skyrocket when the market falls. Pension plans enter into swap agreements and derivative contracts to hedge price fluctuations and to keep risk at a minimum. For example, pension plans use these contracts to make sure they don't have too high of an interest rate that may be unsustainable or too low of an interest rate that will give too low a rate of return that would not provide enough money to pay pensions as they come due. Even the Pension Benefit Guaranty Corporation, PBGC, uses swaps and derivative contracts to dampen the value swings of the pension trust funds.

Recently, 401(k) plans and individual retirement accounts, IRAs, have been using ''stable value funds'' as an alternative to money market funds to offer a very stable and steady increase of earnings. These stable value funds are stable because of the use of swap contracts, again, because they make sure the underlying investments don't go too high and don't go too low.

Originally, Senator DODD's language in the Banking Committee-reported bill may have caused pension and retirement plans to register as ''major swap providers.'' This, of course, would not work because the regulation and registration requirements may have run afoul of pension requirements for solvency. Senator LINCOLN tried to remedy this, but her solution was to place the swap dealers on the spot by requiring special paperwork for just touching a swap contract for a pension plan.

I believe the Chambliss amendment strikes the right balance. Pension plans are not trying to create a market in swaps, nor are they trying to use swaps to game the markets. Pension plans that use swaps assure pension funds will be there when needed for the people retiring, and the approach taken by the Chambliss amendment allows that to happen.

The Chambliss amendment is a far superior effort to the bill we have on the Senate floor. At one time I was confident that we would be seeing a bipartisan, workable Lincoln-Chambliss provision. It is unfortunate the White House got involved, pushed this bill to the left, and is now pushing us to pass some sort of financial reform legislation—any sort at this stage—at the expense of passing a strong, workable bill. Congress needs to stop with this ''shoot first, ask questions later'' approach, or as we call it in Wyoming, the ''ready, fire, and then aim'' approach that might never hit the target.

I hope my colleagues in the Senate can support the Chambliss amendment or at least get together and cover some of the things we have talked about that are a major problem with the bill. This is one-third of what we are talking about, and it is going to have the potential to ruin a lot of things for individuals, working Americans. We don't want that to happen.

I ask my colleagues to support the Chambliss amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, let me begin by expressing my gratitude to Senator LINCOLN of Arkansas and Senator CHAMBLISS of Georgia and members of their committee for their tremendous work. In fact, there is some overlap in membership. I think a couple members of the Banking Committee are also members of the Agriculture Committee.

I know how hard they have worked on what is such a critically important piece of this legislation. It is probably an area with which a lot of people are not terribly familiar. A lot of the language we use in describing this area of the bill sounds pretty foreign to a lot of people, but it is terribly important we get this right, for reasons I will try to briefly explain this afternoon.

For many Americans who aren't necessarily experts on our financial system, this is one of the most confusing parts of our work, but it is also incredibly important in terms of our overall reform of the financial system. I am sure this has already been described by the Senator from Arkansas and the Senator from Georgia, so this may be somewhat repetitive.

People ask me: What is a derivative? It is a fancy word, ''derivative.'' Really, what it amounts to, in simple terms that most Americans can understand is, it is a bet. It is a wager, in a sense—an important wager but nonetheless a wager. It is a wager placed on the future value of something, either as a future protection against change in the

value of that instrument or a way to make some money off of it. It is a legitimate operation, provided it is done properly. There is nothing wrong with them. In fact, they play a very important role. If used responsibly as a way to hedge a commercial risk, they are tremendously important.

Many of us have heard about, for instance, the candymakers. We hear this example all the time. Candymakers are able to keep their costs stable as a production company through the use of derivatives. If you are an end user, as they are called, and your costs depend upon future prices of a commodity such as sugar or other additives, that is a way to stabilize those costs and provide some certainty to that particular company; or it can be the future direction of interest rates which can have a huge impact on the cost of a product and the success and well-being of a company as well.

Derivatives can serve as a form of insurance against an unexpected spike in either the price of a product or interest rates. But the problem is this: As companies have come up with new and innovative ways to use derivatives—and they have—much of this activity has taken place in the shadow economy where there is little sunlight at all to expose what these instruments are and how they affect the overall economy of our country. They operate outside the supervision of any regulator, and that is where the problems arise. Not in derivatives themselves, but how they are perceived, how they are seen.

That is how one night in September of 2008, I found myself, along with several other Members of this body, in a room not far from where this Chamber exists listening to the Chairman of the Federal Reserve Bank, Mr. Benjamin Bernanke, and Treasury Secretary Hank Paulson as they explained what had happened to AIG, the largest insurance company in the world, and what would need to happen to fix the problems posed by the activities in which the company was involved.

Just as some international corporations create shell companies in the Cayman Islands to avoid tax responsibilities, AIG created a subsidiary called AIG Financial Products to sell complex and risky products. It was thus able to take advantage of the fact that there was no regulatory requirement that AIG hold enough capital to cover its exposure to these products.

Meanwhile, because AIG was rated AAA by the rating agencies as a company, their counterparties didn't demand much in the way of collateral or margin. Essentially, AIG guaranteed other people's bets; that is, these counterparties—Goldman Sachs, Societe Generale, a French bank—without having the money to pay them if those bets failed. AIG was able to do so without anyone knowing how many of these guarantees they had actually sold. As we now know, they sold trillions of dollars' worth. When it turned out that AIG couldn't pay up, our government—or more sadly, the American taxpayer—was left holding the bag. We were faced as a country with the unprecedented and unpleasant taxpayer bailout to prevent this shocking failure from bringing down our whole economy, or melting down as we were warned.

To make the problem worse, we now know AIG wasn't alone. Unregulated derivatives also helped to mask the credit-worthiness of nonfinancial users such as the Government of Greece. We all know about that and what has happened over the last few days and the problems created in Europe as a result of that problem, to their own ultimate or eventual detriment, as we now know. Hedge funds such as Long-Term Capital Management, energy companies such as Enron, industrial concerns such as Proctor and Gamble, and a wide array of governments at home and abroad have all fallen prey to the problems in the derivatives market.

I think the solution is becoming obvious—at least we hope it is—to put an end to risky, uncovered bets that leave taxpayers and our financial system as vulnerable as it has been. That is why capital and margin requirements, imposed either by regulators or by central clearinghouses, are so critically important in this area of our economy.

Chairman Bernanke of the Federal Reserve described margin requirements as ''an appropriate cost of protecting against counterparty risk.''

The sad truth is this solution has been obvious for some time. You don't need to have just the events of the last couple of years to understand this problem. You can go back 16 years ago. At that time, in 1994, the General Accounting Office produced a report entitled ''Financial Derivatives: Actions Needed to Protect the Financial System.''

At the time of their report, the General Accounting Office determined that the size of the derivatives market was $12.1 trillion—not an insignificant amount in 1994. The report described risks arising from the interconnected relationships between dealers of derivatives and end users, not to mention the rapid growth and increasing complexity of derivative activities because the relationships between the major derivatives dealers and end users, and the exchange-traded markets were so close, the failure of any one part of this system could prove devastating to our entire financial system. This, we knew in 1994, 16 years ago. That was their report.

By 2008, 16 years later, the derivatives market had grown from $12.1 trillion that I mentioned a few minutes ago to an astonishing $600 trillion in 16 years. In a related story, it had gone almost entirely underground.

Each time the Congress had a chance to act, it chose a legislative path that created even more loopholes, more opportunities for these risks to migrate to unregulated pockets of our economy. In 2000, the Congress passed the Commodities Futures Modernization Act which, to a large extent, explicitly exempted over-the-counter derivatives from regulation by the CFTC and the SEC.

So whereas in 1998, 41 percent of derivatives were traded in the shadows, by 2008, 10 years later, that proportion grew to 60 percent—almost a 20-percent increase in 10 years.

Essentially, over time, our financial system came up with more and more ways to take bigger and bigger risks with fewer and fewer safeguards and less and less supervision. That, of course, as we now painfully have learned, was a recipe for disaster, and disaster is what we got. That is why Chairman LINCOLN, Senator JACK REED of Rhode Island, Senator JUDD GREGG, Senator SAXBY CHAMBLISS, and others of our colleagues have worked so hard over these last number of months to bring the derivatives market out of the shadows and into the sunlight where they belong. That is why the derivatives language in this bill is so critically important if we are going to live up to our descriptions of this bill as a major reform of the financial markets in our country.

For the first time in our Nation, over-the-counter derivatives would be regulated by the Securities and Exchange Commission and the Commodities Futures Trading Commission. It includes the Banking Committee's tough requirements for central clearing, exchange trading, capital margin, and reporting that are critical to reducing systemic risk and ensuring that taxpayers would not have to clean up the mess resulting from another AIG implosion.

I know the financial sector lobbyists don't like these rules. In fact, over 1,000 corporate lobbyists have flooded this town—this body, in fact—in an attempt to water down these proposals.

But Joe Dear, the chief investment officer of the California Public Employees Retirement System, explained it well when he said:

> Every firm has reasons why its contracts are ''exceptional'' and should trade privately; in reality, most derivatives contracts are standardized—or standardizable—and could trade rather on exchanges.

Thanks to the work of Senator LINCOLN and the Agriculture Committee, commercial end users have been carefully exempted from these new rules, so companies such as those candymakers I talked about can keep hedging their commercial risks. In fact, the market in which these companies operate will become safer and less expensive because of the new rules for big players: the swap dealers and major participants.

Those big players—the VIPs in the derivatives casino—will have to register with the SEC and CFTC and meet strict requirements for business capital, business conduct, and reporting.

Every single transaction will be reported through a clearinghouse or trade repository or directly to a regulator.

The SEC and CFTC will have enhanced authority to police these markets for fraud, manipulation, and abuse. Those don't sound like radical ideas. Those are commonsense proposals that I think most Americans can understand, even if they don't appreciate the complexities of these instruments.

The combination of these regulatory tools will provide market participants and investors with a lot more confidence during times of crisis, taxpayers with protection against the need to pay for mistakes made by companies, derivatives users with more price transparency and liquidity, and regulators, of course, with more information about the risks in the system.

Instead of an underground gambling club, derivatives will be traded in a well-regulated, transparent market, with rules that must be followed and safety provisions that must be respected.

Everyone is a winner. Derivatives are valuable and important, and we need to have them out there to help our economy grow. Why should some of these ideas be so frightening to people? It seems to me that if we do exactly what we are talking about here, everybody is a winner in the chain, particularly the derivatives users who will have much more clarity, and regulators and taxpayers are protected against abuses that will occur if we don't try to provide what is being proposed with this legislation. I welcome these improvements. Again, this is a debate back and forth.

Despite a lot of hard work between Members of this body to come to some common answers, there are differences that emerge in this debate. The substitute being offered by my friend from Georgia has no requirement for transparent trading and weakens, in my view, those safeguards for major market players.

It loosens capital requirements on the large Wall Street firms. That is a huge mistake, in my view, after what we have gone through that would practically beg for another AIG-type crisis.

The substitute limits the central clearing requirement to only those trades that take place between the very largest firms, providing a blanket carve-out to other financial firms, and letting much of the market continue to operate without the accountability, transparency, and regulation that I think is so critically important.

Unfortunately, there is sort of the status quo. There is some improvement. I acknowledge that. We have an opportunity to make a difference now with the proposals being made by the Agriculture Committee. The status quo is a system in which companies you have never heard of take risks they cannot back up in markets nobody can see.

When they collapse, as they inevitably will—one of the things we have said over and over again in this bill is that we are not going to stop the next economic crisis. We are going to have them. The question is, Do we have the tools in place to minimize collapses when they occur? That is what we are trying to do with this bill. Even with the Agriculture Committee proposals, I cannot imagine—and I am sure I am speaking for her when I say this—there is no suggestion that we are going to stop another company from having great difficulties. We want to minimize that when it happens so it doesn't migrate into the rest of the economy. So we are looking to minimize that kind of chaos that can occur when some company collapses for reasons unrelated to this, as we saw with AIG. When they fell, the price the country paid was vastly in excess of one company having difficulties. Taxpayers were put on the hook to fill the capital holes when they occurred.

This has to stop. This market needs oversight and regulation. It needs to exist, as well, if our economy is going to grow and jobs are to be created. It has been 18 months since AIG proved that once and for all. It is time to bring this trail of destruction to an end and take the steps necessary to allow this market to operate and people to make these kinds of investments and hedge against the kinds of problems that can emerge down the road, so they don't collapse for reasons unrelated to their own difficulties.

That is why hedging is important and why derivatives are important. But also, these safeguards need to be in place if everyone is going to be a winner, as a result of what we are trying to achieve with this legislation. There are debates about various aspects of this bill, and I look forward to that discussion.

I hope we will reject this particular proposal, with all due respect to it, and adopt what has been proposed by the Agriculture Committee and consider that there are additional changes we may work on in order to satisfy some legitimate interests. It seems to me we ought to vote on this proposal and move on to other aspects of the legislation.

With that, I yield the floor. I see my friend from Nebraska as well as my colleague from Rhode Island.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Nebraska is recognized.

Mr. JOHANNS. Mr. President, I rise to support the Chambliss-Shelby derivative substitute, and I am very pleased to indicate that I am a cosponsor of that amendment.

There is no doubt, when you are talking about derivatives, you are talking about contractual obligations that are as complicated as any financial industry in our system. So going about trying to figure out how best to regulate them is no easy task. I think that is acknowledged on both sides.

Both the Banking and the Agriculture Committees have wrestled with what is the best approach to regulating this market that, to date, has been somewhat unregulated, to say the least. I regret to say that the current derivatives title that is in the bill being debated—if you study it—is overregulation 101.

I worry about the host of unintended consequences that will beset our economy if it passes in its current form. It is not accidental that there has been article after article pointing out how much heartburn there is on both sides of the aisle relative to the current proposal that is being debated.

The Chambliss-Shelby derivatives substitute is a sensible approach. I have talked to dozens and dozens of those impacted. I have to tell you they are very concerned about the downside impact on our economy.

They say it is unnecessary with the new, robust clearing regime that is in place. Yet the Dodd bill has an exchange requirement.

Why would we not enact meaningful clearing regulations and then add another layer on top, if necessary?

Additionally, I worry about the trickle-down effects for community banks that hedge their interest rate risks with large banks. I come from the State of Nebraska. I don't even think there is a Wall Street in the State of Nebraska. We are basically small community banks. I have had some of our smallest banks warn me about the dangers of the Dodd proposal.

If these larger institutions are banned from engaging in swaps, as the Dodd bill would do, who will work with the community banks to keep interest rates low for our farmers, ranchers, and small businesses?

Furthermore, banning banks from engaging in derivatives isn't going to stop the practice. We don't pass laws for the world. We pass laws for the United States. All we are going to end up doing is sending this $600 trillion market out of this country. In fact, I had a small community banker in my office recently who said to me: MIKE, these products are absolutely essential to what I do.

If they are forced to another part of the world, we will be forced to acquire that product from another part of the world.

Driving this activity back into the dark—which is what we would do if that were to happen—and actually increasing our risk and putting it in an economic climate outside the United States is a meltdown recipe.

The underlying bill treats farm credit system institutions similar to the big Wall Street firms. It doesn't exempt them from coming up with costly capital and margin requirements. Does anybody believe for a second that isn't going to hurt farmers and ranchers and the cost of their loans? I was the former Secretary of Agriculture. Please, believe me, you cannot do this and not expect to have a very negative consequence on farmers and ranchers and small businesses.

Farm credit institutions, our farmers, and farm cooperatives had nothing

to do with this financial meltdown. Yet they are being dragged down with the ship.

Finally, certain trades are simply so unique but so necessary and so specialized that the clearing requirements simply don't work. That doesn't mean they should not be transparent or that they should not be disclosed, but we should recognize the uniqueness of that situation. Why punish these trades that may pose no systemic risk by imposing higher capital requirements? Yet that is what the Dodd bill does.

The bill before us has the potential to have very negative impacts on our economy. It is simply an overreach. I am not the only one here today who has serious concerns.

The White House, the Federal Reserve, former Federal Reserve Chairman Paul Volcker, and the Chair of the FDIC have raised similar concerns relative to this approach.

On April 30, 2010, in a letter from FDIC's Sheila Bair, she says this:

> If all derivatives market-making activities were moved outside of bank holding companies, most of the activity would no doubt continue, but in less regulated and more highly leveraged venues.

A Federal Reserve staff memo says this:

> The prohibition would not promote financial stability or strong prudential regulation of derivatives or derivatives dealers; would have serious consequences for the competitiveness of U.S. financial institutions; and would be highly disruptive and costly, both for banks and customers.

My point exactly. Finally, Chairman Volcker also expressed concerns with the derivatives title of the bill:

> The provision of derivatives by commercial banks to their customers in the usual course of a banking relationship should not be prohibited.

I worry that at some point the Senators are going to come to the floor and pass this mess, and we are going to be stuck with it.

The Shelby-Chambliss amendment is a thoughtful and reasonable approach. It will increase transparency and government oversight of the derivatives market. If we do what is proposed with this Dodd bill, we will push derivatives right back into the shadows. They will be unregulated and they will occur in another part of the world and we will bear the risk and the cost of that.

These individuals simply used derivatives—these people I am talking about are farmers, ranchers, farmers co-ops—to protect themselves from risk. They are not Wall Street speculators.

This proposal from the Shelby-Chambliss approach simply says: Let's use common sense when it comes to the derivatives market. It brings the current unregulated over-the-counter derivatives market into the light where transparency is paramount.

This is an enormous departure from current law. In fact, it is a 180-degree change. It attempts to bring swap trades onto a clearing platform. Yet it also recognizes that companies across our country use these complex products as part of their business activity every day to protect themselves from unreasonable risk.

Look who is supporting this proposal. This approach has gained the support of the National Association of Manufacturers. That can hardly claim to be Wall Street insiders.

The alternative recognizes the negative consequences businesses would face with too rigid a law. Those dangers are obvious—loss of jobs, jobs moving overseas, constriction in liquidity, lack of credit, higher interest rates for farmers in my State, and higher farm input costs.

It also distinguishes that these businesses were not part of the economic meltdown. They are not the AIGs of the world. Instead, they are the companies that use derivatives to manage their finances to keep down their costs, to control interest rate fluctuations, to manage currency volatility and other risk mitigation tools.

The recent prices revealed how inadequate our oversight of derivatives was and how complex this area is. But if we adopt this blanket approach on the rhetoric of punishing Wall Street, what we will do is punish our farmers, our ranchers, our small business people. We will punish the people who are working this area by literally eliminating their jobs.

I thank Senators CHAMBLISS and SHELBY. They understand what is at stake. This is a reasonable approach and an approach I am glad to support.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise today to urge my colleagues to reject the proposal by Senator SHELBY and Senator CHAMBLISS. It is well intentioned. It is designed, as other proposals are, to try to provide some appropriate regulation to a very complex and complicated area of financial transactions—derivatives.

Like my colleagues, I have spent some time trying to understand this area. The only major point I can make is that in concept, derivatives are simple. It is a contract that derives its value from reference to another entity such as soybeans or mortgages. That is where the simplicity stops.

These financial instruments are incredibly complicated, and they have been made more so by very sophisticated financial engineers on Wall Street.

What we have recognized in the last several months is we have to take an appropriate step to regulate their sale in the United States and, frankly, influence the worldwide sale and use of derivatives.

The Dodd-Lincoln proposal in this bill is, I think, not only a principled but an effective way to deal with the issue of the sale and use of derivatives. They start off with a premise which is fundamental: We need transparency in the marketplace. There was no transparency in the marketplace when it came to derivatives.

Senator LEVIN held hearings which brought forth individuals from Wall Street, from Goldman Sachs. Frankly, if you listen to the hearings, even they did not understand the products they were selling—complicated, deduced, created by Ph.Ds in mathematics using supercomputers. We need transparency. People have to know what they are selling. Apparently, some people on Wall Street did not even know what they were selling. But certainly consumers have to know what they are buying. Transparency is the key.

The way you arrive at it, in my view, is the way this underlying legislation Chairman DODD has sponsored, along with Chairman LINCOLN, does.

First, it establishes the requirement that all derivatives transactions be reported to a repository so that regulators will have a sense of where the market is moving in terms of specific products.

Second, there is a requirement that you clear these products. Clearing is absolutely critical because an over-the-counter transaction is bilateral in nature. It is someone dealing directly with another party. What you have there is the danger of counterparty risk, the fact that one side of the transaction cannot perform. They go bankrupt, they do not have the resources, they miscalculated tremendously as to the nature of this transaction. And their failure affects other financial institutions.

In those bilateral situations, the danger for counterparty risk is significant. To minimize that, you put it on a clearing platform. You put a party between the two parties of the contract who will assess collateral and margin and do it in a systematic way. These transactions on a clearing platform will be more transparent and there will be reduced risk between counterparties. That is, I think, a sensible and, at this point, nondebatable point because the Chambliss proposal also has a clearing platform aspect to it.

But the next step—and I think it is an essential step—is to move to a trading platform because there you further reduce and manage counterparty risk because it is not just an intermediary clearinghouse that is handling the risk, it is participation in a market. It is individuals who broker deals who come in and buy and leave. It is at the heart of price discovery because the key aspect in all of these discussions is what is this instrument worth? Is it worth $100 or $2? If I am betting it is worth $100 and, of course, it is $2, I will lose. If I am betting it is $5 or $6 and it is $100, I lose on the other side.

Part of this is essential price discovery. This is an esoteric point. It goes right to the nature of our markets—price discovery. That is why we all claim markets are the best form of economic transaction because in a market, you know the price, and if you can meet the price, you can make the transaction.

One of the things that is implied in a marketplace, though, in Econ 101, is perfect information. Buyers and sellers each know what it costs. One of the problems with the derivatives markets is information is asymmetric, it is skewed, it is dramatically skewed to the Wall Street insiders who designed these products. That was one of the lessons of the Goldman Sachs hearings: Who knew what these things were? They did not even know, but they knew a lot more than people they were selling them to.

We have to reduce that asymmetric nature of the market, and the best place to do that is not simply clearing a product, having someone say you have to have this much margin if you want to participate, but actually trade in the product. Again, this is not an academic issue.

Let me paraphrase a story from Michael Lewis's book called ''The Big Short.'' On February 21, 2007, the market began to trade an index of collateralized debt obligations. They called it the TABX—T–A–B–X. For the first time, everyone in the marketplace could actually see on a screen what these CDOs were worth, what someone was going to pay for them. No longer were they waiting on just the dealer, the Wall Street insiders saying: No, no, these are great, buy them; they are terrific, buy them. There was a price. The price confirmed a simple thesis in a way that as Lewis says no amount of conversations with market insiders ever could ever have.

After the first day of trading, those AA-rated tranches closed at 49.25 from a par value of 100. They lost more than half their value in one day of trading. There was now this huge disconnect, and I quote:

> With one hand the Wall Street firms were selling low interest rate-bearing double-A rated CDOs at par, or 100; with the other hand they were trading this index composed of those very same bonds for 49 cents on the dollar. In a flurry of e-mails, their sales people at Morgan Stanley and Deutche Bank tried to explain to clients that they should not deduce anything about the value of their bets against subprime CDOs from the prices on these new, publicly traded subprime CDOs. That it was all very complicated.

Trading illustrates the real value of a product. When the Shelby-Chambliss proposal says, We are not going to trade these, what they are saying is business as usual. Let's let those folks on Wall Street tell us what they are worth. Tell it to the banks, the small community banks, tell it to the farmers, tell it to all those business men and women at the National Association of Manufacturers, this is what it is worth. They will not have to explain the fact that a market might rate it half of what they are claiming the value is.

If we really want to reform what is happening on Wall Street, we are not going to abandon the requirement to trade as many products as we can trade.

I will admit some products are so unique that a trading market might not be established. But the presumption by Wall Street—in fact, I think the head of J.P. Morgan said practically 70 percent of the derivatives could be cleared and probably a significant fraction of that could be traded. If you want transparency, if you want price discovery, if you want efficient markets, reject the Chambliss proposal, support the Dodd proposal.

There is another aspect of the bill, and that is section 716, which does not deal with the mechanics of trading derivatives as much as who can do it. Can it be in a bank? Must it be separated? There are discussions about different approaches. Senator LEVIN and Senator MERKLEY have an approach that bars proprietary trading, that would leave that out of the bank but still leave traditional hedging within the bank. That is part of the debate. That, I think, is a seriously significant open question. In my mind, there is absolutely no question that to accept the Chambliss-Shelby approach that doesn't require trading is the wrong way to proceed.

There is another issue here, too, and that goes to the nature of these over-the-counter contracts. Some of them could be cleared, but some are so unique they cannot. It goes to the exemption for end-users. In the Dodd bill, they have made a successful attempt to separate those over-the-counter transactions which have an economic rationale—it is an airliner hedging their fuel prices—and they have done it in a way which makes sure that this is not a loophole for the sophisticated financial engineer to exploit but a way in which business can continue to conduct their operations.

The exceptions in the Shelby-Chambliss amendment are much too large. In fact, I think this is a drafting error, but as I read the amendment, it could be read as only requiring clearing of swaps between two counterparties under common ownership within the same company, which essentially means there is no requirement whatsoever. I do not think that is what the sponsors proposed but that is what the language says, at least as I read it.

If you want huge loopholes to begin this process, support this amendment. If you want to maintain well-structured exemptions for the economic use of derivatives, that is incorporated within the underlying Dodd-Lincoln bill, and it makes a great deal of sense to me.

There are issues here we have to be conscious of and we can still debate about the allocation of responsibilities between regulatory authorities with respect to these derivatives. That is an issue that I think is still outstanding. But the underlying architecture of derivative regulation has been accomplished by Senator DODD and Senator LINCOLN in their bill.

Again, we have learned a lot. I think we should have learned a bit of collective humility about the ability to deal with these complicated products. So we have to build in multiple lines of defense, if you will. Simply requiring the reporting of transactions to a repository—that is good but not sufficient. Requiring that the majority of these instruments be cleared unless they have an economic value or they are so unique that the clearing would be inappropriate—that is a step forward, too, but insufficient. It is only when you put together the entire spectrum of reporting, clearing, and trading of appropriately traded derivatives do you have the full panoply of protections we need to deal with these complicated products today. Frankly, there is a sense that maybe we haven't seen nothing yet. The sophistication, the ingenuity of the financial engineers may be absent at the moment, but it will return, and we need these multiple lines of defense.

There is another point I wish to make. We have to recognize when we are building this new structure that it, too, has weaknesses. One of the most significant weaknesses is that in a clearing platform, if there is not full transparency and if the clearing platform isn't adept at setting margin requirements and collateral, there is a danger that platform becomes a source of systemic risk. And these platforms are dealing with notional values of trillions of dollars. If they misjudge by a little bit, a clearinghouse could have a significant situation in which it is unable to meet its responsibilities. Once again, I think that is a strong argument for, not a single or a double line of defense, but a triple line of defense with respect to trading also.

Because if there is trading and price discovery, they will have a much better idea of what the product really is worth and they will be able to set margin and collateral much more adequately.

There are many issues that have to be dealt with as we proceed through this markup and on to the conference, I hope. But in my mind, clearly the superior vehicle to pursue those ends is the language incorporated in the Dodd bill, and I would urge all my colleagues to reject the amendment by the gentleman from Georgia.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I rise to compliment my colleague from Rhode Island and thank him for his hard work. He and his staff have done a tremendous job on the Banking Committee on this particular issue. It has been a pleasure to work with him and his staff and certainly to see the good work they have done, and I want him to know I am grateful to him for his hard work in helping us come up with a good package.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, a key part of the bill we are considering is title VII, which we all know addresses the regulation of the over-the-

counter—OTC—derivatives markets. While there is still debate among us regarding the root cause of the financial crisis, there is no debate that the lack of transparency in the OTC derivatives market was a contributing factor to the financial debacle.

When Lehman Brothers failed, there were press reports that banks and other large financial institutions had written credit default swaps—we call them CDSs—on Lehman Brothers that could potentially result in $360 billion in cash payouts. As it turned out, though, the number was less than $6 billion. But a lot of needless anxiety preceded the realization that the cash payouts on Lehman Brothers' CDS contracts were manageable. The regulators simply did not have the information they needed to know about the magnitude of the problem they faced.

Limited regulatory information also played a role in the demise of AIG. It is worth remembering that AIG's problems arose both in its regulated insurance subsidiaries, which were exposed to the troubled subprime mortgage market through their securities lending programs, and in its financial products unit, which sold credit default protection for subprime mortgage products and other customized derivatives products.

AIG's financial products unit, on the strength of its credit rating, built up an extremely large, one-sided book of swaps transactions. The contracts were written in such a way that when AIG's credit rating was downgraded, AIG, you will remember, was forced to post collateral on all these transactions.

Regulators at that time did not have the flow of information about OTC derivatives transactions to see this problem building. Without this information, they obviously could not take steps to address the problem.

I believe the AIG bailout and the Lehman Brothers failure provided us with one simple lesson that should serve as the basic test for any OTC derivatives legislation proposal. The lesson is that prudential and market regulators must have the tools to properly oversee OTC swaps markets. The lack of transparency regarding counterparty exposures and the lack of adequate regulatory tools made it difficult for regulators to respond quickly and effectively to this financial crisis 18 months ago.

Unfortunately, the Lincoln-Dodd derivatives bill fails that most basic test. The Lincoln-Dodd bill does not provide regulators with access to the information they need to do their job. It requires all other regulators to go through the Commodity Futures Trading Commission to get information. It gives only begrudging access to the Securities and Exchange Commission—the SEC—to data about the swaps markets and thus limits the SEC's ability to get the information it needs to oversee the securities markets.

Much of this bill reads more like a jurisdictional power grab to some of us than an honest attempt to ensure that all the relevant regulators have the information and the authority they need to do their jobs.

I believe the Lincoln-Dodd bill contains a number of other fatal flaws. For example, key provisions in one title directly contradict key provisions in other titles and also in the current law. One provision in the Lincoln-Dodd bill that has gotten a lot of attention is a prohibition on Federal assistance to any ''swaps entity,'' which includes entities that do not handle any swaps. All clearinghouses, regardless of whether they handle swaps, would be precluded from receiving Federal assistance, which is interpreted to include access to the Federal Reserve's discount window. This provision contradicts language in title VIII, which empowers the Federal Reserve to grant discount window access to clearinghouses.

Also, the bill imposes a fiduciary duty on dealers when their counterparties are pension plans, endowment funds, and municipalities. As understood in current law, pension plans cannot engage in transactions with entities with which they have a fiduciary relationship.

The proposed regulatory framework also poses new risks to the system. For example, the bill anticipates generally imposing a clearing mandate on most market participants as soon as a clearinghouse will accept a swap for clearing. For-profit clearinghouses will have an incentive to clear as many swaps as possible. If they do not properly assess and collect margin for risks associated with these products or do not have sufficient operational capacity, an unanticipated event in the market could topple a clearinghouse and send devastating shock waves throughout the rest of the system. We witnessed that for a few minutes last week.

This bill is also anticompetitive because it further concentrates business within existing dealers. The prohibition on Federal assistance, including FDIC insurance, to swap entities means neighborhood banks will be unable to hedge their own interest rate risks, let alone offer swaps to customers who need to hedge their risks. Bank dealers are given preferential treatment with respect to both capital and margin requirements.

Another disadvantage in the bill for nonbank dealers is that even the commercial aspects of their business will be subject to bank-like capital requirements, which is an unprecedented expansion of bank-like regulation to the nonfinancial corporations. Nonbank dealers may simply exit the derivatives business and leave the swaps business more concentrated among a few large Wall Street dealers, which is not a good result from a competitive or systemic risk standpoint.

I believe the so-called end user exemption contained in this bill is illusory. Main Street corporations that buy swaps in the ordinary course of business to hedge their own business risks will be subject to the same regulatory treatment as Wall Street banks. This means manufacturing firms, power companies, and even beer producers will be required to hold massive amounts of cash and other collateral simply to engage in risk management. I believe this will work as an anti-stimulus plan to pull resources out of the economy, hurt growth, and slow job creation. It will also lead to price increases and price volatility.

For my colleagues interested in increasing their constituents' cooling costs in the summer or heating costs next winter; for those interested in seeing the price of orange juice, cereal, lightbulbs, medicine, office supplies, building materials, cars, and computers rise; for those who would like to make the overall cost of living for all Americans go up and the prospect of getting a job go down, the Dodd-Lincoln bill is for you.

Finally, I believe this bill is unworkable as it is now written. The derivatives title is the one piece of this legislation that will be tested every day. The bill would make massive changes in a huge market in 180 days without the usual notice-and-comment rulemaking period that allows for broad public input during that time. Neither agency has the staff it needs to write or implement the rules at this time. There will be enormous operational challenges for the SEC and the CFTC as they gear up to monitor and receive data on all swap transactions for which there is no data repository. Companies all across the United States will face operational, legal, and financial challenges as they strive to come into compliance with record-keeping, reporting, capital, margin, clearing, and business conduct requirements.

Don't just take my word for it. Check for yourself. Take the words of a recent Bloomberg article, which was aptly titled ''How 'Hard to Fathom' Derivatives Rule Emerged in the U.S. Senate'' or take the words of the National Association of Manufacturers, which warned that the end-user exemption ''is not strong or clear enough. In addition, other provisions in the derivatives title could effectively eliminate the exemption for many companies, and in some cases, subject them to capital and margin requirements or higher costs.''

Take the words of a well-respected lawyer in a memo to his clients which contained the following criticism of the Lincoln-Dodd bill:

> Ordinarily, in writing with regard to a proposed law, the expected role of the law firm lawyer is to provide a description rather than commentary. In the case of the Lincoln-Dodd bill the law firm lawyer attempting a noncommittal description must confront the following problems:
>
> (1) the Lincoln-Dodd bill's substance is inconsistent with its stated purposes; (2) it would give a degree of discretionary power to the U.S. Government that is far out of the ordinary; (3) the Lincoln-Dodd bill is loosely drafted in even its key provisions; (4) it

could make for radical changes in the financial system that seem not to have been considered; (5) the Lincoln-Dodd bill would likely motivate institutions to move jobs to Europe, damaging the U.S. economy and particularly the northeastern financial center economy; (6) it would discourage banks' capital market and real estate lending in the United States by increasing their risks; and (7) the Lincoln-Dodd bill would hurt banks' profitability at a time when they are struggling.

Or take the words of an industry representative who urged us to change a certain provision that would prevent pension plans and government agencies from getting the services they need, and another provision that could force purchasers of swaps into deals with less creditworthy counterparties.

Or take the actions of my colleagues on the other side of the aisle. While several of them have privately admitted that they fear the wrath of the administration for speaking out publicly against the Lincoln-Dodd derivatives bill, their actions speak louder than their silence. They are apparently hard at work, we know that, behind closed doors, trying to make numerous last-minute changes to this flawed bill.

Or take the words of my colleague from Connecticut, Senator DODD, for whom I have a lot of respect, the chairman of the Banking Committee. He was quoted earlier this week saying:

We still have work to do on [derivatives]—there's no question. We have always known that. So a lot of people are spending a lot of time trying to come to some common points on this.

I agree with the committee chairman; the derivative title needs a lot more work. Fortunately, that work has already been done: the substitute derivatives bill that we offer as amendment No. 3816, the Over-the-Counter Swaps Markets Transparency and Accountability Act of 2010. This amendment was crafted and cosponsored by several members of the Agriculture and Banking Committees. The substitute derivatives bill is a bipartisan product. The bill is built from the framework of the Chambliss-Lincoln bipartisan process. It also incorporates key concepts from the Gregg-Reed bipartisan working group that was formed by Chairman DODD himself to hammer out real derivatives reform. The substitute derivatives bill is also a multicommittee product.

My colleague from Georgia and I appreciate the input from the Agriculture and Banking Committees, as well as the important input from the Judiciary Committee, on provisions that strengthen protections for customer funds in the event of a counterparty bankruptcy.

The derivatives substitute amendment addresses five key areas of reform: introducing regulatory transparency and regulatory authority over the OTC swaps markets, mandating clearing for Wall Street dealers, minimizing threats to the financial stability of the United States, preserving Main Street's ability to hedge their business risks, and improving public transparency. I will briefly explain each of the five areas of reform.

First, we address regulatory transparency and regulatory authority. I believe we must repeal the statutory provisions that prohibit regulators from overseeing the OTC swaps markets and give them access to the information they need so they can do their job.

Second, we mandate in our amendment clearing for Wall Street dealers. We must encourage the clearing of derivative transactions among Wall Street dealers and dealer-like firms in well-regulated clearinghouses. This will account for a combined 80 percent to 90 percent of all OTC derivatives transactions.

Third, we minimize threats to the financial stability of the United States. We must prevent the concentration of inadequately hedged risks in individual firms or central clearinghouses.

Fourth, we preserve economically beneficial hedging for Main Street businesses. I believe we must ensure that so-called corporate end users can continue to hedge their unique business risks through customized derivatives. Main Street businesses do not pose any threat to the financial stability of the United States. In fact, prudent use of derivatives for hedging makes their businesses, the financial system, and the economy safer. The prudent use of derivatives enables businesses to protect themselves from changes in interest rates, swings in foreign currency, exchange rates, and the changing prices for raw materials that all of our manufacturers use.

If businesses in America are not able to use derivatives or if the cost of using derivatives increases, they may choose to move operations overseas or curtail business operations, which will mean the loss of jobs when we really need jobs. If they must refrain from hedging their risks, prices will go up for all our consumers—all of us.

Fifth, we improve, in this amendment, public transparency. Without mandating that swap trades must occur on an exchange, we must direct regulators to provide investors and other market participants with information about recently executed transactions for the purpose of helping them to mark existing swap positions to market, make informed decisions before executing future transactions, and assess the quality of transactions they have executed.

The Lincoln-Dodd derivatives title does not achieve these reform objectives but, in fact, threatens to stymie real reform.

The substitute derivatives amendment we offer represents a change in course from the Lincoln-Dodd bill. The substitute amendment is a strong bill that offers real reform. This is why the National Association of Manufacturers has indicated that all votes related to the Chambliss-Shelby substitute amendment, including procedural motions, may be considered for designation as key manufacturing votes in this Congress. I think it is important to American business that we adopt this substitute.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I rise to speak in opposition to the Chambliss substitute amendment and to ask my colleagues to think about this substitute in a significant way because it dramatically changes the underlying bill. In fact, I almost want to ask my colleagues on the other side of the aisle if they are serious—if they are serious that this is the proposal they are going to put before us in response to the catastrophe that we have seen on Wall Street.

I know we have been on the Senate floor and we have had a lot of history with this, starting in 2001. I think it must have been 2002 or 2003 when we tried to regulate derivatives after the Enron crisis, and one of my colleagues on the other side of the aisle said: We can't regulate derivatives; we don't know enough about them.

What lessons have we learned since this catastrophe? I can tell you this: We were wrong to say we can't understand derivatives because our misunderstanding or not paying attention has led us to the catastrophe we are in today. For the other side of the aisle to say we can't even propose exchange trading, that is like saying the stock market should make changes in options and stock without being on an exchange. That would be like the Presiding Officer and I swapping back and forth Microsoft or Starbucks stock and selling it to other people and having none of the trade basically being reported.

Why would we tolerate that for the stock market? Yet we are saying somehow it is OK for derivatives, this product that has become this unbelievable $600 trillion market, to operate in the dark.

The other side does not even want to have exchange trading? I cannot believe that. I cannot believe somebody would even propose that. I know some people will say they have clearing, but the clearing requirements in this legislation would leave 60 percent of the market uncovered. So we are talking about not having the product on exchange and not having a lot of it cleared. So the two primary principles, learning from the mistakes of the last 10 years, are basically going unnoticed, unaccounted for on the other side of the aisle.

Let's go back to how we got into this situation because we used to have a law that basically said, yes; let's protect consumers. We had transparency in trades—that was reporting to the CFTC; we had on the books capital requirements, we had speculation limits, we had antifraud and antimanipulation laws, we had trader licensing and registration and public exchange trading. So, yes, we actually had it right. We had it right. We had some tools in

place. We had an oversight agency that was supposed to do this job, all of these things that protected the investments of millions of people and made the functionality of people who legitimately had to hedge, such as farmers or airline industries, rules of the road so they weren't taken to the cleaners or the price wasn't artificially driven through the roof.

What happened to these things? What happened to these things is, in 2000, somebody came out on the Senate floor, basically at 7:30 on a Friday night, and stuck into an over 2,000-page bill a little exemption that said: Don't regulate these derivatives. That is what happened.

What happened in the marketplace is that derivatives were a very small business, only a few hundred billion dollars, as you can see, in 1999. It was kind of an uninteresting little market. But we ended up deregulating them, and since then, in this short period of time, it turned into a $700 trillion market.

How do you go, in that period of time, to this $700 billion? You go because we made it a dark market. We basically said: You don't have to have the rules of the road or the regulation or the oversight or the basic things that make this a functioning market.

What happened? We had no transparency, no requirements to keep records. That means you didn't have to be able to prove to the CFTC exactly what you were doing in the market. That way, you could not actually prove fraud because you didn't know what anybody was doing because nobody had to make records. It is like Bernie Madoff on steroids. We had no large trader reporting and no speculation limits.

The reason you have things on an exchange is because when an exchange sees that somebody is making the market or has too large a position—and oftentimes across several exchanges—you have a regulator who can come in and say, you know what. We have speculation limits and you cannot do that much trading because you were driving the market.

So after that we had no speculation limits, we had no capital requirements, and we had this high-risk manipulation and excessive speculation. That is what we did.

A lot of people thought: You know what. I wasn't here, but I know a lot of people said this is going to revolutionize things. Derivatives are going to be the wave of the future. It is going to help us in our financial markets and the amount of liquidity. Everything is going to be great.

Some people said don't worry about this because they are not going to be a very big resource, they are going to be very small and it is only going to be a few people who are going to trade back and forth.

I showed you the chart. It turned into a $700 trillion industry. It was a big opportunity for people to make a lot of money without the oversight.

Where are we today? Have we learned the lessons of this catastrophe? Have we? It is not to say that it isn't hard to be ahead of the smartest guys on Wall Street. I will say it is very hard. That is why you have to have bright lines because otherwise people do come up with new tools. I saw it with Enron in my State. I have seen it now with derivatives. There will be something else. Unless we have rules of the road, then there will be people who will try to continue to have opaque markets and drive trading.

But our underlying proposal, by the chair of the Agriculture Committee and this underlying bill, working with the chair of the Banking Committee, has the rules of the road. The other side of the aisle is proposing a substitute that would take those away. This is clear. If you have unregulated trading, none of this happens. If you had exchange trading, this is what the American public gets protected with: transparent pricing, real-time trade monitoring, transparent valuation, speculation limits and public transparency. That is what this underlying bill does and that is what the amendment is trying to get rid of.

They want this to be blank over here. They want this to be blank. They don't want those things to have to be met.

How could you possibly propose that after what we just went through? You had, prior to 2000, regulation. Things were working hard. You have afterwards a major catastrophe, and these are fundamentals that we have behind all of our markets and exchange trading. So why would you let one thing off the hook?

I will never forget the day when one of the former CFTC staff came and testified before the Energy Committee and said to our committee: Do you know that hamburger in America has more regulation on it than energy futures?

I thought he couldn't be serious, but he was right. Futures of beef have reporting requirements, have to have transparency and real-time monitoring, have speculation limits. But these energy derivatives, because they were exempted by this 2000 act, did not. So somehow we were saying that hamburger in America—making sure it played by the rules—was more important than whether oil or electricity or these other things—as we know, CDOs—played by the same rules.

Make no mistake. This underlying bill gives us this kind of predictability and certainty in the tried and true ways that markets function, with transparency.

We are talking about old-fashioned capitalism. We are not talking about oligarchies where people hide behind things and only a few people know. Who knows when we are going to find out what happened with the ''fat finger'' the other day and what moved the markets? But I know this: If you come back to capital trades with transparency in pricing and real-time monitoring and those speculation limits—their legislation on the other side does nothing to make sure we prohibit the excessive speculation that can move the market in a manipulative way.

So I hope we do not adopt this substitute amendment. Let's show America we are serious about the kind of transparency that has worked in markets in the tried-and-true part of our capitalist system.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I rise in support of the amendment of Senator CHAMBLISS from Georgia and to express my very serious concerns about the language which has been brought forward by the chairmen of the committees—both the Agriculture Committee and the Banking Committee—relative to derivatives.

Let's begin with what our purposes should be. Let's remember that derivatives, as has been said before on this floor numerous times—the Senator from Alabama said it extraordinarily well—are a critical part of how Main Street maintains its economic vitality. You know credit is what makes America work. One of the great geniuses of our society is that we are able to produce credit in a fairly ready manner which is reasonably priced and which people who wish to take risk can take advantage of in order to create economic activity and jobs. The oil that basically keeps the credit available in the American capital system is derivatives, for all intents and purposes.

As has been pointed out, if you are manufacturing an item somewhere in America and you enter into a contract to sell that item—let's say overseas—there are a lot of risks on how you are going to make money on that item which you have no control over.

Let's say you make it one day and you are going to sell it 6 months later. You enter into a contract when you get the order and you produce it 6 months later. There is a lot of risk there over which you have no control. You know how to manufacture. You know how to create it. If it is credit, you know how to produce it. But you do not have control over the exchange rates you are dealing with. You do not have control over the cost of the raw materials you are using. You do not have control over whether the various parties that enter into this transaction as it moves through the commercial stream survive or go out of business or experience some huge economic upset.

Well, in order to avoid all of that and just be the person who wants to produce the good and sell it, you buy derivatives, which are essentially insurance policies, to make sure you have insurance against the risk which you cannot control. That is derivatives in their simplest form. It also affects all sorts of other instruments, of course, financial instruments, commodity instruments. But basically it is the capacity of someone to make an

agreement with somebody else and know that agreement is not going to be affected by outside events or, if the outside events do occur, there is going to be a vehicle in place to protect you from the risks that outside event may create for you. So derivatives are crucial to our capacity as a society to be economically vibrant.

We also know that during the economic downturn, during the very severe financial crisis we had, the fact that we had so many derivatives in place which were based off of contracts which were not properly supported created a huge cascading event which almost forced our entire financial structure to come to a halt—in fact, it did on one evening—and was about to put our economic house into extreme distress because the derivatives markets had not been properly regulated or managed.

Now, that wasn't the primary cause of the event of the late 2008 period. The primary causes of the events of the late 2008 period were very bad underwriting—in fact, virtually no underwriting standards in some instances—for the loans which were being made, easy money, and regulatory arbitrage. But the accelerant which took those causes and basically turned them into an event of immense proportions which almost shut down America and would have caused massive dislocation in our Nation had it been allowed to go uncontrolled, had the Fed and Treasury not stepped in and taken very definitive action, the accelerant was the derivatives market.

The classic example of that, of course, is the AIG situation, which has been cited here on the floor numerous times as the example of what was wrong with an unregulated market, where essentially you had a company which was issuing insurance based on its good name and virtually nothing else behind the insurance besides its good name. When that insurance started to get called because the contracts started to fail and the counterparties became concerned, there was no capacity to support the insurance.

So our purpose here should be to reorganize our regulatory structure so that type of an event doesn't occur again—I mean, that should be our purpose—while at the same time recognizing that we need a very robust and vibrant derivatives market if we are going to be successful as a nation, if we are going to continue to have economic vitality as a nation. So our goal should be, one, to put in place a structure which as much as possible foresees and limits systemic risk caused by the derivatives market or that could be caused by the derivatives market and, two, maintains an extremely vibrant derivatives market where America remains the best place in the world to create capital and get credit.

Unfortunately, the pending bill undermines the second part of that effort. It could be argued that the first part of the effort—foreseeing and trying to anticipate systemic risk—is addressed in this bill, but it addresses it in such an unwieldy and unmanageable and in some ways counterproductive way, it actually undermines the basic goal, which is to keep the system sound and also keep credit markets vibrant.

Why is that? Well, there are a number of reasons for it, but the two most difficult parts of this proposal relative to getting it right are the fact that it forces the swap desks to be spun off from the financial houses and it essentially forces instant movement from and basically almost total coverage of derivatives from clearinghouses into exchanges. In both those instances, you are basically going to create fairly close to the opposite result you are seeking if you pursue this course.

I would predict that if this bill were to become law in its present form, it would be likely that, one, a large amount of derivative activity would move overseas; two, a large amount of derivative activity which presently occurs and which is necessary for commerce would have to be restructured in a way that would be extraordinarily expensive for the people who are doing that commerce and would therefore significantly curtail commerce; three, the credit markets would inherently contract by a significant amount of money, probably as much as $¾ trillion; and four, the institutions which would be responsible for creating the derivatives market would actually be less stable. The market makers would be less stable than what we presently have today.

You do not have to believe me to understand the seriousness of this and accept this as a statement or an assessment of what the present bill does. I mean, granted, I am just one Member of this body who has an opinion on it. But we do hire people, as a government, to take a look at something like this and say, does this work or does that work, and they are charged with the responsibility of accomplishing the two goals I mentioned: one, avoiding systemic risk, and two, having a vibrant credit market.

One of those agencies is the Federal Reserve. They have taken a look at this language in the Dodd-Lincoln bill and they have concluded: Section 106 would impair financial stability and strong prudential regulation of derivatives, would have serious consequences for the competitiveness of U.S. financial institutions, and would be highly disruptive and costly both for banks and their customers. That is the conclusion of a fair umpire, the Federal Reserve.

Now, there are a lot of people around here who do not like the Federal Reserve. But we pay them. Their job is to look at something like this and say: Does this work or does that work in making our markets more stable, more sound, more risk averse, and more competitive? Their conclusion is this language does just the opposite—would be highly disruptive and costly for both banks and their customers.

But if you do not like the Federal Reserve, listen to the FDIC. The FDIC, under Sheila Bair, during the crisis we have just gone through, has probably been one of the best performing agencies in our Federal Government. They really have stepped in on numerous occasions and stabilized banks, which had far overextended their capacity and had gotten into very serious liquidity positions, and basically settled those banks out in a way that very few customers lost anything.

What does the FDIC say when they look at this, because their responsibility is to maintain safety and soundness of banks. The Chairman of the FDIC, Sheila Bair, said in her letter to—I am not sure to whom it went; I will check that—I think it was to Members of Congress:

> By concentrating the activity in an affiliate of the insured banks, [and that means spinning them off under the proposal under this bill] we could end up with less and lower quality capital, less information and oversight for the FDIC, and potentially less support for the insured bank in a time of crisis. Thus, one unintended outcome of this provision would be weakened, not strengthened protection of the insured bank and the deposit insurance fund, which I know is not the result any of us want.

Then we have Chairman Volcker, who I think everybody agrees is a fair arbiter around here, and he has also said this language in this bill overreaches and does not work.

I ask unanimous consent to have printed in the RECORD the Volcker letter.

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

PAUL A. VOLCKER,
New York, NY, May 6, 2010.

DEAR MR. CHAIRMAN: A number of people, including some members of your Committee, have asked me about. the proposed restrictions on bank trading in derivatives set out in Senator Lincoln's proposed amendment to Section 716 of S. 3217. I thought it best to write you directly about my reaction.

I well understand the concerns that have motivated Senator Lincoln in terms of the risks and potential conflicts posed by proprietary trading in derivatives concentrated in a limited number of commercial banking organizations. As you know, the proposed restrictions appear to go well beyond the proscriptions on proprietary trading by banks that are incorporated in Section 619 of the reform legislation that you have proposed. My understanding is that the prohibitions already provided for in Section 619, specifically including the Merkley-Levin amended language clarifying the extent of the prohibition on proprietary trading by commercial banks, satisfy my concerns and those of many others with respect to bank trading in derivatives.

In that connection, I am also aware of, and share, the concerns about the extensive reach of Senator Lincoln's proposed amendment. The provision of derivatives by commercial banks to their customers in the usual course of a banking relationship should not be prohibited.

In sum, my sense is that the understandable concerns about commercial bank trading in derivatives are reasonably dealt with in Section 619 of your reform bill as presently drafted. Both your Bill and the Lincoln

amendment reflect the important concern that, to the extent feasible, derivative transactions be centrally cleared or traded on a regulated exchange. These are needed elements of reform.

I am sending copies of this letter to Secretary Geithner and to Senators Shelby, Merkley, Levin, and Lincoln.

Sincerely,

PAUL.

Mr. GREGG. So we have these independent arbiters, these fair umpires of what we should be doing in order to maintain financial stability and strong credit markets saying: Listen, do not do it this way. Do not do it this way.

There are ways to do this, however, ways to make sure we have a strong derivatives market which is also safer, more sound, and is not subject to systemic risk. Senator CHAMBLISS's amendment accomplishes that in a very effective way.

How do you basically do it? Well, in concept, you do it this way: You make sure that for the most part, all of the derivatives are cleared. They go through a clearing process. What does a clearing process mean? Well, it basically means that you get counterparties having to put up margin. They have to put up actual assets, margins, liquidity, in order to be sure there is something behind their position so that if they have a problem and they have to be called on to pay up their position, they have the capacity to do it and it is there. That is why you have a clearinghouse, because the clearinghouse becomes basically the place where that occurs and it becomes the process by which that occurs. And you make sure the clearinghouse itself, because it stands in and basically is the guarantor, for lack of a better word, of the contract, has the capital and the adequacy to make sure those contracts will not fail.

So as a very practical matter, you can do this by creating a proper structure using clearinghouses. You make sure the clearinghouses have proper oversight from the SEC or the CFTC. And then as these instruments, these various types of derivatives—there are lots of different types of derivatives—become more standardized—and a lot already are standardized—you move them over to an exchange, which is the ultimate process of making sure you do not have an issue of solvency behind the instruments. So as you move them to an exchange, you are able to create an even stronger market. But you do not mandate that everything goes through an exchange right out the door because if you did that, you would end up with a lot of derivatives which are still too customized to be able to move to an exchange and they would simply not be able to be brought forward, and thus you would contract the market again.

You also don't take the swap desks and move them out of the financial house because, in doing that, you would have to create a whole new capital base for the swap desks, which is the concern expressed by the Fed and by the FDIC and by Chairman Volcker, which would inevitably force a massive contraction in credit because that capital would no longer be available to underwrite credit. In addition, you would have much weaker institutions standing behind the swap desks, which is again a point made by the Fed, the FDIC, and Chairman Volcker.

It is not necessary to go down the route outlined in this bill in order to accomplish the goals which we all have. In fact, if you go down the route presented in this bill, you actually undermine the goal which we all have, which is to have a derivatives market which is less prone to systemic risk and which is strong, sound, and vibrant.

Rather, what Senator CHAMBLISS has proposed makes the most sense, which is a comprehensive reform of the derivatives market in a way that insists that for the vast majority of derivatives, they end up going through a clearinghouse process and that if they are standardizable, they end up on an exchange. If they are for purely a commercial purpose, a single-purpose commercial undertaking, then they are able to be exempt from the clearing activity. This would create a much more robust undertaking of a creation of credit. It would maintain the vitality of the derivatives market while at the same time protecting and making sure we had a sound derivatives market. It would avoid what I believe the inevitable outcome of this language will be under the Dodd-Lincoln bill, which is that we would weaken the derivatives market, weaken the systemic protections, and end up forcing overseas a large amount of economic activity which appropriately should be done in the United States and which is very important to our Nation's capacity to be competitive on Main Street. Remember, this is about Main Street.

I certainly hope Members will support the Chambliss amendment. It makes a lot of sense. It is well thought out. It is not exactly what I would do were I writing this myself, but it is a very good piece of legislation. It should be supported. I hope my colleagues will do so.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I appreciate all the debate we have had and the discussion. I thank my colleague from Georgia, my ranking member on the committee. He and his staff are a tremendous group to work with. I appreciate all that. I am confident we have worked hard. In the underlying bill we have come to agreement with Chairman DODD on, we lower the systemic risk by requiring mandatory trading and clearing, which my colleague, Senator CANTWELL, did a tremendous job of explaining, bringing that 100 percent transparency to the market with real-time price reporting, protecting municipalities and pensions and retirees, regulating foreign exchange transactions, and increasing the enforcement authority to punish the bad behavior we have seen. To that point, again, I believe not since the Great Depression have we seen such devastating consequences of a banking and financial system gone wrong. It does call us to action.

We are not here to take easy votes. We are here to tackle complicated problems and find the solutions we know are going to benefit all of America. We certainly should not squander that opportunity for historic reform, nor support any effort to weaken it.

Therefore, I certainly recommend a ''no'' vote on the Chambliss amendment and respectfully encourage my colleagues to do the same. Again, I thank my colleague from Georgia for his hard work. We will continue to work together to find the common ground we know is going to be the best place for us to all be.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, let me extend the same courtesy to my chairman. She is my dear friend. We work very closely together on virtually every issue. It is extremely unusual for us to disagree on any major issue. She and her staff have been great to work with, as always. They have been very open. We have had an ongoing dialog. We just simply disagree about the way this issue needs to be dealt with.

Let me say that an indication of how complex this issue is and why this issue is so important and why we don't need to have our constituents expend money when they don't need to expend money that is going to be passed on to consumers of every single product virtually made in America is this: There are a lot of people who have gotten up on the other side and spoken about this amendment. I know they don't intend to get up here and make statements that are not correct. But frankly, that is what we have heard. All I can attribute that to is the fact that this is such a complex issue, that the folks who have been speaking about my amendment simply don't understand it.

Let me give some examples. We talk about large companies falling prey to derivatives. Large companies use derivatives in a very meaningful way that is advantageous to every single American customer. Everybody who buys something—I don't care whether it is an automobile, a widget, a drug—and every major manufacturer uses derivatives. They are very sophisticated individuals who deal in these products. They know what they are doing. They are not falling prey to the use of these products.

There have been a couple folks who have said we don't have transparency, that we ought to let these products come out of the shadows. Let me make clear—and I think the chairman will agree with me—100 percent of the transactions under our amendment would be out in the open. There would

be a clearing of about 85 to 90 percent of all derivatives contracts under our amendment. The others, the end users, the manufacturers, the energy companies that go out and not only borrow money but buy coal or buy natural gas and that want to have stability in their products, those individual end users would be exempt from the clearing requirement. But every single one of them would have to report every single contract to the CFTC or to the SEC, 100 percent transparency on every single derivative.

I don't know why folks can't understand that in our amendment because it is pretty plain. I think Senator GREGG did a good job of explaining exactly how that is done.

Somebody said they don't want to return to old-fashioned capitalism. If I am considered to be one who is promoting old-fashioned capitalism in my amendment, I plead guilty. Old-fashioned capitalism has made this country the strongest economy the world has ever seen. Old-fashioned capitalism has an alternative. It is called socialism. I do not believe in socialism. I believe, if somebody wants to work hard and generate money to make a better quality of life for themself and their family, they ought to have the opportunity to do so. That is what old-fashioned capitalism is all about.

I could go on and on giving examples of things that have been said that are out of context. Let's get down to the bottom line; that is, who supports the underlying bill? Who supports the Dodd-Lincoln bill? The simple answer is Wall Street. Why do I say that? At a hearing in the Government Relations Committee last week, Goldman Sachs was called to the Hill to testify before Senator LEVIN and Senator COBURN's committee. Senator COBURN asked a question directly of the Goldman Sachs agent and said: Do you support the underlying bill that is now being debated on the floor of the Senate? Without hesitation, he said: Yes. Why would they support it? They are going to make a lot of money off this underlying bill. Why do I say they are going to make a lot of money? Who is going to clear these contracts? They are going to be cleared by clearinghouses owned by Wall Street banks.

Under the underlying bill, there is another provision that has not even been talked about today: Transactions are required to be executed on what is called a swaps execution facility. It is a mini exchange. In addition to going to that swaps execution facility, that contract, after that, has to go to a clearinghouse. So what you have is a party who agrees with a manufacturer that they are going to enter into an agreement on a derivative for an interest rate, let's say. That entity that has put that deal together is going to charge a fee. They would do that anyway. That entity is also likely to be charged by the swaps execution facility where the contract is executed. They are going to charge another fee for doing that. Then they are going to have to go to a clearinghouse that is going to charge another fee.

So it is pretty easy to see why Wall Street likes this provision, likes the underlying bill, because they are going to make a lot of money in fees off these contracts.

The only other comment I wish to make, with reference to comments that have been made, is whether these end users leave the U.S. markets and go overseas. There has been contention made that is not going to happen. They are not going to do that. Well, they are. Other markets have already indicated they are not about to follow our lead. The London regulator has openly said they will not follow our lead. We have heard nothing out of the Europeans, nothing out of Singapore. Why haven't we? They are watching to see what we do. They are going to be soliciting U.S. customers to go to their markets because our constituents are not going to have to pay these huge fees in their countries that are required under this bill.

It only makes sense that if they can generate more money for their bottom line and they can sit in their office in New York City, Atlanta or Moultrie, GA, and execute a contract in Singapore, where they don't have to pay that fee, you better believe that is where they are going to go. They have no more risk. It is the same amount of risk. Is the CFTC or the SEC going to know they have done that? Absolutely not. It will not be reported to them.

I could go on and on. At the end of the day, if you want to see 100 percent transparency and you want to see the end users in this business who utilize these swaps and derivatives in a nonsystemically risky way continue to have access, then you need to support my amendment. If you listen to the manufacturers across America that know because they have used these products for decades and have done so in a safe way and a way that provides a cheaper product for their consumer, you need to support my amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I ask unanimous consent that the Senate proceed to vote in relation to the Chambliss amendment No. 3816, at 5:30 p.m.——

Mr. SHELBY. It is 5:30 now.

Mrs. LINCOLN. With no amendment in order to the amendment prior to the vote; that upon the disposition of the Chambliss amendment, the next two amendments be the Reed amendment No. 3943 and the Sessions amendment No. 3832.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is on agreeing to the Chambliss amendment.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I further announce that, if present and voting, the Senator from West Virginia (Mr. ROCKEFELLER) would vote ''nay.''

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

The result was announced—yeas 39, nays 59, as follows:

[Rollcall Vote No. 144 Leg.]

YEAS—39

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

NAYS—59

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

NOT VOTING—2

Byrd	Rockefeller

The amendment (No. 3816) was rejected.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, if I could have the attention of our colleagues to give them some sense of things.

Senator REED and Senator BROWN of Massachusetts have an amendment which will take just a very few minutes to discuss, and then they would like to have a vote on that, which we have agreed to. At the conclusion, that would be the last vote of the evening.

Then the next amendment would be the Sessions amendment. Senator SESSIONS has agreed to debate his amendment tonight. We will vote on that in the morning. Senator SPECTER would be the following amendment and we will debate his amendment this evening and vote on that tomorrow as well. Senator COLLINS, I know, has an amendment and she can debate, if she would, this evening and we will try and

line that up in the morning so we have a series of votes when we come in.

So the last vote today would be on the Reed-Brown amendment, if Members would stay around for just a few minutes to hear that, and then we could be free of any more votes. At least that is the plan.

The PRESIDING OFFICER. The Senator from Rhode Island.

AMENDMENT NO. 3943 TO AMENDMENT NO. 3739

Mr. REED. Mr. President, I call up amendment No. 3943.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED], for himself and Mr. BROWN of Massachusetts, proposes an amendment numbered 3943 to amendment No. 3739.

Mr. REED. 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 establish a specific consumer protection liaison for service members and their families, and for other purposes)

On page 1219, after line 25, insert the following:

''(e) OFFICE OF SERVICE MEMBER AFFAIRS.—

''(1) IN GENERAL.—The Director shall establish an Office of Service Member Affairs, which shall be responsible for developing and implementing initiatives for service members and their families intended to—

''(A) educate and empower service members and their families to make better informed decisions regarding consumer financial products and services;

''(B) coordinate with the unit of the Bureau established under subsection (b)(3), in order to monitor complaints by service members and their families and responses to those complaints by the Bureau or other appropriate Federal or State agency; and

''(C) coordinate efforts among Federal and State agencies, as appropriate, regarding consumer protection measures relating to consumer financial products and services offered to, or used by, service members and their families.

''(2) COORDINATION.—

''(A) REGIONAL SERVICES.—The Director is authorized to assign employees of the Bureau as may be deemed necessary to conduct the business of the Office of Service Member Affairs, including by establishing and maintaining the functions of the Office in regional offices of the Bureau located near military bases, military treatment facilities, or other similar military facilities.

''(B) AGREEMENTS.—The Director is authorized to enter into memoranda of understanding and similar agreements with the Department of Defense, including any branch or agency as authorized by the department, in order to carry out the business of the Office of Service Member Affairs.

''(3) DEFINITION.—As used in this subsection, the term 'service member' means any member of the United States Armed Forces and any member of the National Guard or Reserves.''.

Mr. REED. Mr. President, I propose to make very brief remarks about this amendment. My colleague from Massachusetts, Senator SCOTT BROWN, will make remarks. We would like to expedite a vote, but I would ask that the yeas and nays on a recorded vote be taken when I conclude and when Senator BROWN concludes.

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

Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

Mr. REED. Mr. President, this amendment is very straightforward. It would provide within the new office of consumer financial protection a military liaison, an individual who is charged with protecting the interests of soldiers, sailors, airmen, and marines as consumers.

Let me tell my colleagues—and I will elaborate later, but let me be very brief and to the point. We have soldiers, sailors, airmen, marines, and their families who are consistently exploited by unscrupulous car dealers, payday lenders—a whole panoply of people who flock around military bases to exploit these individuals. They are in a very difficult situation. They have stress because they are on constant deployments. In many cases, military families today have one spouse deployed and one military spouse back taking care of children. I don't have to go much further. The Presiding Officer understands this from his dealings with the USO and families across the country.

Let me give my colleagues two examples. I could give you 200 examples. If this was not true, it would be almost humorous, but it is sadly true. This is one I like. This is the ''free transportation to the beach'' ploy. True story: A car dealer from Virginia Beach went to Camp Lejeune and offered free round trips to the beach. These are young marines. If you have been to Camp Lejeune, you know it is not the Paris of North Carolina. It is a place where you need a little diversion. They wanted to go to Virginia Beach. They were given this round trip. They got to Virginia Beach. There was no round trip unless they bought a car from this car dealer. Well, he was caught, lost his license, but reappeared later without a license, making the same ploy.

I wish to make a point. I am not condemning car dealers. In my home State, they are great. They do wonderful work for the community. But exploitation by car dealers of military personnel is a significant problem. Seventy-two percent of military financial counselors recently surveyed had counseled Servicemembers on auto lending abuses in the past six months.

One other example. Fort Riley, KS. Army Specialist Jennifer Howard bought a car while she was stationed there. It turns out the dealership which arranged her financing charged her for features on the car she never got, such as a moon roof and alloy wheels. In her words:

The dealership knows that we're busy, we're tired. We don't take the time, because we don't have a lot of time. It's like get in, get out, do what we got to do. If we get taken advantage of later, we'll deal with it then.

That is no way to treat soldiers. It is no way to treat consumers. This liaison would be very important, but I should say it has to have the authority within the bill to actually act against the disruptive behavior of auto dealers, payday lenders, and a whole host of individuals.

The rent-to-own people, they are trying to scam our troops. They are trying to scam consumers.

Frankly, they don't care if you are wearing a uniform or not, they are out to scam who they can. We need to set up a strong consumer financial protection agency, and we particularly have to have somebody in there watching over the troops.

I yield to my colleague.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. BROWN of Massachusetts. Mr. President, I thank Senator REED from Rhode Island for his idea and his thoughtfulness in trying to protect our troops.

I want to discuss this amendment, as well. Senator REED has a distinguished career in both the Army and as a Senator. He has always done his duty looking after the men and women not only of his State but also those in uniform. I thank him for the opportunity to work on this particular amendment with him.

As a 30-year member of the Army National Guard, I share Senator REED's interest and commitment to our Nation's soldiers and their loved ones. As we all know, they make extreme sacrifices to keep us safe and keep our Nation safe.

This amendment would dedicate resources within the new Consumer Financial Protection Bureau to serve as a watchdog for military personnel and their families.

As you know, our military culture of honor, courage, and commitment demands prompt repayment of debts. As a result, payday lenders often congregate outside military facilities. Unfortunately, the financial terms offered by these lenders are not always clear, not always offered up in free form, and typically lead to very expensive and bad loans. Other financial predators have sold military personnel bogus life insurance policies.

These practices take advantage of our soldiers. Our young enlisted soldiers are particularly vulnerable. They don't have the necessary tools, resources, guidance, and financial assistance to make their decisions. They often spend time deployed far from their support networks at home, have steady paychecks, and promised pension benefits. As a result, those financial predators see them as a way to make money.

As they risk their lives defending our Nation in places such as Iraq and Afghanistan, at home they also wear a big target on their back. If a soldier gets into financial trouble with an unscrupulous lender, how is that soldier going to dispute those charges while

they are deployed or getting ready to be deployed? Debts can pile up quickly. This dedicated office would be able to help sort out the truth and get them back to financial stability.

This issue, as you know—and I am about to conclude—has received a lot of attention. Today, there was an article in the Washington Post talking about how extra consumer protections are needed for our fighting men and women, citing the specific example of car dealerships employing high-pressure tactics to trap military families into expensive loans.

I urge colleagues to support this amendment, to put a cop on the beat to make sure our men and women in uniform have a chance to fight back against financial predators.

I yield the floor.

Mr. DODD. I strongly support the amendment offered by our two colleagues from New England, Senator JACK REED of Rhode Island and Senator BROWN of Massachusetts. Both of these colleagues speak with some authority on this amendment. JACK REED is a graduate of West Point and served in uniform for our country for a number of years with great distinction. Senator BROWN has spent some 30 years in the National Guard in Massachusetts and also speaks with more than just passing authority about the importance of the amendment they offer.

It is a very important amendment because it sets the table for a debate tomorrow regarding a certain area of finance companies. The amendment establishes an Office of Military Liaison within the consumer bureau we have created in the overall legislation.

In today's New York Times, there was a description of the case of Matthew Garcia, a 25-year-old Army specialist who was recently subjected to a trick called yo-yo financing by an unscrupulous car dealer, just as he was preparing to deploy to Afghanistan. According to the story, Specialist Garcia, stationed at Fort Hood, TX, bought an automobile at a used car lot and signed up for a loan at a 19.9-percent interest rate. That is not even the abuse, believe it or not, as high as that rate is. The problem came when Specialist Garcia drove the car home. The dealer called Specialist Garcia several days later to say that the financing contract had actually fallen through and demanded an additional $2,500 in cash. To make sure he paid up, the dealer blocked the soldier's car in so that no one could leave. That is the way some—few but some—auto dealers are treating our men and women in uniform. That is why we need the Office of Military Liaison within the Consumer Financial Protection Bureau.

Unfortunately, the story of Specialist Garcia is not unique. It is all too common, whether it is in the area of auto financing, payday lending, mortgage lending, check cashing, these unregulated areas of finance so many of our fellow citizens are subjected to on an hourly basis, let alone a daily one.

Creating an office within the Consumer Financial Protection Bureau to focus on the problems of our young men and women in the military and their families is an important contribution to this legislation. I thank both of our colleagues for offering this proposal.

The office we are creating with this amendment will help resolve many of the complaints brought to the office by our service men and women. It will help advise the director of the bureau's rule writing to take into account the special needs of military families. By doing this, it will help our military readiness as well.

I have letters from the Secretary of Defense and the Secretary of the Army, sent to me and to other Members, laying out the value of having some protection within the automobile financing area.

It is important we have this language in the bill. Let me emphasize as well that unfortunately we are not talking about many auto dealers that engage in financing that cause these problems, but, like most laws on the books, if they were only written because there were a majority of people committing the offenses, it would be hard to make the case against them. But we don't write laws for the many; we write laws for the few, those who will abuse their offices, abuse their operations in such a way as to cause harm to people who otherwise have no protection.

I have talked a lot about the Consumer Financial Protection Bureau over the last number of days. The importance of this is that for the first time in the history of our country, individuals who are taken advantage of in the financial services sector will have someplace to seek redress for the grievances to which they have been subjected. I don't think this is a radical idea, particularly in light of what so many of our fellow citizens have been through over the last several years where homes have been lost, jobs lost, the tremendous abuse that has occurred in too many of the areas of what I call the shadow economy, the unregulated areas of our economy.

The most important purchase the average American makes is buying a home, and we all know what can happen, as we have seen with brokers and mortgage lenders who were unregulated taking advantage of people by getting them into situations they knew they couldn't afford. People say it ought to be buyer beware. I don't argue with that. Obviously, we all bear responsibility to be better informed about financial arrangements. But to suggest this is a level playing field when it comes to home mortgages or car financing is to belie the facts. The analogy may not be perfect, but it has some value.

We don't expect patients necessarily to be as well informed when they are making decisions about their health care. There is something called medical malpractice. Obviously, we have an obligation to ask questions before we submit ourselves to surgery or other things. But we know in the end that if a doctor has abused the Hippocratic Oath and put a patient at risk, there is an ability to seek redress of those harms. It is called medical malpractice. It allows a person who has been injured or harmed because of the misfeasance or malfeasance of someone in the medical profession to get recovery. We understand it is not exactly a level playing field when the average person is trying to make intelligent decisions about their medical care.

The same could be said for mortgage lending. You can't expect the average person to understand all of the details, necessarily, involved. I suggest there is a higher degree of responsibility in the area of mortgage financing by a borrower than there would be necessarily in the case of medical malpractice, but nonetheless there are some legitimate comparisons.

Some have suggested mortgage malpractice may be an appropriate description for what happens when you are across that table from a lender. You have picked out the home you have fallen in love with. Your family is excited about this new place. In many instances, it is the first home you are buying. The idea that you will have your own home to raise your family in is a very emotional time. That lender across the table who is being unscrupulous in his or her behavior can extract commitments, and so forth, from that borrower that could put them at a distinct advantage. We believe in those instances there should be good underwriting standards by law. And if there is some harm done through the misfeasance or malfeasance of someone in the mortgage lending business, you can get some redress when that occurs.

Car financing is not the same as a home mortgage, but if you are an 18- or 19-year-old young person in uniform and you find that automobile you love and you are so attracted to it—I am not suggesting borrowers don't have a responsibility to be well informed—most Americans know what happens. All of a sudden, you end up like Specialist Garcia. You think you have bought the automobile. And at 19, almost 20 percent financing, that in itself ought to be illegal. But the fact that you then find you have a $2,500 extra charge and the wheels have been blocked so you can't drive away—that is the kind of individual who ought not to be allowed to continue to operate under those circumstances.

We believe when it comes to financing such as this we should not say to one sector: You are exempt; we will carve you out; you don't have to worry about any of the laws.

We make that local banker, who also might like to extend that loan, subject to the law's protections. The credit union is subject to the same laws. Why should someone engaged in the financing of a product—an automobile—be exempt? The local bank isn't. They

have to meet their requirements under the law to make sure they are not abusing—not that many do but some do—the rights of an individual and protect them from a disadvantage in that second largest purchase a person may make aside from their home.

I know tomorrow there will be a debate. Senator BROWNBACK will offer an amendment to exempt auto dealers and financing. Auto dealers are not covered. If you are a dealer, you are not affected by this any more than you are if you are a butcher or a dentist or any other retailer merchant. If you are in the financing business, you are the one who is engaging in that contract despite the fact the papers may have been written up by some other lender that is doing business with the auto dealer. Shouldn't we provide to that individual the same kind of protection they would expect if they went to the local bank, the community bank to get a car loan or to the credit union to get a car loan? We require them to meet basic rules, not exaggerated rules but basic protections so you are not taken advantage of.

I have a wonderful relationship with the auto dealers in my State. I fought hard for them last year. The program we had on the clunkers that allowed for people to turn in older automobiles, I fought hard for that. I have a great relationship. In fact, they offered me a nice award last year for my efforts on behalf of auto dealers in my State. I am very proud of it. The overwhelming majority of my dealers, as I know is the case in all of our States, do a good job and are fair. They wouldn't be in business very long if they did not. But all of us also know there are people who take advantage. Certainly to be exempt from any kind of rulemaking when it comes to protecting people ought not to be the decision we are making.

Here we have the Reed-Brown amendment that says we will establish within the office of consumer financial protection an office to protect the men and women in uniform from the abuses of people who would take advantage of them. Then less than 24 hours later we write an exemption and take away one of the major problems these young men and women have. What an irony. What is this institution saying? On the one hand, we say our young men and women in uniform ought to be protected from people who take advantage of them. Then less than 24 hours later we say: But, by the way, in a major area of abuse that occurs, you are exempt. Don't worry about it. The law doesn't apply to you. I am sorry, Mr. Community Banker. I am sorry, Mr. Local Credit Union. You will have to live by the rules. So there is a great disadvantage at the local level. The community bankers and credit unions are rightfully annoyed that they may be subjected to one set of rules and the person down the street who finances an automobile for an unsuspecting purchaser is exempt. That doesn't make any sense to me.

I hope that tomorrow my colleagues will react as I am to this. Again, I am not in any way indicting automobile dealers—quite the contrary. They have been through an awful lot. They have seen the struggle with major problems of the industry in this country. We made major efforts here to get them back on their feet. I am proud to have been involved in that, to see to it we restore and maintain a strong manufacturing sector in our country of automobile dealerships and manufacturers. But to turn around at the local level and say: I will give you a pass on those who would abuse the law and take advantage of people—in fact, it is an invitation to do it. It seems to me, by carving this out, we are not just sending a message to those who are presently engaging in this but to those who may decide this isn't a bad area of business in which to get involved.

The local bank has to meet those obligations and the local credit union or some other financing operation covered under our legislation. Now we will no longer have shadow operators. We cover payday lenders. We cover the check-cashing operations involved in financial services or products. But in the second largest purchase the average American ever makes, you are going to be exempt from any of the laws involving consumer protection when it comes to financing.

I know there is a lot of pressure, a lot of lobbying going on all over the place to carve out this exception. But I urge my colleagues to please be careful about this, to walk in tomorrow and to basically gut the Reed-Brown amendment by saying in this one major area of abuse—read the letter from Secretary Gates. Read the letter from the Secretary of the Army. Listen to our colleagues who are listening to the people on their military bases in the respective States, what goes on every single day by those who take advantage of people who are in uniform.

I urge my colleagues, tomorrow, when we have an opportunity to debate the Brownback amendment, not be lured away from their support of putting an office within the Consumer Financial Protection Bureau and basically gut the very bureau before the ink is dry on the amendment by allowing for a massive exception which would allow for consumers, particularly men and women in uniform, to be taken advantage of.

The PRESIDING OFFICER. Is there further debate on the amendment?

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

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

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 145 Leg.]

YEAS—98

Akaka	Enzi	Menendez
Alexander	Feingold	Merkley
Barrasso	Feinstein	Mikulski
Baucus	Franken	Murkowski
Bayh	Gillibrand	Murray
Begich	Graham	Nelson (NE)
Bennet	Grassley	Nelson (FL)
Bennett	Gregg	Pryor
Bingaman	Hagan	Reed
Bond	Harkin	Reid
Boxer	Hatch	Risch
Brown (MA)	Hutchison	Roberts
Brown (OH)	Inhofe	Rockefeller
Brownback	Inouye	Sanders
Bunning	Isakson	Schumer
Burr	Johanns	Sessions
Burris	Johnson	Shaheen
Cantwell	Kaufman	Shelby
Cardin	Kerry	Snowe
Carper	Klobuchar	Specter
Casey	Kohl	Stabenow
Chambliss	Kyl	Tester
Cochran	Landrieu	Thune
Collins	Lautenberg	Udall (CO)
Conrad	Leahy	Udall (NM)
Corker	LeMieux	Vitter
Cornyn	Levin	Voinovich
Crapo	Lieberman	Warner
DeMint	Lincoln	Webb
Dodd	Lugar	Whitehouse
Dorgan	McCain	Wicker
Durbin	McCaskill	Wyden
Ensign	McConnell	

NAYS—1

Coburn

NOT VOTING—1

Byrd

The amendment (No. 3943) was agreed to.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I yield to the minority leader.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, I thank my friend from Connecticut. He was aware that I was going to ask consent for 30 minutes for a colloquy between Senators BARRASSO, ROBERTS, and myself, as in morning business.

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

BERWICK NOMINATION

Mr. MCCONNELL. Mr. President, let me just make a few observations, and then I will turn first to Senator ROBERTS.

The subject we would like to discuss is the Berwick nomination to be administrator of CMS. To be perfectly frank with you, I think many of us are alarmed by this nominee's focus on the British system, where government makes decisions for people on their care. In fact, I am reminded of a decision by the Department of Health and Human Services that I personally had a good deal of concern about last summer to limit the dissemination of information by companies who were in the Medicare Advantage business so that they could not communicate with their customers—clients—their opinions about legislation that would affect their product.

It was a stunning government gag order in effect saying to a corporation: You are not free to discuss a public issue before the Senate and the House; we are going to tell you what you can say. It was one of the most blatant examples of the government basically

squashing free speech as a condition for doing business with the government.

Now we have this nominee who is applauding—applauding—a system where care is delayed, denied, or rationed. So I am particularly concerned this attack on free speech is just a first step toward much greater government intervention.

I will be talking with Dr. Berwick about his plans, but now I would like to turn to Senator ROBERTS, whom I know has already spoken to Dr. Berwick, maybe as recently as today, to get his thoughts on this nominee for this very important position.

Mr. ROBERTS. If the distinguished Republican leader will yield, I will be happy to respond.

First, I thank the distinguished leader and the doc from Wyoming, who is always bringing forward new and important information about the health care bill and some of the problems that we are experiencing with it, for allowing me to join in this colloquy.

We are talking about President Obama's nominee to be administrator of the Centers for Medicare and Medicaid Service—CMS is the acronym. Rest assured, every health care provider in America knows about CMS, and the nominee is Dr. Donald Berwick. I just met with Dr. Berwick and had an opportunity to hear some of his thoughts on the direction he thinks American health care, and particularly Medicare and Medicaid, should take.

He is a very affable, friendly doctor from Connecticut. He has a wide background in terms of health care. I have also been reading up on Dr. Berwick, who has a prolific record of statements and speeches and books that further lay out his ideas for the future of health care. I recommend everyone within the health care industry and every health care consumer get hold of these speeches and these statements and, if possible books and read them.

Here is what I have learned. Dr. Berwick, I would tell the distinguished Republican leader, is a huge fan, a major champion, and a contributor to the British national health care system called NHS. As a matter of fact, I have a quote of Dr. Berwick regarding the NHS.

> I am romantic about the National Health Service; I love it. The NHS is not just a national treasure; it is a global treasure.

Well, I understand that people become very passionate about their jobs, but romantic seems to me a little unique, but we will let that go.

Now, why is this important? Because the NHS rations health care. The NHS denies and delays patient access to therapies in regard to breast cancer, Alzheimer's, multiple sclerosis, kidney cancer, macular degeneration—this happens to be my favorite example: patients required to go blind in one eye first before they get treatment for the other eye—and brain tumors. A patient group coalition called the group that rations health care in Great Britain unfair and unacceptable.

The quote by Dr. Berwick is:

> The decision is not whether or not we will ration health care—the decision is whether we will ration with our eyes open.

Consequently, I think the good Senator from Wyoming has something to say about that in regard to rationing health care and the British system.

Mr. BARRASSO. Mr. President, I agree absolutely with my colleague because that is exactly what is happening in the British health care system. It is delayed care, and delayed care, to me, equals denied care.

This has been such a major topic for discussion among the people in Britain that it was brought up in the recent debate for the prime ministership in the election, in the first televised debate ever. One of the questions that was asked of then-Prime Minister Gordon Brown was what about the National Health Service; people have to wait too long. Here is the quote. We have a transcript because I read about this in the local papers and got the transcript. He talked about people with cancer.

Now, this is very important to me, Mr. President, because my wife Bobbi is a breast cancer survivor. She was diagnosed in her forties as a result of a screening mammogram. So we spend a lot of time thinking about, talking about cancer, as do many families in this country.

Well, this is what he said about people who have cancer. This is Gordon Brown answering the question, what about the National Health Service and the long delayed time before treatment.

He said, ''They will also be able to know that their operation will be in 18 weeks.'' Mr. President, 18 weeks, if you are a cancer patient in need of an operation—18 weeks for your cancer operation. That is what the Prime Minister of England is promising the people as an aspirational goal. It makes you wonder how long is the delay right now.

So it is no surprise that the British medical journal, the Lancet Oncology, in their August 2008 summary of statistics, says in every category Americans survive cancer at higher rates than patients in other developed countries. American cancer patients have a higher survival rate for every major form of cancer than patients in Canada and Britain. American women have a 35-percent better chance of surviving colon cancer than British women. American men have an 80-percent better survival rate for prostate cancer. I have a list, cancer by cancer—breast cancer, colon cancer, prostate cancer—and the survival rates are much better in the United States than they are in Britain. It is not that our doctors are any better, it is that the treatment is more timely.

Imagine, Mr. President, being diagnosed with cancer and being told that your operation will be coming in September. Here we are in May, so 18 weeks from now—September—is when you will have your operation. All of that time the cancer can be growing. The cancer can be spreading.

As a patient in the United States, you may say: Do I really want Dr. Berwick? Do I want somebody who favors the National Health Service of Britain, someone who says they have incredible respect for the way it works and thinks it is the right way to go? Would an American citizen want that person to be in charge of Medicare and Medicaid for this country?

So I just have to respond to my colleague that, as a physician who has practiced for 25 years, and as a husband of a wife who is a breast cancer survivor—who has had detection through a screening mammogram and then very rapid surgery, where there actually was the spread of the cancer from the breast to one of her lymph nodes—I think she is alive today because of the screening mammogram and the timeliness—the timeliness—of her surgery and treatment in the United States.

I see the minority leader, and I see he is incredulous that we would be considering that sort of a system and that sort of a director for Medicare and Medicaid in this country.

Mr. MCCONNELL. Yes. And I would say to my friends that Wyoming and Kansas and Kentucky have a lot of rural areas. One of the things that Dr. Berwick has made very clear—and there was an article he wrote called ''Buckling Down to Change,'' in which he says there ought to be a concentration of change, in which he says there ought to be a concentration of services in metropolitan areas. He says most metropolitan areas in the United States should reduce the number of centers engaged in cardiac surgery, high-risk obstetrics, and neonatal intensive care services.

What he is really saying is narrow the specialties down to metropolitan areas only. I just think of how that would work in a State such as mine. We have a city—Pikeville, KY, in the mountains—about 2½ hours from the closest major city—Lexington. I wonder how it would work in my State to have to drive 2½ hours to put a baby in a hospital's neonatal intensive care unit. I mean, clearly, what he is talking about is major rationing of services.

That would be bad enough for the urban areas that are lucky enough to still have the service at all, but for States such as Wyoming and Kentucky and Kansas, where we have a lot of people in rural areas who are pretty far removed from major urban centers, we are talking about a catastrophe, as I see it.

Senator BARRASSO has practiced medicine for 25 years. I wonder what his take is on that kind of approach.

Mr. BARRASSO. My take is that it wouldn't work for Wyoming. But this entire health care bill—law, travesty—isn't going to work for Wyoming. We look at the numbers, and the Congressional Budget Office says 15 percent of hospitals in a few years are going to

find they are losing money and they can't stay open. People are going to have to travel long distances, very long distances, to get quality care. Sometimes with weather and with winter, it is very difficult. So I have lots of concerns for all of the rural communities in this country because we have somebody from Boston, or the big city, who doesn't think the way we do in Wyoming or Kentucky or in Kansas.

The other travesty of this is that the President of the United States has been in office now for well over a year—almost a year and a half—and it is only just now he has nominated someone to be in charge of Medicare and Medicaid. I have continued to ask on this floor why that is. Why has the President intentionally refused to send a name to the Senate to be in charge of Medicare and Medicaid at a time when this country was debating health care legislation; at a time when the President was proposing cutting $550 billion from our seniors on Medicare; at a time when the President was pushing—cramming—into Medicaid another 18 million people?

Mr. MCCONNELL. If my friend will yield, some have believed the reason he didn't want to send Dr. Berwick up during the health care debate is because it would confirm the obvious, which was the direction in which we were headed and which Senate Republicans said repeatedly during the debate on health care was the direction we were headed—and nobody has been more accurate on this issue than has Senator ROBERTS on the Finance Committee—which was massive rationing.

But it is hard to believe they had not decided to send the expert on rationing as soon as the debate was over.

Mr. ROBERTS. If the leader will yield, it is one thing to use the British health care system and be romantic about it, to quote Dr. Berwick, as an example for rationing, for practicing health care cost containment. It is another thing to do it by age, which is happening. But it is rationing by region, which the leader has pointed out and Dr. BARRASSO has pointed out, that should strike fear in the hearts of any person living in any rural area in the country. His tenet for modernizing the American health system is reducing what he calls ''the oversupply of inventory.'' That is how he defines it. Dr. Berwick's oversupply of inventory is, in truth, the rural patients' lifeline.

I know Dr. BARRASSO understands that.

As the leader has said, in Kentucky—well, in Kansas, demanding a patient in Kansas drive 200 or 300 miles to Wichita or Kansas City or Denver so their infant can get proper care is ridiculous. I can foresee a time when the rural health care system will consist of a bandaid and a bed pan.

Dr. Berwick is the perfect nominee for a President whose aim has always been to save money by rationing health care.

I would like to add, at this particular time, in addition to the rationing the good doctor talked about, the national health system in Great Britain utilizes an end-of-life pathway to death; an end-of-life pathway to death—that is a shocking description—that many British doctors say leads to premature death in patients who could have otherwise recovered.

To say that is noteworthy is unjust. It is egregious. Dr. Berwick's ideas on end-of-life care seem to mirror this death pathway. The quote is: ''Most people who have serious pain do not need advanced methods; they just need the morphine and the counseling that have been around for centuries.''

This is a rather stunning statement, it seems to me. But it is very similar to President Obama's remarks about the elderly approaching the end of their life. The President has said that as you get older, ''maybe you're better off not having the surgery, but taking the shots and the pain killer.''

The only thing missing in that is the walker.

Consequently, he has also remarked that ''the chronically ill and those towards the end of their life are accounting for 80 percent of the total health care bill out here.'' We know that. ''[T]here is going to have to be a very difficult democratic conversation that takes place.'' That is the end of the quote by the President.

It sounds like this ''difficult democratic conversation'' has already happened in the United Kingdom and that their pathway-to-death solution mirrors Dr. Berwick's and President Obama's ideas exactly.

But age rationing, as has been indicated, is not the only way to do it, as the leader has pointed out. We have regional discrimination as well.

Mr. BARRASSO. It is interesting, looking at this whole thing, because what we see happening in Britain right now—they call it NICE, but there is nothing nice about it—National Institute for Health and Clinical Excellence—what Dr. Berwick has had to say about it is very much the opposite of what doctors who practice there have said. What he has said about this system is that:

> Those organizations are functioning very well and are well respected by clinicians, and they are making their populations healthier and better off.

But a London colon cancer specialist says:

> A lot of my colleagues also face pressure from managers—

Managers in the British health system—

> not to tell patients about new drugs. There is nothing in writing, [he says] but telling patients opens a Pandora's box for health services trying to contain costs.

So it gets down to not quality of care, not availability of care but the cost of care.

Dr. Berwick says NICE is extremely effective and a conscientious, valuable and—importantly—knowledge-building system.

This is what—someone—says:

> Doctors are keeping cancer patients in the dark . . .

These are specialists, polled by Myeloma, United Kingdom:

> Doctors are keeping cancer patients in the dark about expensive new drugs that could extend their lives. . . .

So let's keep people in the dark rather than tell them what is there that can help extend or save their life. That, to me, is not a system that the American people want.

Mr. MCCONNELL. Could I ask my friend from Wyoming, who practiced medicine for 25 years, the Congressional Budget Office just said yesterday that this bill is going to cost $115 billion more than was portrayed on the Senate floor. Would it not be reasonable to assume, based on this nominee's views on the issue of rationing, that it could be that the way they intend to save that $115 billion, if they do, is with massive and extensive rationing, by nominating an individual who has expressed himself so clearly and unambiguously on the virtues of rationing? The exploding costs that everyone, the administration's own actuaries, the Congressional Budget Office, everybody who knows anything about the subject is weighing in, in the aftermath of the health care debate, and confirming the concerns that Senate Republicans raised during the debate, every single one of them has been confirmed by independent groups that this is the way they intend to cut costs.

Mr. ROBERTS. I say to the leader, this isn't anything new. Dr. BARRASSO has been predicting this for some time. Those of us on the Finance Committee and the Health committee, we got a double dose. During the health care debate, we tried to warn of the ''four rationers'' that were embedded in the bill. That is what we called them. I made several statements on them. We have: the Patient-Centered Outcomes Research Institute, the Independent Payment Advisory Board, the CMS Innovation Center, and the U.S. Preventive Services Task Force.

Dr. Berwick was actually the vice chair of the U.S. Preventive Services Task Force until 1996. You may remember this, as Dr. BARRASSO pointed out, this was the body that recently ignited a firestorm by recommending that women wait until age 50 before they receive a mammogram. That certainly angered many doctors in America, and whoever said that beat a hasty retreat.

We also warned that ObamaCare, I say to the leader and my friend from Wyoming, will result in higher costs, not lower, a prediction not only by the CBO but by the bravest man in America, CMS expert, Richard Foster, who—it is amazing to me that he is still on the job, thank goodness. He recently backed all that up, in terms of higher premiums, higher cost, rationing, access to doctors by the elderly, and has renewed his warning time and time again.

Now our predictions are coming true and President Obama's CMS nominee,

Dr. Berwick, will be the man who cuts health care costs by putting the rationing plans into practice. We will call it cost containment, but it will be rationing.

I hope my colleagues will join me in carefully reviewing the statements and the speeches and the books and everything else that good Dr. Berwick has stated in the last 30 years on rationing. I think if we do that, most of us will agree he is the wrong man, wrong time, wrong job.

I thank the leader and the good doctor for allowing me to join in this colloquy.

The PRESIDING OFFICER. The Senator from Maine.

AMENDMENT NO. 3879 TO AMENDMENT NO. 3739

Ms. COLLINS. Mr. President, I ask unanimous consent that the pending amendment be set aside and call up amendment No. 3879, which is pending at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS] proposes an amendment numbered 3879 to amendment No. 3739.

Ms. COLLINS. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To mandate minimum leverage and risk-based capital requirements for insured depository institutions, depository institution holding companies, and nonbank financial companies that the Council identifies for Board of Governors supervision and as subject to prudential standards)

At the appropriate place in title I, insert the following:

SEC. ___. LEVERAGE AND RISK-BASED CAPITAL REQUIREMENTS.

(a) DEFINITIONS.—

(1) GENERALLY APPLICABLE LEVERAGE CAPITAL REQUIREMENTS.—The term ''generally applicable leverage capital requirements'' means—

(A) the minimum ratios of tier 1 capital to average total assets, as established by the appropriate Federal banking agencies to apply to insured depository institutions under the prompt corrective action regulations implementing section 38 of the Federal Deposit Insurance Act, regardless of total consolidated asset size or foreign financial exposure; and

(B) includes the regulatory capital components in the numerator of that capital requirement, average total assets in the denominator of that capital requirement, and the required ratio of the numerator to the denominator.

(2) GENERALLY APPLICABLE RISK-BASED CAPITAL REQUIREMENTS.—The term ''generally applicable risk-based capital requirements'' means—

(A) the risk-based capital requirements as established by the appropriate Federal banking agencies to apply to insured depository institutions under the agency's Prompt Corrective Action regulations that implement section 38 of the Federal Deposit Insurance Act, regardless of total consolidated asset size or foreign financial exposure; and

(B) includes the regulatory capital components in the numerator of those capital requirements, the risk-weighted assets in the denominator of those capital requirements, and the required ratio of the numerator to the denominator.

(b) MINIMUM CAPITAL REQUIREMENTS.—

(1) MINIMUM LEVERAGE CAPITAL REQUIREMENTS.—The appropriate Federal banking agencies shall establish minimum leverage capital requirements on a consolidated basis for insured depository institutions, depository institution holding companies, and nonbank financial companies identified under section 113. The minimum leverage capital requirements established under this paragraph shall not be less than the generally applicable leverage capital requirements, which shall serve as a floor for any capital requirements the agency may require, nor quantitatively lower than the generally applicable leverage capital requirements that were in effect for insured depository institutions as of the date of enactment of this Act.

(2) MINIMUM RISK-BASED CAPITAL REQUIREMENTS.—The appropriate Federal banking agencies shall establish minimum risk-based capital requirements on a consolidated basis for insured depository institutions, depository institution holding companies, and nonbank financial companies identified under section 113. The minimum risk-based capital requirements established under this paragraph shall not be less than the generally applicable risk-based capital requirements, which shall serve as a floor for any capital requirements the agency may require, nor quantitatively lower than the generally applicable risk-based capital requirements that were in effect for insured depository institutions as of the date of enactment of this Act.

(3) CAPITAL REQUIREMENTS TO ADDRESS ACTIVITIES THAT POSE RISKS TO THE FINANCIAL SYSTEM.—

(A) IN GENERAL.—Subject to the recommendations of the Council, in accordance with section 120, the Federal banking agencies shall develop capital requirements applicable to all institutions covered by this section that address the risks that the activities of such institutions pose, not only to the institution engaging in the activity, but to other public and private stakeholders in the event of adverse performance, disruption, or failure of the institution or the activity.

(B) CONTENT.—Such rules shall address, at a minimum, the risks arising from—

(i) significant volumes of activity in derivatives, securitized products purchased and sold, financial guarantees purchased and sold, securities borrowing and lending, and repurchase agreements and reverse repurchase agreements;

(ii) concentrations in assets for which the values presented in financial reports are based on models rather than historical cost or prices deriving from deep and liquid 2-way markets; and

(iii) concentrations in market share for any activity that would substantially disrupt financial markets if the institution is forced to unexpectedly cease the activity.

Ms. COLLINS. Mr. President, I am calling up tonight the amendment I debated on the Senate floor on Monday, with Senator DODD and other Members who were present. This amendment would direct regulators to impose strong risk- and size-based capital standards on financial institutions as they grow in size or engage in risky practices. I am pleased to offer this amendment on behalf of myself, Senator SHAHEEN, and Senator BROWNBACK.

Our amendment is aimed at addressing the too-big-to-fail problem at the root of the current economic crisis by requiring financial firms to have adequate amounts of cash and other liquid assets to survive financial challenges without turning to the taxpayers for a bailout.

I note this amendment would ensure that the Nation's largest banks and bank holding companies are required to meet, at a minimum, the same capital standards that are imposed on smaller community banks.

That is right. It may be odd to realize, but the fact is, under current law, regulators can allow larger financial institutions to follow capital standards that are actually less stringent than those that are applied to smaller depository institutions. That makes no sense whatsoever, and that is why this amendment has the strong support of the Chairman of the Federal Deposit Insurance Corporation, the FDIC Chairman, Sheila Bair.

She has written me a letter endorsing this amendment. She points out it is a critical element to ensure that U.S. financial institutions hold sufficient capital to absorb losses during future periods of financial stress. ''It is imperative,'' she writes, ''that they have sufficient capital to stand on their own in times of adversity.''

This amendment would apply to some of our largest banks as well as bank holding companies, and it would also apply to nonbank financial institutions that are identified for supervision by the Federal Reserve by the new Financial Stability Oversight Council, established by the bill.

This council is the council of regulators that will be created so we have an entity that would look across the economy to identify financial institutions and practices, risky practices that could pose a systemic risk to our economy.

Since I did debate the amendment at length on Monday, I am not going to go on at length tonight, especially since there are others of my colleagues who are waiting to speak. I would note that I have had a very good discussion with the managers of the bill, and I look forward to working further with them in the hopes that we can schedule this amendment for a vote tomorrow. I note this is a bipartisan amendment and that we have consulted at length with the chairman of the Banking Committee.

With that, I ask unanimous consent that the letter from the Chairman of the FDIC be printed in the RECORD, which letter further describes the amendment and the need for it, and I yield the floor.

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

FEDERAL DEPOSIT
INSURANCE CORPORATION,
Washington, DC, May 7, 2010.

Hon. SUSAN M. COLLINS,
Ranking Minority Member, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR COLLINS: I am writing to express my strong support for your amendment number 3879 to ensure strong capital requirements for our nation's financial institutions. This amendment is a critical element to ensure that U.S. financial institutions hold sufficient capital to absorb losses during future periods of financial stress. With new resolution authority, taxpayers will no longer bail out large financial institutions. This makes it imperative that they have sufficient capital to stand on their own in times of adversity.

During the crisis, FDIC-insured subsidiary banks became the source of strength both to the holding companies and holding company affiliates. Far from being a source of strength to banks as Congress intended, holding companies became a source of weakness requiring federal support. If, in the future, bank holding companies are to become sources of financial stability for insured banks, then they cannot operate under consolidated capital requirements that are numerically lower and qualitatively less stringent than those applying to insured banks. This amendment would address this issue by requiring bank holding companies to operate under capital standards at least as stringent as those applying to banks.

The crisis also demonstrated the dangers of excessive leverage undertaken by large nonbanks outside of the scope of federal bank regulation. Notable examples included the excessive leverage of the largest investment banks during the run-up to the crisis, and the extremely high leverage of Fannie Mae and Freddie Mac. To remedy this and prevent regulatory gaps and arbitrage, large nonbank financial institutions deemed to be systemic must be held to the same, or higher, capital standards as those applying to banks and bank holding companies. Again, the amendment accomplishes this goal simply and directly.

Finally, and more broadly, the crisis identified the dangers of a regulatory mindset focused exclusively on the soundness of individual banks without reference to the ''big picture.'' For example, an individual overnight repo may be safe, but widespread financing of illiquid securities with overnight repos left the system vulnerable to a liquidity crisis. A financial system-wide view requires regulators, working in conjunction with the new Financial Services Oversight Panel, to develop capital regulations to address the risks of activities that affect the broader financial system, beyond the bank that is engaging in the activity.

We at the FDIC remain committed to working with you towards a stronger financial system. This amendment will be an important step in accomplishing this goal.

If you have further questions or comments, please do not hesitate to contact me or Paul Nash, Deputy for External Affairs.

Sincerely,

SHEILA C. BAIR,
Chairman.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I now send to the desk a modification of amendment No. 3739.

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

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

AMENDMENT NO. 3789, AS MODIFIED, TO AMENDMENT NO. 3739

Mr. BROWNBACK. Mr. President, as I understand, we had an agreement I was going to call up an amendment and then it could be set aside, just to get it pending.

With that, I ask unanimous consent that the pending business be set aside and that amendment No. 3789 be called up as the pending business.

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

Mr. BROWNBACK. Mr. President, I send a modification to my amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment as modified.

The legislative clerk read as follows:

The Senator form Kansas [Mr. BROWNBACK] proposes an amendment numbered 3789, as modified, to amendment No. 3739.

Mr. BROWNBACK. I ask further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide for an exclusion from the authority of the Bureau of Consumer Financial Protection for certain automobile manufacturers, and for other purposes)

At the end of subtitle B of title X, add the following:

SEC. 1030. EXCLUSION FOR AUTO DEALERS.

(a) IN GENERAL.—The Director and the Bureau may not exercise any rulemaking, supervisory, enforcement, or any other authority, including authority to order assessments over a motor vehicle dealer that is predominantly engaged in the sale and servicing of motor vehicles, the leasing and servicing of motor vehicles, or both.

(b) CERTAIN FUNCTIONS EXCEPTED.—The provisions of subsection (a) shall not apply to any person, to the extent that such person—

(1) provides consumers with any services related to residential or commercial mortgages and self-financing transactions involving real property;

(2) operates a line of business that involves the extension of retail credit or retail leases involving motor vehicles, and in which—

(A) the extension of retail credit or retail leases are provided directly to consumers; and

(B) the contract governing such extension of retail credit or retail leases is not predominantly assigned to a third-party finance or leasing source; or

(3) offers or provides a consumer financial product or service not involving or related to the sale, financing, leasing, rental, repair, refurbishment, maintenance, or other servicing of motor vehicles, motor vehicle parts, or any related or ancillary product or service.

(c) NO IMPACT ON PRIOR AUTHORITY.—Nothing in this section shall be construed to modify, limit, or supersede the rulemaking or enforcement authority over motor vehicle dealers that could be exercised by any Federal department or agency on the day before the date of enactment of this Act.

(d) NO TRANSFER OF CERTAIN AUTHORITY.—Notwithstanding any other provision of this Act, the consumer financial protection functions of the Board of Governors and the Federal Trade Commission shall not be transferred to the Director or the Bureau to the extent such functions are with respect to a person described under subsection (a).

(e) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) MOTOR VEHICLE.—The term ''motor vehicle'' means—

(A) any self-propelled vehicle designed for transporting persons or property on a street, highway, or other road;

(B) recreational boats and marine equipment;

(C) motorcycles;

(D) motor homes, recreational vehicle trailers, and slide-in campers, as those terms are defined in sections 571.3 and 575.103(d) of title 49, Code of Federal Regulations, or any successor thereto; and

(E) other vehicles that are titled and sold through dealers.

(2) MOTOR VEHICLE DEALER.—The term ''motor vehicle dealer'' means any person or resident in the United States, or any territory of the United States, who is licensed by a State, a territory of the United States, or the District of Columbia to engage in the sale of motor vehicles.

AMENDMENT NO. 3883 TO AMENDMENT NO. 3739

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the pending business be set aside and that amendment No. 3883, on behalf of Senator SNOWE, be called up as the pending business.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK], for Ms. SNOWE and Mr. PRYOR, proposes an amendment numbered 3883 to amendment No. 3739.

The amendment is as follows:

(Purpose: To ensure small business fairness and regulatory transparency)

At the appropriate place, insert the following:

SEC. ____. SMALL BUSINESS FAIRNESS AND REGULATORY TRANSPARENCY.

(a) PANEL REQUIREMENT.—Section 609(d) of title 5, United States Code, is amended by striking ''means the'' and all that follows and inserting the following: ''means—

''(1) the Environmental Protection Agency;

''(2) the Consumer Financial Protection Bureau of the Federal Reserve System; and

''(3) the Occupational Safety and Health Administration of the Department of Labor.''.

(b) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Section 603 of title 5, United States Code, is amended by adding at the end the following:

''(d)(1) For a covered agency, as defined in section 609(d)(2), each initial regulatory flexibility analysis shall include a description of—

''(A) any projected increase in the cost of credit for small entities;

''(B) any significant alternatives to the proposed rule which accomplish the stated objectives of applicable statutes and which minimize any increase in the cost of credit for small entities; and

''(C) advice and recommendations of representatives of small entities relating to issues described in subparagraphs (A) and (B) and subsection (b).

''(2) A covered agency, as defined in section 609(d)(2), shall, for purposes of complying with paragraph (1)(C)—

''(A) identify representatives of small entities in consultation with the Chief Counsel for Advocacy of the Small Business Administration; and

''(B) collect advice and recommendations from the representatives identified under subparagraph (A) relating to issues described in subparagraphs (A) and (B) of paragraph (1) and subsection (b).''.

(c) FINAL REGULATORY FLEXIBILITY ANALYSIS.—Section 604(a) of title 5, United States Code, is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(6) for a covered agency, as defined in section 609(d)(2), a description of the steps the agency has taken to minimize any additional cost of credit for small entities.''.

Mr. BROWNBACK. I want to thank my colleagues for getting these amendments pending. I would note that the amendment I called up is the one to exempt auto dealers from the consumer financial products commission created in this bill.

These are auto loans already covered under the bill by whoever is doing the financing. If the auto dealers themselves are doing the financing, then they would be covered under the consumer financial products commission.

What this amendment attempts to do is say, let's regulate auto loans, but let's regulate them by who is doing the loan, not just who is processing the paper.

It would be my hope that we would get the broad bipartisan support of my colleagues. We do have bipartisan support for this amendment. I will look forward to a full debate on it tomorrow. But in the interest of time this evening I will not be talking further on it.

I am happy to enter into a time agreement with the managers on this tomorrow to debate and get this amendment for a vote tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

AMENDMENT NO. 3776, AS MODIFIED, TO AMENDMENT NO. 3739

Mr. SPECTER. I call up amendment No. 3776, as modified.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for himself, Mr. REED, Mr. KAUFMAN, Mr. DURBIN, Mr. HARKIN, Mr. LEAHY, Mr. LEVIN, Mr. MENENDEZ, Mr. WHITEHOUSE, Mr. FRANKEN, Mr. FEINGOLD, and Mr. MERKLEY, proposes an amendment numbered 3776, as modified, to amendment No. 3739.

Mr. SPECTER. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment, as modified, is as follows:

On page 1004, between lines 11 and 12, insert the following:

SEC. 929D. PRIVATE CIVIL ACTION FOR AIDING AND ABETTING.

Section 20(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78t(e)) is amended—

(1) in the subsection heading, by striking ''PROSECUTION OF'' and inserting ''ACTIONS AGAINST'';

(2) by striking ''For purposes'' and inserting the following:

''(1) ACTIONS BROUGHT BY COMMISSION.—For purposes''; and

(3) by adding at the end the following:

''(2) PRIVATE CIVIL ACTIONS.—For purposes of any private civil action implied under this title, any person that knowingly provides substantial assistance to another person in violation of this title, or of any rule or regulation issued under this title, shall be deemed to be in violation of this title to the same extent as the person to whom such assistance is provided. For purposes of this paragraph, a person acts knowingly only if the person has actual knowledge of the improper conduct underlying the violation described in the preceding sentence and the persons role in assisting that conduct.'.

Mr. SPECTER. Mr. President, I have offered this amendment on behalf of quite a number of Senators—Senator REED, Senator KAUFMAN, Senator DURBIN, Senator HARKIN, Senator LEAHY, Senator LEVIN, Senator MENENDEZ, Senator WHITEHOUSE, Senator FRANKEN, Senator FEINGOLD, Senator MERKLEY, and myself.

This amendment provides that the decisions of the Supreme Court of the United States limiting claims under the securities acts for aiding and abetting will be overturned by this legislation.

This amendment is very similar to an amendment which was offered in the 107th Congress by Senator SHELBY, the ranking member of the Banking Committee. For many years, the federal law provided a private right of action against aiders and abettors.

As of 1994, every circuit of the federal courts of appeals had included civil liability in a private lawsuit under the securities laws. In a radical departure in 1994, the Supreme Court held, in Central Bank of Denver, that aiders and abettors are not liable in private suits.

The Court's 5-to-4 decision in Stoneridge in 2008 complicated the matter even further, where the Supreme Court held that if the defendant did not make representations directly to the person buying or selling the securities, that the individual was not liable, even if he himself had engaged in fraudulent conduct.

This is a subject I have long been interested in. Back in 2007, I wrote to President Bush concerning the failure of the Solicitor General's office to file a brief that was requested by the Securities and Exchange Commission in the Stoneridge case. The Securities and Exchange Commission was very concerned about that. I urged that the Solicitor General take action.

I ask unanimous consent that a copy of this letter to the President be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. SPECTER. Mr. President, the absence of civil liability is striking in this situation, because there is criminal liability for aiding and abetting under the federal criminal code.

I know of no situation where there is criminal liability for conduct, but it does not give rise to a civil claim for relief or a civil cause of action. During a hearing on this subject, a very distinguished scholar, Professor Coffee of the Columbia Law School, pointed out how unusual that was in his experience, much broader than mine, that this was anomalous.

In the case of Refco Securities Litigation, reported at 609 F. Supp. 2d 304 (S.D.N.Y. 2009), Judge Gerald Lynch made the same point:

It is perhaps dismaying that participants in a fraudulent scheme who may even have committed criminal acts are not answerable in damages to the victims of the fraud. . . . There are accomplices and there are accomplices: after all, in the criminal context when the Godfather orders a hit, he is only an accomplice to murder-one who ''counsels, commands, induces or procures,'' but he is nonetheless liable as a principal for the commission of the crime. Likewise, some civil accomplices are deeply and indispensably implicated in wrongful conduct.

But on the current state of the law, there is no accountability for civil damages for aiders and abettors.

Prof. John Coffee made this point in our hearing:

Does anyone really believe today that in this post-Madoff world, that the SEC, by itself, can adequately deter most secondary participants in securities fraud?

Even when the SEC sues, moreover, its remedial authority is very limited. It can neither recover losses for injured investors nor deter fraud in the first place.

A comparative impact of private lawsuits has noted that in the Enron case, the private litigants recovered $7.3 billion, and the SEC recovered $450 million. In the WorldCom case, private litigants recovered $6.85 billion; the SEC recovered only $750 million. In the Dynegy case, private litigants recovered $474 million, the SEC $198 million. In the AOL-Time Warner case, private litigants recovered $3.1 billion, and the SEC recovered $360 million.

According to testimony given on my aiding-and-abetting legislation last year before the Subcommittee on Crime, the SEC recovered a mere $8 billion from security law violators since enactment of Sarbanes-Oxley in 2002, whereas the private litigants in Enron alone recovered $7.3 billion. So the impact of the private lawsuits is very important.

We have seen the extraordinary impact of Wall Street fraud: the losses of 6½ million jobs, the reduction of the gross national product enormously. This private right of action is a very important part of keeping Wall Street

honest with the litigation which it has produced.

There has been a letter filed by a number of entities in opposition to the amendment, headed by the U.S. Chamber of Commerce, raising a point that, ''The provision would subject defendants to liability whether or not they have any idea that the conduct they are assisting is wrongful.''

Well, that is a gross misstatement of what this bill does. This amendment has been very narrowly drawn. It applies only to those who knowingly provide substantial assistance to the primary violator.

The scienter standard is more defendant-protective than the standard set forth in Senator SHELBY's legislation which he introduced in the 107th Congress. The scienter standard in the Shelby bill was ''recklessness,'' not ''knowingly acted upon.'' The ''knowingly'' scienter standard in the amendment is identical to the restrictive standard in 15 U.S.C. 78(t)(e) governing aiding-and-abetting actions brought by the Securities and Exchange Commission.

In order to eliminate any conceivable doubt, a modification has been added to the amendment as originally filed, specifying: ''For purposes of this paragraph, a person acts knowingly only if the person has actual knowledge of the improper conduct underlying the violation described in the preceding sentence and the person's role in assisting that conduct.''

So, in essence, here we have a very tightly drawn amendment. It had been introduced earlier as S. 1551. I thank the distinguished chairman of the committee for his accommodation in listing this amendment for argument. This is a very important amendment. There are a lot of amendments pending. But I do believe that among the matters to be considered in this bill, this is one of the most important. You have a lot of people very badly damaged by these security fraudulent actions. The Securities and Exchange Commission is limited in personnel and staff to act on them. These private rights of action have long been a source of enormous aid in enforcing the law in antitrust cases and Securities Act cases. Private prosecutions are enormously important.

By way of footnote, this is a subject of a law school comment that I wrote many years ago at Yale about the background for private action. It is a very important supplement to what public officials and public agencies can do.

I urge my colleagues to support this amendment.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, August 3, 2007.

The PRESIDENT,
Washington, DC.

DEAR MR. PRESIDENT: I am writing to express my concern about the Solicitor General's failure to file a brief that was requested by the Securities and Exchange Commission in Stoneridge Investment Partners v. Scientific Atlanta. The outcome of Stoneridge will also determine whether tens of thousands of Enron investors will secure a day in court. Earlier this year, the SEC voted to file an amicus brief in Stoneridge in favor of scheme liability, which is the same position the Commission has previously taken in similar cases in lower courts, including the Enron case. It has been reported that the Solicitor General did not file the brief, based on your views, and that the Solicitor General may actually file an amicus brief arguing the opposite position recommended by the SEC.

The SEC is an independent agency and its attorneys can represent the agency in trial courts and courts of appeals. The SEC, however, cannot represent itself at the Supreme Court of the United States—it must convince the Solicitor General to represent the SEC's position. Independence, when used to describe an administrative agency, connotes independence from the President and the ability to take positions or engage in actions that do not necessarily reflect the policies and views of the Administration.

Chairman Cox, in response to questions about the SEC's vote to file an amicus brief in Stoneridge, stated at a Congressional hearing on June 26, 2007, that the ''law has to have some objective meaning. It can't be just a question of how we all feel about it'' and that laws should not change with the change in political composition of the Commission. He explained that he did ''not think that there's anywhere where it could be more important for there to be predictability and clarity in rulemaking than when it comes to our capital markets, because so much is at stake that people have to make big bets on whether or not what they're doing is the right thing to do. . . . I think we do a great disservice when we are anything but clear and predictable, rule-based and law-based.'' I agree with Chairman Cox.

On the issue of predictability in the law, I note what happened to shareholders who were defrauded by Enron when they brought a lawsuit charging certain Enron executives and directors—along with the company's accountants, law firm and banks—with violation of federal securities laws. The alleged violations included massive insider trading while making false and misleading statements about Enron's financial performance. The shareholders reached a settlement with several financial institutions, but while claims were still pending against a number of additional institutions, in March 2007, the Court of Appeals for the Fifth Circuit granted the banks complete immunity from liability. The court acknowledged that the banks' conduct was ''hardly praiseworthy,'' but it ruled that because the banks themselves did not make any false statements about their conduct to the shareholders they could not be held liable, even if they knowingly participated in the scheme to defraud. In an extraordinary admission, the court acknowledged that the ruling runs afoul of ''justice and fair play.'' The ruling also is at odds with the position of the SEC, with its wealth of specialized knowledge on the issues of contention in both the Enron case and Stoneridge, and with rulings of other courts.

The Solicitor General is entitled to aid the Court in its interpretation of the law, and I applaud his close attention to this critical case. I am concerned, however, that he has been unable to articulate a legal position—either for or against the plaintiffs—that is independent from the Administration's policy preferences. As you have often said, substantive changes to the law should be made through the legislative process, not through the courts.

Thank you for attention to this matter.

Sincerely,

ARLEN SPECTER.

Mr. SPECTER. 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.

AMENDMENTS NOS. 3823, 3932, AND 3808 TO AMENDMENT NO. 3739

Mr. DODD. Mr. President, I ask unanimous consent, if I may, that the pending amendments be set aside and that it be in order to call up the following amendments and that once reported by number, they be set aside:

Senator LEAHY's amendment No. 3823; Senator DURBIN's amendment No. 3932, and Senator FRANKEN's amendment No. 3808.

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

The clerk will report the amendments by number.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD] proposes amendments en bloc numbered 3823, 3932, and 3808.

The amendments are as follows:

AMENDMENT NO. 3823

(Purpose: To restore the application of the Federal antitrust laws to the business of health insurance to protect competition and consumers)

At the end of the amendment, insert the following:

SEC. _____. HEALTH INSURANCE INDUSTRY ANTITRUST ENFORCEMENT ACT.

(a) SHORT TITLE.—This section may be cited as the ''Health Insurance Industry Antitrust Enforcement Act''.

(b) RESTORING THE APPLICATION OF ANTITRUST LAWS TO HEALTH SECTOR INSURERS.—

(1) AMENDMENT TO MCCARRAN-FERGUSON ACT.—Section 3 of the Act of March 9, 1945 (15 U.S.C. 1013), commonly known as the McCarran-Ferguson Act, is amended by adding at the end the following:

''(c) Nothing contained in this Act shall modify, impair, or supersede the operation of any of the antitrust laws with respect to the business of health insurance. For purposes of the preceding sentence, the term 'antitrust laws' has the meaning given it in subsection (a) of the first section of the Clayton Act, except that such term includes section 5 of the Federal Trade Commission Act to the extent that such section 5 applies to unfair methods of competition.''.

(2) RELATED PROVISION.—For purposes of section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent such section applies to unfair methods of competition, section 3(c) of the McCarran-Ferguson Act shall apply with respect to the business of health insurance without regard to whether such business is carried on for profit, notwithstanding the definition of ''Corporation'' contained in section 4 of the Federal Trade Commission Act.

AMENDMENT NO. 3932

(Purpose: To ensure that the fees that small businesses and other entities are charged for accepting debit cards are reasonable and proportional to the costs incurred, and to limit payment card networks from imposing anti-competitive restrictions on small businesses and other entities that accept payment cards)

At the end of subtitle G of title X, add the following:

SEC. 1077. REASONABLE FEES AND RULES FOR PAYMENT CARD TRANSACTIONS.

The Electronic Fund Transfer Act (15 U.S.C. 1693 et seq.) is amended—

(1) by redesignating sections 920 and 921 as sections 921 and 922, respectively; and

(2) by inserting after section 919 the following:

"SEC. 920. REASONABLE FEES AND RULES FOR PAYMENT CARD TRANSACTIONS.

''(a) REASONABLE INTERCHANGE TRANSACTION FEES FOR ELECTRONIC DEBIT TRANSACTIONS.—

''(1) REGULATORY AUTHORITY.—The Board shall have authority to establish rules, pursuant to section 553 of title 5, United States Code, regarding any interchange transaction fee that an issuer or payment card network may charge with respect to an electronic debit transaction.

''(2) REASONABLE FEES.—The amount of any interchange transaction fee that an issuer or payment card network may charge with respect to an electronic debit transaction shall be reasonable and proportional to the actual cost incurred by the issuer or payment card network with respect to the transaction.

''(3) RULEMAKING REQUIRED.—The Board shall issue final rules, not later than 9 months after the date of enactment of the Consumer Financial Protection Act of 2010, to establish standards for assessing whether the amount of any interchange transaction fee described in paragraph (2) is reasonable and proportional to the actual cost incurred by the issuer or payment card network with respect to the transaction.

''(4) CONSIDERATIONS.—In issuing rules required by this section, the Board shall—

''(A) consider the functional similarity between—

''(i) electronic debit transactions; and

''(ii) checking transactions that are required within the Federal Reserve bank system to clear at par;

''(B) distinguish between—

''(i) the actual incremental cost incurred by an issuer or payment card network for the role of the issuer or the payment card network in the authorization, clearance, or settlement of a particular electronic debit transaction, which cost shall be considered under paragraph (2); and

''(ii) other costs incurred by an issuer or payment card network which are not specific to a particular electronic debit transaction, which costs shall not be considered under paragraph (2); and

''(C) consult, as appropriate, with the Comptroller of the Currency, the Board of Directors of the Federal Deposit Insurance Corporation, the Director of the Office of Thrift Supervision, the National Credit Union Administration Board, the Administrator of the Small Business Administration, and the Director of the Bureau of Consumer Financial Protection.

''(5) EXEMPTION FOR SMALL ISSUERS.—This subsection shall not apply to issuers that, together with affiliates, have assets of less than $1,000,000,000, and the Board shall exempt such issuers from rules issued under paragraph (3).

''(6) EFFECTIVE DATE.—Paragraph (2) shall become effective 12 months after the date of enactment of the Consumer Financial Protection Act of 2010.

''(b) LIMITATION ON ANTI-COMPETITIVE PAYMENT CARD NETWORK RESTRICTIONS.—

''(1) NO RESTRICTIONS ON OFFERING DISCOUNTS FOR USE OF A COMPETING PAYMENT CARD NETWORK.—A payment card network shall not, directly or through any agent, processor, or licensed member of the network, by contract, requirement, condition, penalty, or otherwise, inhibit the ability of any person to provide a discount or in-kind incentive for payment through the use of a card or device of another payment card network.

''(2) NO RESTRICTIONS ON OFFERING DISCOUNTS FOR USE OF A FORM OF PAYMENT.—A payment card network shall not, directly or through any agent, processor, or licensed member of the network, by contract, requirement, condition, penalty, or otherwise, inhibit the ability of any person to provide a discount or in-kind incentive for payment by the use of cash, check, debit card, or credit card.

''(3) NO RESTRICTIONS ON SETTING TRANSACTION MINIMUMS OR MAXIMUMS.—A payment card network shall not, directly or through any agent, processor, or licensed member of the network, by contract, requirement, condition, penalty, or otherwise, inhibit the ability of any person to set a minimum or maximum dollar value for the acceptance by that person of any form of payment.

''(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) DEBIT CARD.—The term 'debit card'—

''(A) means any card, or other payment code or device, issued or approved for use through a payment card network to debit an asset account for the purpose of transferring money between accounts or obtaining goods or services, whether authorization is based on signature, PIN, or other means;

''(B) includes general use prepaid cards, as that term is defined in section 915(a)(2)(A) (15 U.S.C. 16931–1(a)(2)(A)); and

''(C) does not include paper checks.

''(2) CREDIT CARD.—The term 'credit card' has the same meaning as in section 103 of the Truth in Lending Act (15 U.S.C. 1602).

''(3) DISCOUNT.—The term 'discount'—

''(A) means a reduction made from the price that customers are informed is the regular price; and

''(B) does not include any means of increasing the price that customers are informed is the regular price.

''(4) ELECTRONIC DEBIT TRANSACTION.—The term 'electronic debit transaction' means a transaction in which a person uses a debit card to debit an asset account.

''(5) INTERCHANGE TRANSACTION FEE.—The term 'interchange transaction fee' means any fee established by a payment card network that has been established for the purpose of compensating an issuer or payment card network for its involvement in an electronic debit transaction.

''(6) ISSUER.—The term 'issuer' means any person who issues a debit card, or the agent of such person with respect to such card.

''(7) PAYMENT CARD NETWORK.—The term 'payment card network' means an entity that directly, or through licensed members, processors, or agents, provides the proprietary services, infrastructure, and software that route information and data to conduct transaction authorization, clearance, and settlement, and that a person uses in order to accept as a form of payment a brand of debit card, credit card or other device that may be used to carry out debit or credit transactions.''.

AMENDMENT NO. 3808

(Purpose: To instruct the Securities and Exchange Commission to establish a self-regulatory organization to assign credit rating agencies to provide initial credit ratings)

(The amendment is printed in the RECORD of Tuesday, May 4, 2010, under ''Text of Amendments.'')

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NO. 3832 TO AMENDMENT NO. 3739

(Purpose: To provide an orderly and transparent bankruptcy process for non-bank financial institutions and prohibit bailout authority)

Mr. SESSIONS. Mr. President, I wish to call up amendment No. 3832 and ask for its immediate consideration.

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

The clerk will report.

The assistant bill clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for himself, Mr. BUNNING, Mr. DEMINT, Mr. ENSIGN, Mr. BROWN of Massachusetts, proposes an amendment numbered 3832 to amendment No. 3739.

Mr. SESSIONS. 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 printed in the RECORD of Wednesday, May 5, 2010, under ''Text of Amendments.'')

Mr. SESSIONS. Mr. President, they say the proof is in the pudding. The proof is an ultimate test of an idea or an evaluation. It literally means you can show us a wonderful recipe and tell us about the fine ingredients, but we want to know what it tastes like in the end. The actual result is what is important. So I think the American people know that in the bill we are dealing with today, we are still too involved in the maneuvering of the dissolution of companies that fail. We create special procedures for larger companies than we do for routine companies throughout the country. The pudding tastes bad.

My colleagues tell us this bill has the right ingredients, but the ultimate result, I think, is to provide government-funded bailouts in some way or another, through another name, actually now called orderly liquidation authority. I understand the provisions are better perhaps than they were when the discussions began and are more rigorous in some ways. I still feel more needs to be done to create the kind of integrity and the consistency and the principled approach to dissolution of a failed corporation that good law requires.

The legislation before us provides the government with vast, sweeping regulatory authority. I know a lot of people in the country—and I respect my good friend, Senator DODD. He is such a fabulous Senator and so knowledgeable about these areas. But I talked to my car dealers and they have to meet with State regulatory loan officers and they have always had to deal with State legislation and control and certain Federal rules apply. But what this legislation does is, it is one more example of an expansive mentality as far as fixing a discrete problem, which started out to be fixing Wall Street, too big to fail, and now we have a historic alteration of the respect we get for State and local government to manage lending matters. We have the Federal Government now doing that under this consumer title. I am not sure we have fully thought that through. I don't think it is necessary, frankly.

Some of the regulatory authority that was involved in controlling financial institutions that were part of the financial crisis we faced, I think, was

because this regulatory authority caused or failed to prevent the crisis. It may have even made it worse. Instead of ending too big to fail, this legislation, I am afraid, institutionalizes it.

Professor John Taylor, the author of the Taylor rule, which, because it was violated, probably helped precipitate this crisis. If his rule had been followed carefully by the Federal Reserve, I think we would have had a far less serious problem than we had. He is a professor of economics at Stanford University. He is well respected. He made this point clear in a recent editorial in the Wall Street Journal. This is what John B. Taylor, the Taylor rule author, observed:

> The financial crisis of 2008 demonstrates why it is dangerous for the orderly liquidation section of the Dodd bill to institutionalize such a process by giving the government even more discretion and power to take over businesses.

He goes on to say:

> The proposed liquidation process would have the unintended consequence of increasing the incentive for creditors and other counterparties to run whenever there is a rumor that the government official is thinking about intervening.

He goes on to describe other reasons why he thinks the language as we have it is unwise.

Peter Wallison, former general counsel to the Treasury Department, voiced his strong opposition to the proposed legislation saying:

> Not only does the Dodd bill establish too big to fail as a national policy, but it makes the idea real by creating a system for bailing out large financial companies if they get into trouble. Of course, ''bailing out'' is not the phrase used in the bill; the preferred language there is ''orderly liquidation.''

So Mr. Wallison makes clear—I will not go on and quote all of his remarks, but he makes clear why he believes this is a dangerous institutionalization of special privileges for large companies. I think the Dodd amendment signals to creditors they will get a better deal if they lend to the big regulated firms, and this is what Mr. Wallison says:

> They believe they will get a better deal if they lend to the big regulated firms rather than lending to the small competitors. The bill does this by making it possible for creditors to be fully paid when a too-big-to-fail financial firm is liquidated, even though this would not happen in bankruptcy.

Mr. Wallison hits the nail on the head, I am afraid. Select creditors—those with good lobbyists or those otherwise deemed too big to fail—will definitely get a better deal under the backroom process of orderly liquidation than they would in bankruptcy.

Let me be clear. The unhealthy government connection to Wall Street can only be eliminated, I think, through the legitimate utilization of historic bankruptcy process. ''Orderly liquidation,'' as defined here, will not achieve the result.

When the legislation was first introduced, Senator LEAHY wrote the Judicial Conference of the United States—that is the Chief Justice and his Judicial Conference group of judges there—and asked him for their views on the legislation. The Judicial Conference responded that the bill failed the ultimate test. They said:

> This is a substantial change to bankruptcy law because it would create a new structure within the bankruptcy courts and remove a class of cases from the jurisdiction of the Bankruptcy Code. The legislation, by assigning to the FDIC the responsibility for resolving the affairs of an insolvent firm, appears to provide a substitute for a bankruptcy proceeding.

That is a significant statement. This is the Supreme Court, the Judicial Conference, giving us their insight into this.

The letter goes on to say:

> This could be especially problematic if creditors have changed position based on rulings in the course of the bankruptcy proceeding. The legislation does not envision—

Let me continue to quote this:

> The legislation does not envision objection, participation, or input from the bankruptcy creditors whose rights will be affected in the course of appointing the FDIC as a receiver.

In other words, the normal process by which creditors and others can participate, object, cross-examine, is cut short.

The letter goes on to say:

> Indeed, the legislation proposes to deal with this petition in a sealed manner—

Not in a public, open manner, where lawyers cross-examine witnesses under oath, but in a sealed manner, the Judicial Conference says.

It goes on to say:

> Only the Secretary and the affected financial firm would be noticed and given the opportunity of a hearing. The financial position of affected creditors may have been changed within the context of the firm's bankruptcy case in such a way that the creditors' rights may have been changed dramatically.

They go on to say this could raise constitutional questions. They said:

> Any resulting due process challenges—

They are talking about the due process clause of the U.S. Constitution—

> would impose a significant burden on the courts to resolve novel issues.

In addition, they go on to say this:

> We note that petitions under this title involving financial firms would be filed in a single judicial district.

Delaware.

> The Judicial Conference favors distribution of cases in other courts.

Well, I think the Judicial Conference is making clear one thing in its correspondence. Bankruptcy, with its rules and procedures, not orderly liquidation authority, is the best way to approach dissolving a financial institution. We are not talking about banks. Banks would be still contained within the FDIC. They have a long history of being able to resolve banks in financial trouble. But I think—I can only say I share the opinion of the Judicial Conference. I think it is shared by a number of presidents of the Federal Reserve banks.

In recent testimony on a panel before the Joint Economic Committee, Charles I. Plosser, president of the Federal Reserve Bank of Philadelphia, stated the following:

> I believe the most credible way to do this would be to amend the bankruptcy code to deal with nonbank financial firms and bank holding companies. Expanding the bank resolution process established under the FDIC Improvement Act as the current Senate bill does would give regulators and policymakers the opportunity to exercise a great deal of discretion in a liquidation or restructuring to reward some creditors and not others. A bankruptcy proceeding would follow the rule of law and thus would be less susceptible to manipulation by private parties or the political process.

So that is the opinion of the president of the Federal Reserve Bank of Philadelphia. Does anybody think that dissolution of GM and other companies and all the things they have gone through was not politically manipulated? Anybody who has closely followed it does, and that is one of the things that outraged Americans. They are angry that big companies got special procedures for their failure to pay their debts, where the average small company, mid-sized company, even large company in America would be subject to the rigors and the fairness and the order of established bankruptcy law.

So the president of the Federal Reserve of Philadelphia said it would be less susceptible to manipulation by private parties for the political process. Amen. That is true. You get a bankruptcy judge, he has a 14-year term. They are used to handling these cases, and they can handle them. Mr. Plosser goes on to say, limiting government choices and leaving resolutions to the rule of law and the court system, in my view, is the best way to end bailouts—limit unhealthy risk taking and extinguish the notion that some institutions are too big to fail. That is what the president of a Federal Reserve bank said. I could not agree more. That is why I have introduced the Bankruptcy Integrity and Accountability Act, which I believe we will be able to vote on tomorrow.

There is no greater legal system than the one we have in America. It is a system that is admired not only because it is efficient, in most instances, but because it is fundamentally fair. You know when you walk into a courtroom that you are going to get the same treatment as other parties, whether you are a mom-and-pop organization or big AIG. The amendment I have offered would provide that same type of security.

One issue that has been raised by a number of experts is a lack of confidence in the FDIC to adequately handle these kinds of dissolutions. I share those concerns. Professor Wallison stated:

> The absence of any expertise in resolving failed nonbank financial institutions anywhere in the Federal Government is one strong reason for relying on bankruptcy for

most failures. If there is likely to be expertise anywhere in resolving failed financial institutions, it would be in the bankruptcy courts.

I agree. Bankruptcy as the first choice for disposing of a failed nonbank financial institution would avoid a number of problems. These are problems that are associated with creating a government resolution authority. Governments are, by nature, political. It would assure that the prebankruptcy creditors take losses of some kind, avoiding the moral hazard and maintaining market discipline. In other words, if you don't feel like and don't have to take a loss by an improvident investment, it encourages you to make more risky investments, creating danger of more improvident financial activities in the future. The rules will be known in advance under bankruptcy. So creditors will be aware of their rights as well as the risks.

Creditors will decide whether they believe a company has prospects to repay them, and it would outweigh the risk of throwing good money after bad in helping maintain the company in bankruptcy. Bankruptcy judges look forward and try to save companies. They stop litigation that can shut down a company. They give the company a chance to reorganize and succeed and pay all their creditors. That is always their goal. But good bankruptcy judges know from history that many companies can't be saved. The best thing to do is shut them down before they lose anymore money and distribute the remaining assets equally and fairly according to established rules of priority as part of the bankruptcy process. That is what bankruptcy is.

In the amendment I have offered, we make sure the necessary expertise for dissolving these institutions is available. We allow the Federal Stability Oversight Council, the proper functional regulator, the Federal Reserve, and the Department of Treasury to file legal briefs in the court if they need to to make sure their voice is heard concerning relevant issues. This would allow the court to gain valuable information and insight. We also concentrate Federal bankruptcy expertise by limiting venue in the cases to the 12 districts with the Federal Reserve Banks. This is something we vetted with professors and bankruptcy experts. Harvey Miller, the renowned bankruptcy expert, looked at this provision and told us he believes it is properly tailored to provide the necessary expertise to address these types of cases.

I believe it is something the Judicial Conference of the United States would agree is better than limiting it to just one court—a situation they raised as problematic. On substance, I think we can't overemphasize how the resolution authority fails the ultimate test.

Professor David Skeel wrote an opinion piece in the Wall Street Journal with Mr. Wallison on April 7 of this year, in which they asked this question:

> Which system is more likely to eliminate the moral hazard of too big to fail?

They concluded that bankruptcy was the answer. They posit:

> In a bankruptcy, as in the Lehman case, the creditors learned when they lend to weak companies, they have to be careful. The Dodd bill would teach the opposite lesson.

Let me highlight for my colleagues what I believe this amendment does and why I think it is necessary.

First, the amendment protects against systemic risk by eliminating the moral hazard that arises when financial companies and their investors think the government will bail them out. Under the Dodd approach, the approach of this legislation, financial company management and shareholders could have an incentive to seek resolution authority, thus gaining access to taxpayer bailouts. Under the Bankruptcy Integrity and Accountability Act, which I have offered, the only option for insolvent companies would be through the bankruptcy process, and they can survive bankruptcy. But if they are not able to survive it, they should not survive it. That process would be either reorganization or liquidation.

There is a process for that to be established. Under this system, all costs of reorganizing or liquidating a company are paid by the private sector, by the failing company, and those who chose to do business with the failing company.

Thus, unlike under the Dodd bill, there will be no federally administered resolution authority with access to bailout funds, or borrowed money from the Treasury, Federal debt guarantees, or any other kinds of tool that politicians might access to bail out some politically empowered private company, and to avoid the day of reckoning that rightly should fall upon companies who can no longer operate effectively.

Under this bill, there will be no Federal Reserve section 13(3) authority with which the Fed can pump taxpayer money into firms to rescue them from insolvency.

The second way this amendment would reduce systemic risk is by protecting against the threat that derivatives contracts will cause one company's failure to cascade through the financial sector like falling dominoes. Under the current Bankruptcy Code, derivatives contracts are exempt from the automatic stay that prohibits the collection of debts outside the bankruptcy court. Virtually all other debts are stayed when the bankruptcy process occurs. As a result of this event, derivatives counterparties can demand collateral and satisfaction of the debt, and it can create a run on a failing companies' assets as more and more derivative counterparties demand their collateral. Because of the interconnectedness of financial firms and the derivatives holdings, a run on the failing firm's assets can cause failure to cascade through the financial system as party after party becomes exposed to succeeding demands on collateral. This is a problem that has been raised. This amendment would stop that danger by allowing debtors, with the consent of a new Federal Stability Oversight Council, to invoke the automatic bankruptcy stay against derivatives obligations when the facts show that the debtor's failure could genuinely trigger cascading systemic risk. This would alter bankruptcy law to deal with these large financial institutions, where derivatives can play a complicating factor, and this would give the kind of discretion I think would help avoid that.

Finally, the Bankruptcy Integrity and Accountability Act would reduce systemic risk because a new chapter 14 bankruptcy procedure will apply to all nonbank financial institutions regardless of the size. Under the act, everyone will get the same protection. Nobody will have access to special Washington favors. This, too, protects against systemic risk. Under the approach of the Dodd legislation, there will be special rules for those companies that are wealthy and powerful enough to be determined too big to fail. Those special rules will include a publicly funded and government-administered resolution authority that affords the financial firms the right to fail without facing under oath their creditors and without bearing the costs of the proceedings. Also included will be the right to access taxpayer funds for the payment of certain private debts of the firm.

This special system, created by the bill before us, would create incentives for smaller companies to consolidate until they, too, are too big to fail. As a result, risk would be concentrated even more so in a few hands that the failure of one company can threaten to bring down the entire financial system. In place of this created system under the Dodd legislation, a system that protects large companies more than all others, our amendment would create a fair and equal system for the failure of all financial institutions, regardless of their size. As a result, financial institutions would have no incentives to become larger, and thereby increasing the risk that one company's failure will cause the failure of the entire financial sector.

There is one critical aspect of the bankruptcy process that we can't overlook and cannot be overstated. When people loan money to or buy stock or buy bonds in a corporation, or otherwise provide credit, they have an expectation that if that company fails to prosper and is unable to pay all the debts the company owes, that the company at least will be hauled into bankruptcy court, and they will have an opportunity to present their claims and to receive whatever fair proportion of the money that is still left in the company as their payment.

It may be 10 cents on a dollar, or it may be 90 cents. They understand that

bankruptcy judges have the authority to allow the company to continue to operate, to stay or stop people from filing lawsuits against the company to collect debts, to allow the company a period of time to operate, to evaluate whether they can pay off more debtors by continuing to operate than shutting the company down. If a bankruptcy court sees the company is so badly in financial crisis that it is going to collapse anyway, the court can shut it down immediately before they can waste assets and rip off even more people. That is what a bankruptcy court does every day.

The Judicial Conference letter I referred to earlier notes that under the resolution process, some other problems might arise. They note this:

> The legislation does not envision objection, participation, or input from the bankruptcy creditors (whose rights will be affected) in the course of appointing the FDIC receiver.

It does this in a way unlike the classical way that company officials have to respond when their companies fail. What happens? The creditors all gather. The bankruptcy petition is filed, voluntarily or involuntarily, by the creditors. They are hauled in by a Federal bankruptcy judge who has a 14-year term and specializes in bankruptcy matters. They are required to produce records and documents of the financial condition of the company. The CEO is called in to testify under oath. The bondholders, the stockholders, the creditors, secured and unsecured, the employees, and the workers all get to have lawyers, and they examine the witnesses who can be called. They can call their own witnesses and, in the result, you create a factual record that helps set the groundwork for the orderly priority setting of who is entitled to payment of the limited amount of money in the corporation.

This is what they do every day. This is what ought to happen. Executives prefer not to have to do that. They prefer, like AIG, to go over there and meet with the Federal Reserve, or with the Secretary of the Treasury, and sit down and wheel and deal and get $70 billion. And nobody is under oath, that I can see. None of this is done publicly, as it is in a bankruptcy proceeding. They get to continue to operate and have their fat salaries, when any other company would be out of there and would cease to exist.

This is the problem that upsets the American people, and they are right to be upset.

We do not need to provide special treatment for the people who created the financial crisis that has damaged this country for the next decade probably, and set off ramifications worldwide. I know a lot of this was systemic irresponsibility by a lot of people, but I have to say, the failure of these executives to manage their companies correctly—there are letters to this. They do not need to be provided a sweetheart process by which they can get money from the Treasury and keep their companies going and not be subjected to the same examination, the same requirement to produce documents and records to justify their existence that average corporations do. They need bankruptcy.

I believe America would be better if we do that. I believe our economy will be stronger and that there will be more certainty in the process. If they fail, they fail. If they loan money to a company that fails, they may lose some or all of it. That is just the way it is. It happens every day.

But some people on Wall Street convinced themselves and they convinced politicians and government officials that they were too big to fail. They were so large and were so important that they could not be treated like everybody else; they needed to be bailed out. The people who regulated them and the Secretary of the Treasury, a Wall Street maven himself, a Goldman Sachs guy, and others, met in secret and plotted this thing out and got us to pass legislation in Congress that said—my wife corrects me. She said: Quit saying ''got us'' when you voted against it. I voted against the legislation. Congress passed legislation to allow the Secretary of the Treasury to buy toxic mortgages and assets from bad banks that were in trouble—in a state of panic, if you want to know the truth.

What did they do? Ten days later they bought an insurance company, AIG. They put $70 billion in it, totally contrary to what we were told just a few days before and without the slightest hint of embarrassment.

The legislation we passed, the $700 billion TARP bailout, was the greatest abdication of congressional responsibility in the history of this Republic. We have never given one man—the Secretary of the Treasury—the power to deal with his friends and have $700 billion to deal with. It is an outrage really. That is why people are upset, and they have a right to be upset. I am upset.

All I am saying is, we have a regular process for dissolution of companies that get in trouble. If they cannot pay their bills, they ought to fail like any other company, and the big guys on Wall Street should not be given special treatment. This legislation will end bailouts and will put them in the same process that any corporation in America would be in if they failed to pay their debts in a responsible manner.

I urge my colleagues to consider the amendment. Remember that bankruptcy is a favored process by the Federal Reserve people, that the Judicial Conference of the United States Federal courts has raised questions about this legislation as it presently exists. I think the principled and appropriate way to deal with the dissolution of failed companies is through the bankruptcy process. Unlike orderly liquidation, bankruptcy passes the ultimate test. I urge my colleagues to support the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, at some point fairly soon, I hope to be able to—at the request of the authors of the two amendments—propose two amendments I believe will be accepted. In fact, I know they will be accepted on a voice vote. There is some language being worked out. That will come before we adjourn for the evening.

We have also laid down—I believe there will be nine amendments tomorrow, equally divided between the minority and the majority, including the amendment we just heard proposed by my good friend from Alabama, Senator SESSIONS, along with others. It will be a busy day tomorrow.

Today we have done eight amendments, by the time we are finished, which is a good day's work. Obviously, more needs to be done. Five of them were done by recorded votes and three by voice votes. We hope they will be voice-voted.

I want to take a minute or so, if I may, to express my feelings about the Sessions amendment. First of all, I am joined in these sentiments by the chairman of the Judiciary Committee, Senator LEAHY, who opposes the Sessions amendment as well. Let me explain why I oppose this amendment.

I say this respectfully of Senator SESSIONS, who is a good friend. I noticed in his remarks he did not cite any bankruptcy lawyers opposed to the provisions in the bill. I am not terribly shocked that bankruptcy lawyers would be opposed to a provision in the bill short of bankruptcy, although the presumption is bankruptcy in titles I and II.

If my colleagues remember, it was the Shelby-Dodd amendment which we voted on a week ago—several days ago—that took care of the concerns people had about title I and title II of the bill which deals with the resolution mechanisms. Senators CORKER and WARNER worked very hard on those two provisions of the bill, as other members of the committee did. I want to briefly describe why those provisions are important and why they should remain intact.

Of course, we voted as a Senate 93 to 5 in favor of the Shelby-Dodd amendment, codifying the perfections, as Senator SHELBY described them, in those two titles.

I oppose the Sessions amendment to strike the language creating an orderly liquidation authority, language, as I said, that Senator SHELBY and I crafted together in order to end the too-big-to-fail argument once and for all. Most nonbank financial firms, including large and complex ones, will go through the normal bankruptcy process if they fail, and they should. That is the presumption in the bill.

The new liquidation authority Senator SHELBY and I crafted should be

used very rarely. It is a painful process to go through and would certainly not be the avenue of choice given the implications. We have put in some very high hurdles to trigger its use, including judicial review.

Moreover, the advance warning systems that we have included in our bill, and the tough new standards we impose on large financial companies, will put in place speed bumps so these companies slow down and become less risky and, therefore, avoid the very issue of bankruptcy or resolution. Early on we try to minimize those events from occurring.

When there is a financial crisis, however, bankruptcy may not be the best option. The experience of 2008, especially the bankruptcy of Lehman Brothers and its disastrous effects on our financial markets and our economy, has taught us we need a workable alternative to bankruptcy for the largest, most interconnected financial firms and that the alternative could not and should not be a bailout. Given the choices now, it is just bankruptcy or bailout. We tried to create an alternative under rare circumstances for a resolution mechanism.

Throughout 2009, the Banking Committee heard testimony from administration and other financial regulators, experts, stakeholders, and others who all agree the bankruptcy framework is poorly equipped to protect the Nation's financial stability if a very large and complex and interconnected financial firm goes under.

Why do we say that? It can be with a large financial firm that is interconnected there are many good, solid firms—it may be that a large interconnected firm will have an effect on some very solvent, well-run firms. Bankruptcy could bring all of these well-run companies down to their knees. None of us wants to be part of that. So we need an alternative other than just bailing out that firm when confronted with that kind of a choice.

If the only two choices are bankruptcy, which could take a lot of firms and businesses that are solid, well run, well managed, producing jobs, contributing to our economy—that is the alternative. Those firms then would be adversely and, unfortunately, affected through a bankruptcy process or bailout. Of course, no one wants to write a check for $700 billion again to bail out firms that are failing. The idea of a resolution mechanism under rare circumstances is the alternative choice which we collectively—Democrats and Republicans—after the long work of this committee believed was the alternative in our bill.

The Sessions amendment fails to recognize the fundamental difference between the new liquidation authority and bankruptcy. The new liquidation authority is intended to be an emergency exception to bankruptcy. The presumption, again, is bankruptcy. That is where we begin. But if under these rare circumstances that alternative would do more damage to the overall economy, despite our feelings about a mismanaged company, we need to have an alternative.

The new liquidation authority is intended to be an emergency exception to bankruptcy when necessary to protect the financial stability, the overall stability of the United States, and not to protect irresponsible creditors.

The Sessions amendment, like today's bankruptcy framework, is focused on protecting and repaying creditors of a failed financial firm. It does not provide the tools we need to protect taxpayers from the devastating effects of the next Lehman Brothers. That is why Senator SHELBY and I sought to create a liquidation process that would provide for the orderly wind-down of large, complex financial institutions, while still forcing shareholders to be wiped out, culpable management to be fired, and creditors to bear losses, in addition to a prohibition against those very managers who caused the failure from being involved for years afterwards in the financial services sector of our economy.

That is a rough road—shareholders get wiped out, creditors suffer, management gets fired, and they are banned from being involved in financial services. That is tough medicine if, in fact, they go the resolution route under our bill. But we need to have at least some mechanism other than just the two terrible alternatives of bankruptcy, that could cause broader financial problems, or a bailout. This is why Senator SHELBY and I sought to create this liquidation process.

Any payments under our bill to creditors above liquidation value will be clawed back, and large financial companies will be assessed, as necessary, to ensure that taxpayers do not lose a penny.

You may recall the debate we had about prepayment or postpayment. We had originally, at the suggestion of my Republican colleagues, a $50 billion upfront assessment on large institutions. Then there was a change of heart by many, and they said: No, you cannot have that out there because that looks like you are providing for a resolution mechanism rather than bankruptcy; the optics of that do not look good. I was never overly committed to that idea. The only reason I included it in the further draft of the bill is because I thought it brought Republican support to the legislation.

The irony is, some of the very people who were advocates of it one day changed their minds. So we took it out of the bill.

The thing I wanted to make sure of was that taxpayers would not be exposed. The House-passed legislation has $150 billion in a prepayment fund. Again, I heard my good friend from Massachusetts, the chairman of the House Financial Services Committee, Barney Frank, say he would like to take it out as well in light of some of the allegations made about the bill. We took that out. I know my colleague from Alabama referenced that and may not have been aware that was one of the provisions in the Shelby-Dodd amendment, to remove that prepayment fund created in the earlier draft of the bill.

Striking the orderly liquidation authority, as the Sessions amendment would, would do just the opposite of what the amendment's sponsors intend. It would ensure we face a repeat of the unacceptable choices between a disastrous bankruptcy where innocent, solvent, well-run companies could be caught in the vortex and drawn down and destroyed in the process or writing that big check that Americans are furious over. So we created this resolution authority to be used under very rare circumstances.

The Senate, of course, supported our proposal, the Shelby-Dodd approach, by a vote of 93 to 5. I urge my colleagues, both Democrats and Republicans, to reaffirm their support for ending the too-big-to-fail concept by rejecting the Sessions amendment.

I say that respectfully of my colleague of Alabama. He has been a longstanding member of the Judiciary Committee. He knows these issues well. And I understand his concerns. But I believe as Senator LEAHY will speak to, either directly or indirectly, this would do great damage to this bill and expose us once again to that taxpayer bailout, which none of us wants whatsoever. Because if bankruptcy would cause greater harm for our economy than the failure of one company, then what are we left with if we reject that idea and we are back to the bailout scenario? None of us wants to be in that situation ever again.

I urge, when the vote occurs tomorrow, that we reject the Sessions amendment. Stick with what we have written in this bill—which occurred over many months, by the way. This was not drafted over a weekend, I can tell you that. We have gone back literally months trying to get this right and listen to literally hundreds of people who brought their expertise and knowledge of this process to the table. It was purely a bipartisan effort in our committee, along with others, to craft the first two titles of our bill.

I urge, again, the rejection of the Sessions amendment when it occurs.

AMENDMENTS NOS. 3989 AND 3991

Mr. President, I ask unanimous consent that the Durbin and Franken amendments be considered withdrawn, and that the Durbin amendment No. 3989 and the Franken amendment No. 3991 be considered called up in their place.

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

The amendments are as follows:

(Purpose: To ensure that the fees that small businesses and other entities are charged for accepting debit cards and reasonable and proportional to the costs incurred, and to limit payment card networks from imposing anti-competitive restrictions on small businesses and other entities that accept payment cards)

At the end of subtitle G of title X, add the following:

SEC. 1077. REASONABLE FEES AND RULES FOR PAYMENT CARD TRANSACTIONS.

The Electronic Fund Transfer Act (15 U.S.C. 1693 et seq.) is amended—

(1) by redesignating sections 920 and 921 as sections 921 and 922, respectively; and

(2) by inserting after section 919 the following:

"SEC. 920. REASONABLE FEES AND RULES FOR PAYMENT CARD TRANSACTIONS.

''(a) REASONABLE INTERCHANGE TRANSACTION FEES FOR ELECTRONIC DEBIT TRANSACTIONS.—

''(1) REGULATORY AUTHORITY.—The Board shall have authority to establish rules, pursuant to section 553 of title 5, United States Code, regarding any interchange transaction fee that an issuer or payment card network may charge with respect to an electronic debit transaction.

''(2) REASONABLE FEES.—The amount of any interchange transaction fee that an issuer or payment card network may charge with respect to an electronic debit transaction shall be reasonable and proportional to the actual cost incurred by the issuer or payment card network with respect to the transaction.

''(3) RULEMAKING REQUIRED.—The Board shall issue final rules, not later than 9 months after the date of enactment of the Consumer Financial Protection Act of 2010, to establish standards for assessing whether the amount of any interchange transaction fee described in paragraph (2) is reasonable and proportional to the actual cost incurred by the issuer or payment card network with respect to the transaction.

''(4) CONSIDERATIONS.—In issuing rules required by this section, the Board shall—

''(A) consider the functional similarity between—

''(i) electronic debit transactions; and

''(ii) checking transactions that are required within the Federal Reserve bank system to clear at par;

''(B) distinguish between—

''(i) the actual incremental cost incurred by an issuer or payment card network for the role of the issuer or the payment card network in the authorization, clearance, or settlement of a particular electronic debit transaction, which cost shall be considered under paragraph (2); and

''(ii) other costs incurred by an issuer or payment card network which are not specific to a particular electronic debit transaction, which costs shall not be considered under paragraph (2); and

''(C) consult, as appropriate, with the Comptroller of the Currency, the Board of Directors of the Federal Deposit Insurance Corporation, the Director of the Office of Thrift Supervision, the National Credit Union Administration Board, the Administrator of the Small Business Administration, and the Director of the Bureau of Consumer Financial Protection.

''(5) EXEMPTION FOR SMALL ISSUERS.—This subsection shall not apply to issuers that, together with affiliates, have assets of less than $10,000,000,000, and the Board shall exempt such issuers from rules issued under paragraph (3).

''(6) EFFECTIVE DATE.—Paragraph (2) shall become effective 12 months after the date of enactment of the Consumer Financial Protection Act of 2010.

''(b) LIMITATION ON ANTI-COMPETITIVE PAYMENT CARD NETWORK RESTRICTIONS.—

''(1) NO RESTRICTIONS ON OFFERING DISCOUNTS FOR USE OF A COMPETING PAYMENT CARD NETWORK.—A payment card network shall not, directly or through any agent, processor, or licensed member of the network, by contract, requirement, condition, penalty, or otherwise, inhibit the ability of any person to provide a discount or in-kind incentive for payment through the use of a card or device of another payment card network.

''(2) NO RESTRICTIONS ON OFFERING DISCOUNTS FOR USE OF A FORM OF PAYMENT.—A payment card network shall not, directly or through any agent, processor, or licensed member of the network, by contract, requirement, condition, penalty, or otherwise, inhibit the ability of any person to provide a discount or in-kind incentive for payment by the use of cash, check, debit card, or credit card.

''(3) NO RESTRICTIONS ON SETTING TRANSACTION MINIMUMS OR MAXIMUMS.—A payment card network shall not, directly or through any agent, processor, or licensed member of the network, by contract, requirement, condition, penalty, or otherwise, inhibit the ability of any person to set a minimum or maximum dollar value for the acceptance by that person of any form of payment.

''(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) DEBIT CARD.—The term 'debit card'—

''(A) means any card, or other payment code or device, issued or approved for use through a payment card network to debit an asset account for the purpose of transferring money between accounts or obtaining goods or services, whether authorization is based on signature, PIN, or other means;

''(B) includes general use prepaid cards, as that term is defined in section 915(a)(2)(A) (15 U.S.C. 1693l–1(a)(2)(A)); and

''(C) does not include paper checks.

''(2) CREDIT CARD.—The term 'credit card' has the same meaning as in section 103 of the Truth in Lending Act (15 U.S.C. 1602).

''(3) DISCOUNT.—The term 'discount'—

''(A) means a reduction made from the price that customers are informed is the regular price; and

''(B) does not include any means of increasing the price that customers are informed is the regular price.

''(4) ELECTRONIC DEBIT TRANSACTION.—The term 'electronic debit transaction' means a transaction in which a person uses a debit card to debit an asset account.

''(5) INTERCHANGE TRANSACTION FEE.—The term 'interchange transaction fee' means any fee established by a payment card network that has been established for the purpose of compensating an issuer or payment card network for its involvement in an electronic debit transaction.

''(6) ISSUER.—The term 'issuer' means any person who issues a debit card, or the agent of such person with respect to such card.

''(7) PAYMENT CARD NETWORK.—The term 'payment card network' means an entity that directly, or through licensed members, processors, or agents, provides the proprietary services, infrastructure, and software that route information and data to conduct transaction authorization, clearance, and settlement, and that a person uses in order to accept as a form of payment a brand of debit card, credit card or other device that may be used to carry out debit or credit transactions.''.

AMENDMENT NO. 3991

(Purpose: To instruct the Securities and Exchange Commission to establish a self-regulatory organization to assign credit rating agencies to provide initial credit ratings)

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

AMENDMENTS NOS. 3956 AND 3992, AS MODIFIED

Mr. DODD. Mr. President, I ask unanimous consent that the Senate now resume consideration of the Landrieu amendment No. 3956 and the Crapo amendment No. 3992; that the Landrieu amendment be agreed to and the motion to reconsider be laid upon the table; that the Crapo amendment, No. 3992, be modified with the changes at the desk; that the amendment, as modified, be considered and agreed to, and the motion to reconsider be made and laid upon the table.

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

Amendment No. (3956) was agreed to.

The amendment (No. 3992), as modified, was agreed to, as follows:

(Purpose: To provide for credit risk retention requirements for commercial mortgages)

On page 1047, strike line 23 and all that follows through ''(E)'' on line 24 and insert the following:

''(E) with respect to a commercial mortgage, specify the permissible types, forms, and amounts of risk retention that would meet the requirements of subparagraph (B), such as—

''(i) retention of a specified amount or percentage of the total credit risk of the asset;

''(ii) retention of the first-loss position by a third-party purchaser that specifically negotiates for the purchase of such first-loss position and provides due diligence on all individual assets in the pool before the issuance of the asset-backed securities;

''(iii) a determination by a Federal banking agency or the Commission that the underwriting standards and controls for the asset are adequate; and

''(iv) provision of adequate representations and warranties and related enforcement mechanisms; and

''(F)

Mr. DODD. Mr. President, again, I want to take a moment and express my gratitude to my colleagues. I want to thank Senator LANDRIEU. She was involved in a lot of this, so I want to thank her immensely for her contribution. She chairs the Small Business Committee of the Senate and she and my very good friend from Georgia, JOHNNY ISAKSON, crafted a very good amendment, which we just adopted. It is going to make our whole section dealing with underwriting a very important part of this bill, and I thank them for that.

I want to thank Senator MIKE CRAPO from Idaho, my colleague on the Banking Committee. He made a very constructive suggestion to this part of the bill. I want to thank his staff as well and the staff of Senator LANDRIEU, who did a very good job in working through the language this afternoon that allowed us to come to this conclusion. They both couldn't be here at this particular moment, late in the evening, so I am speaking on their behalves, but I thank them both.

Again, this is exactly what we are trying to achieve in this bill—which I know is taking a lot of time on the floor of the Senate—with the contributions of Republicans and Democrats—people such as JOHNNY ISAKSON and MIKE CRAPO, OLYMPIA SNOWE, SUSAN COLLINS, and so many others who have contributed to this product. We are dealing with a very complex area but a critically needed one for our Nation.

We are getting closer and closer to final passage of this bill. We have more amendments to consider, but my hope is that in the next few days we can wrap up the remaining amendments and have our opportunity to vote—to debate on these matters and then get to the point where we can cast our ballots in favor of what I hope will be an overwhelming vote in favor of financial reform in this legislation.

Tomorrow, as I mentioned earlier, there will be some nine amendments, at least, that we have set up for debate. I will be looking for time agreements on them. For those who may be listening at this late hour in their respective offices, I would urge them to work with us on time agreements, if they want a decent amount of time, but please do not ask for exaggerated amounts of time. There are still many more amendments to consider.

We are going to be here on Friday. We won't have votes on Friday, but I will want to get to all these matters. There will be amendments voted on tomorrow, and additional amendments before we finish tomorrow evening, and then on Friday I will be here to listen to debate, maybe lay down a remaining amendment to be considered on Monday when we come back.

My hope is that by Tuesday, no later than Tuesday—at the max maybe Wednesday—we could have final passage on this bill. I know there are other matters the majority leader wants to handle, and I can't thank him enough for providing the kind of window that has allowed this Senate to operate without tabling motions. We have only had one. We haven't had any second-degree amendments on any amendment so far, and no filibusters involved at all on a very major piece of legislation.

As I said earlier today, all of us at one time or another talk to students in our respective States, and they ask us about how the Senate functions, and we usually describe exactly what has happened. The unfortunate part is that it rarely does happen in this way. We are not done yet, so I realize we have not completed the process. But this is how this institution was intended to operate. People have a right to offer their amendments, to be heard, to debate them, and then to vote on critical issues facing our country. I never thought a few weeks ago we might actually get to this point where we are engaging in the business of the Senate, offering amendments, debating them, trying to modify where we can to agree on how best to do this.

There are 100 of us here trying to craft a piece of legislation that affects 300 million of our fellow citizens in this Nation, not to mention others beyond our own shores because we are setting rules by which we are going to operate. My hope is that these rules will be harmonized with others around the world so we can avoid the kind of catastrophes occurring in Europe as I speak here, as well as the problems that have emerged in the Asian markets and elsewhere. So this is more than just an ordinary undertaking.

Yesterday, in speaking to the Chairman of the Federal Reserve Board, he notified me during one of our debates that the central bankers of Europe, because of the availability of technology, were literally watching and monitoring the debate here on the floor of the Senate about a critical issue as it was occurring. That is how the world has changed. Today, the actions we take here not only affect what happens in our own country but elsewhere as well. This is a major undertaking, and I can't begin to express my gratitude to my fellow colleagues for the manner in which they have conducted this debate.

My thanks to majority leader HARRY REID in particular. Only through the majority leader can you create an environment that allows this to happen. That is the leadership that HARRY REID has demonstrated over and over and over again in his stewardship as the majority leader of this body. Again, with all the other things he has to grapple with and deal with—many other issues to confront here—this is the kind of leadership the American people expect to see, and he is providing it for our country.

Again, I thank as well my colleague from Alabama, Senator SHELBY, the ranking member, for his work and the staffs' work. Again I thank the floor staff and others in their respective offices.

Mr. President, I ask unanimous consent that the following article be printed in the RECORD.

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

STUDY: DERIVATIVES RULES WOULD COST BANKS BILLIONS

Goldman Sachs could lose up to 41 percent of its earnings if Congress approves tighter regulation of the derivatives market, according to an analysis by Bernstein Research. That's equivalent to wiping away $3.9 billion in Goldman's earnings this year if the stricter regulations were in effect for the entire 12 months, according to a subsequent analysis of the numbers by DealBook using Bernstein's 2010 earnings-per-share estimates.

Other major banks, including Citigroup, Morgan Stanley, JPMorgan Chase and Bank of America, would also withstand cuts of billions of dollars in their earnings if the derivatives rules currently being considered by the Senate are put in place.

Estimating how stricter rules on derivatives would affect the bottom line of banks relies on some big assumptions, so Bernstein's estimates should be taken with some caveats. Nevertheless, the assumptions Bernstein makes in its analysis are probably as close to the mark as any, given the lack of disclosure by the banks on their trading activities.

For example, banks do not break down their trading revenue by function—so it is hard to find out what percentage of a bank's trading revenue comes from derivatives trading. Bernstein therefore has to estimate that number, fully knowing that it could fluctuate for each bank. It then estimated the percentage of profit that would be lost under the proposed derivatives regulations.

That required further assumptions, given that the legislation is pending and could be changed at any time. The big wild card is how much of the business would be taken public. If the bids and asks for over-the-counter derivatives transactions are forced into the open, the spreads that the banks make brokering the deals will fall. Estimating how much they will fall is difficult.

In performing their sensitivity analysis, Bernstein therefore had two major sliding assumptions: the percentage of trading revenue that each bank derives from derivatives trading and the percentage of that revenue that could be at risk of going away if strict derivatives legislation passes. The impact on the bottom line varies greatly, as some banks are more dependent on trading revenue than others.

Take Goldman Sachs. If the bank derives 30 percent of its trading revenue from derivatives and 50 percent of that amount is at risk of going away, the firm's total earnings would fall by 15 percent. That would be a $1.43 billion hit to the $9.53 billion that Bernstein estimates the bank will earn in 2010. Bernstein's worst-case scenario was if Goldman derived 60 percent of its revenue from derivatives trading, with 70 percent of that revenue at risk. Goldman would then be facing a 41 percent decline in its earnings, equivalent to a $3.9 billion hit to its earnings if calculated using 2010 estimates.

JPMorgan is a distant second. If it derives 30 percent of its trading revenue from derivatives and 50 percent of that revenue is at risk of going away, the firm's earnings would fall by 7 percent. That is equal to an $890 million hit to its 2010 estimated earnings of $12.74 billion. The worst-case scenario, using the same assumptions for Goldman, would cause a 14 percent hit to earnings, equivalent to a $1.78 billion reduction of its 2010 estimated earnings.

In a conference call with investors this month, Jamie Dimon, JPMorgan's chief executive, estimated that the proposed derivatives regulations could cost the bank several hundred million dollars to $2 billion in lost revenue. Given that the profit margin is high on derivatives trading, Bernstein's estimates seem to be somewhat on the mark.

Meanwhile, Morgan Stanley could have a 9 percent hit to its earnings if 30 percent of its trading revenue comes from derivatives and 50 percent of that revenue was at risk. Bernstein's worst case shows the bank losing 25 percent of its earnings, or $1.1 billion, based on 2010 estimates.

Citigroup and Bank of America would not be affected as significantly the other banks, because they derive a smaller proportion of their revenue from trading. Citi would see a 5 percent drop in the baseline scenario and a 15 percent drop in the worst-case scenario, equivalent to a $1.7 billion reduction in earnings, according to 2010 estimates.

Bank of America would take a 4 percent hit in the baseline scenario and an 11 percent hit in the worst-case scenario, equivalent to a $1 billion earnings reduction, according to 2010 estimates.

Mr. LEAHY. Mr. President, the Senate is engaging in a vigorous debate over how best to bring corporate accountability to Wall Street. The Senate's consideration of this legislation is

a significant step toward accomplishing that goal, and will ultimately ensure that we do not fall victim to those same pitfalls and corporate abuses that led to the recent financial disaster.

As we bring accountability through the Wall Street Reform bill, we must preserve the role of the antitrust laws to promote competition and transparency in the industry. Our Nation's antitrust laws exist to protect consumers, and we must ensure they apply fully to Wall Street. There is simply no reason to risk exempting any industry from laws that prohibit price fixing and anticompetitive behavior.

In other sectors, we have seen the problems that result from a lack of adequate antitrust oversight. The insurance industry, which enjoys a statutory exemption from the antitrust laws, is characterized by high levels of market concentration throughout the country. Millions of Americans suffer the consequences through unaffordably high health care costs, which may not reflect the price that would be set through true competition. For the past three Congresses, I have worked to repeal this six-decade-old exemption from the Federal antitrust laws. There is no justification for it, and I have urged the Senate to take up quickly and pass legislation that passed the House with an overwhelming bipartisan majority.

Statutory antitrust exemptions are rare because, as a general rule, when the antitrust laws are supplanted, competition, and therefore consumers, are harmed. Unfortunately, while I have been working in Congress to repeal unwarranted, special interest exemptions, an activist Supreme Court has been reading new exemptions into statutes where they do not exist. In Credit Suisse v. Billing, the Supreme Court created antitrust loopholes in securities law by holding that Congress implicitly exempted the antitrust laws. This Court-made exemption took away an important tool consumers had to hold Wall Street accountable for anticompetitive behavior. It is hard enough to bring back competition by repealing explicit exemptions, but now we must be attentive to those loopholes Congress never intended, as well.

In the wake of the Credit Suisse decision, we need to be vigilant when we enact comprehensive legislation such as Wall Street reform, to ensure there is no ambiguity that could prevent the antitrust laws from applying. When courts will read any silence on the part of Congress to imply an antitrust exemption, we need to be especially careful in how we craft our laws. Hardworking Americans demand this from their lawmakers.

To ensure there is no doubt about the role of the antitrust laws in this Wall Street reform bill, I am urging the Senate to include several antitrust protections in the Wall Street reform bill that the Senate is considering. First, the bill should include a comprehensive antitrust savings clause. Second, the bill should maintain Hart-Scott-Rodino antitrust merger review for those large financial acquisitions that are now subject to comprehensive Federal Reserve approval. Third, we should make explicit that the antitrust laws apply to those ''bridge'' acquisitions of failed firms that will be subject to an expedited emergency review. Finally, we need to preserve adequate competition safeguards in the derivatives exchange market.

These provisions to protect competition and consumers should be included in the final version of the Wall Street reform legislation that I hope the Senate will soon pass. Collectively, these provisions will ensure that antitrust authorities have a vital role in Wall Street oversight for years to come. For too long, large corporate interests have harmed the financial well-being of hardworking Americans. These financial institutions must be regulated, and including these antitrust provisions will ensure courts will not misread the intent of Congress and infer that the activity of Wall Street is exempted from the laws of competition.

Today, I also renew my call for the Senate to take up and pass my amendment to repeal the antitrust exemption for health insurance companies. I hope all Senators will join me in supporting that amendment.

EXECUTIVE SESSION

NOMINATION DISCHARGED

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to executive session and the Rules Committee be discharged from further consideration of PN1488, the nomination of Stephen Ayers to be Architect of the Capitol; and the Senate then proceed to the nomination; that the nomination be confirmed and the motion to reconsider be considered made and laid upon the table, and that the President be immediately notified of the Senate's action.

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

The nomination considered and confirmed is as follows:

Stephen T. Ayers, of Maryland, to be Architect of the Capitol for the term of ten years, vice Alan M. Hantman, resigned.

Mr. DODD. Mr. President, let me add congratulations to Mr. Ayers. It is a very important job.

EXECUTIVE CALENDAR

Mr. DODD. Mr. President, I ask unanimous consent that the Senate consider Calendar Nos. 887, 888, 889, and 890; that the nominations be confirmed en bloc, and the motions to reconsider be laid upon the table en bloc; that no further motions be in order; that any statements relating to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF JUSTICE

Parker Loren Carl, of Kentucky, to be United States Marshal for the Eastern District of Kentucky for the term of four years.

Gerald Sidney Holt, of Virginia, to be United States Marshal for the Western District of Virginia for the term of four years.

Robert R. Almonte, of Texas, to be United States Marshal for the Western District of Texas for the term of four years.

Jerry E. Martin, of Tennessee, to be United States Attorney for the Middle District of Tennessee for the term of four years.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

MORNING BUSINESS

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

MARIACHI CONFERENCE AND FESTIVAL

Mr. REID. Mr. President, I rise today in celebration of the Clark County School District's Seventh Annual International Mariachi Conference and Festival. This event promotes cultural awareness, positive citizenry and encourages students in the Las Vegas community to succeed academically via the performance of mariachi music.

The Clark County School District's Secondary Mariachi Education Program provides an annual 3-day Mariachi Conference and Festival where students from across the school district participate in 2 days of music and dance workshops taught by renowned, professional clinicians/performers of the mariachi and ballet folklórico art forms. In this setting, students learn and perform a variety of musical pieces that demonstrate the highest level of musicianship and performance possible for their level of experience. The Mariachi Conference and Festival culminates in a professional concert production in which all student participants display their musical talents and newly-acquired skills to an audience of proud parents, school district personnel, and at-large community members. Participation in this program is something to be proud of and I congratulate all who are instrumental in the development of this local initiative.

In 2002, the Clark County School District recruited Jesus Javier Trujillo to establish the Mariachi Education Program as a means to provide a creative

and effective alternative for students to remain engaged in their schools. I salute Jesus Javier Trujillo for his visionary efforts in enabling the growth of such a dynamic program in Nevada. I also would like to thank and congratulate trustee Larry Mason, the board of school trustees, all administrators, teachers, and students for their continued commitment to this program.

As the State grapples with high levels of dropout rates, projects like the Mariachi Program provide creative alternatives for students to remain engaged in schools. This is why I have long supported this program. The Mariachi Education Program has grown exponentially and has drawn national acclaim. Both instructors and students alike have been selected to participate in top-level mariachi conferences in New Mexico, Arizona and California. Aside from their musical talent, they have played a vital role in the formation of the National Mariachi Task Force and have partnered with the Gastellum Foundation to award aspiring young mariachi performers with academic scholarships to college. I extend my best wishes to the future of the Mariachi Program.

DISCLOSE ACT

Mr. SCHUMER. Mr. President, I rise today in support of S. 3295, the DISCLOSE Act. I am happy to be joined by several of my colleagues, all of whom were essential in putting this bill together: Senators FEINGOLD, WYDEN, BAYH, FRANKEN, AND BENNET. We come to the floor today with a clear and powerful statement: the DISCLOSE Act will provide much-needed transparency to our political process in light of Citizens United, and will allow the public to know who really is behind the political messages they see on TV or hear on the radio. The DISCLOSE Act will follow the Supreme Court's advice and make disclosure and disclaimers the cornerstone of our reform efforts and will apply equally to all corporations, unions, trade associations, social welfare organizations and section 527 groups. It is intended to encourage political participation by creating an educated electorate. Further, the DISCLOSE Act will not chill speech or political participation, it will enrich it.

On April 30, 2010, 37 colleagues and I introduced the DISCLOSE Act, Democracy Is Strengthened by Casting Light On Spending in Elections, S. 3295, to respond to the Supreme Court decision in Citizens United v. FEC. The purpose of this legislation is to provide the American public with information on who is speaking when political advertisements and expenditures are made and to prevent them from being misled by organizations attempting to disguise their identities through the use of shadow groups. I want to reiterate that this act is in no way meant to deter political speech or spending, only to provide information so that the public is empowered to make informed decisions. Additionally, the disclosure and disclaimer provisions in the act apply equally to corporations, unions, and groups organized under sections 501(c)(4), (c)(5), (c)(6), and 527 of the Tax Code. We play no favorites.

In writing the majority opinion for the Court in its January decision, Justice Kennedy was very clear in articulating the Court's support for disclosure. He said, ''[t]he First Amendment protects political speech; and disclosure permits citizens and shareholders to react to the speech of corporate entities in a proper way. This transparency enables the electorate to make informed decisions and give proper weight to different speakers and messages.'' Kennedy also stated that ''disclaimers avoid confusion by making it clear that the ads are not funded by a candidate or political party.'' In fact, eight of the nine Justices agreed that disclosure and disclaimer provisions were necessary, and in the public's interest, to provide this information. The Court's decision opened the door to allow certain corporate spending in elections that was previously disallowed. In line with the Court's support for disclosure and disclaimer provisions, we have introduced the DISCLOSE Act and designed it to strengthen the Court's stated protections so that the public knows who is speaking and sponsoring these newly permitted messages.

This legislation would provide the following increased protections for the American people. It will ensure that they have full and timely disclosure of campaign-related expenditures by corporations, labor unions, social welfare organizations, trade associations and 527 groups. It requires these covered organizations to report expenditures to the Federal Election Commission within 24 hours if the expenditure is $1,000 or greater within 20 days of an election and $10,000 or greater before that date. It will then require the organization to post this information on its own Web site 24 hours after reporting and to send the information to its shareholders or members in any periodic or annual reports. This Internet publication requirement and more rapid reporting helps implement the Court's opinion that ''prompt disclosure of expenditures can provide shareholders and citizens with the information needed to hold corporations and elected officials accountable for their positions and supporters.''

It will also require enhanced reporting to the FEC by those covered organizations, requiring those that spend more than $10,000 per year on campaign-related expenditures to either disclose all of their donors that have given over $1,000 or to create a campaign-related activity account for exclusive use in making these expenditures. If this account is created, the organization will only need to disclose those donors that have donated over $10,000 in unrestricted funds or over $1,000 in funds specifically designated for campaign-related expenditures.

This legislation will also require those organizations that make transfers to other organizations for the purpose of making campaign-related expenditures to report those transfers in order to drill down so that the public truly knows where the money being spent is coming from. It will also allow donors to covered organizations to designate that their donations will not be used for campaign-related activity. If a donor makes this designation, the organization must then certify to the FEC that it will not use the donation in this manner. These requirements force organizations making these expenditures to be aware of the persons whose money they are spending on campaigns.

Our intent is not to seek the names of dues-paying members. Nor do we want to dissuade prospective members or donors from supporting a particular cause or organization. First, as outlined above, we believe that setting up and utilizing a campaign-related activity account will shield any organization from having to disclose any donor that does not want to have his or her funds go to political purposes. Second, creating the option for a donor to affirmatively designate that the donation should not be used for political spending will provide a mechanism to keep this donation walled-off from disclosure or disclaimers. Third, even if a group decides to transfer money from its general treasury to the campaign-related activity account, thus triggering disclosure of its general treasury, we believe the $10,000 threshold will exclude dues-paying members or your average donor who would not want to be disclosed.

This legislation also institutes several enhanced disclaimer provisions for political ads to ensure that the public knows who is sponsoring them. Current regulations require candidates sponsoring ads to stand by their ads and notify the public that they approve the message. Our language extends this requirement to the newly empowered organizations to make the public aware that it is not a candidate or party speaking, in line with Justice Kennedy's language in the decision. Additionally, it requires the top funder of an advertisement to record a similar disclaimer, and a list of the top five donors to be visible on the screen.

Stand-by-your-ad requirements are constitutional and essential. Further, we believe that it would take 8 seconds to read the two disclaimers, and not half of an advertisement as some opponents misleadingly suggest. For those advertisements that are 15 seconds, the act provides for a hardship exemption.

We have instituted all of these additional requirements in order to bring more awareness to the public. I believe that it is completely in the American peoples interest to know who is speaking about candidates, and the Supreme

Court agrees. This is not about preventing speech or making speech more difficult, it is solely about making the public aware of who the speakers are. This is fully consistent with the Constitution. There is no reason that any group would decline to spend unless it was attempting to deceive the American public by speaking without identifying who it is. This bill drills down and follows the money so that any organizations attempting to disguise their activities through shadow groups are not allowed to mislead the public. It brings everyones political speech into the sunlight.

I now yield for Senator FEINGOLD, a leader and true champion of reform and transparency.

Mr. FEINGOLD. Mr. President, I appreciate the Senator from New York bringing us together to discuss the DISCLOSE Act, S. 3295, which he introduced last week and which I am proud to cosponsor.

As the name suggests, the central goal of this bill is disclosure. It aims to make sure that when faced with a barrage of election-related advertising funded by corporations, which the Supreme Court's decision in the Citizens United case has made possible, the American people have the information they need to understand who is really behind those ads. That information is essential to being able to thoughtfully exercise the most important right in a democracy—the right to vote.

It is no secret that the Senator SCHUMER and I, and all of the original cosponsors of the bill, were deeply disappointed by the Citizens United decision. We reject the Court's theory that the first amendment rights of corporations, which can't vote or hold elected office, are equivalent to those of citizens. And we believe that the decision will harm our democracy. I, for one, very much hope that the Supreme Court will one day realize the mistake it made and overturn it.

But the Supreme Court made the decision and we in the Senate, along with the country, have to live with it. The intent of the DISCLOSE Act is not to try to overturn that decision or challenge it. It is to address the consequences of the decision within the confines of the Court's holdings. Congress has a responsibility to survey the wreckage left or threatened by the Supreme Court's ruling and do whatever it can constitutionally to repair that damage or try to prevent it.

In Citizens United, the Court ruled that corporations could not constitutionally be prohibited from engaging in campaign related speech. But, with only one dissenting Justice, the Court also specifically upheld applying disclosure requirements to corporations. The Court stated:

> [P]rompt disclosure of expenditures can provide shareholders and citizens with the information needed to hold corporations and elected officials accountable for their positions and supporters. Shareholders can determine whether their corporation's political speech advances the corporation's interest in making profits, and citizens can see whether elected officials are '' in the pocket' of so-called moneyed interests.

The Court also explained that disclosure is very much consistent with free speech:

> The First Amendment protects political speech; and disclosure permits citizens and shareholders to react to the speech of corporate entities in a proper way. This transparency enables the electorate to make informed decisions and give proper weight to different speakers and messages.

The Court also made clear that corporate advertisers can be required to include disclaimers to identify themselves in their ads. It specifically reaffirmed the part of the McConnell v. FEC decision that held that such requirements are constitutional.

The DISCLOSE Act simply builds on disclosure and disclaimer requirements that are already in the law and that the Court has said do not violate the first amendment. Notwithstanding the Court's strong endorsement of disclosure and the fact that for years opponents of campaign finance reform have claimed that timely and exacting disclosure requirements are preferable to other campaign finance restrictions, we are already hearing claims that this bill violates the first amendment. Let me take a minute to address some of the criticisms of this bill that have been made.

First, there is the claim that the disclosure requirements are intended to chill political expression. It is, of course, entirely possible that some organizations will decide not to run ads if they have to identify who is really footing the bill for them. But if that happens, it is not because the disclosure requirements interfered with their right to speak out, it is because they were not willing to provide the information that the Supreme Court has said ''enables the electorate to make informed decisions and give proper weight to different speakers and messages.'' Candidates disclose their donors. There is no reason for those who want to elect or defeat those candidates not to disclose theirs. We do not intend to chill speech with this bill. We intend to make it easier for the public to evaluate that speech.

Second, some claim that the requirements of the DISCLOSE Act are too burdensome, and the expense will prevent some groups from speaking. This seems highly unlikely in light of the already high cost of campaign advertising. Surely any group that is able to spend the kind of money it takes to run television ads attacking or promoting a candidate will have the resources to make sure that the American people have the information they need to evaluate those ads.

Third, the bill is criticized because it requires additional reporting of corporations that spend money directly from their treasuries rather than setting up a campaign related activity account. But this is the wrong way to look at the bill. The Citizens United decision allows spending directly from corporate treasuries. That's the default way of doing it, and the bill sets up a disclosure system that will ensure that adequate information about the real sources of the spending is made available to the public. It then sets up an alternative format for disclosure that a corporation can choose to take advantage of if it agrees to spend money on campaign spending only from a separate account. That promise to spend only from the campaign related activities account makes the more comprehensive disclosure of contributions to the treasury unnecessary. And it should always be remembered that any donor to a corporation or organization who wants to remain anonymous need only specify that the contribution cannot be use for campaign spending. These features of the bill show that it is narrowly tailored, not that it is discriminatory.

It is also very important to note that the bill applies equally to groups on both sides of the political fence. Corporations, unions, groups on the left and the right, will all have to disclose their spending and their donors if they want to spend treasury money on political ads. This bill doesn't discriminate against anyone. It treats all political actors equally. Any argument that the bill favors unions or other organizations that mostly support Democrats is simply wrong. I have a long history of bipartisan work on campaign finance issues. I am not interested in legislation that has a partisan effect. This bill is fair and evenhanded. It deserves the support of Senators on both sides of the aisle.

Most of the complaints about the bill come from interests that want to take advantage of one part of the Citizens United decision—the part that allows corporate spending on elections for the first time in over 100 years—and at the same time pretend that the other part of the decision—the part upholding disclosure requirements—doesn't exist. But the law doesn't work that way. As the old saying goes, ''you can't have your cake and eat it too.''

Once again, I very much appreciate the leadership of the Senator from New York and look forward to working with him and all my colleagues to pass this bill. I now yield for the Senator from Oregon, Mr. WYDEN.

Mr. WYDEN. Mr. President, I thank my colleague for yielding. Like Senator FEINGOLD, I am an original cosponsor of the DISCLOSE Act, and would like to address the ''stand by your ad'' disclosure provision of that bill and the recent Citizens United Supreme Court ruling.

The Citizens United opinion was a reckless ruling that overturned decades of precedent and threatens the health of the democratic process. Citizens United laid down, for the first time, a sweeping new right for special interests of all types. It said that money is speech and corporations must have free speech. This directly overturns the position taken in the Supreme Court's

Austin v. Michigan Chamber of Commerce opinion, which recognized the ''corrosive and distorting effects of immense aggregations of wealth that are accumulated with the help of the corporate form and that have little or no correlation to the public's support for the corporation's political ideas.'' But now, the Court says that if individuals have the freedom to express themselves politically, then corporations, as well as unions and other special interests, should have the same rights as living, breathing human beings.

The DISCLOSE Act offers a significant step in countering this ill-conceived opinion. Although the full reach of Citizens United cannot be undone short of a constitutional amendment or reversal by the Supreme Court, the DISCLOSE Act would achieve important accountability within the bounds of the Court's ruling. In fact, even while a divided court was striking down common sense limits on corporations, a nearly unanimous court upheld disclosure requirements. Disclosure imposes ''no ceiling on campaign-related activities.'' They said, ''disclosure permits citizens and shareholders to react to the speech of corporate entities in a proper way. This transparency enables the electorate to make informed decisions and give proper weight to different speakers and messages.''

But current disclosure laws were written for a time when corporations couldn't flood the airwaves with commercials and drown out the voices of individuals. Those laws need to be updated to mount a forceful response to this new reality. With those floodgates open, the DISCLOSE Act isn't just the smart thing to do—it is essential and it is constitutional.

Citizens United is a decision that is deeply unpopular with the American people—and for very good reason. The ruling unleashes a flood of new money into an election system already awash with too much money, too many special interests, and not enough accountability.

In February, a Washington Post-ABC News poll revealed that large majorities across the political spectrum opposed the decision. Eighty percent of respondents disagreed with Citizens United, with 65 percent ''strongly opposed.'' Even more remarkable, this number barely varied between Democrats, Republicans, and Independents. Regardless of age, race, education, or income, Americans disagree with this decision, and large majorities want Congress to take action to resist corporate influence of elections.

As part of the McCain-Feingold law, I worked with Senator COLLINS to make politicians stand by their ads, and now the DISCLOSE Act seeks to make corporations fulfill their civic responsibility in exactly the same way. Also, the bill would make sure that CEOs can't hide behind a trade association, or a shell company. In addition to a CEO disclaimer appearing in an ad, the DISCLOSE Act requires the top five funders behind an ad to be disclosed.

The bill would also make sure that TARP recipients and government contractors are not allowed to use essentially public money to influence elections. Finally, the bill would prevent foreigners from buying ads to influence the outcome of U.S. elections. The DISCLOSE Act seeks to protect the integrity of elections and to ensure that the American people have full knowledge about the messages that are delivered as part of political campaigns.

Contrary to critics' arguments, the DISCLOSE Act doesn't chill speech. In fact, it encourages the flow of information. Speak your mind, but let the public know who's doing the speaking. The marketplace of ideas is open, but like any marketplace, it only functions if everyone has the appropriate information. Without transparency, markets fail. In large part, it was a lack of transparency that allowed shady Wall Street deals to be perpetrated by Goldman Sachs and others at the expense of average shareholders and bond purchasers.

Without the DISCLOSE Act, there would be nothing to stop Wall Street firms from secretly funding a torrent of ads attacking the legislators and candidates working to bring accountability to Wall Street. These firms could covertly funnel money to a shell company or a trade association, with no way for consumers to know who was really behind those messages. Or, to use another example, BP could spend millions of dollars attacking members of Congress who pushed for stiffer laws on oil exploration and clean-ups, without revealing the source of the funding.

This is not idle speculation. It is an absolute certainty that special interests across the country will take full advantage of the opportunity that Citizens United affords them to spend freely on elections without disclosing their true identities. The only way to maintain a free and open democracy is to close that loophole. The American people are thoughtful and intelligent. If they know what special interest is behind a barrage of commercials before an election, they will understand the agenda and can evaluate the message accordingly.

The DISCLOSE Act will shed sunlight on all the new money entering our politics, and sunlight truly is the best disinfectant. I strongly urge my colleagues to enable the will of the American people, to ensure that corporations have the same responsibilities as people, and to guarantee that citizens' voices aren't drowned out.

I thank the chair. I yield for Senator BAYH.

Mr. BAYH. Mr. President, I rise today to join my colleagues in support of S. 3295, the Democracy Is Strengthened by Casting Light On Spending in Elections, DISCLOSE, Act. I would like to thank Senators SCHUMER, FEINGOLD, WYDEN, FRANKEN, and BENNET for their hard work in crafting this legislation and their efforts to help protect the integrity of our political process.

I rise today to clarify the intent of our legislation. Opponents of our efforts have asserted that our bill is intended to chill political speech and discourage participation in the electoral process. Nothing could be further from the truth. Our bill is about disclosure and transparency. It is premised on the idea that democracy functions best when citizens are fully informed. We trust the wisdom of the American people and believe that they deserve to know all of the facts.

Throughout my career, I have supported efforts to increase participation in our political process and worked to eliminate barriers that unduly burden the fundamental right vote. That is why I cosponsored legislation to make it easier for military and overseas voters to vote in our elections, opposed Indiana's misguided voter identification requirements, and cosponsored legislation to help prevent the use of deceptive practices and voter intimidation.

I hope that our colleagues on both sides of the aisle will join us in quickly passing this important legislation.

I now yield for my colleague, Senator FRANKEN, who is deeply committed to protecting the first amendment.

Mr. FRANKEN. I thank Senator BAYH. I also speak today in strong support of S. 3295, the Democracy Is Strengthened by Casting Light on Spending in Elections, also known as the DISCLOSE Act. In particular, I want to talk about the provisions in title III that will create much needed transparency and accountability in our elections system in response to the Citizens United decision. That decision is widely expected to trigger a new flood of campaign-related funds from corporations, unions, trade associations, and nonprofit organizations.

In that ruling, the Supreme Court drastically changed our election laws to allow unlimited corporate election spending from company treasury funds. It did not, unfortunately, require those corporations to disclose—to their shareholders, members, or the American public—either where the money came from or how it was spent.

Title II of this bill makes sure American voters know who is behind the election ads they see. Title III of the bill makes sure that the people that paid for those ads—like shareholders and union members—know how their money was spent.

After Citizens United, massive corporate campaign spending could be funneled through innocent-sounding front organizations like Citizens for the American Dream. That company's shareholders would never realize that the spending occurred or was going to support causes or organizations that they may not support. In short, Citizens United will allow these corporations to avoid accountability for their campaign expenditures from shareholders, voters, and the American public.

That is why title III of the DISCLOSE Act imposes disclosure requirements on all campaign-related contributions made by a corporation, union, or nonprofit—even contributions to another organization. Under title III, whenever one of these organizations makes a campaign expenditure, it will have to disclose that expenditure on that organization's Web site within 24 hours of reporting it to the Federal Elections Commission. It will also have to disclose that expenditure to its shareholders, donors, or members in regular periodic reports.

These disclosure requirements will allow shareholders and citizens alike to make informed decisions about corporate campaign expenditures. As the Supreme Court even noted in its Citizens United decision, ''the prompt disclosure of expenditures can provide shareholders and citizens with the information needed to hold corporations and elected officials accountable for their positions and supporters.''

The Supreme Court rightfully noted that if corporations were to be free to make campaign expenditures, shareholders must be able to know where the corporation's money—their money—is going.

Citizens also have a strong interest in knowing which of their elected officials or candidates for office is supported by corporate interests. As the Supreme Court concluded, ''[t]he First Amendment protects political speech; and disclosure permits citizens and shareholders to react to the speech of corporate entities in a proper way.'' This necessary transparency—the ability to know who is spending money to influence elections and to respond accordingly—can only be protected through the robust disclosure requirements of title III.

I want to underscore that nothing in title III is an attempt to squelch or limit the court-protected speech of corporations or other organizations. Transparency and accountability are necessary elements of our marketplace of ideas. Citizens in a democracy need to know who is supporting the ideas and causes before them. In Citizens United, the Supreme Court made this point exactly, stating that the transparency created by disclosure regimes ''enables the electorate to make informed decisions and give proper weight to different speakers and messages.''

I believe that the disclosure requirements in title III will increase political speech because they allow shareholders and citizens to know more about the political process and engage those political actors who would otherwise be unknown.

During the recent hearings on the DISCLOSE Act in the House of Representatives, witnesses testified that the disclosure requirements would be ''onerous'' for corporations that wish to spend corporate treasury dollars to influence elections. One witness alleged that the disclosure requirements would do little but inconvenience, burden, and silence groups that would otherwise participate. They are saying that this makes the DISCLOSE Act unconstitutional.

How onerous could it possibly be to disclose expenditures on your Web site? If a corporation wanted to spend money in an election, why would a simple reporting requirement stop them in their tracks? This just doesn't make sense to me.

The government chills speech when it imposes penalties or limits on speech that deter people from speaking. But the first amendment isn't violated just because someone doesn't speak for fear of public scrutiny.

Campaign disclosure rules have always had bipartisan support in this Chamber. Full and timely disclosure of campaign expenditures should be an ideal that all of us share, regardless of our disagreements over other areas of campaign finance reform. American voters deserve and need to know who is making campaign expenditures, and shareholders and member of unions, trade associations, and nonprofits deserve and need to know what is being spent on their behalf. Therefore I strongly support the DISCLOSE Act, and title III in particular.

I thank the Chair. I now yield for my friend from Colorado, Senator BENNET.

Mr. BENNET. Mr. President, I rise today in support of the Democracy Is Strengthened by Casting Light on Spending in Elections Act—the DISCLOSE Act. I would first like to thank Senator SCHUMER for his leadership. This legislation is necessary as we work to fix Washington's broken campaign finance system in response to the Supreme Court's decision in Citizen's United v. FEC.

The credibility of our democracy is damaged by the status quo. Because of the dysfunction in our campaign finance system, the voices of special and entrenched interests drown out those of ordinary people. Thousands of lobbyists line the Halls of Congress every day, and their voices get heard. Only strong reform can begin to turn things around.

Campaign finance reform is something Congress has long needed to address. The reforms of the past have proven insufficient and are continually under assault in the courts. The Supreme Court did us no favors with its decision in Citizens United. As a result of the Court's decision, corporations and labor unions can now spend directly from their general treasuries on the election or defeat of a specific Federal candidate through election day. There are no prohibitions on the timing or reach of these independent expenditures so long as they are not coordinated with a campaign. As Justice Stevens wrote in his dissent, ''the Court's ruling threatens to undermine the integrity of elected institutions across the nation.'' I'm with Justice Stevens.

I strongly disagreed with the Supreme Court's decision because it leaves individual Americans with an even smaller voice in our system. This ruling rolled back sensible restrictions on corporate influence that date back decades. It stacked the deck further against the American people by unleashing a flood of special interest money in our Federal elections.

Judicial activists on the bench undid decades of precedent at the expense of our democratic process. Corporations, which after all are not voters and do not have the same role in elections as individual citizens, can now drastically influence the outcomes of our elections. This is unprecedented and represents a threat to our democracy. A floodgate of special interest money has now been opened and we are left to deal with a number of damaging, foreseeable consequences.

Over the long run, I support a constitutional amendment to allow Congress to regulate contributions and expenditures. But this is a very heavy lift in a Senate that has trouble mustering the required 67 votes on anything. We can't wait for a constitutional amendment to materialize. We must act now to fix some of the egregious problems opened up by the Citizens United decision.

If we let the Court's decision stand as is, then even foreign-controlled corporations can use the aggregations of wealth inherent in the corporate form to dominate our elections. While foreign nationals and corporations have always been barred under traditional law from contributing to campaigns or making independent expenditures, their subsidiaries established in the United States are not covered by this new prohibition. A subsidiary controlled by foreign nationals could run ads impacting local elections. Petro China, with an estimated net worth of $100 billion, could use its profits to purchase ads in congressional races. Saudi Aramco, estimated to be worth $781 billion, could likewise spend unlimited sums of money on independent expenditures to shape public perception of a candidate.

Further, if we let the Court's decision stand as is, then we are in jeopardy of institutionalizing pay to play politics or at least the appearance of this. Government contractors, whose profits come from taxpayer dollars, will now be able to spend freely to influence elections. We already are struggling to address waste, fraud and abuse in our government contracting. Citizens United will only make necessary reforms more difficult, as government contractors can use taxpayer dollars they receive from government contracts to attack supporters of reform or support those who make it easier to obtain these contracts.

Mostly importantly, the Supreme Court's decision increases the role of money in politics without any way to ensure voters are informed of where this money is coming from. The demands of the money chase already leave out many Americans with a desire to serve. Candidates will no longer

just have to raise funds to compete against their opponents, but will also have to compete with independent expenditure campaigns conducted by powerful special interests. This has the potential to influence the positions a candidate takes and perception the public has of the political process. Our elected officials will no longer be able to focus on the big issues of the day for risk of opening the door for an independent expenditure attack waged by a regulated interest.

What is more troubling is that current law provides for insufficient transparency to ensure voters are aware of who is running these independent expenditures. Special interests and their lobbyists, of course, will know who is running these ads since they are going to use them for leverage. Voters will be left in the dark.

We must utilize—to the fullest extent possible—the tools for regulating campaign finance that the Court has provided for in Citizens United and in prior decisions.

I am a proud cosponsor of the DISCLOSE Act because I believe it addresses some of the unintended consequences of Citizens United and emphasizes disclosure requirements, which the Supreme Court has highlighted as ''the less-restrictive alternative to more comprehensive speech regulations.'' This legislation is our best hope for ensuring voters can make informed decisions and making sure our process isn't corrupted or otherwise cheapened by the Court's new blunt restrictions on our ability to protect the system from outside corrupting influence.

And so the DISCLOSE Act extends the existing prohibition on contributions and expenditures by foreign nationals to domestic corporations where: (1) a foreign national owns 20 percent or more of voting shares in the corporation; (2) a majority of the board of directors are foreign nationals; (3) one or more foreign nationals have the power to direct, dictate or control the decisionmaking of the U.S. subsidiary; or (4) one or more foreign nationals have the power to direct, dictate or control the activities with respect to Federal, State or local elections.

This prohibition is in line with current laws that prohibit foreign nationals from making direct or indirect contributions to campaigns for Federal, State or local elections. Under the law, the definition of ''foreign national'' exempts any person that is ''not an individual and is organized under or created by the laws of the United States or any State or other place subject to the jurisdiction of the United States and has its principal place of business within the United States.'' The FEC has concluded this exemption includes a U.S. corporation that is a subsidiary of a foreign corporation, so long as the foreign parent does not finance political activities in the United States and no foreign national participates in any decision to make expenditures. The DISCLOSE Act tightens this exemption and clarifies its reach in order to prevent undue foreign influence. This provision makes sure the Court's decision does not leave any possible opening for foreign influence of our elections.

To address the potential for corruption or appearance of corruption by government contractors which can now use their treasuries to influence election results, the DISCLOSE Act bars government contractors from making campaign-related expenditures. Under current law, government contractors are already barred from making contributions to influence Federal elections. If an individual is a sole proprietor of a business with a Federal Government contract, he or she may not make contributions from personal or business funds. The DISCLOSE Act ensures that the intent of current law remains by prohibiting the general treasury funds of government contractors from being used to circumvent current restrictions. Further, bailout recipients who have not repaid taxpayers cannot make campaign-related expenditures until taxpayer money is repaid. This is in line with the spirit of the government contractor provision since it prevents the potential for corruption and abuse of taxpayer dollars by those who are direct beneficiaries.

In its provisions for regulating foreign corporations and government contractors, the DISCLOSE Act builds on restrictions already in place under the law to make sure that the unintended consequences of Citizens United do not come to fruition. These are necessary fixes.

The most important provisions in the DISCLOSE Act concern increased transparency in our political process. Given the reality that Citizens United has opened the door for unmitigated special interest money, it is important that we make sure voters are aware whose money is being used to influence their opinions.

The DISCLOSE Act expands disclosure requirements under current law by requiring corporations, labor unions and a number of tax exempt organizations to report all donors who have given $1,000 or more to the organization in a 12-month period if the organization makes independent expenditures or electioneering communications in excess of $10,000. Further, leaders of corporations, unions and organizations covered are required to stand behind their independent expenditure ads by appearing on camera, as candidates for office are currently required to do. To prevent money from being funneled to shell groups to avoid identification, the top funder of ads must stand by the ad and issue a disclaimer. The top five donors to a campaign-related TV ad will be listed on screen.

Special interests are already attacking this provision as unconstitutional. This is both unfortunate and false. As the Court stated in Citizens United, the ''public has an interest in knowing who is speaking about a candidate shortly before an election.'' Voters should be able to weigh different speakers and messages accordingly.

Citing the Court's decision in Buckley v. Valeo, Justice Kennedy wrote for the majority in Citizens United that ''disclaimer and disclosure requirements may burden the ability to speak, but they impose no ceiling on campaign-related activities or prevent anyone from speaking.''

Under this rationale, the Court upheld disclaimer and disclosure requirements under sections 201 and 311 of the Bipartisan Campaign Reform Act of 2002, BCRA, as they applied to the movie that Citizens United produced and the advertisements it planned to run to promote the movie. The Court found the movie and its advertisements amounted to ''electioneering communication'' under BCRA and did not find there to be evidence that the disclosure requirements would have a chilling effect on donations by exposing donors to retaliation. Thus, the Court removed the ability of funders for Citizens United to lurk in the shadows while shaping public perspective. There is no doubt that the Court would find a broadening of current disclosure laws and rules that pertain to candidates to be appropriate.

The ability of the public to be informed of their choices in the political marketplace is critical. Misinformation campaigns are already an unfortunate reality of our politics. With the floodgates of special interest money now fully open, the situation will only grow worse. The least we can do is make sure voters can make informed decisions.

Although Citizens United has cast a dark cloud on Washington, Senator SCHUMER is also proving that this deplorable decision also created the impetus for action. The DISCLOSE Act is an opportunity to not only prevent the worst of the unintended and the foreseeable consequences from the Supreme Court's decision, but also improve the information available to voters as they consider candidates and issues. This legislation is a step forward for ensuring that the voices of individual Americans are not drowned out. It is an opportunity to show the public that we will not stand by and allow special interests to continue to overwhelm Washington and the people's business.

I am proud to be joining Senators SCHUMER, FEINGOLD, WYDEN, BAYH and FRANKEN here today in support of the DISCLOSE Act. I ask all our colleagues to join us in cosponsoring this legislation and bringing it to the floor so that we can prevent further decay of our campaign finance system and ensure voters are informed come election day.

NATIONAL PEACE OFFICER'S MEMORIAL DAY

Mr. HATCH. Mr. President, this week marks National Police Week and the

observance of National Peace Officers Memorial Day. I want to take this opportunity to remember the brave men and women of law enforcement who have made the ultimate sacrifice and gave their lives in the line of duty.

Since the first recorded police death in 1792, there have been nearly 19,000 law enforcement officers killed in the line of duty. On average, one law enforcement officer is killed somewhere in the United States every 53 hours. There are more than 900,000 sworn law enforcement officers now serving in the United States, which is the highest figure ever.

This year, 116 names will be added to the National Law Enforcement Officers Memorial here in Washington, DC. We should remember that there are 116 families who grieve the loss of a loved one who gave their life to protect their community and keep their fellow citizens safe. The sacrifice of those brave officers is the price paid for living in open society where freedoms are guaranteed by our Nation's laws. When those laws are violated, we look to our protectors who wear the badge to answer the call.

During the dedication of the National Law Enforcement Officers Memorial in 1991, President George H.W. Bush said, ''Carved on these walls is the story of America, of a continuing quest to preserve both democracy and decency, and to protect a national treasure that we call the American Dream.'' That is what our dedicated law enforcement professionals do every day. They protect the American dream.

The first recorded law enforcement death in my home State of Utah was in 1853. That was when Salt Lake County deputy Rodney Badger gave his life to try to save a fellow Utahn. Since then, 62 of Utah's finest have made the ultimate sacrifice and given their lives in service to the State of Utah. While there were no police officers killed in 2009, there have already been two members of Utah's law enforcement community who have been killed in the line of duty this year. Their deeds and service will not be forgotten, and my thoughts are with their families. We shall always remember that it is not how these officers died that made them heroes, it was how they lived. That sentiment is embodied in both the Utah and National Law Enforcement Officers Memorials.

The deadliest day in law enforcement history was September 11, 2001, when 72 officers were killed while responding to the terrorist attacks on America. On that day, at the Pentagon, the World Trade Center, and at Shanksville, PA, Americans witnessed firsthand the front line on the war on terror. That was the day when Americans saw courage in the midst of chaos from our brave men and women in law enforcement. Our Nation also recorded deeds of uncommon valor not only from our military, police, and fire personnel, but also from our citizens who sacrificed themselves as patriots for their country. It is that spirit that sets us apart as Americans. It was that spirit of sacrifice on which our Nation was founded. It is our duty to acknowledge and record the sacrifice of those who perished trying to save others.

As the recent event in Times Square has shown us, law enforcement has had to bear the responsibility of not only protecting citizens from crime but also from the violence of extreme beliefs and terrorism. The mission of the law enforcement officer has been transformed over 200 years to include being a crime fighter, problem-solver, counselor, social worker, and now protector of the homeland. As the duties of law enforcement continue to expand, we recognize that Federal agents, officers, and deputies never shirk the tasks assigned to them. They do it willingly and eagerly accept the challenge.

There are those in Washington who posture, saying ''failure is not an option.'' However, within the law enforcement community, failure is not in their vocabulary. Their steadfast dedication to serve victims, protect the weak, and fight crime motivates them to not accept failure even if it requires making the ultimate sacrifice.

In closing, this week I urge my colleagues to take a moment and think about those who walk the beat, patrol the streets, and watch over us. The men and women of law enforcement stand tall to protect us, our families, and our communities. Law enforcement is often a thankless job and is truly, more often than not, more of a calling than a vocation. It takes a special person to answer that call and choose to provide the blanket of security by enforcing the laws of this great land.

FEHBP DEPENDENT COVERAGE EXTENSION ACT

Mr. CARDIN. Mr. President, I rise today to discuss the Federal Employees Health Benefits Program Dependent Coverage Extension Act. This bill will allow Federal employees to benefit immediately from an important provision of the new health care law.

FEHBP is the largest employer-sponsored group health insurance program in the world, covering more than 8 million Federal employees, retirees, former employees, and their dependents. Currently, FEHBP enrollees with family coverage can keep unmarried, dependent children on their health insurance policies until age 22.

Earlier this year, Congress passed the Patient Protection and Affordable Care Act, which moves us to universal health coverage and lowers health care costs for our Nation and for families. One of the first effective provisions of the legislation requires health plans to allow parents to keep children on their health insurance policies until their 26th birthday. Previously, most plans terminated dependent children's coverage once they tunred 22. While the insurance exchanges created by the new law will enable millions more Americans to access affordable coverage, they will not be operational until 2014. Enabling children of insured parents to stay on their policies until age 26 is an immediate benefit that will begin now to improve our health care system by increasing the number of people with affordable coverage right away.

This provision of the law will take effect on the first day of the new plan year after September 23, 2010. For most plans, that means January 1, 2011. But I am pleased to report that many insurance companies have chosen to implement this provision earlier than required by law.

But unless Congress acts, Federal employees with family coverage will have to wait until next year for this benefit to kick in. This is because FEHBP law prevents the Office of Personnel Management Director John Berry from moving up the effective date. Two sections of the law hinder OPM from taking action now. According to OPM, ''The first section allows OPM to contract with plans to provide health services to employees and their families. The second defines family members to include 'an unmarried dependent child under age 22.' Unfortunately, this does now allow flexibility for FEHB plans to provide coverage to other adult children until the provision in the Affordable Care Act becomes effective.'' Director Berry has stated that he would like to begin expanding coverage for enrollees' adult children now, and that he does not want to wait until next January to offer this cost-saving benefit.

The bill we are introducing today would conform FEHBP law with PPACA and ensure that all children of Federal employees can remain on their parents' health insurance policies until their 26th birthday and give OPM the authority to implement the change immediately.

Graduation season is upon us, and many college seniors are preparing for new challenges, including moving out on their own, starting graduate studies, finding a job, and other life transitions. They should not have to endure the additional stress that comes from suddenly losing their health insurance coverage. Young adults just starting their careers often lack access to affordable employer-based health insurance and must rely on the prohibitively expensive individual market for coverage. That is why so many private insurers have stepped up to the plate. Permitting Federal employees to benefit from the new law now will ease young adults' transition from college to the workforce and reduce their out-of-pocket expenses.

The independent Congressional Budget Office has issued a preliminary analysis indicating that this legislation has no cost associated with it. So it will save families money, get more young adults insured, and bring greater efficiencies to our health care sooner, all at no cost to the Federal budget.

I thank my colleagues for joining me in this bipartisan effort: Senators COLLINS, AKAKA, ROCKEFELLER, MIKULSKI, BINGAMAN, JOHNSON, KAUFMAN, KERRY, LANDRIEU, STABENOW, and WARNER. This is the companion bill to H.R. 5200, introduced by my colleague from Maryland, CHRIS VAN HOLLEN, and it has been endorsed by the National Active and Retired Federal Employees Association, NARFE, the National Federation of Federal Employees, NFFE, the American Federation of Government Employees, AFGE, and the National Treasury Employees Union, NTEU. I urge my colleagues to support this important legislation and to pass it without delay, so that children of Federal employees can have the same coverage option as children of other employees in the private sector.

AFGHANISTAN

Mr. KAUFMAN. Mr. President, I rise today to talk about progress and challenges in Afghanistan in light of President Karzai's visit to Washington this week. Last month, I returned from my third trip to Afghanistan, Pakistan, and Iraq as part of a codel with Senators HAGAN and REED. What stood out most from our trip was the quality, caliber, and courage of U.S. troops and civilians, who risk their lives every day to defend our national security interests in these two critical regions. I was humbled by the opportunity to thank them for their sacrifice and service and impressed by the progress which has been made.

At the same time, I was taken aback by the myriad of challenges that lie ahead, especially in Afghanistan. Chief among them is walking the tightrope required to balance our complex relationship with President Karzai. Partnership with President Karzai is required for success. He needs to work with the United States in both word and deed to promote economic development, build the Afghan security forces, combat extremists, tackle the drug trade, eliminate corruption, and improve systems of governance.

In Afghanistan, we have begun to successfully implement the strategy outlined by President Obama in December, as evidenced by ongoing operations against the Taliban, greater emphasis on subnational governance, and a renewed training and partnering effort with the Afghan Army and police. While much attention has been paid to the deployment of an additional 30,000 U.S. troops, it is clear that success in counterinsurgency requires far more than a large military footprint, as there is no purely military solution to this problem.

In order to meet our goals of ''shape, clear, hold, build, transfer,'' we must also have a strong and capable civilian presence to establish good governance; increase training of Afghan national security forces; and further improve cooperation with Pakistan, especially when it comes to securing the border and targeting the Afghan Taliban. Without these other elements of our broader counterinsurgency strategy, military success will not be sustained and authority cannot be transferred to the Afghans. And make no mistake—the transfer of power is our ultimate goal, beginning with the President's announced conditions-based drawdown starting in July 2011.

While in Afghanistan in April, we met with President Karzai and gave suggestions of steps we thought he could take to lay the groundwork for a successful visit to Washington. We raised the issue of corruption, which, if left unaddressed, threatens to undermine nearly all other areas of progress. After all, counterinsurgency is not a struggle between the United States and the insurgents. It is a battle for legitimacy between the Afghan Government and the Taliban, and perceptions of corruption only further distance the Afghan Government from the population.

I am pleased that President Karzai has said many of the right things, starting with commitments made in his November inauguration speech. He has also recently issued a decree giving power to the High Office of Oversight and Anti-Corruption to investigate government corruption cases and has granted greater budgeting and implementation powers to provincial and district officials.

These are good first steps, but progress requires more than decrees and rhetoric. There is far more that must be done because—as I have said before—our best defense in Afghanistan is a strong, efficient, and accountable Afghan Government. In order to defeat an insurgency, there must be capable and transparent governance and not just in Kabul. Effective government must extend to the subnational level, where it can provide essential services and secure the population.

On my trip, I was encouraged to learn of district teams collaborating with trainers and mentors to strengthen systems of local governance, especially in Regional Commands South and East. In these areas, civilian officials are working at the provincial and district levels with their Afghan counterparts—especially those from the so-called ''line ministries'' of agriculture, education, health, security, and reconstruction and rural development—to provide basic services and improve the lives of Afghan citizens. They are implementing a system to strengthen the country from the bottom up, which will minimize the influence of the Taliban and marginalize its shadow governments. This was especially evident in Marjah, where we just concluded the first jointly planned and implemented U.S.-Afghan, civilian-military operation.

Last week, the Foreign Relations Committee held a hearing on the ''Meaning of Marjah'' to explore lessons learned as we look toward this summer's Kandahar offensive. While the clearing phase in Marjah was quick and decisive, we have now entered the ''hold and build'' stage, which presents a spectrum of new challenges. As BG John Nicholson noted in the hearing, ''The challenge here is to connect the people with their government, thereby creating a nexus between the citizens of Marjah and government officials.'' Thus far, a small group of Afghan civil servants is working with U.S. civilians to provide basic services, but more must be done. A sustained and effective government presence free from the stigma of corruption is an essential prerequisite to success not just in Marjah, but in all counterinsurgency operations.

This was evidenced by a recent community council meeting, or shura, attended by President Karzai and General McChrystal in Marjah. At the shura, members of the local population made it clear to President Karzai that the people surrounding him were contributing to the problem. They told him that corrupt government officials, such as the former chief of police, were creating reasons for the population to support the Taliban. It is my understanding that this event, which was followed by a similar experience in Kandahar, may have given President Karzai pause, as he realized that he must address the root causes of corruption in order to win over the population.

Corruption remains a large hurdle in this effort, but it is not the only one. We must also ensure there are enough civilians to partner with the Afghans. While I am pleased that the Obama administration has made this a priority, tripling the number of deployed civilians over the past year, it must continue to ensure that there are enough civilians outside of Kabul to engage with the population. It is remarkable that 13 U.S. Government agencies are now represented, and the recent civilian uplift has been the biggest since Vietnam. At the same time, 1,000 U.S. civilians with less than 400 outside of Kabul is simply not enough to partner with 100,000 U.S. troops and reach a population of 28 million.

We must also continue to focus on increased training for the Afghan national security forces so they can assume responsibility for securing the population. We are on track to reach at least 134,000 in the Afghan National Army, ANA, by October, and the quality of officers and recruits has risen in recent weeks. This is due in part to recent pay raises and increased effectiveness given intensified partnering with U.S. troops. I am pleased that nearly 90 percent of all units are now partnered, and large military operations—such as Marjah—were truly joint operations.

Unfortunately we have not yet seen the same levels of progress toward building the Afghan National Police, ANP, as we have with the army. In a Homeland Security and Governmental Affairs subcommittee hearing chaired by Senator MCCASKILL last month, we

discussed the range of problems that has hampered the growth and training of the ANP. I was appalled to hear that $6 billion has been spent to date on training contracts with very little to show for it. I understand the challenges of training a police force which is largely illiterate and suffering from high rates of attrition, but the answer is not to repeat the same mistakes or renew inefficient contracts.

The stakes are simply too high. We cannot afford for this training effort to be ineffective or approach police training as an ad hoc mission. We must demonstrate better oversight of this critical training program and ensure that our efforts result in the establishment of a qualified and committed Afghan police force. Moreover, we must consider building a stronger U.S. Government capacity to oversee future police training missions. As we look toward a future with fewer conventional threats and an increased number of insurgencies, there is no question that this capacity is needed to defend our security interests globally.

President Karzai is under enormous pressure to meet our high expectations and demands. In our recent meeting, we discussed our shared interest in a strong partnership and a productive visit to Washington. I understand that the pressure is growing as we focus on building subnational governance and as our military plans focus squarely on Kandahar, which is the home of the Taliban and an area where Karzai's family and tribe still exercise great influence.

I look forward to seeing President Karzai when he is here, and I hope to hear more about his plans to address corruption, improve governance, and enhance economic development. I hope he understands that the United States shares an enduring commitment to building a strong and sovereign Afghanistan, both in the near term and well into the future, so that our joint efforts now can benefit future generations.

NATIONAL LAB DAY

Mr. KAUFMAN. Mr. President, I rise today, to celebrate National Lab Day. While today is the official National Lab Day kick-off, National Lab Day is much more than just one day. It is an ongoing effort to bring scientists and engineers into the classroom to conduct hands-on experiments with students.

Last November, President Obama launched the ''Educate to Innovate'' campaign to motivate and inspire students to excel in science, technology, engineering, and mathematics, or STEM, education. As part of this effort, President Obama announced the launch of National Lab Day and encouraged Americans to get involved. Created through a partnership between Federal agencies, foundations, professional societies, and other STEM-related organizations, support for National Lab Day grew quickly. Currently, projects are scheduled in every State, including over 1,000 schools.

I have spoken many times on the Senate floor about the importance of STEM education. I advocated for the inclusion of increased service opportunities for retired engineers and other STEM professionals in the Edward M. Kennedy Serve America Act. National Lab Day is an important step towards creating strong, long-term relationships between STEM professionals and educators.

Importantly, National Lab Day projects are teacher-driven. Teachers can register at the National Lab Day Web site and request funding or describe a project they would like to do with a STEM professional. Teachers can have STEM professionals help them assess, update, and repair current lab facilities and equipment, implement hands-on activities, conduct science fairs, mentor students, coordinate field trips, assist with lesson plans, and more.

Once teachers post their requests on the National Lab Day Web site, they will be matched with a list of local volunteers who have registered on the Web site. Volunteers need not only be STEM professionals, as university STEM students and other members of the community can sign up to help as well. Volunteers can browse teacher requests and will be notified of any matches to teacher requests that meet their interests.

A quick look at the projects posted on the Web site reveals intriguing titles such as VEX Robotics, Tech Genographics, Space—the Final Frontier, and Get Ahead—Design a Shed, to name a few. The Office of Science and Technology Policy blog recently highlighted a National Lab Day project that took place at East Side Community High School in Manhattan. With the recent major BP oilspill in the Gulf of Mexico, this particular lab was especially timely to students. A local college professor taught 10th graders how to clean and purify ''contaminated'' water made of tap water mixed with dirt, flour, salad dressing, and dish soap. This is exactly the type of hands-on experiment that National Lab Day promotes to expose young people to the real-world applications and wonders of STEM.

Support for National Lab Day is extensive. Key partners include: the National Science Teachers Association, American Chemical Society, MacArthur Foundation, Hidary Foundation, the National Institutes of Health, and the National Science Foundation. Additionally, more than 200 educational, scientific, and engineering organizations support National Lab Day, including such groups as the National Education Association and the Association for Women and Science.

National Institutes of Health Director Dr. Francis Collins is participating in National Lab Day by volunteering in a local District of Columbia school and he has encouraged NIH employees to get involved as well. American Society for Engineering Education President J.P. Mohsen is participating in National Lab Day and is encouraging other ASEE members nationwide to do the same in their local communities. First Lady Michelle Obama highlighted National Lab Day when she spoke to the team finalists at the National Science Bowl.

I have said many times that I believe the long-term vitality of our economy rests with our ability to use STEM to solve the major problems we face. Whether it is energy independence, climate change, life-saving cures for diseases, security challenges, or new solutions for transportation, STEM professionals are the world's problem solvers. Fortunately, young people today want to ''make a difference'' with their lives, but unfortunately, not enough of them see STEM as the way to do that.

National Lab Day will allow STEM professionals not only to share their unique skills and knowledge with educators and students, but it will also allow them to share the rewards of a career in STEM and the numerous ways that STEM professionals ''make a difference.'' National Lab Day, and the relationships it is fostering, will help inspire the next generation of scientists and engineers. I applaud the volunteers, teachers, associations, and agencies that are participating in National Lab Day—today and in the future.

CRISIS IN THE PHILADELPHIA CRIMINAL JUSTICE SYSTEM

Mr. SPECTER. Mr. President, in a four-part series titled ''Justice: Delayed, Dismissed, Denied,'' published in December 2009, the Philadelphia Inquirer reported on the failure of the Philadelphia criminal justice system to provide fair and speedy justice. ''It is a system that too often fails to punish violent criminals, fails to protect witnesses, fails to catch thousands of fugitives, fails to decide cases on their merits—fails to provide justice.''[i] Given that Philadelphia has the highest violent crime rate among the 10 largest cities in the United States, this is an urgent problem which Senator SPECTER has worked hard to address.

In the past 5 months, Senator SPECTER has taken a leadership role by holding three Senate field hearings, bringing together the experts and key players in the criminal justice system to work collaboratively to find solutions to these problems. He has sought and obtained funding for the U.S. Marshals Service's Fugitive Task Force to provide assistance in locating and arresting Philadelphia's fugitives. Finally, he has introduced and supported significant legislation to better protect State witnesses, to fund State witness protection programs, and to fund State fugitive recovery efforts and the entry of State warrants into the national warrant database.

Using statistics from the Administrative Office of the Pennsylvania Courts and the Department of Justice, Bureau of Justice Statistics, the Philadelphia Inquirer reported that Philadelphia, among large urban counties, has the Nation's lowest felony conviction rate. For most big cities the conviction rate is 50 percent but for Philadelphia the conviction rate is only 20 percent, and that rate has been steadily declining over time. While the city's rate of conviction for murder is excellent—82 percent compared to the U.S. average of 71 percent—for other violent felonies it is abysmal: Nearly 2/3 of those charged with violent crime offenses walk free of all charges; Only 1 in 10 people charged with gun assaults is found guilty of that charge; Only 1 in 5 accused armed robbers is convicted of that charge; Only 1 in 4 accused rapists is convicted of rape; One-half arrested for possession of illegal handguns beat the gun charges; and of the 4,500 who reported being robbed at gun point, only 200, or 4 percent of individuals were convicted.

The Philadelphia Inquirer identified a number of systemic failings as contributing factors to this crisis, including increasing incidents of witness intimidation; exploding criminal caseloads incentivizing judges to dismiss cases rather than to try them (of the violent crime cases in 2006 and 2007 disposed without a conviction, 92 percent were dropped or dismissed and only 8 percent of defendants were found not guilty); the number of judges not keeping pace with the substantial increase in criminal case filings (since 1989 the criminal docket has increased by 51 percent but the number of judges has not changed; not surprisingly the number of dismissals has doubled). Additional contributing factors include trial delays caused by defense attorneys' delay tactics, which cause witnesses to stop coming to court and cases to be dismissed; dismissals because inmates and/or police officers routinely fail to timely appear in court; and a broken bail system causing Philadelphia to have 47,000 fugitives and to be tied with Newark, New Jersey as having the highest fugitive rate in the Nation.[ii]

Senator SPECTER's significant actions to address this crisis and to restore confidence in the Philadelphia criminal justice system are detailed below.

Witness intimidation and violent crime are problems that Senator SPECTER has worked on for decades, since he was an assistant district attorney and later district attorney in Philadelphia, and on the Judiciary Committee, where he has served since 1981 when he was first sworn in as a U.S. Senator.

As chairman of the Senate Judiciary Crime and Drugs Subcommittee, Senator SPECTER chaired a field hearing in Philadelphia on witness intimidation at the State and local level on January 8, 2010.[iii] This hearing brought together experts and leaders in the field to help find solutions for this pervasive and serious problem. At the hearing, Philadelphia Police Commissioner Charles Ramsey, as well as Michael Coard, a respected Philadelphia defense attorney, and Associate Professor Richard Frei, an academic, testified. Two parents, each of whom lost a child to gun violence, also testified. Barbara Clowden testified that her son Eric Hayes, then 17 years old, was killed just 2 days before he was to testify in an arson trial in Philadelphia. Because Eric's life had been threatened, in January 2006 his family entered into the city's witness relocation program. Eventually the money from the program ran out and they had to relocate to northeast Philadelphia, where Eric was murdered. No one, to date, has been convicted of Eric's murder.

Ted Canada, a Philadelphia resident and SEPTA bus driver, also testified. In 2005, his son Lamar Canada was shot 12 times and killed over an alleged gambling debt.[iv] One witness to the shooting, Johnta Gravitt, then 17 years old, was murdered 10 days after he testified at the preliminary hearing and identified one of the shooters. Another witness initially cooperated but after his statement to the police was publicly posted in his neighborhood identifying him as a ''snitch,'' he recanted.

The most notorious example of witness intimidation in Philadelphia involves Kaboni Savage, a drug kingpin who was federally indicted last April on racketeering and murder charges for retaliating against his former drug associate, Eugene Coleman. Coleman had agreed to testify against Savage in a Federal trial. The Federal charges allege that to retaliate for this, Savage orchestrated the firebombing of Coleman's family home on the 3200 block of North 6th Street in Philadelphia during the early morning hours of October 9, 2004. Killed in the fire were Coleman's mother, Marcella Coleman, age 54; Coleman's infant son, Damir Jenkins, 15 months old; Marcella Coleman's niece, Tameka Nash, age 34, and her daughter, Khadjah Nash, age 10; Marcella Coleman's grandson, Tahj Porchea, age 12; and a family friend, Sean Rodriguez, age 15. In a conversation secretly recorded by court-authorized wiretaps, Savage explained how witness intimidation works, ''Without the witnesses, you don't have no case?. . . . No witness, no crime.''[v]

The witness intimidation problem is exacerbated by internet sites, such as whosarat.com, which expose the identities of witnesses and government informants. Gang members and criminals are becoming more computer savvy. They use the internet to find out who may be a cooperating witness by accessing public court dockets. They also access other sites to locate these individuals. With this information obtained anonymously through the Internet, gang members and other criminals can easily threaten or harm witnesses, as well as their family members.[vi]

The ''stop snitching'' culture in Philadelphia has taken hold even among law abiding people. Years ago, popularized in movies and television, the code of silence started with organized crime and applied only to its members who used intimidation and highly visible acts of retaliation against those who broke it to maintain adherence to the code. Today that code of silence has involved into a popular and pervasive stop snitching culture.[vii]

It has expanded to include threats against people who have no stake in a specific case and it is now directed toward anyone providing information to authorities. It has been strengthened by the strong distrust and alienation many urban youth have toward the police. It was shown at the hearing that the more people perceive the justice system to be biased, ineffective or corrupt, the more likely it is that they will resort to community self-protection and enforcement.

As reported by the Philadelphia Inquirer on December 14, 2009, ''[p]rosecutors, detectives, and even some defense attorneys say witness fear has become an unspoken factor in virtually every court case involving violent crime in Philadelphia. Reluctant or terrified witnesses routinely fail to appear in court, and when they do, they often recant their earlier testimony or statement to police.''[viii] One Philadelphia assistant district attorney is quoted in the article as saying that at least one witness in every murder trial recants. At times, the local prosecutors are forced to lock up witnesses on material witness warrants to assure their appearance at trial.[ix]

In Philadelphia between 2006 and 2008, the District Attorney's Office filed witness intimidation charges against approximately 1,000 individuals. Their conviction rate on these charges, however, is only 28 percent.[x]

Criminal trials cannot proceed unless there are witnesses, and if witnesses are subject to intimidation or even worse, murdered, criminal cases cannot go forward. And unless witnesses can be assured they will be protected, the problem of witness intimidation cannot be expected to go away. Philadelphia's witness relocation program was cut from a high of $988,000 in 2006–07 to $747,000 in 2008–09. On average last year the program spent $11,000 per witness. Compare that with the Federal witness protection program that spends on average $150,000 for each witness in the Federal program. More money is needed to fund Philadelphia's witness relocation program.

It is imperative that people be protected if they step forward and provide information to law enforcement. As Philadelphia Police Commissioner Charles H. Ramsey testified at the subcommittee hearing, ''the only way we're going to deal with crime in communities is when the community steps forward, but they have to feel comfortable in doing so and know they have support.''[xi]

To better protect State witnesses from intimidation, threats, and violence, and to send loud and clear the

message that serious penalties will be imposed on those who dare to obstruct justice in our country Senator SPECTER on February 23, 2010, introduced The State Witness Protection Act of 2010,'' S. 3017. The bill ensures that State witnesses will receive the same protections from actions of intimidation and retaliation that Federal witnesses have under Federal law. Making this a Federal offense and bringing in the FBI to investigate, as Commissioner Ramsey testified, ''would make a tremendous difference and make people think twice before they'' engaged in witness intimidation. Commission Ramsey explained it this way:

> I just think the whole environment or atmosphere when you go into a Federal court versus a local court is just somewhat different, and [defendants] haven't been exposed to it that often. I just think it has an impact in the feedback I've gotten from people on both sides, whether it's another law enforcement agency or from a person who's been in the criminal justice system. They do not want to go into Federal court. (Tr. at 16).[xii]

The bill tracks the language of the Federal witness tampering and intimidation statutes, 18 U.S.C. §§1512 and 1513, and provides the same penalties for crimes against State witnesses as now are provided for crimes against Federal witnesses. For State court proceedings, the bill makes it a Federal offense to kill, physically harm, threaten to physically harm, harass, or intimidate, or offer anything of value to, a State court witness or victim if done with the intent to influence another person's testimony; to induce another to withhold testimony or records, alter or destroy evidence, evade legal process, or be absent from a State proceeding if that person has been summoned by legal process; to hinder or prevent a person from providing information to law enforcement; or to retaliate against anyone for being a witness or for providing testimony or information to law enforcement.

Federal jurisdiction is established by prosecuting only cases where there are communications in furtherance of the offense by mail, interstate or foreign commerce by any means, including computer, interstate or foreign travel in furtherance of the commission of the offense, or the use of weapons which have been shipped or transported across State lines. Any attempt or conspiracy to commit these same offenses is also illegal and subject to the same penalties. The bill also provides for specific sentencing guideline enhancements for all obstruction offenses.

To further address the growing problem of witness intimidation, Senator SPECTER cosponsored, and voted out of Senate Judiciary Committee on March 22, 2010, the Witness Security and Protection Grant Program Act of 2010, H.R. 1741, a bill which authorizes $150 million in competitive grants over 5 years to State and local governments to establish witness assistance programs. Specifically, the bill requires the Attorney General to make competitive grants to State and local governments to establish and maintain short-term witness protection programs for court proceedings involving homicide, violent felonies, serious drug offenses, gangs, and/or organized crime. It also requires the Attorney General to collect data and develop best practices—witness safety, short-term and permanent witness relocation, and financial and housing assistance—from the grantees and report this information back to Congress, States and other relevant entities. This legislation passed the House with an overwhelming bipartisan vote of 412–11 in June 2009. The bill is also supported by the National Governors Association, the National Conference of Mayors, the National District Attorney Association, and the National Center for Victims of Crime. It is currently pending action on the Senate floor.

According to the Philadelphia Inquirer, the Philadelphia bail system is broken.[xiii] For both the Court of Common Pleas and the Municipal Courts in Philadelphia, there are 48,511 cases in fugitive status and 39,110 individual fugitives. These numbers do not include probation absconders which, if added, would make the total individual fugitive number 46,839.[xiv]

According to Bureau of Justice Statistics report from 2004, Philadelphia is tied with Newark, NJ, as having the Nation's highest fugitive felony rate of 11 percent. The problem is compounded because there are only 51 officers in the Warrant Unit,[xv] which is assigned the task of rounding up fugitives. That means each officer has a 900 fugitive case load.[xvi] The problem is further compounded by the fact that fugitives, after they are caught, are routinely released again on bail and no bail money, once again, is collected. According to the Philadelphia Inquirer, the city is owed $1 billion in bail monies which cannot be collected because the Clerk of Quarter Sessions kept no computerized records.[xvii]

To address the failure of law enforcement to track down and capture criminal fugitives, Senator SPECTER convened another Senate Judiciary Subcommittee field hearing on January 19, 2010, titled, ''Exploring Federal Solutions to the State and Local Fugitive Crisis.''[xviii] Seth Williams, the recently elected district attorney for the city of Philadelphia, testified at the hearing. Also testifying at the hearing were John Patrignani, the Acting U.S. Marshal for the Eastern District of Pennsylvania; David Preski, the Chief of the Pre-Trial Service Division and the person in charge of the Warrant Unit; and Roy G. Weise, the Senior Adviser for the FBI's Criminal Justice Information Systems and a senior administrator in charge of the National Criminal Justice Information System, more commonly known as NCIC, the national warrant database. A representative from the Clerk of Quarter Sessions also testified. That hearing revealed that Philadelphia's fugitive problem, though very serious in scope, is not just a local problem but is in fact a significant national problem. Nationwide, there are an estimated 2.8 to 3.2 million active Federal, State, and local outstanding felony warrants. Every day large numbers of fugitives evade capture because State and local law enforcement authorities have insufficient resources to find and arrest them. And even if found, State and local law enforcement authorities often do not have the funds to pay for the extradition of the fugitive to face trial. Shockingly, many fugitives are released without prosecution. Many fugitives go on to commit additional crimes.

The nationwide database operated by the FBI's National Crime Information Center, NCIC, is missing over half of the country's 2.8 to 3.2 million felony warrants, including warrants for hundreds of thousands of violent crimes. Fugitives who have fled to another State will not be caught—even if they are stopped and questioned by the police on a routine traffic stop—because their warrants have not been entered into the NCIC database.

In early 2008, the St. Louis Post Dispatch published a series of articles—affirmed by the Department of Justice—documenting law enforcement's widespread failure to find and arrest fugitives.[xix] For purposes of the series, ''fugitive'' included un-arrested suspects with pending warrants that law enforcement cannot find, and those who cannot be found after violating the rules of their pre-trial detention, probation, or parole. The articles revealed that the reach of this national problem is extensive and cited federal estimates from 2 years ago that as many as an estimated 800,000 to 1.6 million outstanding State or local warrants are inaccessible to law enforcement outside the State or locality in which they were issued because the information about the warrants had not been entered into the NCIC database.

In Philadelphia, while all warrants, including bench warrants, are entered into a State database, only a few warrants are entered into the NCIC database. The hearing established a little known fact: that the Philadelphia Police Department only entered into the NCIC database a few hundred bench warrants deemed by the District Attorney's Office to concern extraditable offenses and, surprisingly, the Police Departments made these entries manually and not by automatic computer transfers.[xx] Thus, those who abscond from criminal proceedings in Philadelphia and flee to other States likely will not be captured because information from their warrants was not automatically entered into the NCIC database.

To make our communities safer by increasing the number of State and local fugitives arrested and prosecuted, Senator SPECTER, along with Senator DURBIN, on March 16, 2010, introduced the Fugitive Information Networked Database Act of 2010, known as the FIND Act, S. 3120. Based on legislation

that then-Senator JOE BIDEN and Senator DURBIN introduced in 2008, the FIND Act bolsters the effectiveness of the NCIC database by providing grants for local governments to develop and implement warrant systems that are interoperable with the NCIC database. The bill also provides funding for authorities to extradite fugitives for prosecution.

Specifically, the FIND Act improves the entry and validation of State, local and tribal warrants in the NCIC database by authorizing $10 million for grants each fiscal year 2011 through 2015. It increases for States, local and Indian tribes the resources available for extraditing fugitives between States and tribal regions by authorizing $30 million for grants each fiscal year 2011 through 2015. The bill also encourage States, local and tribes to reduce the cost of extradition by using the U.S. Marshals Service's Justice Prisoner and Alien Transportation Service, JPATS, to transport fugitives back to the jurisdiction which issued the warrant and requires grant participants which seek renewal grants to provide detailed reports to ascertain whether State, local and tribal pretrial release programs are operating effectively. To make certain that funds are properly spent, the bill directs GAO to submit a statistical report to the House and Senate Judiciary Committees on felony warrants issued by State, local, and tribal governments and entered into the NCIC database, and on the apprehension and extradition of persons with active felony warrants.

This important legislation is designed to facilitate State and local data entry into the NCIC database through grants, increase the extradition of fugitives travelling in interstate commerce and to ascertain whether pretrial release programs are operating effectively. The fugitive problem is national in scope, involves individuals travelling in interstate commerce, and requires Federal solutions.

After the January 19, 2010, field hearing, on February 24, 2010, Senator SPECTER wrote to the Director of the U.S. Marshals Service, USMS, to advise him ''that Philadelphia has the highest violent crime rate in the United States among the ten largest cities and the highest felony fugitive rate in the nation,'' and therefore critically needed additional funding for the Eastern District of Pennsylvania's fugitive task force. On April 2, 2010, John F. Clark, the Director of the U.S. Marshals Service, responded to Senator SPECTER'S letter and said that the agency would expand the Philadelphia regional office by at least 10 marshals and staff to ''work aggressively to address the fugitive problem in Philadelphia.''

As part of Senator SPECTER's continued efforts to address the Philadelphia fugitive crisis, he has made several program funding requests for fiscal year 2011 to support the USMS and its partners, including: $1.207 billion for the U.S. Marshals Service, increased funding for the Edward Byrne memorial justice grants, and $792 million for the COPS program. Additionally, Senator SPECTER has requested report language that would direct $20 million to be used to support the establishment of a Regional Fugitive Task Force in Philadelphia.

On May 3, 2010, Senator SPECTER chaired the third and final Judiciary Crime Subcommittee hearing to bring leaders in the criminal justice system together to find innovative and cost effective solutions to improve the quality and efficiency of the criminal justice system in Philadelphia, as well as for similarly overburdened state criminal courts.[xxi] Lynne M. Abraham, former district attorney for Philadelphia, Justice Seamus McCaffery, Pennsylvania Supreme Court, Everett Gillison, deputy mayor for public safety for the city of Philadelphia, Ellen Greenlee, chief defender, Philadelphia, and Professor John Goldkamp, chair of the Criminal Justice Department at Temple University, testified. The hearing emphasized the need for all the key players—the courts, the prosecutors, the defenders and the city—to work in a collaborative fashion to find solutions to these complex and systemic problems. The subcommittee and witnesses explored the following ideas:

Community based prosecutions and zone courts. Sending police officers to many different courtrooms is wasteful and inefficient. A simple solution is reorganizing the criminal courts along geographic lines so that judges are assigned to handle all cases from a particular police division. Zone courts are more efficient and lead to fewer dismissal of cases, fewer trial delays and provide more judicial economy and accountability.

Improving computer systems for both the District Attorney's Office and the Defenders Office. This would expedite discovery and permit faster and more efficient administration of justice. Offices should be able to have networked case files and operate as a paperless office. This would require extensive capital investment.

Institute new diversion programs for nonviolent and low risk offenders.

Establish more specialty treatment courts, such as mental health courts, veterans courts[xxii] and re-entry courts, to reduce recidivism.

Reform the bail system. Professor Goldkamp, an expert on Philadelphia's bail system, recommended improving the pre-trial release system to one which makes decisions about release and confinement based on the characteristics of the defendants, not by how much cash they can post. Risky defendants should be detained, with due-process protections, but those who do not need confinement to meet their obligations or those who do not pose that much risk, like most addicted defendants, should not be jailed. Drug addicted defendants should go to treatment; mentally ill defendants should be directed to appropriate support services.

Find effective ways to address the anti-snitch culture, including public service announcements and community outreach.

The Philadelphia Inquirer's ''Justice: Delayed, Dismissed, Denied'' series rightly identified and proved a number of the systemic failings in the Philadelphia criminal justice system which have contributed to Philadelphia having an unacceptably low conviction rate for violent crimes and an unacceptably high rate of fugitives. Many of these problems have been around for decades and over the years have only gotten worse. By using statistics from the Administrative Office of the Pennsylvania Courts and the U.S. Bureau of Justice Statistics, the Philadelphia Inquirer convincingly turned a harsh light on what many in the criminal justice system have known, and what many have chosen to ignore.

Professor Goldkamp stated at the May 3, 2010, Senate field hearing, ''I think that opportunity comes in at a time of crisis and concern.'' But if the needed changes are not made, Professor Goldkamp said ''the Philadelphia court system risks being held up nationally as an example of a dysfunctional court system.''[xxiii]

Senator SPECTER noted at the final field hearing that the Philadelphia Inquirer's series was a ''motivating factor'' in his working to obtain Federal assistance to local and overburdened courts. Now is the time for change and Senator SPECTER—by holding three Senate field hearings, by seeking and obtaining funding for the U.S. Marshal's fugitive task force, and finally, by introducing and supporting key legislation to better protect State witnesses, to fund State witness protection programs, and to fund State fugitive recovery efforts and the entry of State warrants into the national warrant database—is working hard to make those changes.

ENDNOTES

[i] ''Justice: Delayed, Dismissed, Denied,'' by Craig R. McCoy, Nancy Phillips and Dylan Purcell, Philadelphia Inquirer, December 13, 2009. Available at: <*http://www.philly.com/philly/news/79150347.html*>.

[ii] Id.

[iii] ''Federal Efforts to Address Witness Intimidation at the State and Local Level.'' Senate Committee on the Judiciary Subcommittee on Crime & Drugs, Philadelphia, Pennsylvania, 8 January 2010. Hearing notice available at: <*http://judiciary.senate.gov/hearings/hearing.cfm?id=4278*>.

[iv] ''Testimony by Theodore L. Canada.'' Senate Committee on the Judiciary Subcommittee on Crime & Drugs, Philadelphia, Pennsylvania, 8 January 2010. Available at: <*http://judiciary.senate.gov/pdf/1-08-09%20Canada%20Testimony.pdf*>.

[v] Nancy Phillips, Craig R. McCoy, and Dylan Purcell. ''Witnesses fear reprisals, and cases crumble.'' The Philadelphia Inquirer. 14 December 2009. Available at: <*http://www.philly.com/philly/news/homepage/79196597.html.*>

[vi] Frei, Richard. ''Witness Intimidation and the Snitching Project.'' Senate Committee

on the Judiciary Subcommittee on Crime & Drugs, Philadelphia, Pennsylvania, 8 January 2010. Available at: <*http://judiciary.senate.gov/pdf/1-08-09%20Frei%20Testimony.pdf*>.

[vii] Id.

[viii] Nancy Phillips, Craig R. McCoy, and Dylan Purcell. ''Witnesses fear reprisals, and cases crumble.'' The Philadelphia Inquirer. 14 December 2009. Available at: <*http://www.philly.com/philly/news/homepage/79196597.html.*>

[ix] Id.

[x] ''Justice: Delayed, Dismissed, Denied,'' by Craig R. McCoy, Nancy Phillips and Dylan Purcell, Philadelphia Inquirer, December 13, 2009. Available at: <*http://www.philly.com/philly/news/79150347.html*>.

[xi] ''Testimony from Police Commissioner Charles H. Ramsey, Philadelphia Police Department.'' Senate Committee on the Judiciary Subcommittee on Crime & Drugs, Philadelphia, Pennsylvania, 19 January 2010. Available at: *http://judiciary.senate.gov/pdf/1-08-09%20Ramsey%20Testimony.pdf*.

[xii] Id.

[xiii] ''Violent Criminals Flout Broken Bail System,'' by Dylan Purcell, Craig R. McCoy and Nancy Phillips, Philadelphia Inquirer, December 15, 2009. Available at: <*http://www.philly.com/inquirer/special/20091215_Violent_Criminals_Flout_Broken_Bail_System.html*>.

[xiv] There are many more outstanding fugitive warrants from Municipal Court than from the Court of Common Pleas. For example, there are 6,044 individual fugitives on bench warrants issued by the Philadelphia Court of Common Pleas compared with the 34,331 individual fugitives on bench warrants issued by the Philadelphia Municipal Courts. Statistics are from Terry Bigley, Director of Office of Network Systems and Office Automation, Department of Information and Technology Services, for the First Judicial District of Pennsylvania.

[xv] The Warrant Unit is part of the court system's Pre-trial Services.

[xvi] The Philadelphia Police Department does not have a fugitive squad.

[xvii] Indeed, an audit of the Clerk of Quarter Sessions office released in March 2009 for fiscal years 2008 and 2007 found serious problems—that the office did not conduct monthly reconciliations for the Cash Bail Account and the Cash Bail Refund Account, did not forward bank reconciliations causing $26.8 million to be omitted from the City's preliminary financial statement, and did not report to the City a $352.8 million receivable for Fines, Costs and Restitution, as well as the $1 billion receivable for forfeited bail. The head of the office, Vivian Miller, resigned, effective March 31, 2010, and the Philadelphia Inquirer reported on April 28, 2010 that Philadelphia Mayor Michael Nutter was moving to abolish the office.

[xviii] Hearing notice available at: <*http://judiciary.senate.gov/hearings/hearing.cfm?id=4334*>.

[xix] Mahr, Joe. ''Free to Flee.'' St. Louis Dispatch, 2008. Available at: <*http://interact.stltoday.com/mds/news/html/1252*>.

[xx] When a bench warrant is issued by the Philadelphia Court of Common Pleas and/or Municipal Court in Philadelphia, it is entered into a state-wide criminal case management system called CP/CMS by court staff. CP/CMS electronically transfers that information to the Philadelphia Police Department (PPD) which, in turn, electronically transfers the data to CLEAN, the Commonwealth Law Enforcement Assistance Network database. CLEAN is a computer system used by the Commonwealth's criminal justice agencies for a variety of purposes, including searching for outstanding warrants whenever an individual is detained or taken into custody. From CLEAN the bench warrant data should be electronically transferred to NCIC, the FBI's National Crime Information Center, and to Nlets, the International Justice and Public Safety Information Sharing Network. However, this is not yet occurring in Philadelphia. Instead, in Philadelphia all entries into NCIC are done manually by the Philadelphia Police Department and only those bench warrants designated by the Philadelphia District Attorney's Office as extraditable warrants are entered into NCIC. For a bench warrant to be extraditable, the ADA must get approval from his/her deputy. Usually approval is reserved for those offenders who have significant criminal histories, a number of failures to appear, and/or serious pending criminal charges.

[xxi] ''Helping Find Innovative and Cost Effective Solutions to Overburdened State Criminal Courts.'' Senate Committee on the Judiciary Subcommittee on Crime & Drugs, Philadelphia, Pennsylvania, 3 March 2010. Hearing notice available at: (*http://judiciary.senate.gov/hearings/hearing.cfm?id=4558*).

[xxii] On March 1, 2010 Senator Specter held a Judiciary Crime Subcommittee field hearing in Pittsburgh on the need for greater federal resources for specialty treatment courts for veterans. Following the hearing, Senator Specter cosponsored the Services, Education, and Rehabilitation for Veterans Act, known as the SERV Act (S. 902), a bill which authorizes the Attorney General to award grants up to $25 million over five years to states to develop Veterans Courts or expand operational drug courts to serve veterans charged with non-violent offenses.

[xxiii] Nancy Phillips and Craig R. McCoy. ''Abraham defends work, criticizes city justice system.'' The Philadelphia Inquirer 4 May 2010. Available at: <*http://www.philly.com/inquirer/front_page/20100504_Abraham_defends_work_criticizes_city_justice_system.html*>.

REMEMBERING CHARLES WILSON CAPPS, JR.

Mr. COCHRAN. Mr. President, the State of Mississippi lost one of its most respected citizens and devoted public servants on December 25, 2009. Those of us who knew and worked with Charlie Capps were privileged to witness his commitment to the advancement of our State. I extend my sincerest sympathies to the family of Charlie Capps—Alinda, Margaret, and Charlie III.

Charlie Capps was born in Merigold, MS, and graduated from Cleveland High School. He attended Davidson College until the outbreak of World War II, when he volunteered and enlisted in the U.S. Army.

After the war, Charlie founded Capps Insurance and Real Estate Company. However, he was best known as ''Mr. Chairman'' because of his service as chairman of the House Appropriations Committee in the Mississippi legislature for more than a decade. During his tenure of service in the Mississippi House of Representatives, he served with four speakers of the House—John Junkin, Buddie Newman, Tim Ford, and Billy McCoy.

Charlie Capps' greatest enjoyment was his association with public service. During his career he was an effective advocate for law enforcement, higher education, the arts and cultural heritage, workforce training, agriculture, and wildlife and fisheries conservation. Charlie Capps is clearly among our State's finest citizens and certainly one of the most capable public servants of this generation.

The State of Mississippi is a better place to live because of the life of Charlie Capps, and I am privileged that I was able to call him my friend.

TRIBUTE TO TRAVIS SATTERFIELD

Mr. COCHRAN. Mr. President I am pleased to commend Travis Satterfield of Benoit, MS, for his service and contributions to the State of Mississippi while serving as the 75th president of Delta Council.

Delta Council is an economic development organization representing the business, professional, and agricultural leadership of this alluvial floodplain commonly known as the Mississippi Delta. The organization was formed in 1935 and is widely respected for its role in meeting the challenges which have historically faced the economy and quality of life of this region of our State.

Travis Satterfield has served as president of Delta Council during a time when our Nation, as well as the State of Mississippi and the Mississippi Delta, have experienced economic challenges of immense proportions.

Travis Satterfield took over his family farming operation from his parents 40 years ago and has built one of the most successful farming enterprises in this intensely agricultural region of our Nation. Travis has brought practical insight and trusted leadership to the cornerstone issues confronting the Delta region. His practical approach to problem-solving has had a positive impact on Delta Council's role in many important areas of work, such as groundwater management, soil and water resource conservation, flood control, farm policy and transportation improvements for the region.

Travis is a proven leader with strong values. I am confident that Travis will continue to be an effective voice for the economic benefit of all of the people of the region for many years into the future.

In Mississippi, we appreciate Travis Satterfield, his wife Nancy, and their four sons, Dwayne, Dennis, Darrell, and Kirk, for the sacrifices they have made to help improve the life of all who live and do business in the Mississippi Delta.

TRIBUTE TO BILL ANGRICK

Mr. GRASSLEY. Mr. President, in 1972, the Iowa Legislature created the Office of Citizens' Aide to address instances of dissatisfaction with government agencies In 1978, Bill Angrick became the State ombudsman at age 32, according to the Des Moines Register. Just a few weeks ago Bill Angrick announced he would take the State's early retirement incentives at age 64.

As a member of the State house in 1972, I was enthusiastic about the creation of the ombudsman's office. I had gone from political science student to state legislator and was beginning to appreciate the value of government oversight in the practical world. It is one thing to study political theory and have a concept of how things should work. It is another thing to represent citizens as their elected representative and see how things really work. The Federal constitution Framers knew what they were doing when they built in checks and balances among the three branches of government.

The decision to create a State ombudsman wasn't unanimous. The house vote was 70 to 28, the Senate vote 30 to 20. Then, as now, those who perform government oversight might have been seen as skunks at a picnic, fueling fears of those who might abuse their investigative powers or among agencies, rein in their power. Inspectors general and whistleblowers at Federal agencies are regularly eyed with suspicion or targeted for retaliation. I run into this at the Federal level all the time. Sometimes the executive branch tries to stifle inspectors general or Federal employees who have reports of wrongdoing. Yet those people are very often heroes who expose waste, fraud, and abuse, and by putting themselves on the line, get problems fixed and strengthen government. They deserve honor and protection, which I work to provide. And I conduct oversight of Federal agencies, just as the voters oversee my performance as their elected representative.

By all accounts I have heard, Bill Angrick served his oversight role with the honor, diligence, and integrity envisioned by those of us who created the State ombudsman's office.

His retirement provides a good opportunity to reflect on his work and on the role of an entity that exists to listen to citizens, investigate concerns, and render findings in the spirit of fixing shortcomings for public benefit. The office exists to perform oversight of State and local government agencies. Sometimes it initiates investigations upon a citizen phone call of concern or complaint. It receives thousands of inquiries every year. Occasionally, my staff in Iowa adds to the workload, referring cases to the ombudsman that deal exclusively with State and local government. I appreciate the careful consideration given in those instances. Other times, the ombudsman's staff sees the need for an investigation of an agency's interaction with a citizen over a particular case or multiple agencies' handling of a State matter that is either complex or has fallen through the cracks. As a third party, the ombudsman's office is charged with the responsibility of examining the facts as impartially and thoroughly as possible and rendering findings and recommendations in a thoughtful, constructive way. The office is removed from the emotions and biases of the people involved and proceeds without a predisposition toward a certain outcome.

The workload can involve an issue with broad implications, such as State and local governments' treatment of prison inmates, and response to child abuse cases. Mr. Angrick's office reviewed whether inmates were held too long in restraining chairs and whether government procedures were adequate to protect children in violent circumstances. The office has given special attention over the years to State and local governments' treatment of mentally ill and disabled citizens. Mr. Angrick recognizes that some challenges are interwoven among segments of society and government and merit a comprehensive response. For example, he has given needed understanding of and exposure to the fact that State prisons have become de facto housing for mentally ill citizens in many cases. He is right that government has to address this situation and give appropriate treatment to those who can't advocate for themselves.

The ombudsman's workload also involves cases with a more narrow focus. A recent investigation covered a city street superintendent accused of using city equipment on his own property and retaliating against a citizen who complained while local elected officials stood by. The resolution of that dispute might not resonate statewide, but it is meaningful for the residents of a community who expect their city employees to function aboveboard and expect their elected officials to enforce city rules and regulations. The office serves as a check-and-balance backstop on potential abuse of power.

However, the ombudsman's office doesn't only conclude that the government is wrong. Sometimes it affirms that government agencies acted properly, as in 2004 when it concluded that the Iowa Department of Natural Resources' investigation of three Asian markets for unlawful fish sales was fair and reasonable.

The citizens aide office is open to everyone, regardless of position and station in life. That equal voice for everyone is critical to its purpose and its success. Under Mr. Angrick's leadership, a prison inmate's call is taken respectfully and with care for the facts, the same as a mayor's call. Mr. Angrick recognizes that a prisoner should not be abused and is entitled to humane, compassionate treatment and certain rights as he pays his debt to society. This is not only the right way to treat our fellow human beings, but it also contributes to a stronger civic structure. If the prison inmate feels heard, he may leave his service with a greater regard for society and the rule of law than he did going into prison. He might not commit a crime the second time.

By holding the government accountable, the ombudsman's office builds faith in State and local civic institutions. A well-functioning government in which citizens have a voice, are heard, and affect change is the best antidote to cynicism about government. My strong impression is that Bill Angrick and his staff accomplished the simple slogan of their office: ''Dedicated to Making Good Government Better.'' I thank Bill Angrick for his 32 years of service to the people of Iowa.

ADDITIONAL STATEMENTS

GREENVILLE SCOTTISH GAMES

• Mr. DEMINT. Mr. President, this year marks the fourth annual celebration of the Greenville Scottish Games in my hometown of Greenville, SC. South Carolina's upstate boasts one of the highest concentrations of Scots-Irish descendents in the country and these games pay tribute to that rich Celtic heritage.

Since their inception in 2006, the Greenville Scottish Games have received international acclaim from the Standing Council of Scottish Chiefs which has recognized them as one of the finest games in the world.

This year's event brings with it yet another historic milestone, with His Royal Highness, The Prince Edward, Earl of Wessex, in attendance. This is the first known time a senior member of the British Royal Family has attended a games outside of Scotland, and it is my great honor to extend an official senatorial welcome to His Royal Highness. I am confident he will experience the finest of Palmetto State hospitality as the first member of the Royal Family to ever visit Greenville.

These tremendous distinctions have been achieved under the tireless leadership of Dee Benedict, president of the Greenville Scottish Games. With Dee's vision and tenacity, along with the help of local officials, businesses and countless volunteers, no detail has gone untouched, ensuring that every part of this exciting weekend will evoke a feeling of authentic Scottish clan life.

I am immensely proud that my hometown is the site of this celebration and I am honored to congratulate everyone who has partnered together to make the Fourth Annual Greenville Scottish Games a sure success.•

75TH ANNIVERSARY OF THE WAYNE STATE SCHOOL OF SOCIAL WORK

• Mr. LEVIN. Mr. President, it is with great honor that I recognize the 75th anniversary of the School of Social Work at Wayne State University. Since 1935, this fine institution has provided students in Michigan and across the Nation with the skills necessary to tackle some of the toughest challenges we face as a society. The theme of the anniversary celebration is ''Advancing Knowledge, Community Engagement,

and Social Justice,'' and it aptly characterizes the school's mission and legacy. The achievements of its many distinguished graduates and the impressive research the school has produced over the years have served to inform and improve public policy on a number of social welfare issues.

Located in the heart of metro Detroit, the School of Social Work's principal focus is on diverse urban populations. The school combines applied research with concrete field work to produce graduates who are highly skilled and ready to serve successfully in their chosen field. Under the leadership of Dr. Phyllis Ivory Vroom for nearly a decade, the School of Social Work is well positioned to address the increasingly complex problems on a city and state level and beyond.

Housed within the School of Social Work is the Center for Social Work Practice and Policy Research. This center, established in 2008, seeks to facilitate rigorous debate and to expand our understanding of the issues affecting disadvantaged individuals, families, and communities. The list of research topics is extensive, from health and human rights issues in the Middle East, to women's reproductive health in Africa, to substance abuse treatment and prevention within our own communities, to name only a few.

In recent years, the undergraduate degree program has gained prominence, ranking first in the nation among social work programs for the last four years by the Gourman Report. The graduate program also is highly regarded. The School of Social Work's graduation rate is among the highest in the university, which speaks to the commitment of the faculty and staff and the hard work and dedication of its student body.

I know my Senate colleagues join me in recognizing past and present faculty, staff, and alumni of the Wayne State University School of Social Work. These individuals have contributed mightily to the tremendous success of the school over the past 75 years. I look forward to another 75 years of inspired leadership and continued educational excellence.●

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 13303 OF MAY 22, 2003—PM–55

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, continuing the national emergency with respect to the stabilization of Iraq. This notice states that the national emergency with respect to the stabilization of Iraq declared in Executive Order 13303 of May 22, 2003, as modified in scope and relied upon for additional steps taken in Executive Order 13315 of August 28, 2003, Executive Order 13350 of July 29, 2004, Executive Order 13364 of November 29, 2004, and Executive Order 13438 of July 17, 2007, is to continue in effect beyond May 22, 2010.

Obstacles to the orderly reconstruction of Iraq, the restoration and maintenance of peace and security in the country, and the development of political, administrative, and economic institutions in Iraq continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. Accordingly, I have determined that it is necessary to continue the national emergency with respect to this threat and maintain in force the measures taken to deal with that national emergency.

The Iraqi government continues to take steps to resolve debts and settle claims arising from the actions of the previous regime. Before the end of the year, my Administration will review the Iraqi government's progress on resolving these outstanding debts and claims, as well as other relevant circumstances, in order to determine whether the prohibitions contained in Executive Order 13303 of May 22, 2003, as amended by Executive Order 13364 of November 29, 2004, on any attachment, judgment, decree, lien, execution, garnishment, or other judicial process with respect to the Development Fund for Iraq, the accounts, assets, and property held by the Central Bank of Iraq, and Iraqi petroleum-related products, should continue in effect beyond December 31, 2010, which are in addition to the sovereign immunity ordinarily provided to Iraq as a sovereign nation under otherwise applicable law.

BARACK OBAMA.

THE WHITE HOUSE, *May 12, 2010*.

MESSAGES FROM THE HOUSE

At 11:53 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5051. An act to designate the facility of the United States Postal Service located at 23 Genesee Street in Hornell, New York, as the ''Zachary Smith Post Office Building''.

The message also announced that the House has agreed to the following concurrent resolution; without amendment:

S. Con. Res. 62. A concurrent resolution congratulating the outstanding professional public servants, both past and present, of the Natural Resources Conservation Service on the occasion of its 75th anniversary.

ENROLLED BILLS SIGNED

The PRESIDENT pro tempore (Mr. BYRD) announced that he had signed the following enrolled bills, which were previously signed by the Speaker of the House:

H.R. 2802. An act to provide for an extension of the legislative authority of the Adams Memorial Foundation to establish a commemorative work in honor of former President John Adams and his legacy, and for other purposes.

H.R. 5148. An act to amend title 39, United States Code, to clarify the instances in which the term ''census'' may appear on mailable matter.

H.R. 5160. An act to extend the Caribbean Basin Economic Recovery Act, to provide customs support services to Haiti, and for other purposes.

ENROLLED BILLS SIGNED

At 2:53 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 1121. An act to authorize a land exchange to acquire lands for the Blue Ridge Parkway from the Town of Blowing Rock, North Carolina, and for other purposes.

H.R. 1442. An act to provide for the sale of the Federal Government's reversionary interest in approximately 60 acres of land in Salt Lake City, Utah, originally conveyed to the Mount Olivet Cemetery Association under the Act of January 23, 1909.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5051. An act to designate the facility of the United States Postal Service located at 23 Genesee Street in Hornell, New York, as the ''Zachary Smith Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3347. A bill to extend the National Flood Insurance Program through December 31, 2010.

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–5788. A communication from the Administrator of Cotton and Tobacco Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Cotton Research and Promotion Program: Designation of Cotton–Producing States'' ((Docket No. AMS–CN–10–0027)(CN–08–003)) received in the Office of the President of the Senate on May 10, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5789. A communication from the Under Secretary of Defense (Personnel and Readiness), Department of Defense, transmitting, pursuant to law, a report relative to the disposition of remains; to the Committee on Armed Services.

EC–5790. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–5791. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Aggregation'' (FRL No. 9150–5) received in the Office of the President of the Senate on May 11, 2010; to the Committee on Environment and Public Works.

EC–5792. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates'' (Notice No. 2010–40) received in the Office of the President of the Senate on May 11, 2010; to the Committee on Finance.

EC–5793. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2010–0069–2010–0075); to the Committee on Foreign Relations.

EC–5794. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a Determination and Certification under Section 40A of the Arms Export Control Act relative to countries not cooperating fully with United States antiterrorism efforts; to the Committee on Foreign Relations.

EC–5795. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement for the export of defense articles, including, technical data, and defense services to Germany for the manufacture, assembly, and test of parts and components for Turbine Engines and Auxiliary Power Units related to various military aircraft, helicopters, and tanks; to the Committee on Foreign Relations.

EC–5796. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement for the export of defense articles, including, technical data, and defense services for the manufacture of military aircraft engine hot section components specifically, combustion chambers and liners; to the Committee on Foreign Relations.

EC–5797. A communication from the Chairman, National Mediation Board, transmitting, pursuant to law, the report of a rule entitled ''Representation Election Procedure'' (RIN3140–AZ00) received in the Office of the President of the Senate on May 11, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–5798. A communication from the Director, Office of Workers' Compensation Programs, Department of Labor, transmitting, pursuant to law, a report relative to the operations of the Office of Workers' Compensation Programs for fiscal year 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–5799. A communication from the Director, Office of Workers' Compensation Programs, Department of Labor, transmitting, pursuant to law, a report relative to the annual audit of the District of Columbia Workmen's Compensation Act Special Fund; to the Committee on Health, Education, Labor, and Pensions.

EC–5800. A communication from the Director, Office of Workers' Compensation Programs, Department of Labor, transmitting, pursuant to law, a report relative to the annual audit of the Longshore and Harbor Workers' Compensation Act Special Fund; to the Committee on Health, Education, Labor, and Pensions.

EC–5801. A communication from the Chairman, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the Inspector General's Semiannual Report for the six-month period ending March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–5802. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Television Broadcasting Services; Seaford, DE'' (MB Docket No. 09–230) received in the Office of the President of the Senate on May 11, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5803. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Closure of the Eastern U.S./Canada Management Area'' (RIN0648–XW04) received in the Office of the President of the Senate on May 11, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5804. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Scup Fishery; Reduction of Winter I Commercial Possession Limit'' (RIN0648–XV77) received in the Office of the President of the Senate on May 11, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5805. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Relief for U.S. Military and Civilian Personnel Who Are Assigned Outside the United States in Support of U.S. Armed Forces Operations'' ((RIN2120–AJ54)(Docket No. FAA–2009–0923)) received in the Office of the President of the Senate on May 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5806. A communication from the Assistant Chief Counsel for Legislation and Regulations, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Administrative Waivers of the Coastwise Trade Laws: New Definition for Eligible Vessel'' (RIN2133–AB76) received in the Office of the President of the Senate on May 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5807. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Jet Routes J–37 and J–55; Northeast United States'' ((RIN2120–AA66)(Docket No. FAA–2010–0003)) received in the Office of the President of the Senate on May 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5808. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Jackson, AL'' ((RIN2120–AA66)(Docket No. FAA–2009–0937)) received in the Office of the President of the Senate on May 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5809. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Fort A.P. Hill, VA'' ((RIN2120–AA66)(Docket No. FAA–2009–0739)) received in the Office of the President of the Senate on May 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5810. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Mountain City, TN'' ((RIN2120–AA66)(Docket No. FAA–2009–0061)) received in the Office of the President of the Senate on May 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5811. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Bonners Ferry, ID'' ((RIN2120–AA66)(Docket No. FAA–2009–1002)) received in the Office of the President of the Senate on May 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5812. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (68); Amdt. No. 3366'' (RIN2120–AA65) received in the Office of the President of the Senate on May 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5813. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (46); Amdt. No. 3367'' (RIN2120–AA65) received in the Office of the President of the Senate on May 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5814. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (56); Amdt. No. 3371'' (RIN2120–AA65) received in the Office of the President of the Senate on May 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5815. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (120); Amdt. No. 3370'' (RIN2120–AA65) received in the Office of the President of the Senate on May 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5816. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation,

transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (92); Amdt. No. 3368'' (RIN2120–AA65) received in the Office of the President of the Senate on May 7, 2010; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 736. A bill to provide for improvements in the Federal hiring process and for other purposes (Rept. No. 111–184).

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. AKAKA:

S. 3348. A bill to amend title 38, United States Code, to provide for the treatment of documents that express disagreement with decisions of the Board of Veterans' Appeals and that are misfiled with the Board within 120 days of such decisions as motions for reconsideration of such decisions, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BROWN of Ohio (for himself and Mr. SCHUMER):

S. 3349. A bill to amend the Internal Revenue Code of 1986 to extend the nonbusiness energy property credit to include insulated siding; to the Committee on Finance.

By Mr. BINGAMAN (for himself and Mr. CRAPO):

S. 3350. A bill to amend the Internal Revenue Code of 1986 to permanently modify the limitations on deduction of interest by financial institutions which hold tax-exempt bonds, and for other purposes; to the Committee on Finance.

By Mr. LEVIN:

S. 3351. A bill for the relief of Marco Antonio Sanchez; to the Committee on the Judiciary.

By Mr. TESTER:

S. 3352. A bill to amend title 38, United States Code, to exempt reimbursements of expenses related to accident, theft, loss, or casualty loss from determinations of annual income with respect to pensions for veterans and surviving spouses and children of veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LAUTENBERG (for himself, Mrs. GILLIBRAND, Mr. MENENDEZ, and Mr. BURRIS):

S. 3353. A bill to provide grants for juvenile mentoring; to the Committee on the Judiciary.

By Mr. COCHRAN:

S. 3354. A bill to redesignate the North Mississippi National Wildlife Refuges Complex as the Sam D. Hamilton North Mississippi National Wildlife Refuges Complex; to the Committee on Environment and Public Works.

By Ms. KLOBUCHAR (for herself, Mr. JOHANNS, and Mrs. MURRAY):

S. 3355. A bill to provide for an Internet website for information on benefits, resource, services, and opportunities for veterans and their families and caregivers, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. Res. 521. A resolution commemorating and celebrating the lives of Deputy Sheriff Stephen Michael Gallagher, Jr., Officer Timothy Q. Brenton, Officer Tina G. Griswold, Officer Ronald Wilbur Owens II, Sergeant Mark Joseph Renninger, Officer Gregory James Richards, and Deputy Sheriff Walter Kent Mundell, Jr. who gave their lives in the service of the people of Washington State in 2009; to the Committee on the Judiciary.

By Mr. BURRIS (for himself, Ms. SNOWE, Ms. MIKULSKI, Mr. MERKLEY, Mr. DURBIN, and Mr. JOHANNS):

S. Res. 522. A resolution recognizing National Nurses Week; considered and agreed to.

By Ms. LANDRIEU (for herself, Mr. WICKER, Mr. SHELBY, Mr. VITTER, Mrs. HUTCHISON, Mr. COCHRAN, Mr. CORNYN, Mr. SESSIONS, Mr. BINGAMAN, Ms. MURKOWSKI, and Mr. NELSON of Florida):

S. Res. 523. A resolution honoring the crew members who perished aboard the off-shore oil rig, Deepwater Horizon, and extending the condolences of the Senate to the families and loved ones of the deceased crew members; considered and agreed to.

ADDITIONAL COSPONSORS

S. 565

At the request of Mr. DURBIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 565, a bill to amend title XVIII of the Social Security Act to provide continued entitlement to coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received a kidney transplant and whose entitlement to coverage would otherwise expire, and for other purposes.

S. 584

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 584, a bill to ensure that all users of the transportation system, including pedestrians, bicyclists, transit users, children, older individuals, and individuals with disabilities, are able to travel safely and conveniently on and across federally funded streets and highways.

S. 616

At the request of Mr. HARKIN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 616, a bill to amend the Public Health Service Act to authorize medical simulation enhancement programs, and for other purposes.

S. 987

At the request of Mr. DURBIN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 987, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 1019

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1019, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

S. 1157

At the request of Mr. CONRAD, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1157, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 1233

At the request of Ms. LANDRIEU, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 1233, a bill to reauthorize and improve the SBIR and STTR programs and for other purposes.

S. 1334

At the request of Mrs. GILLIBRAND, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1334, a bill to amend the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001, and for other purposes.

S. 1551

At the request of Mr. SPECTER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1551, a bill to amend section 20 of the Securities Exchange Act of 1934 to allow for a private civil action against a person that provides substantial assistance in violation of such Act.

S. 2736

At the request of Mr. FRANKEN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2736, a bill to reduce the rape kit backlog and for other purposes.

S. 2847

At the request of Mr. WHITEHOUSE, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2847, a bill to regulate the volume of audio on commercials.

S. 2920

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2920, a bill to amend chapter 1 of title 23, United States Code, to condition the receipt of certain highway funding by States on the enactment and enforcement by States of certain laws to prevent repeat intoxicated driving.

S. 2989

At the request of Ms. LANDRIEU, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 2989, a bill to improve the Small Business Act, and for other purposes.

S. 3036

At the request of Mr. BAYH, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S.

3036, a bill to establish the Office of the National Alzheimer's Project.

S. 3058

At the request of Mr. DORGAN, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 3058, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 3073

At the request of Mr. LEVIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 3073, a bill to amend the Federal Water Pollution Control Act to protect and restore the Great Lakes.

S. 3086

At the request of Mr. DODD, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 3086, a bill to support high-achieving, educationally disadvantaged elementary school students in high-need local educational agencies, and for other purposes.

S. 3102

At the request of Mr. MERKLEY, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 3102, a bill to amend the miscellaneous rural development provisions of the Farm Security and Rural Investment Act of 2002 to authorize the Secretary of Agriculture to make loans to certain entities that will use the funds to make loans to consumers to implement energy efficiency measures involving structural improvements and investments in cost-effective, commercial off-the-shelf technologies to reduce home energy use.

S. 3109

At the request of Mr. BAUCUS, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 3109, a bill to require the Secretary of the Army to conduct levee system evaluations and certifications on receipt of requests from non-Federal interests.

S. 3165

At the request of Ms. LANDRIEU, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 3165, a bill to authorize the Administrator of the Small Business Administration to waive the non-Federal share requirement under certain programs.

S. 3231

At the request of Mr. GRASSLEY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3231, a bill to amend the Internal Revenue Code of 1986 to extend certain tax incentives for alcohol used as fuel and to amend the Harmonized Tariff Schedule of the United States to extend additional duties on ethanol.

S. 3305

At the request of Mr. MENENDEZ, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 3305, a bill to amend the Oil Pollution Act of 1990 to require oil polluters to pay the full cost of oil spills, and for other purposes.

S. 3306

At the request of Mr. MENENDEZ, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 3306, a bill to amend the Internal Revenue Code of 1986 to require polluters to pay the full cost of oil spills, and for other purposes.

S. 3335

At the request of Mr. COBURN, the names of the Senator from Missouri (Mrs. MCCASKILL), the Senator from Georgia (Mr. ISAKSON), the Senator from California (Mrs. BOXER), the Senator from Texas (Mr. CORNYN), the Senator from Georgia (Mr. CHAMBLISS) and the Senator from South Carolina (Mr. DEMINT) were added as cosponsors of S. 3335, a bill to require Congress to establish a unified and searchable database on a public website for congressional earmarks as called for by the President in his 2010 State of the Union Address to Congress.

S. 3344

At the request of Mr. WHITEHOUSE, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 3344, a bill to establish an independent, nonpartisan commission to investigate the causes and impact of, and evaluate and improve the response to, the explosion, fire, and loss of life on and sinking of the Mobile Drilling Unit Deepwater Horizon and the resulting uncontrolled release of crude oil into the Gulf of Mexico, and to ensure that a similar disaster is not repeated.

S. 3345

At the request of Mr. WHITEHOUSE, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 3345, a bill to amend title 46, United States Code, to remove the cap on punitive damages established by the Supreme Court in Exxon Shipping Company v. Baker.

S. 3346

At the request of Mr. WHITEHOUSE, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 3346, a bill to increase the limits on liability under the Outer Continental Shelf Lands Act.

S.J. RES. 30

At the request of Mr. ISAKSON, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Kentucky (Mr. MCCONNELL) were added as cosponsors of S.J. Res. 30, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the National Mediation Board relating to representation election procedures.

S. RES. 411

At the request of Mrs. LINCOLN, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. Res. 411, a resolution recognizing the importance and sustainability of the United States hardwoods industry and urging that United States hardwoods and the products derived from United States hardwoods be given full consideration in any program to promote construction of environmentally preferable commercial, public, or private buildings.

AMENDMENT NO. 3748

At the request of Mrs. FEINSTEIN, the names of the Senator from Kentucky (Mr. BUNNING), the Senator from Ohio (Mr. BROWN) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of amendment No. 3748 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3804

At the request of Mr. MENENDEZ, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of amendment No. 3804 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3837

At the request of Mr. CORKER, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of amendment No. 3837 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3838

At the request of Mrs. SHAHEEN, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of amendment No. 3838 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3841

At the request of Mr. MENENDEZ, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of amendment No. 3841 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers

from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3845

At the request of Mr. KAUFMAN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of amendment No. 3845 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3870

At the request of Mr. KERRY, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of amendment No. 3870 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3877

At the request of Mr. MENENDEZ, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of amendment No. 3877 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3896

At the request of Mr. GREGG, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of amendment No. 3896 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3897

At the request of Mr. DORGAN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of amendment No. 3897 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3918

At the request of Ms. SNOWE, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of amendment No. 3918 proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3920

At the request of Mr. HARKIN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of amendment No. 3920 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3931

At the request of Mr. MERKLEY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of amendment No. 3931 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3939

At the request of Mrs. FEINSTEIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 3939 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3949

At the request of Mr. CARPER, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from South Dakota (Mr. THUNE), the Senator from Ohio (Mr. VOINOVICH), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Wyoming (Mr. ENZI) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of amendment No. 3949 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3956

At the request of Ms. LANDRIEU, the names of the Senator from Montana (Mr. TESTER), the Senator from North Carolina (Mr. BURR), the Senator from Texas (Mrs. HUTCHISON) and the Senator from Illinois (Mr. BURRIS) were added as cosponsors of amendment No. 3956 proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

At the request of Mrs. LINCOLN, her name was added as a cosponsor of amendment No. 3956 proposed to S. 3217, supra.

At the request of Mr. LEVIN, his name was added as a cosponsor of amendment No. 3956 proposed to S. 3217, supra.

At the request of Mr. ISAKSON, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of amendment No. 3956 proposed to S. 3217, supra.

AMENDMENT NO. 3958

At the request of Mr. REED, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of amendment No. 3958 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3970

At the request of Mr. LEVIN, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Florida (Mr. NELSON) were added as cosponsors of amendment No. 3970 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3971

At the request of Mr. LEVIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of amendment No. 3971 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3973

At the request of Mr. LEVIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of amendment No. 3973 intended to be proposed to S. 3217, an original bill to promote the financial stability of the

United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3974

At the request of Mr. LEVIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of amendment No. 3974 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3975

At the request of Mr. LEVIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of amendment No. 3975 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3977

At the request of Mr. LEVIN, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of amendment No. 3977 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3978

At the request of Mr. JOHNSON, the names of the Senator from North Dakota (Mr. CONRAD), the Senator from Kansas (Mr. ROBERTS) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of amendment No. 3978 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA:

S. 3348. A bill to amend title 38, United States Code, to provide for the treatment of documents that express disagreement with decisions of the Board of Veterans' Appeals and that are misfiled with the Board within 120 days of such decisions as motions for reconsideration of such decisions, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, as Chairman of the Senate Committee on Veterans' Affairs, I am introducing legislation today to protect the rights of appeal by claimants before the United States Court of Appeals for Veterans Claims when claimants erroneously file a document with the Department of Veterans Affairs and the document is not transmitted to the court in a timely fashion.

Under current law, section 7266 of title 38, United States Code, a veteran or other claimant who seeks to have a decision of the Board of Veterans' Appeals reviewed by the U.S. Court of Appeals for Veterans Claims must ''file a notice of appeal with the court within 120 days after the date'' on which the board mails its decision to the veteran or other claimant.

This measure would respond to a problem identified in a recent decision of the court in the case of Posey v. Shinseki, decided April 23, 2010. In that case, a veteran sent a document purporting to be an appeal to the court to a VA regional office. The document was not forwarded to the court within the 120 day period. VA sought to have the appeal dismissed as untimely filed. However, the court found that the document qualified as a motion for reconsideration by the board.

Judge Lawrence B. Hagel authored a concurring opinion in which he expressed concern with the number of cases in which a claimant's right to appeal to the court had been thwarted because the Secretary had held correspondence from veterans seeking to appeal to the court until after the time for filing had expired. The Secretary would then argue that the claimant's appeal to the court was untimely and should be dismissed. Some of those cases resulted in dismissal of the appeal. Judge Hagel suggested that this problem could be addressed by legislation treating a document as a motion for reconsideration by the Board if it was received by the Secretary and not forwarded to the Court within the 120 day period.

I do not believe that VA has acted deliberately to impede any veteran's right to appeal to the court. However, the failure of VA to notify a veteran promptly of the filing error or to forward the document to the court should not be allowed to deprive a veteran of the right to have a case reviewed on appeal. The bill I am introducing would only apply in those cases where no appeal is filed with the court within the 120-day time period and the board or other VA agency has received during that same 120-day period a document expressing disagreement with the board decision.

I urge our colleagues to support this bill so that any veteran who attempts to appeal a decision of the Board in a timely fashion does not have his or her attempt thwarted by an error.

Mr. Presiodent, 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. 3348

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

SECTION 1. TREATMENT OF CERTAIN MISFILED DOCUMENTS AS MOTIONS FOR RECONSIDERATION OF DECISIONS BY BOARD OF VETERANS' APPEALS.

Section 7103 of title 38, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

''(c)(1) Except as provided in paragraph (2), if a person adversely affected by a final decision of the Board, who has not filed a notice of appeal with the United States Court of Appeals for Veterans Claims under section 7266(a) of this title within the period set forth in that section, files a document with the Board or the agency of original jurisdiction referred to in section 7105(b)(1) of this title that expresses disagreement with such decision not later than 120 days after the date of such decision, such document shall be treated as a motion for reconsideration of such decision under subsection (a).

''(2) A document described in paragraph (1) shall not be treated as a motion for reconsideration of the decision under paragraph (1) if—

''(A) the Board or the agency of original jurisdiction referred to in paragraph (1)—

''(i) receives the document described in paragraph (1);

''(ii) determines that such document expresses an intent to appeal the decision to the United States Court of Appeals for Veterans Claims; and

''(iii) forwards such document to the United States Court of Appeals for Veterans Claims; and

''(B) the United States Court of Appeals for Veterans Claims receives such document within the period set forth by section 7266(a) of this title.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 521—COMMEMORATING AND CELEBRATING THE LIVES OF DEPUTY SHERIFF STEPHEN MICHAEL GALLAGHER, JR., OFFICER TIMOTHY Q. BRENTON, OFFICER TINA G. GRISWOLD, OFFICER RONALD WILBUR OWENS II, SERGEANT MARK JOSEPH RENNINGER, OFFICER GREGORY JAMES RICHARDS, AND DEPUTY SHERIFF WALTER KENT MUNDELL, JR. WHO GAVE THEIR LIVES IN THE SERVICE OF THE PEOPLE OF WASHINGTON STATE IN 2009

Mrs. MURRAY (for herself and Ms. CANTWELL) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 521

Whereas law enforcement officers throughout Washington State conduct themselves in

a manner that supports, maintains, and defends the Constitution of the United States and the Constitution of the State of Washington;

Whereas law enforcement officers throughout the Nation and in Washington State risk their own lives to protect the lives of others;

Whereas, since 1791, 20,146 law enforcement officers were killed in the line of duty in the United States and 270 of these officers served the people of Washington State;

Whereas, in 2009, 126 law enforcement officers were killed in the line of duty in the United States;

Whereas, in 2009, Deputy Sheriff Stephen Michael Gallagher, Jr., of the Lewis County Sheriff's Office, Officer Timothy Q. Brenton of the Seattle Police Department, Officer Tina G. Griswold of the Lakewood Police Department, Officer Ronald Wilbur Owens II of the Lakewood Police Department, Sergeant Mark Joseph Renninger of the Lakewood Police Department, Officer Gregory James Richards of the Lakewood Police Department, and Deputy Sheriff Walter Kent Mundell, Jr., of the Pierce County Sheriff's Department gave their lives in the service of the people of Washington State;

Whereas the family members and friends of Deputy Sheriff Stephen Michael Gallagher, Jr., Officer Timothy Q. Brenton, Officer Tina G. Griswold, Officer Ronald Wilbur Owens II, Sergeant Mark Joseph Renninger, Officer Gregory James Richards, and Deputy Sheriff Walter Kent Mundell, Jr., bear the most immediate and profound burden of the absence of their loved ones; and

Whereas National Police Week is observed during the week of May 9, 2010, to May 15, 2010, and is the most appropriate time to honor the Washington State law enforcement officers who sacrificed their lives in service to their State and Nation: Now, therefore, be it

Resolved, That the Senate—

(1) extends its condolences to the families and loved ones of Deputy Sheriff Stephen Michael Gallagher, Jr., Officer Timothy Q. Brenton, Officer Tina G. Griswold, Officer Ronald Wilbur Owens II, Sergeant Mark Joseph Renninger, Officer Gregory James Richards, and Deputy Sheriff Walter Kent Mundell, Jr.; and

(2) stands in solidarity with the people of Washington State as they celebrate the lives and mourn the loss of these remarkable and selfless heroes who represented the best of their community and whose memory will serve as an inspiration for future generations.

SENATE RESOLUTION 522—RECOGNIZING NATIONAL NURSES WEEK

Mr. BURRIS (for himself, Ms. SNOWE, Ms. MIKULSKI, Mr. MERKLEY, Mr. DURBIN, and Mr. JOHANNS) submitted the following resolution; which was considered and agreed to:

S. RES. 522

Whereas since 1990, National Nurses Week is celebrated annually from May 6, which is known as National Recognition Day for Nurses, through May 12, which is the birthday of Florence Nightingale, the founder of modern nursing;

Whereas National Nurses Week is a time of year to reflect on the important contributions that nurses make to provide safe, high-quality health care;

Whereas nurses are known to be patient advocates, acting fearlessly to protect the lives of those under their care;

Whereas nurses represent the largest single component of the health care profession with 3,100,000 jobs;

Whereas nurses are experienced researchers, and their work encompasses a wide scope of scientific inquiry, including clinical research, health systems and outcomes research, and nursing education research;

Whereas nurses are well positioned to provide leadership to eliminate health care disparities that exist in the United States;

Whereas nurses help inform and educate the public to improve the practice of all nurses and, more importantly, the health and safety of the patients they care for;

Whereas survey data shows that enrollments in entry-level baccalaureate programs in nursing rose by 3.6 percent in 2009, and though this marks the ninth consecutive year of enrollment growth, the annual increase in student capacity in 4-year nursing programs has declined sharply since 2003 when enrollment was up by 16.6 percent;

Whereas nursing programs in the United States were forced to reject almost 119,000 qualified applicants according to the most recent survey of all prelicensure nursing programs;

Whereas according to the Bureau of Labor and Statistics, employment of registered nurses is expected to grow by 22 percent from 2008 to 2018, which is a much faster rate of growth than the average rate of growth for all occupations;

Whereas according to survey data, enrollment in doctoral nursing programs increased by more than 20 percent this year, signaling strong interest among students in careers as nursing scientists, faculty, primary care providers, and specialists;

Whereas expanding capacity in baccalaureate and graduate programs is critical to sustaining a healthy nursing workforce and providing patients with the best care possible;

Whereas the nationwide nursing shortage has caused dedicated nurses to work longer hours and care for more acutely ill patients;

Whereas nurse educators work on average more than 57 hours per week in order to ensure that each and every new registered nurse receives an excellent education, advancing excellence among the next generation of nurses;

Whereas nurses inform legislators on the education, retention, recruitment, and practice of all nurses and, more importantly, the health and safety of the patients they care for; and

Whereas increased Federal and State support is needed to enhance existing programs and create new programs to educate nursing students at all levels, to increase the number of faculty members to educate nursing students, to create clinical sites and have appropriately prepared nurses teach and train at those sites, to create educational opportunities to retain nurses in the profession, and to educate and train more nurse research scientists who can discover new nursing: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes National Nurses Week;

(2) supports the goals and ideals of National Nurses Week;

(3) acknowledges the importance of quality higher education in nursing, including baccalaureate and graduate programs, to meet the needs of one of the fastest growing labor fields in the Nation; and

(4) supports the nurse capacity initiatives for institutions of higher education included in the Higher Education Opportunity Act.

SENATE RESOLUTION 523—HONORING THE CREW MEMBERS WHO PERISHED ABOARD THE OFFSHORE OIL RIG, DEEPWATER HORIZON, AND EXTENDING THE CONDOLENCES OF THE SENATE TO THE FAMILIES AND LOVED ONES OF THE DECEASED CREW MEMBERS

Ms. LANDRIEU (for herself, Mr. WICKER, Mr. SHELBY, Mr. VITTER, Mrs. HUTCHISON, Mr. COCHRAN, Mr. CORNYN, Mr. SESSIONS, Mr. BINGAMAN, Ms. MURKOWSKI, and Mr. NELSON of Florida) submitted the following resolution; which was considered and agreed to:

S. RES. 523

Whereas oil and natural gas are necessary commodities for the United States;

Whereas a drill ship, the Deepwater Horizon, was drilling in 5,000 feet of water approximately 50 miles off the coast of Louisiana, in the Gulf of Mexico;

Whereas on April 20, 2010, a terrible explosion occurred aboard the Deepwater Horizon;

Whereas 126 men and women were on board the Deepwater Horizon at the time of the explosion;

Whereas 11 men remain missing, and are presumed dead;

Whereas 17 people were injured, 3 of them critically; and

Whereas the United States is greatly indebted to oil rig crewmen for the serious physical risks, difficult periods of separation from their families, and supremely challenging engineering tasks endured to produce much-needed energy for the Nation: Now, therefore, be it

Resolved, That the Senate—

(1) honors the crew members who perished aboard the offshore oil rig, Deepwater Horizon; and

(2) expresses sincere condolences to the families and loved ones of the deceased crew members.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3979. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table.

SA 3980. Mr. CARDIN (for himself, Mr. LUGAR, Mr. DURBIN, Mr. SCHUMER, Mr. FEINGOLD, Mr. MERKLEY, and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3981. Mr. CARDIN (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3982. Mr. WYDEN (for himself and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by him to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3983. Mr. CORKER submitted an amendment intended to be proposed to amendment

SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3984. Mr. CORKER submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3985. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3986. Mr. CORNYN (for himself and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3987. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3988. Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3989. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 3217, supra.

SA 3990. Mr. LIEBERMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3991. Mr. FRANKEN (for himself, Mr. SCHUMER, Mr. NELSON of Florida, Mr. WHITEHOUSE, Mr. BROWN of Ohio, Mrs. MURRAY, Mr. MERKLEY, Mr. BINGAMAN, Mr. LAUTENBERG, Mrs. SHAHEEN, Mr. CASEY, Mr. WICKER, Mr. SANDERS, Mr. JOHNSON, Mr. KAUFMAN, Mr. GRASSLEY, Mr. DURBIN, Mr. HARKIN, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra.

SA 3992. Mr. CRAPO proposed an amendment to amendment SA 3956 proposed by Ms. LANDRIEU (for herself, Mr. ISAKSON, Mrs. HAGAN, Mr. WARNER, and Mr. MENENDEZ) to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra.

SA 3993. Ms. STABENOW (for herself and Mr. BROWN of Ohio) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3994. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3995. Mr. BROWN of Ohio submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3996. Mr. COBURN (for himself, Mrs. MCCASKILL, and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 3775 submitted by Mr. WYDEN (for himself and Mr. GRASSLEY) and intended to be proposed to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3997. Mr. BROWNBACK (for himself, Mr. FEINGOLD, Mr. DURBIN, Mr. SPECTER, Mr. BROWN of Ohio, Mr. JOHNSON, Mr. WHITEHOUSE, Mr. LAUTENBERG, Mrs. BOXER, and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3998. Mr. BUNNING submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3999. Mr. BUNNING submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4000. Mr. KAUFMAN (for himself, Mr. GRASSLEY, and Mr. BROWN of Ohio) submitted an amendment intended to be proposed by him to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4001. Ms. LANDRIEU (for herself and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4002. Mr. LEVIN (for himself, Mr. KAUFMAN, and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4003. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4004. Mr. LEVIN (for himself, Mr. KAUFMAN, and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 3217, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3979. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1552, beginning on line 16, strike ''the President'' and all that follows through ''Senate,'' on line 19 and insert the following: ''the Class B directors of the Federal Reserve Bank of New York shall be designated by the Board of Governors,''.

On page 1553, line 1, strike ''supervised by the Board'' and insert ''subject to enhanced supervision and prudential standards under section 115''.

SA 3980. Mr. CARDIN (for himself, Mr. LUGAR, Mr. DURBIN, Mr. SCHUMER, Mr. FEINGOLD, Mr. MERKLEY, and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1187, line 9, strike ''effective.'' insert the following: ''effective.

Subtitle K—Resource Extraction Issuers

SEC. 995. FINDINGS.

Congress finds the following:

(1) It is in the interest of the United States to promote good governance in the extractive industries sector. Transparency in revenue payments benefits oil, gas, and mining companies, because it improves the business climate in which such companies work, increases the reliability of commodity supplies upon which businesses and people in the United States rely, and promotes greater energy security.

(2) Companies in the extractive industries sector face unique tax and reputational risks, in the form of country-specific taxes and regulations. Exposure to these risks is heightened by the substantial capital employed in the extractive industries, and the often opaque and unaccountable management of natural resource revenues by foreign governments, which in turn creates unstable and high-cost operating environments for multinational companies. The effects of these risks are material to investors.

SEC. 996. DISCLOSURE OF PAYMENTS BY RESOURCE EXTRACTION ISSUERS.

Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m), as amended by this Act, is amended by adding at the end the following:

''(p) DISCLOSURE OF PAYMENTS BY RESOURCE EXTRACTION ISSUERS.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'commercial development of oil, natural gas, or minerals' includes exploration, extraction, processing, export, and other significant actions relating to oil, natural gas, or minerals, or the acquisition of a license for any such activity, as determined by the Commission;

''(B) the term 'foreign government' means a foreign government, a department, agency, or instrumentality of a foreign government, an officer or employee of a foreign government, an agent of a foreign government, or a company owned by a foreign government, as determined by the Commission;

''(C) the term 'payment'—

''(i) means a payment that is—

''(I) made to further the commercial development of oil, natural gas, or minerals; and

''(II) not de minimis; and

''(ii) includes taxes, royalties, fees (including license fees), production entitlements, bonuses, and other material benefits, that the Commission, consistent with the guidelines of the Extractive Industries Transparency Initiative (to the extent practicable), determines are part of the commonly recognized revenue stream for the commercial development of oil, natural gas, or minerals;

''(D) the term 'resource extraction issuer' means an issuer that—

''(i) is required to file an annual report with the Commission; and

''(ii) engages in the commercial development of oil, natural gas, or minerals;

''(E) the term 'interactive data format' means an electronic data format in which

pieces of information are identified using an interactive data standard; and

''(F) the term 'interactive data standard' means standardized list of electronic tags that mark information included in the annual report of a resource extraction issuer.

''(2) DISCLOSURE.—

''(A) INFORMATION REQUIRED.—Not later than 270 days after the date of enactment of the Restoring American Financial Stability Act of 2010, the Commission shall issue final rules that require each resource extraction issuer to include in the annual report of the resource extraction issuer information relating to any payment made by the resource extraction issuer, a subsidiary of the resource extraction issuer, or an entity under the control of the resource extraction issuer to a foreign government or the Federal Government for the purpose of the commercial development of oil, natural gas, or minerals, including—

''(i) the type and total amount of such payments made for each project of the resource extraction issuer relating to the commercial development of oil, natural gas, or minerals; and

''(ii) the type and total amount of such payments made to each government.

''(B) INTERACTIVE DATA FORMAT.—The rules issued under subparagraph (A) shall require that the information included in the annual report of a resource extraction issuer be submitted in an interactive data format.

''(C) INTERACTIVE DATA STANDARD.—

''(i) IN GENERAL.—The rules issued under subparagraph (A) shall establish an interactive data standard for the information included in the annual report of a resource extraction issuer.

''(ii) ELECTRONIC TAGS.—The interactive data standard shall include electronic tags that identify, for any payments made by a resource extraction issuer to a foreign government or the Federal Government—

''(I) the total amounts of the payments, by category;

''(II) the currency used to make the payments;

''(III) the financial period in which the payments were made;

''(IV) the business segment of the resource extraction issuer that made the payments;

''(V) the government that received the payments, and the country in which the government is located;

''(VI) the project of the resource extraction issuer to which the payments relate; and

''(VII) such other information as the Commission may determine is necessary or appropriate in the public interest or for the protection of investors.

''(D) INTERNATIONAL TRANSPARENCY EFFORTS.—To the extent practicable, the rules issued under subparagraph (A) shall support the commitment of the Federal Government to international transparency promotion efforts relating to the commercial development of oil, natural gas, or minerals.

''(E) EFFECTIVE DATE.—With respect to each resource extraction issuer, the final rules issued under subparagraph (A) shall take effect on the date on which the resource extraction issuer is required to submit an annual report relating to the fiscal year of the resource extraction issuer that ends not earlier than 1 year after the date on which the Commission issues final rules under subparagraph (A).

''(3) PUBLIC AVAILABILITY OF INFORMATION.—

''(A) IN GENERAL.—To the extent practicable, the Commission shall make available online, to the public, a compilation of the information required to be submitted under the rules issued under paragraph (2)(A).

''(B) OTHER INFORMATION.—Nothing in this paragraph shall require the Commission to make available online information other than the information required to be submitted under the rules issued under paragraph (2)(A).

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission such sums as may be necessary to carry out this subsection.''.

SEC. 997. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the President should work with foreign governments, including members of the Group of 8 and the Group of 20, to establish domestic requirements that companies under the jurisdiction of each government publicly disclose any payments made to a government relating to the commercial development of oil, natural gas, and minerals; and

(2) the President should commit the United States to become a Candidate Country of the Extractive Industries Transparency Initiative.

SA 3981. Mr. CARDIN (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 43, between lines 6 and 7, insert the following:

(3) INVESTMENT COMPANIES AND ADVISERS.—In the event that an investment company required to be registered under the Investment Company Act of 1940, or the registered investment adviser to such a company, is subject to supervision by the Board of Governors, the Council shall, in consultation with the Commission and in lieu of the prudential standards outlined in subsections (b) through (f), recommend to the Board of Governors such alternative enhanced regulatory requirements as are necessary to prevent or mitigate risks to the financial stability of the United States that could arise from the material financial distress of the investment company or investment adviser. Such alternative requirements shall consider any structural or legal limits on the ability of the investment company or investment adviser to hold capital.

On page 91, between lines 23 and 24, insert the following:

(3) INVESTMENT COMPANIES AND ADVISERS.—In the case of an investment company required to be registered under the Investment Company Act of 1940, or the registered investment adviser to such a company, that is supervised by the Board of Governors, the Board of Governors shall meet its obligations under this section by adopting the alternative enhanced regulatory requirements recommended by the Council under section 115.

SA 3982. Mr. WYDEN (for himself and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by him to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, add the following:

SEC. 122. DISCLOSURE OF CONFLICTS OF INTERESTS.

(a) RECOMMENDATION BY COUNCIL.—The Council shall issue recommendations to the primary financial regulatory agencies to require, as applicable, bank holding companies or nonbank financial companies under their respective jurisdictions to make appropriate disclosures to any purchaser or prospective purchaser of financial products from such companies, if such companies have a direct financial interest that is in material conflict with the interests of the purchaser or prospective purchaser.

(b) PROCEDURES AND IMPLEMENTATION.—The procedural and implementation provisions of subsection (b) and (c) of section 120 shall apply to recommendations of the Council under this section.

SA 3983. Mr. CORKER submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1052, line 3, strike ''SEC. 942,'' and insert the following:

SEC. 942. RESIDENTIAL MORTGAGE UNDERWRITING STANDARDS.

(a) STANDARDS ESTABLISHED.—Notwithstanding any other provision of this Act or any other provision of Federal, State, or local law, the Federal banking agencies, in consultation with the Federal Housing Finance Agency and the Department of Housing and Urban Development, shall jointly establish specific minimum standards for mortgage underwriting, including—

(1) a requirement that the mortgagee verify and document the income and assets relied upon to qualify the mortgagor on the residential mortgage, including the previous employment and credit history of the mortgagor;

(2) a down payment requirement that—

(A) is equal to not less than 5 percent of the purchase price of the property securing the residential mortgage; and

(B) in the case of a first lien residential mortgage loan with an initial loan to value ratio that is more than 80 percent and not more than 95 percent, includes a requirement for credit enhancements, as defined by the Federal banking agencies, until the loan to value ratio of the residential mortgage loan amortizes to a value that is less than 80 percent of the purchase price;

(3) a method for determining the ability of the mortgagor to repay the residential mortgage that is based on factors including—

(A) all terms of the residential mortgage, including principal payments that fully amortize the balance of the residential mortgage over the term of the residential mortgage; and

(B) the debt to income ratio of the mortgagor; and

(4) any other specific standards the Federal banking agencies jointly determine are appropriate to ensure prudent underwriting of residential mortgages.

(b) UPDATES TO STANDARDS.—The Federal banking agencies, in consultation with the Federal Housing Finance Agency and the Department of Housing and Urban Development—

(1) shall review the standards established under this section not less frequently than every 5 years; and

(2) based on the review under paragraph (1), may revise the standards established under this section, as the Federal banking agencies, in consultation with the Federal Housing Finance Agency and the Department of Housing and Urban Development, determine to be necessary.

(c) COMPLIANCE.—It shall be a violation of Federal law—

(1) for any mortgage loan originator to fail to comply with the minimum standards for mortgage underwriting established under subsection (a) in originating a residential mortgage loan;

(2) for any company to maintain an extension of credit on a revolving basis to any person to fund a residential mortgage loan, unless the company reasonably determines that the residential mortgage loan funded by such credit was subject to underwriting standards no less stringent than the minimum standards for mortgage underwriting established under subsection (a); or

(3) for any company to purchase, fund by assignment, or guarantee a residential mortgage loan, unless the company reasonably determines that the residential mortgage loan was subject to underwriting standards no less stringent than the minimum standards for mortgage underwriting established under subsection (a).

(d) IMPLEMENTATION.—

(1) REGULATIONS REQUIRED.—The Federal banking agencies, in consultation with the Federal Housing Finance Agency, shall issue regulations to implement subsections (a) and (c), which shall take effect not later than 270 days after the date of enactment of this Act.

(2) REPORT REQUIRED.—If the Federal banking agencies have not issued final regulations under subsections (a) and (c) before the date that is 270 days after the date of enactment of this Act, the Federal banking agencies shall jointly submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that—

(A) explains why final regulations have not been issued under subsections (a) and (c); and

(B) provides a timeline for the issuance of final regulations under subsections (a) and (c).

(e) ENFORCEMENT.—Compliance with the rules issued under this section shall be enforced by—

(1) the primary financial regulatory agency of an entity, with respect to an entity subject to the jurisdiction of a primary financial regulatory agency, in accordance with the statutes governing the jurisdiction of the primary financial regulatory agency over the entity and as if the action of the primary financial regulatory agency were taken under such statutes; and

(2) the Bureau, with respect to a company that is not subject to the jurisdiction of a primary financial regulatory agency.

(f) EXEMPTIONS FOR CERTAIN NONPROFIT MORTGAGE LOAN ORIGINATORS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Federal banking agencies, in consultation with the Secretary of Housing and Urban Development and the Secretary of the Treasury, may jointly issue rules to exempt from the requirements under subsection (a)(2), mortgage loan originators that are exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986.

(2) DETERMINING FACTORS.—The Federal banking agencies shall ensure that—

(A) the lending activities of a mortgage loan originator that receives an exemption under this subsection do not threaten the safety and soundness of the banking system of the United States; and

(B) a mortgage loan originator that receives an exemption under this subsection—

(i) is not compensated based on the number or value of residential mortgage loan applications accepted, offered, or negotiated by the mortgage loan originator;

(ii) does not offer residential mortgage loans that have an interest rate greater than zero percent;

(iii) does not gain a monetary profit from any residential mortgage product or service provided;

(iv) has the primary purpose of serving low income housing needs;

(v) has not been specifically prohibited, by statute, from receiving Federal funding; and

(vi) meets any other requirements that the Federal banking agencies jointly determine are appropriate for ensuring that a mortgage loan originator that receives an exemption under this subsection does not threaten the safety and soundness of the banking system of the United States.

(3) REPORTS REQUIRED.—Before the issuance of final rules under subsection (a), and annually thereafter, the Federal banking agencies shall jointly submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that—

(A) identifies the mortgage loan originators that receive an exemption under this subsection; and

(B) for each mortgage loan originator identified under subparagraph (A), the rationale for providing an exemption.

(4) UPDATES TO EXEMPTIONS.—The Federal banking agencies, in consultation with the Secretary of Housing and Urban Development and the Secretary of the Treasury—

(A) shall review the exemptions established under this subsection not less frequently than every 2 years; and

(B) based on the review under subparagraph (A), may revise the standards established under this subsection, as the Federal banking agencies, in consultation with the Secretary of Housing and Urban Development and the Secretary of the Treasury, determine to be necessary.

(g) RULES OF CONSTRUCTION.—Nothing in this section may be construed to permit—

(1) the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation to make or guarantee a residential mortgage loan that does not meet the minimum underwriting standards established under this section; or

(2) the Federal banking agencies to issue an exemption under subsection (f) that is not on a case-by-case basis.

(h) DEFINITIONS.—In this section, the following definitions shall apply:

(1) COMPANY.—The term ''company''—

(A) has the same meaning as in section 2(b) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(b)); and

(B) includes a sole proprietorship.

(2) MORTGAGE LOAN ORIGINATOR.—The term ''mortgage loan originator'' means any company that takes residential mortgage loan applications and offers or negotiates terms of residential mortgage loans.

(3) RESIDENTIAL MORTGAGE LOAN.—The term ''residential mortgage loan''—

(A) means any extension of credit primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other equivalent security interest in a dwelling or residential real estate upon which is constructed or intended to be constructed a dwelling; and

(B) does not include a mortgage loan for which mortgage insurance is provided by the Department of Veterans Affairs, or the Rural Housing Administration.

(4) EXTENSION OF CREDIT; DWELLING.—The terms ''extension of credit'' and ''dwelling'' shall have the same meaning as in section 103 of the Truth in Lending Act (15 U.S.C. 1602).

SEC. 943. STUDY ON FEDERAL HOUSING ADMINISTRATION UNDERWRITING STANDARDS.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study evaluating whether the underwriting criteria used by the Federal Housing Administration are sufficient to ensure the solvency of the Mutual Mortgage Insurance Fund of the Federal Housing Administration and the safety and soundness of the banking system of the United States.

(2) ISSUES TO BE STUDIED.—In conducting the study under paragraph (1), the Comptroller General shall evaluate—

(A) down payment requirements for Federal Housing Administration borrowers;

(B) default rates of mortgages insured by the Federal Housing Administration;

(C) characteristics of Federal Housing Administration borrowers who are most likely to default;

(D) taxpayer exposure to losses incurred by the Federal Housing Administration;

(E) the impact of the market share of the Federal Housing Administration on efforts to sustain a viable private mortgage market; and

(F) any other factors that Comptroller General determines are appropriate.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a) that includes recommendations for statutory improvements to be made to the underwriting criteria used by the Federal Housing Administration, to ensure the solvency of the Mutual Mortgage Insurance Fund of the Federal Housing Administration and the safety and soundness of the banking system of the United States.

SEC. 944.

SA 3984. Mr. CORKER submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 293, line 11, strike ''(r)'' and insert the following:

(r) ADDITIONAL LIMITATION.—Notwithstanding any other provision of this section, or any other provision of law, the Corporation, when acting as a receiver under this title, may not reject or repudiate a real property lease under which a covered financial company is a lessee unless—

(1) the lessor consents to such rejection or repudiation; or

(2) the Corporation agrees to pay damages to the lessee, as if the lease had been rejected under section 365 of title 11, United States Code.

(s)

SA 3985. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

Strike 989B, insert the following:

SEC. 989B. DESIGNATED FEDERAL ENTITY INSPECTORS GENERAL INDEPENDENCE.

Section 8G of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (a)(4)—

(A) in the matter preceding subparagraph (A), by inserting ''the board or commission of the designated Federal entity, or in the event the designated Federal entity does not have a board or commission,'' after ''means'';

(B) in subparagraph (A), by striking ''and'' after the semicolon; and

(C) by adding after subparagraph (B) the following:

''(C) with respect to the Federal Labor Relations Authority, such term means the members of the Authority (described under section 7104 of title 5, United States Code);

''(D) with respect to the National Archives and Records Administration, such term means the Archivist of the United States;

''(E) with respect to the National Credit Union Administration, such term means the National Credit Union Administration Board (described under section 102 of the Federal Credit Union Act (12 U.S.C. 1752a);

''(F) with respect to the National Endowment of the Arts, such term means the National Council on the Arts;

''(G) with respect to the National Endowment for the Humanities, such term means the National Council on the Humanities; and

''(H) with respect to the Peace Corps, such term means the Director of the Peace Corps;''; and

(2) in subsection (h), by inserting ''if the designated Federal entity is not a board or commission, include'' after ''designated Federal entities and''.

SEC. 989C. STRENGTHENING INSPECTOR GENERAL ACCOUNTABILITY.

Section 5(a) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (12), by striking ''and'' after the semicolon;

(2) in paragraph (13), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(14)(A) an appendix containing the results of any peer review conducted by another Office of Inspector General during the reporting period; or

''(B) if no peer review was conducted within that reporting period, a statement identifying the date of the last peer review conducted by another Office of Inspector General;

''(15) a list of any outstanding recommendations from any peer review conducted by another Office of Inspector General that have not been fully implemented, including a statement describing the status of the implementation and why implementation is not complete; and

''(16) a list of any peer reviews conducted by the Inspector General of another Office of the Inspector General during the reporting period, including a list of any outstanding recommendations made from any previous peer review (including any peer review conducted before the reporting period) that remain outstanding or have not been fully implemented.''.

SEC. 989D. REMOVAL OF INSPECTORS GENERAL OF DESIGNATED FEDERAL ENTITIES.

Section 8G(e) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by redesignating the sentences following ''(e)'' as paragraph (2); and

(2) by striking ''(e)'' and inserting the following:

In the case of a designated Federal entity for which a board or commission is the head of the designated Federal entity, a removal under this subsection may only be made upon the written concurrence of a ⅔ majority of the board or commission.''.

SA 3986. Mr. CORNYN (for himself and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1565, after line 23, add the following:

TITLE XIII—MISCELLANEOUS

SEC. 1301. RESTRICTIONS ON USE OF FEDERAL FUNDS TO FINANCE BAILOUTS OF FOREIGN GOVERNMENTS.

The Bretton Woods Agreements Act (22 U.S.C. 286 et seq.) is amended by adding at the end the following:

''SEC. 68. RESTRICTIONS ON USE OF FEDERAL FUNDS TO FINANCE BAILOUTS OF FOREIGN GOVERNMENTS.

''(a) IN GENERAL.—The President shall direct the United States Executive Director of the International Monetary Fund—

''(1) to evaluate any proposed loan to a country by the Fund if the amount of the public debt of the country exceeds the gross domestic product of the country;

''(2) to determine whether or not the loan will be repaid and certify that determination to Congress.

''(b) OPPOSITION TO LOANS UNLIKELY TO BE REPAID.—If the Executive Director determines under subsection (a)(2) that a loan by the International Monetary Fund to a country will not be repaid, the President shall direct the Executive Director to use the voice and vote of the United States to vote in opposition to the proposed loan.''.

SA 3987. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1208, between lines 12 and 13, insert the following:

(f) EXPIRATION.—Notwithstanding any other provision of this Act, the Bureau, and the authority of the Bureau under this title, shall terminate 4 years after the date of enactment of this Act, unless extended by an Act of Congress.

SA 3988. Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1219, after line 25, insert the following:

(7) STUDY AND REPORT ON PAPER STATEMENT CHARGES.—Not later than 6 months after the date of enactment of this Act, the Office of Financial Literacy shall conduct a study and submit a report to Congress—

(A) on the charging of fees for paper copies of statements related to a consumer financial product or service by covered persons under this title;

(B) the charging of fees for the use of paper checks as payment to covered persons under this title;

(C) on the impact of the imposition of such fees on financial literacy, particularly among—

(i) the elderly;

(ii) low-income individuals; and

(iii) individuals that lack computer access; and

(D) that includes recommendations on how to ensure that the individuals described in subparagraph (C) are not negatively impacted by the imposition of fees to receive paper statements, including recommendations—

(i) on whether covered persons under this title should be—

(I) prohibited from charging fees for paper statements;

(II) prohibited from automatically enrolling individuals in e-statement or other electronic delivery programs without the express consent of the individual, in the manner described in the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7001 et seq.); and

(III) prevented from charging fees for the use of paper checks as payment; and

(ii) regarding alternative methods to ensure that such individuals are able to access paper copies of financial statements without fees or unnecessary hindrance.

(8) AUTHORITY TO BAR FEES ON PAPER STATEMENTS.—Not later than 3 months after the submission of the report required under paragraph (7), the Director shall issue rules implementing the recommendations contained in such report.

On page 1297, line 11, before the period, insert '', or in paper form at no additional cost upon request of the consumer''.

SA 3989. Mr. DURBIN submitted an amendment intended to be proposed by

him to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1077. REASONABLE FEES AND RULES FOR PAYMENT CARD TRANSACTIONS.

The Electronic Fund Transfer Act (15 U.S.C. 1693 et seq.) is amended—

(1) by redesignating sections 920 and 921 as sections 921 and 922, respectively; and

(2) by inserting after section 919 the following:

''SEC. 920. REASONABLE FEES AND RULES FOR PAYMENT CARD TRANSACTIONS.

''(a) REASONABLE INTERCHANGE TRANSACTION FEES FOR ELECTRONIC DEBIT TRANSACTIONS.—

''(1) REGULATORY AUTHORITY.—The Board shall have authority to establish rules, pursuant to section 553 of title 5, United States Code, regarding any interchange transaction fee that an issuer or payment card network may charge with respect to an electronic debit transaction.

''(2) REASONABLE FEES.—The amount of any interchange transaction fee that an issuer or payment card network may charge with respect to an electronic debit transaction shall be reasonable and proportional to the actual cost incurred by the issuer or payment card network with respect to the transaction.

''(3) RULEMAKING REQUIRED.—The Board shall issue final rules, not later than 9 months after the date of enactment of the Consumer Financial Protection Act of 2010, to establish standards for assessing whether the amount of any interchange transaction fee described in paragraph (2) is reasonable and proportional to the actual cost incurred by the issuer or payment card network with respect to the transaction.

''(4) CONSIDERATIONS.—In issuing rules required by this section, the Board shall—

''(A) consider the functional similarity between—

''(i) electronic debit transactions; and

''(ii) checking transactions that are required within the Federal Reserve bank system to clear at par;

''(B) distinguish between—

''(i) the actual incremental cost incurred by an issuer or payment card network for the role of the issuer or the payment card network in the authorization, clearance, or settlement of a particular electronic debit transaction, which cost shall be considered under paragraph (2); and

''(ii) other costs incurred by an issuer or payment card network which are not specific to a particular electronic debit transaction, which costs shall not be considered under paragraph (2); and

''(C) consult, as appropriate, with the Comptroller of the Currency, the Board of Directors of the Federal Deposit Insurance Corporation, the Director of the Office of Thrift Supervision, the National Credit Union Administration Board, the Administrator of the Small Business Administration, and the Director of the Bureau of Consumer Financial Protection.

''(5) EXEMPTION FOR SMALL ISSUERS.—This subsection shall not apply to issuers that, together with affiliates, have assets of less than $10,000,000,000, and the Board shall exempt such issuers from rules issued under paragraph (3).

''(6) EFFECTIVE DATE.—Paragraph (2) shall become effective 12 months after the date of enactment of the Consumer Financial Protection Act of 2010.

''(b) LIMITATION ON ANTI-COMPETITIVE PAYMENT CARD NETWORK RESTRICTIONS.—

''(1) NO RESTRICTIONS ON OFFERING DISCOUNTS FOR USE OF A COMPETING PAYMENT CARD NETWORK.—A payment card network shall not, directly or through any agent, processor, or licensed member of the network, by contract, requirement, condition, penalty, or otherwise, inhibit the ability of any person to provide a discount or in-kind incentive for payment through the use of a card or device of another payment card network.

''(2) NO RESTRICTIONS ON OFFERING DISCOUNTS FOR USE OF A FORM OF PAYMENT.—A payment card network shall not, directly or through any agent, processor, or licensed member of the network, by contract, requirement, condition, penalty, or otherwise, inhibit the ability of any person to provide a discount or in-kind incentive for payment by the use of cash, check, debit card, or credit card.

''(3) NO RESTRICTIONS ON SETTING TRANSACTION MINIMUMS OR MAXIMUMS.—A payment card network shall not, directly or through any agent, processor, or licensed member of the network, by contract, requirement, condition, penalty, or otherwise, inhibit the ability of any person to set a minimum or maximum dollar value for the acceptance by that person of any form of payment.

''(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) DEBIT CARD.—The term 'debit card'—

''(A) means any card, or other payment code or device, issued or approved for use through a payment card network to debit an asset account for the purpose of transferring money between accounts or obtaining goods or services, whether authorization is based on signature, PIN, or other means;

''(B) includes general use prepaid cards, as that term is defined in section 915(a)(2)(A) (15 U.S.C. 16931–1(a)(2)(A)); and

''(C) does not include paper checks.

''(2) CREDIT CARD.—The term 'credit card' has the same meaning as in section 103 of the Truth in Lending Act (15 U.S.C. 1602).

''(3) DISCOUNT.—The term 'discount'—

''(A) means a reduction made from the price that customers are informed is the regular price; and

''(B) does not include any means of increasing the price that customers are informed is the regular price.

''(4) ELECTRONIC DEBIT TRANSACTION.—The term 'electronic debit transaction' means a transaction in which a person uses a debit card to debit an asset account.

''(5) INTERCHANGE TRANSACTION FEE.—The term 'interchange transaction fee' means any fee established by a payment card network that has been established for the purpose of compensating an issuer or payment card network for its involvement in an electronic debit transaction.

''(6) ISSUER.—The term 'issuer' means any person who issues a debit card, or the agent of such person with respect to such card.

''(7) PAYMENT CARD NETWORK.—The term 'payment card network' means an entity that directly, or through licensed members, processors, or agents, provides the proprietary services, infrastructure, and software that route information and data to conduct transaction authorization, clearance, and settlement, and that a person uses in order to accept as a form of payment a brand of debit card, credit card or other device that may be used to carry out debit or credit transactions.''.

SA 3990. Mr. LIEBERMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 27, strike lines 11 through 19 and insert the following:

(C) monitor the financial services marketplace in order to identify potential threats to the financial stability of the United States, including any threats posed by foreign countries or non-state actors who may attempt to disrupt the United States financial markets;

(D) facilitate information sharing and coordination among the member agencies and other Federal and State agencies regarding domestic financial services policy development, rulemaking, examinations, reporting requirements, enforcement actions, and potential threats to the financial stability of the United States;

SA 3991. Mr. FRANKEN (for himself, Mr. SCHUMER, Mr. NELSON of Florida, Mr. WHITEHOUSE, Mr. BROWN of Ohio, Mrs. MURRAY, Mr. MERKLEY, Mr. BINGAMAN, Mr. LAUTENBERG, Mrs. SHAHEEN, Mr. CASEY, Mr. WICKER, Mr. SANDERS, Mr. JOHNSON, Mr. KAUFMAN, Mr. GRASSLEY, Mr. DURBIN, Mr. HARKIN, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; as follows:

On page 1044, between lines 2 and 3, insert the following:

SEC. 939D. INITIAL CREDIT RATING ASSIGNMENTS.

Section 15E of the Securities Exchange Act of 1934 (15 U.S.C. 78o–7), as amended by this Act, is amended by adding at the end the following:

''(w) INITIAL CREDIT RATING ASSIGNMENTS.—

''(1) DEFINITIONS.—In this subsection the following definitions shall apply:

''(A) BOARD.—The term 'Board' means the Credit Rating Agency Board established under paragraph (2).

''(B) QUALIFIED NATIONALLY RECOGNIZED STATISTICAL RATING ORGANIZATION.—The term 'qualified nationally recognized statistical rating organization', with respect to a category of structured finance products, means a nationally recognized statistical rating organization that the Board determines, under paragraph (3)(B), to be qualified to issue initial credit ratings with respect to such category.

''(C) REGULATIONS.—

''(i) CATEGORY OF STRUCTURED FINANCE PRODUCTS.—

''(I) IN GENERAL.—The term 'category of structured finance products'—

''(aa) shall include any asset backed security and any structured product based on an asset-backed security; and

''(bb) shall be further defined and expanded by the Commission, by rule, as necessary.

''(II) CONSIDERATIONS.—In issuing the regulations required under subclause (I), the Commission shall consider—

''(aa) the types of issuers that issue structured finance products;

''(bb) the types of investors who purchase structured finance products;

''(cc) the different categories of structured finance products according to—

''(AA) the types of capital flow and legal structure used;

''(BB) the types of underlying products used; and

''(CC) the types of terms used in debt securities;

''(dd) the different values of debt securities; and

''(ee) the different numbers of units of debt securities that are issued together.

''(ii) REASONABLE FEE.—The Board shall issue regulations to define the term 'reasonable fee'.

''(2) CREDIT RATING AGENCY BOARD.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Restoring American Financial Stability Act of 2010, the Commission shall—

''(i) establish the Credit Rating Agency Board, which shall be a self-regulatory organization;

''(ii) subject to subparagraph (C), select the initial members of the Board; and

''(iii) establish a schedule to ensure that the Board begins assigning qualified nationally recognized statistical rating organizations to provide initial ratings not later than 1 year after the selection of the members of the Board.

''(B) SCHEDULE.—The schedule established under subparagraph (A)(iii) shall prescribe when—

''(i) the Board will conduct a study of the securitization and ratings process and provide recommendations to the Commission;

''(ii) the Commission will issue rules and regulations under this section;

''(iii) the Board may issue rules under this subsection; and

''(iv) the Board will—

''(I) begin accepting applications to select qualified national recognized statistical rating organizations; and

''(II) begin assigning qualified national recognized statistical rating organizations to provide initial ratings.

''(C) MEMBERSHIP.—

''(i) IN GENERAL.—The Board shall initially be composed of an odd number of members selected from the industry, with the total numerical membership of the Board to be determined by the Commission.

''(ii) SPECIFICATIONS.—Of the members initially selected to serve on the Board—

''(I) not less than a majority of the members shall be representatives of the investor industry who do not represent issuers;

''(II) not less than 1 member should be a representative of the issuer industry;

''(III) not less than 1 member should be a representative of the credit rating agency industry; and

''(IV) not less than 1 member should be an independent member.

''(iii) TERMS.—Initial members shall be appointed by the Commission for a term of 4 years.

''(iv) NOMINATION AND ELECTION OF MEMBERS.—

''(I) IN GENERAL.—Prior to the expiration of the terms of office of the initial members, the Commission shall establish fair procedures for the nomination and election of future members of the Board.

''(II) MODIFICATIONS OF THE BOARD.—Prior to the expiration of the terms of office of the initial members, the Commission—

''(aa) may increase the size of the board to a larger odd number and adjust the length of future terms; and

''(bb) shall retain the composition of members described in clause (ii).

''(v) RESPONSIBILITIES OF MEMBERS.—Members shall perform, at a minimum, the duties described in this subsection.

''(vi) RULEMAKING AUTHORITY.—The Commission shall, if it determines necessary and appropriate, issue further rules and regulations on the composition of the membership of the Board and the responsibilities of the members.

''(D) OTHER AUTHORITIES OF THE BOARD.—The Board shall have the authority to levy fees from qualified nationally recognized statistical rating organization applicants, and periodically from qualified nationally recognized statistical rating organizations as necessary to fund expenses of the Board.

''(E) REGULATION.—The Commission has the authority to regulate the activities of the Board, and issue any further regulations of the Board it deems necessary, not in contravention with the intent of this section.

''(3) BOARD SELECTION OF QUALIFIED NATIONALLY RECOGNIZED STATISTICAL RATING ORGANIZATION.—

''(A) APPLICATION.—

''(i) IN GENERAL.—A nationally recognized statistical rating organization may submit an application to the Board, in such form and manner as the Board may require, to become a qualified nationally recognized statistical rating organization with respect to a category of structured finance products.

''(ii) CONTENTS.—An application submitted under clause (i) shall contain—

''(I) information regarding the institutional and technical capacity of the nationally recognized statistical rating organization to issue credit ratings;

''(II) information on whether the nationally recognized statistical rating organization has been exempted by the Commission from any requirements under any other provision of this section; and

''(III) any additional information the Board may require.

''(iii) REJECTION OF APPLICATIONS.—The Board may reject an application submitted under this paragraph if the nationally recognized statistical rating organization has been exempted by the Commission from any requirements under any other provision of this section.

''(B) SELECTION.—The Board shall select qualified national recognized statistical rating organizations with respect to each category of structured finance products from among nationally recognized statistical rating organizations that submit applications under subparagraph (A).

''(C) RETENTION OF STATUS AND OBLIGATIONS AFTER SELECTION.—An entity selected as a qualified nationally recognized statistical rating organization shall retain its status and obligations under the law as a nationally recognized statistical rating organization, and nothing in this subsection grants authority to the Commission or the Board to exempt qualified nationally recognized statistical rating organizations from obligations or requirements otherwise imposed by Federal law on nationally recognized statistical rating organizations

''(4) REQUESTING AN INITIAL CREDIT RATING.—An issuer that seeks an initial credit rating for a structured finance product—

''(A) may not request an initial credit rating from a nationally recognized statistical rating organization; and

''(B) shall submit a request for an initial credit rating to the Board, in such form and manner as the Board may prescribe.

''(5) ASSIGNMENT OF RATING DUTIES.—

''(A) IN GENERAL.—For each request received by the Board under paragraph (4)(B), the Board shall select a qualified nationally recognized statistical rating organization to provide the initial credit rating to the issuer.

''(B) METHOD OF SELECTION.—

''(i) IN GENERAL.—The Board shall—

''(I) evaluate a number of selection methods, including a lottery or rotating assignment system, incorporating the factors described in clause (ii), to reduce the conflicts of interest that exist under the issuer-pays model; and

''(II) prescribe and publish the selection method to be used under subparagraph (A).

''(ii) CONSIDERATION.—In evaluating a selection method described in clause (i)(I), the Board shall consider—

''(I) the information submitted by the qualified nationally recognized statistical rating organization under paragraph (3)(A)(ii) regarding the institutional and technical capacity of the qualified nationally recognized statistical rating organization to issue credit ratings;

''(II) evaluations conducted under paragraph (7);

''(III) formal feedback from institutional investors; and

''(IV) information from subclauses (I) and (II) to implement a mechanism which increases or decreases assignments based on past performance.

''(iii) PROHIBITION.—The Board, in choosing a selection method, may not use a method that would allow for the solicitation or consideration of the preferred national recognized statistical rating organizations of the issuer.

''(iv) ADJUSTMENT OF PROCESS.—The Board shall issue rules describing the process by which it can modify the assignment process described in clause (i).

''(C) RIGHT OF REFUSAL.—

''(i) REFUSAL.—A qualified nationally recognized statistical rating organization selected under subparagraph (A) may refuse to accept a selection for a particular request by—

''(I) notifying the Board of such refusal; and

''(II) submitting to the Board a written explanation of the refusal.

''(ii) SELECTION.—Upon receipt of a notification under clause (i), the Board shall make an additional selection under subparagraph (A).

''(iii) INSPECTION REPORTS.—The Board shall annually submit any explanations of refusals received under clause (i)(II) to the Commission, and such explanatory submissions shall be published in the annual inspection reports required under subsection (p)(3)(C).

''(6) DISCLAIMER REQUIRED.—Each initial credit rating issued under this subsection shall include, in writing, the following disclaimer: 'This initial rating has not been evaluated, approved, or certified by the Government of the United States or by a Federal agency.'.

''(7) EVALUATION OF PERFORMANCE.—

''(A) IN GENERAL.—The Board shall prescribe rules by which the Board will evaluate the performance of each qualified nationally recognized statistical rating organization, including rules that require, at a minimum, an annual evaluation of each qualified nationally recognized statistical rating organization.

''(B) CONSIDERATIONS.—The Board, in conducting an evaluation under subparagraph (A), shall consider—

''(i) the results of the annual examination conducted under subsection (p)(3);

''(ii) surveillance of credit ratings conducted by the qualified nationally recognized statistical rating organization after the credit ratings are issued, including—

''(I) how the rated instruments perform;

''(II) the accuracy of the ratings provided by the qualified nationally recognized statistical rating organization as compared to the other nationally recognized statistical rating organizations; and

''(III) the effectiveness of the methodologies used by the qualified nationally recognized statistical rating organization; and

''(iii) any additional factors the Board determines to be relevant.

''(C) REQUEST FOR REEVALUATION.—Subject to rules prescribed by the Board, and not less frequently than once a year, a qualified nationally recognized statistical rating organization may request that the Board conduct an evaluation under this paragraph.

''(D) DISCLOSURE.—The Board shall make the evaluations conducted under this paragraph available to Congress.

''(8) RATING FEES CHARGED TO ISSUERS.—

''(A) LIMITED TO REASONABLE FEES.—A qualified nationally recognized statistical rating organization shall charge an issuer a reasonable fee, as determined by the Commission, for an initial credit rating provided under this section.

''(B) FEES.—Fees may be determined by the qualified national recognized statistical rating organizations unless the Board determines it is necessary to issue rules on fees.

''(9) NO PROHIBITION ON ADDITIONAL RATINGS.—Nothing in this section shall prohibit an issuer from requesting or receiving additional credit ratings with respect to a debt security, if the initial credit rating is provided in accordance with this section.

''(10) NO PROHIBITION ON INDEPENDENT RATINGS OFFERED BY NATIONALLY RECOGNIZED STATISTICAL RATING ORGANIZATIONS.—

''(A) IN GENERAL.—Nothing in this section shall prohibit a nationally recognized statistical rating organization from independently providing a credit rating with respect to a debt security, if—

''(i) the nationally recognized statistical rating organization does not enter into a contract with the issuer of the debt security to provide the initial credit rating; and

''(ii) the nationally recognized statistical rating organization is not paid by the issuer of the debt security to provide the initial credit rating.

''(B) RULE OF CONSTRUCTION.—For purposes of this section, a credit rating described in subparagraph (A) may not be construed to be an initial credit rating.

''(11) PUBLIC COMMUNICATIONS.—Any communications made with the public by an issuer with respect to the credit rating of a debt security shall clearly specify whether the credit rating was made by—

''(A) a qualified nationally recognized statistical rating organization selected under paragraph (5)(A) to provide the initial credit rating for such debt security; or

''(B) a nationally recognized statistical rating organization not selected under paragraph (5)(A).

''(12) PROHIBITION ON MISREPRESENTATION.—With respect to a debt security, it shall be unlawful for any person to misrepresent any subsequent credit rating provided for such debt security as an initial credit rating provided for such debt security by a qualified nationally recognized statistical rating organization selected under paragraph (5)(A).

''(13) INITIAL CREDIT RATING REVISION AFTER MATERIAL CHANGE IN CIRCUMSTANCE.—If the Board determines that it is necessary or appropriate in the public interest or for the protection of investors, the Board may issue regulations requiring that an issuer that has received an initial credit rating under this subsection request a revised initial credit rating, using the same method as provided under paragraph (4), each time the issuer experiences a material change in circumstances, as defined by the Board.

''(14) CONFLICTS.—

''(A) MEMBERS OR EMPLOYEES OF THE BOARD.—

''(i) LOAN OF MONEY OR SECURITIES PROHIBITED.—

''(I) IN GENERAL.—A member or employee of the Board shall not accept any loan of money or securities, or anything above nominal value, from any nationally recognized statistical rating organization, issuer, or investor.

''(II) EXCEPTION.—The prohibition in subclause (I) does not apply to a loan made in the context of disclosed, routine banking and brokerage agreements, or a loan that is clearly motivated by a personal or family relationship.

''(ii) EMPLOYMENT NEGOTIATIONS PROHIBITION.—A member or employee of the Board shall not engage in employment negotiations with any nationally recognized statistical rating organization, issuer, or investor, unless the member or employee—

''(I) discloses the negotiations immediately upon initiation of the negotiations; and

''(II) recuses himself from all proceedings concerning the entity involved in the negotiations until termination of negotiations or until termination of his employment by the Board, if an offer of employment is accepted.

''(B) CREDIT ANALYSTS.—

''(i) IN GENERAL.—A credit analyst of a qualified nationally recognized statistical rating organization shall not accept any loan of money or securities, or anything above nominal value, from any issuer or investor.

''(ii) EXCEPTION.—The prohibition described in clause (i) does not apply to a loan made in the context of disclosed, routine banking and brokerage agreements, or a loan that is clearly motivated by a personal or family relationship.

''(15) EVALUATION OF CREDIT RATING AGENCY BOARD.—Not later than 5 years after the date that the Board begins assigning qualified nationally recognized statistical rating organizations to provide initial ratings, the Commission shall submit to Congress a report that provides recommendations of—

''(A) the continuation of the Board;

''(B) any modification to the procedures of the Board; and

''(C) modifications to the provisions in this subsection.''.

SA 3992. Mr. CRAPO proposed an amendment to amendment SA 3956 proposed by Ms. LANDRIEU (for herself, Mr. ISAKSON, Mrs. HAGAN, Mr. WARNER, and Mr. MENENDEZ) to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; as follows:

On page 1 of the amendment, strike line 3 and all that follows through page 3, line 7, and insert the following:

''(i) a portion of the credit risk for any asset that is transferred, sold, or conveyed through the issuance of an asset-backed security by the securitizer; or

''(ii) a reduced portion or no portion of the credit risk for an asset described in clause (i), if the originator of the asset meets the underwriting standards prescribed under paragraph (2)(B) or subsection (e)(4);

''(C) specify—

''(i) the permissible types, forms, and amounts of risk retention that would meet the requirements of subparagraph (B), including—

''(I) retention of—

''(aa) a specified amount or percentage of the total credit risk of the asset;

''(bb) the value of securities sold to investors; or

''(cc) the interest of the seller in revolving assets;

''(II) retention of the first-loss position by a third-party purchaser that specifically negotiates for the purchase of such first-loss position and provides due diligence on all individual assets in the pool before the issuance of the asset-backed securities;

''(III) a determination by a Federal banking agency or the Commission that the underwriting standards and controls of the originator are adequate for risk retention purposes; and

''(IV) provision of adequate representations and warranties and related enforcement mechanisms; and

''(ii) the minimum duration of the risk retention required under this section;

SA 3993. Ms. STABENOW (for herself and Mr. BROWN of Ohio) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 580, line 20, insert ''and involved in hedging activities related to'' after ''engaged in''.

On page 580, lines 24 and 25, strike ''only if the affiliate'' and insert ''as can affiliates''.

On page 581, line 1, strike ''uses'' and insert ''using''.

On page 582, between lines 6 and 7, insert the following:

''(iii) TRANSITION RULE.—

''(I) IN GENERAL.—An affiliate or a wholly owned entity of a commercial end user that is predominantly engaged in providing financing for the purchase of merchandise or manufactured goods of the commercial end user affiliate shall be exempt from the margin requirement described in section 4s(e) and the clearing requirement described in paragraph (1) with regard to swaps entered into to mitigate the risk of the financing activities for not less than a 3-year period beginning on the date of enactment of this clause.

''(II) AUTHORITY OF COMMISSION.—On the date on which the 3-year period described in subclause (I) ends, the Commission may extend the exemption described in that subclause for an additional 1-year period if the Commission determines the extension to be in the public interest and publishes in the Federal Register the order granting the extension (including each reason for the extension).''.

On page 653, line 22, strike ''and such counterparty'' and insert ''except if such counterparty''.

On page 653, line 23, strike ''and'' and insert ''and is''.

SA 3994. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1004, line 11, strike the period at the end and insert the following: ''.

SEC. 929D. PRIVATE CIVIL ACTION FOR AIDING AND ABETTING.

Section 20(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78t(e)) is amended—

(1) in the subsection heading, by striking ''PROSECUTION OF'' and inserting ''ACTIONS AGAINST'';

(2) by striking ''For purposes'' and inserting the following:

''(1) ACTIONS BROUGHT BY COMMISSION.—For purposes''; and

(3) by adding at the end the following:

''(2) PRIVATE CIVIL ACTIONS.—For purposes of any private civil action implied under this title, any person that knowingly provides substantial assistance to another person in violation of this title, or of any rule or regulation issued under this title, shall be deemed to be in violation of this title to the same extent as the person to whom such assistance is provided. For purposes of this paragraph, a person acts knowingly only if the person has actual knowledge of the improper conduct underlying the violation described in the preceding sentence and the role of the person in assisting such conduct.''.

SA 3995. Mr. BROWN of Ohio submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1304, between lines 5 and 6, insert the following:

(e) STUDY AND REPORT ON PRIVATE EDUCATION LOANS AND PRIVATE EDUCATIONAL LENDERS.—

(1) REPORT.—Not later than 2 years after the date of enactment of this Act, the Director and the Secretary of Education, in consultation with the Commissioners of the Federal Trade Commission and the Attorney General, shall submit a report to the Committee on Banking, Housing, and Urban Affairs and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Financial Services and the Committee on Education and Labor of the House of Representatives on private education loans and private educational lenders (as that term is defined in section 140 of the Truth in Lending Act (15 U.S.C. 1650)).

(2) CONTENT.—The report required by this subsection shall examine, at a minimum, the following:

(A) The growth and changes of the private education loan market in the United States.

(B) Factors influencing such growth and changes.

(C) The extent to which students and parents of students rely on private education loans to finance postsecondary education and the private education loan indebtedness of borrowers.

(D) The characteristics of private education loan borrowers, including—

(i) the types of institutions of higher education such borrowers attend;

(ii) socioeconomic characteristics (including income and education levels, racial characteristics, geographical background, age, and gender);

(iii) the other forms of financing borrowers use to pay for education;

(iv) whether borrowers exhaust their Federal loan options before taking out a private education loan;

(v) whether such borrowers are dependent or independent students (as determined under part F of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087kk)) or parents of such students;

(vi) whether such borrowers are students enrolled in a program leading to a certificate, license, or credential other than a degree, an associate's degree, a baccalaureate degree, or a graduate or professional degree; and

(vii) if practicable, employment and repayment behaviors.

(E) The characteristics of private educational lenders, including whether such lenders are for-profit, nonprofit, or institutions of higher education.

(F) The underwriting criteria used by private educational lenders, including the use of the cohort default rate (as such term is defined in section 435(m) of the Higher Education Act of 1965 (20 U.S.C. 1085(m)).

(G) The terms, conditions, and pricing of private education loans.

(H) The consumer protections available to private education loan borrowers, including the effectiveness of existing disclosures and requirements and borrowers' awareness and understanding about terms and conditions of various financial products.

(I) Whether Federal regulators and the public have access to information—

(i) sufficient to provide them with assurances that private education loans are provided in accord with the fair lending laws of the United States; and

(ii) that allows public officials to determine lenders' compliance with fair lending laws.

(J) Any statutory or legislative recommendations necessary to improve consumer protections for private education loan borrowers and to better enable Federal regulators and the public to ascertain private educational lender compliance with fair lending laws.

SA 3996. Mr. COBURN (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed to amendment SA 3775 submitted by Mr. WYDEN (for himself and Mr. GRASSLEY) and intended to be proposed to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

SEC. _____. STOP SECRET SPENDING ACT.

(a) SHORT TITLE.—This section may be cited as the ''Stop Secret Spending Act''.

(b) NOTICE REQUIREMENT.—In the Senate, legislation that has been subject to a hotline notification may not pass by unanimous consent unless the hotline notification has been posted on the public website of the Senate for at least 3 calendar days as provided in subsection (c).

(c) POSTING ON SENATE WEBPAGE.—At the same time as a hotline notification occurs with respect to any legislation, the Majority Leader shall post in a prominent place on the public webpage of the Senate a notice that the legislation has been hotlined and the legislation's number, title, link to full text, and sponsor and the estimated cost to implement and the number of new programs created by the legislation.

(d) LEGISLATIVE CALENDAR.—

(1) IN GENERAL.—The Secretary of the Senate shall establish for both the Senate Calendar of Business and the Senate Executive Calendar a separate section entitled ''Notice of Intent To Pass by Unanimous Consent''.

(2) CONTENT.—The section required by paragraph (1) shall—

(A) include any legislation posted as required by subsection (c) and the date the hotline notification occurred; and

(B) be updated as appropriate.

(3) REMOVAL.—Items included on the calendar under this subsection shall be removed from the calendar once passed by the Senate.

(e) EXCEPTIONS.—This section shall not apply—

(1) if a quorum of the Senate is present at the time the unanimous consent is propounded to pass the bill;

(2) to any legislation relating to an imminent or ongoing emergency, as jointly agreed to by the Majority and Minority Leaders; and

(3) to nominations.

(f) SUSPENSION.—The Presiding Officer shall not entertain any request to suspend this section by unanimous consent.

(g) HOTLINE NOTIFICATION DEFINED.—In this section, the term ''hotline notification'' means when the Majority Leader in consultation with the Minority Leader, provides notice of intent to pass legislation by unanimous consent by contacting each Senate office with a message on a special alert line (commonly referred to as the hotline) that provides information on what bill or bills the Majority Leader is seeking to pass through unanimous consent.

SA 3997. Mr. BROWNBACK (for himself, Mr. FEINGOLD, Mr. DURBIN, Mr. SPECTER, Mr. BROWN of Ohio, Mr. JOHNSON, Mr. WHITEHOUSE, Mr. LAUTENBERG, Mrs. BOXER, and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1565, after line 23, add the following:

TITLE XIII—CONGO CONFLICT MINERALS

SEC. 1301. SENSE OF CONGRESS ON EXPLOITATION AND TRADE OF COLUMBITE-TANTALITE, CASSITERITE, GOLD, AND WOLFRAMITE ORIGINATING IN DEMOCRATIC REPUBLIC OF CONGO.

It is the sense of Congress that the exploitation and trade of columbite-tantalite, cassiterite, gold, and wolframite in the eastern Democratic Republic of Congo is helping to finance extreme levels of violence in the eastern Democratic Republic of Congo, particularly sexual and gender-based violence, and contributing to an emergency humanitarian situation therein, warranting the provisions of section 13(o) of the Securities Exchange Act of 1934, as added by section 1302.

SEC. 1302. DISCLOSURE TO SECURITIES AND EXCHANGE COMMISSION RELATING TO COLUMBITE-TANTALITE, CASSITERITE, GOLD, AND WOLFRAMITE ORIGINATING IN DEMOCRATIC REPUBLIC OF CONGO.

Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m), as amended by section 763 of this Act, is further amended by adding at the end the following new subsection:

''(o) DISCLOSURES TO COMMISSION RELATING TO COLUMBITE-TANTALITE, CASSITERITE, GOLD, AND WOLFRAMITE ORIGINATING IN DEMOCRATIC REPUBLIC OF CONGO.—

''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this subsection, the Commission shall promulgate rules requiring any person described in paragraph (2)—

''(A) to disclose annually to the Commission in a report—

''(i) whether the columbite-tantalite, cassiterite, gold, or wolframite that was necessary as described in paragraph (2)(A)(ii) in the year for which such report is submitted originated or may have originated in the Democratic Republic of Congo or an adjoining country; and

''(ii) a description of the measures taken by the person, which may include an independent audit, to exercise due diligence on the source and chain of custody of such columbite-tantalite, cassiterite, gold, or wolframite, or derivatives of such minerals, in order to ensure that the activities of such person that involve such minerals or derivatives did not directly or indirectly finance or benefit armed groups in the Democratic Republic of Congo or an adjoining country; and

''(B) make the information disclosed under subparagraph (A) available to the public on the Internet website of the person.

''(2) PERSON DESCRIBED.—

''(A) IN GENERAL.—A person is described in this paragraph if—

''(i) the person is required to file reports to the Commission under subsection (a)(2); and

''(ii) columbite-tantalite, cassiterite, gold, or wolframite is necessary to the functionality or production of a product manufactured by such person.

''(B) DERIVATIVES.—For purposes of this paragraph, if a derivative of a mineral is necessary to the functionality or production of a product manufactured by a person, such mineral shall also be considered necessary to the functionality or production of a product manufactured by the person.

''(3) REVISIONS AND WAIVERS.—The Commission shall revise or temporarily waive the requirements described in paragraph (1) if the President determines that such revision or waiver is in the public interest.

''(4) TERMINATION OF DISCLOSURE REQUIREMENTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the requirements of paragraph (1) shall terminate on the date that is 5 years after the date of the enactment of this subsection.

''(B) EXTENSION BY SECRETARY OF STATE.—The date described in subparagraph (A) shall be extended by 1 year for each year in which the Secretary of State certifies that armed parties to the ongoing armed conflict in the Democratic Republic of Congo or adjoining countries continue to be directly involved and benefitting from commercial activity involving columbite-tantalite, cassiterite, gold, or wolframite.

''(5) ADJOINING COUNTRY DEFINED.—In this subsection, the term 'adjoining country', with respect to the Democratic Republic of Congo, means a country that shares an internationally recognized border with the Democratic Republic of Congo.''.

SEC. 1303. REPORT.

Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that includes the following:

(1) An assessment of the effectiveness of section 13(o) of the Securities Exchange Act of 1934, as added by section 1302, in promoting peace and security in the eastern Democratic Republic of Congo.

(2) A description of the problems, if any, encountered by the Securities and Exchange Commission in carrying out the provisions of such section 13(o).

(3) A description of the adverse impacts of carrying out the provisions of such section 13(o), if any, on communities in the eastern Democratic Republic of Congo.

(4) Recommendations for legislative or regulatory actions that can be taken—

(A) to improve the effectiveness of the provisions of such section 13(o) to promote peace and security in the eastern Democratic Republic of Congo;

(B) to resolve the problems described pursuant to paragraph (2), if any; and

(C) to mitigate the adverse impacts described pursuant paragraph (3), if any.

SA 3998. Mr. BUNNING submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1552, strike line 8 and all that follows through page 1553, line 6, and insert the following:

SEC. 1157. ACCOUNTABILITY, TRANSPARENCY, AND REFORMS.

(a) TERM LIMITS FOR THE CHAIRMAN AND VICE CHAIRMEN.—The third sentence of the second undesignated paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 242), as amended by section 1158(a)(1) of this Act, is amended by inserting before the period at the end the following: '', provided that no person shall be designated to serve as Chairman of the Board more than twice and no person shall be designated to serve as a Vice Chairman of the Board more than twice''.

(b) FEDERAL RESERVE ACT EMERGENCY LENDING AUTHORITY.—The third undesignated paragraph of section 13 of the Federal Reserve Act (12 U.S.C. 343) (relating to emergency lending authority), as amended by section 1151 of this Act, is amended by inserting ''and the majority of the presidents or first vice presidents of the Federal reserve banks'' after ''not less than five members''.

(c) STAFF FOR MEMBERS OF THE BOARD OF GOVERNORS.—Section 11(l) of the Federal Reserve Act (12 U.S.C. 248(l)) is amended in the first sentence by inserting '', including independent staff for each member of the Board'' before the period at the end.

(d) FEDERAL OPEN MARKET COMMITTEE.—Section 12A(a) of the Federal Reserve Act (12 U.S.C. 263(a)) is amended by striking ''five representatives'' and all that follows and inserting ''the presidents or first vice presidents of the Federal reserve banks. Any action of the Committee shall require approval by a majority of the presidents or first vice presidents of the Federal reserve banks and a majority of the members of the Board of Governors of the Federal Reserve System. The Chairman of the Board of Governors of the Federal Reserve System shall not cast a vote except in the case of a tie. Each member of the Committee shall have the right to debate and be accompanied by staff. At the first meeting of each calendar year, the Committee shall elect a Chairman and Vice Chairman. The Chairman and Vice Chairman may not both be members of the Board of Governors of the Federal Reserve System and a member of the Committee may not be elected to consecutive terms as Vice Chairman. The meetings of the Committee shall be held at Washington, District of Columbia, at least 4 times each year, upon the call of the chairman of the Board of Governors of the Federal Reserve System or at the request of any 3 members of the Committee.''.

(e) MONETARY POLICY TO BE CONDUCTED BY THE FEDERAL OPEN MARKET COMMITTEE.—Section 19(b)(12)(A) of the Federal Reserve Act (12 U.S.C. 461(b)(12)(A)) is amended by striking ''not to exceed the general level of short-term interest rates'' and inserting ''determined by the Federal Open Market Committee''.

(f) TRANSPARENCY; SUNSHINE ACT APPLIES TO THE FEDERAL RESERVE.—Section 552b of title 5, United States Code, is amended—

(1) in subsection (a)(1), by inserting ''the Board of Governors of the Federal Reserve System, the Federal Open Market Committee, and'' after ''means'';

(2) in subsection (f)—

(A) in paragraph (1), by striking ''each meeting,'' and all that follows and inserting ''each meeting.''; and

(B) in paragraph (2)—

(i) by striking ''transcript, electronic recording, or minutes (as required by paragraph (1))'' and inserting ''transcript or electronic recording'';

(ii) by striking ''of such transcript, or minutes,'' and inserting ''of such transcript'';

(iii) by striking '', a complete copy of the minutes,''; and

(iv) by adding before the period at the end '', except that the Board of Governors of the Federal Reserve System and the Federal Open Market Committee shall maintain such transcript or electronic recording permanently'';

(3) in subsection (k)—

(A) by striking ''transcripts, recordings, or minutes'' and inserting ''transcripts or recordings''; and

(B) by striking ''transcripts, recordings, and minutes'' and inserting ''transcripts and recordings''; and

(4) in subsection (m), by striking ''transcripts, recordings, or minutes'' and inserting ''transcripts or recordings''.

(g) PUBLIC ACCESS TO INFORMATION.—Section 2B of the Federal Reserve Act (12 U.S.C. 225b) is amended—

(1) in subsection (c), as added by section 1153 of this Act—

(A) in the matter preceding paragraph (1), by striking ''shall serve as a repository of information made available to the public for a reasonable period of time, not less than 6

months following the date of release of the relevant information, including—'' and inserting ''shall serve as a permanent repository of information made available to the public, which shall be made available on the webpage not later than 7 days after the date of release of the relevant information, including—'';

(B) in paragraph (3), by striking ''and'' at the end;

(C) by redesignating paragraph (4) as paragraph (6); and

(D) by adding at the end the following:

''(4) any audit of or report on the Board or the Federal Open Market Committee prepared by the Comptroller General of the United States;

''(5) the reports, minutes, transcripts, and other disclosures required under subsection (c); and'';

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

''(c) ADDITIONAL REPORTS AND DISCLOSURES.—

''(1) BOARD.—

''(A) IN GENERAL.—The Board shall make publicly available—

''(i) an announcement of any actions taken by the Board at any meeting, at the conclusion of such meeting, including the votes of members of the Board;

''(ii) minutes of any meeting, not later than 30 days after the date of such meeting;

''(iii) transcripts of any meeting, not later than 1 year after the date of such meeting; and

''(iv) except as provided in subparagraph (B)—

''(I) not later than 1 year after providing any loan or other financial assistance to any entity, a report that includes—

''(aa) the justification for the exercise of authority to provide such assistance;

''(bb) the identity of the recipients of such assistance;

''(cc) the date and amount of the assistance, and the form in which the assistance was provided; and

''(dd) the material terms of the assistance, including—

''(AA) the duration;

''(BB) the collateral pledged and the value thereof;

''(CC) all interest, fees, and other revenue or items of value to be received in exchange for the assistance;

''(DD) any requirements imposed on the recipient with respect to employee compensation, distribution of dividends, or any other corporate decision in exchange for the assistance; and

''(EE) the expected costs to the United States of the assistance; and

''(II) 30 days after the date on which a report is made available under subclause (I), and every 30 days thereafter, written updates on—

''(aa) the value of collateral;

''(bb) the amount of interest, fees, and other revenue or items of value received in exchange for the assistance; and

''(cc) the expected or final cost to the United States of the assistance.

''(B) EXCEPTION.—If the Board, by the affirmative vote of not less than 5 members and the majority of the presidents or first vice presidents of the Federal reserve banks, determines that making the report required under subparagraph (A)(iv) publicly available at that time would not be in the public interest, public release of such report may be delayed by the Board for not more than 180 days, and, following a second such affirmative vote, for not more than 180 additional days, if the Board—

''(i) provides the report and any applicable updates required in subparagraph (A)(iv) to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives within the time periods specified in subparagraph (A)(iv); and

''(ii) makes publicly available a statement—

''(I) describing the report withheld;

''(II) explaining the reasons for the determination that release of such report is not in the public interest; and

''(III) including the votes of the members of the Board on such determination.

''(2) FOMC.—The Federal Open Market Committee shall make publicly available—

''(A) at the conclusion of any meeting an announcement of any actions taken by the Committee at such meeting, including the votes of members of the Committee;

''(B) minutes of any meeting, not later than 30 days after the date of such meeting;

''(C) transcripts of any meeting, not later than 1 year after the date of such meeting.''.

(h) AGE DISCRIMINATION.—Section 15(a) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(a)) is amended by striking ''and the Library of Congress'' and inserting ''the Library of Congress, the Board of Governors of the Federal Reserve System, and the Federal reserve banks''.

(i) REPORTS.—

(1) GAO REPORT ON MONETARY STATISTICS.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the use of monetary statistics of the Board of Governors.

(B) CONTENTS.—The report under subparagraph (A) shall examine the scientific validity of the measures used by the Board of Governors, the usefulness of the measures, potential changes to the measures, and potential alternatives and additions to the measures.

(C) CONSULTATION.—In preparing the report under subparagraph (A), the Comptroller General shall consult, at a minimum, with—

(i) current and former policy and economic experts of the Board of Governors, the Federal Open Market Committee, and the Federal reserve banks;

(ii) economic and statistical staff of other Federal agencies;

(iii) academic economists and statisticians;

(iv) economic and statistical practitioners; and

(v) experts from other governments and international organizations.

(2) FEDERAL OPEN MARKET COMMITTEE REPORT ON ADOPTING A MONETARY POLICY RULE.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Federal Open Market Committee shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the feasibility and desirability of setting a monetary policy rule or guidelines.

(B) CONTENTS.—The report under subparagraph (A) shall examine multiple methods of setting the rules or guidelines described in subparagraph (A) and include an analysis of how the rules or guidelines would provide for accountability in fulfilling the mandate of the Committee and the Board of Governors.

(C) PARTICIPATION.—All members of the Board of Governors and each president of a Federal reserve bank, regardless of voting status in the year in which the report is prepared, shall be entitled to participate in and comment on the report under subparagraph (A).

(j) EFFECT ON OTHER LAWS.—Other than as expressly provided in this Act, or an amendment made by this Act, nothing in this Act or an amendment made by this Act shall be construed to alter the public disclosure obligations of the Board of Governors, the Federal Open Market Committee, or the Federal reserve banks, including obligations under section 552 of title 5, United States Code (commonly known as ''the Freedom of Information Act''), or any other provision of law.

SA 3999. Mr. BUNNING submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1522, between lines 14 and 15, insert the following:

(2) by inserting ''and the majority of the presidents or first vice presidents of the Federal reserve banks'' after ''not less than five members'';

On page 1522, line 15, strike ''(2)'' and insert ''(3)''.

On page 1522, line 19, strike ''(3)'' and insert ''(4)''.

On page 1522, line 22, strike ''(4)'' and insert ''(5)''.

On page 1523, line 1, strike ''(5)'' and insert ''(6)''.

On page 1523, line 4, strike ''(6)'' and insert ''(7)''.

On page 1533, strike lines 7 through 13 and insert the following:

''(c) ADDITIONAL REPORTS AND DISCLOSURES.—

''(1) BOARD.—

''(A) IN GENERAL.—The Board shall make publicly available—

''(i) an announcement of any actions taken by the Board at any meeting, at the conclusion of such meeting, including the votes of members of the Board;

''(ii) minutes of any meeting, not later than 30 days after the date of such meeting;

''(iii) transcripts of any meeting, not later than 1 year after the date of such meeting; and

''(iv) except as provided in subparagraph (B)—

''(I) not later than 1 year after providing any loan or other financial assistance to any entity, a report that includes—

''(aa) the justification for the exercise of authority to provide such assistance;

''(bb) the identity of the recipients of such assistance;

''(cc) the date and amount of the assistance, and the form in which the assistance was provided; and

''(dd) the material terms of the assistance, including—

''(AA) the duration;

''(BB) the collateral pledged and the value thereof;

''(CC) all interest, fees, and other revenue or items of value to be received in exchange for the assistance;

''(DD) any requirements imposed on the recipient with respect to employee compensation, distribution of dividends, or any other corporate decision in exchange for the assistance; and

''(EE) the expected costs to the United States of the assistance; and

''(II) 30 days after the date on which a report is made available under subclause (I), and every 30 days thereafter, written updates on—

''(aa) the value of collateral;

''(bb) the amount of interest, fees, and other revenue or items of value received in exchange for the assistance; and

''(cc) the expected or final cost to the United States of the assistance.

''(B) EXCEPTION.—If the Board, by the affirmative vote of not less than 5 members and the majority of the presidents or first vice presidents of the Federal reserve banks, determines that making the report required under subparagraph (A)(iv) publicly available at that time would not be in the public interest, public release of such report may be delayed by the Board for not more than 180 days, and, following a second such affirmative vote, for not more than 180 additional days, if the Board—

''(i) provides the report and any applicable updates required in subparagraph (A)(iv) to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives within the time periods specified in subparagraph (A)(iv); and

''(ii) makes publicly available a statement—

''(I) describing the report withheld;

''(II) explaining the reasons for the determination that release of such report is not in the public interest; and

''(III) including the votes of the members of the Board on such determination.

''(2) FOMC.—The Federal Open Market Committee shall make publicly available—

''(A) at the conclusion of any meeting an announcement of any actions taken by the Committee at such meeting, including the votes of members of the Committee;

''(B) minutes of any meeting, not later than 30 days after the date of such meeting;

''(C) transcripts of any meeting, not later than 1 year after the date of such meeting.

''(d) PUBLIC ACCESS TO INFORMATION.—The Board shall place on its home Internet website, a link entitled 'Audit', which shall link to a webpage that shall serve as a permanent repository of information made available to the public, which shall be made available on the webpage not later than 7 days after the date of release of the relevant information, including—

On page 1533, line 23, strike ''and''.

On page 1533, between lines 23 and 24, insert the following:

''(4) any audit of or report on the Board or the Federal Open Market Committee prepared by the Comptroller General of the United States;

''(5) the reports, minutes, transcripts, and other disclosures required under subsection (c); and

On page 1533, line 24, strike ''(4)'' and insert ''(6)''.

On page 1552, strike line 8 and all that follows through page 1553, line 6, and insert the following:

SEC. 1157. ACCOUNTABILITY, TRANSPARENCY, AND REFORMS.

(a) STAFF FOR MEMBERS OF THE BOARD OF GOVERNORS.—Section 11(l) of the Federal Reserve Act (12 U.S.C. 248(l)) is amended in the first sentence by inserting '', including independent staff for each member of the Board'' before the period at the end.

(b) FEDERAL OPEN MARKET COMMITTEE.—Section 12A(a) of the Federal Reserve Act (12 U.S.C. 263(a)) is amended by striking ''five representatives'' and all that follows and inserting ''the presidents or first vice presidents of the Federal reserve banks. Any action of the Committee shall require approval by a majority of the presidents or first vice presidents of the Federal reserve banks and a majority of the members of the Board of Governors of the Federal Reserve System. The Chairman of the Board of Governors of the Federal Reserve System shall not cast a vote except in the case of a tie. Each member of the Committee shall have the right to debate and be accompanied by staff. At the first meeting of each calendar year, the Committee shall elect a Chairman and Vice Chairman. The Chairman and Vice Chairman may not both be members of the Board of Governors of the Federal Reserve System and a member of the Committee may not be elected to consecutive terms as Vice Chairman. The meetings of the Committee shall be held at Washington, District of Columbia, at least 4 times each year, upon the call of the chairman of the Board of Governors of the Federal Reserve System or at the request of any 3 members of the Committee.''.

(c) MONETARY POLICY TO BE CONDUCTED BY THE FEDERAL OPEN MARKET COMMITTEE.—Section 19(b)(12)(A) of the Federal Reserve Act (12 U.S.C. 461(b)(12)(A)) is amended by striking ''not to exceed the general level of short-term interest rates'' and inserting ''determined by the Federal Open Market Committee''.

(d) TRANSPARENCY; SUNSHINE ACT APPLIES TO THE FEDERAL RESERVE.—Section 552b of title 5, United States Code, is amended—

(1) in subsection (a)(1), by inserting ''the Board of Governors of the Federal Reserve System, the Federal Open Market Committee, and'' after ''means'';

(2) in subsection (f)—

(A) in paragraph (1), by striking ''each meeting,'' and all that follows and inserting ''each meeting.''; and

(B) in paragraph (2)—

(i) by striking ''transcript, electronic recording, or minutes (as required by paragraph (1))'' and inserting ''transcript or electronic recording'';

(ii) by striking ''of such transcript, or minutes,'' and inserting ''of such transcript'';

(iii) by striking '', a complete copy of the minutes,''; and

(iv) by adding before the period at the end '', except that the Board of Governors of the Federal Reserve System and the Federal Open Market Committee shall maintain such transcript or electronic recording permanently'';

(3) in subsection (k)—

(A) by striking ''transcripts, recordings, or minutes'' and inserting ''transcripts or recordings''; and

(B) by striking ''transcripts, recordings, and minutes'' and inserting ''transcripts and recordings''; and

(4) in subsection (m), by striking ''transcripts, recordings, or minutes'' and inserting ''transcripts or recordings''.

(e) AGE DISCRIMINATION.—Section 15(a) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(a)) is amended by striking ''and the Library of Congress'' and inserting ''the Library of Congress, the Board of Governors of the Federal Reserve System, and the Federal reserve banks''.

(f) REPORTS.—

(1) GAO REPORT ON MONETARY STATISTICS.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the use of monetary statistics of the Board of Governors.

(B) CONTENTS.—The report under subparagraph (A) shall examine the scientific validity of the measures used by the Board of Governors, the usefulness of the measures, potential changes to the measures, and potential alternatives and additions to the measures.

(C) CONSULTATION.—In preparing the report under subparagraph (A), the Comptroller General shall consult, at a minimum, with—

(i) current and former policy and economic experts of the Board of Governors, the Federal Open Market Committee, and the Federal reserve banks;

(ii) economic and statistical staff of other Federal agencies;

(iii) academic economists and statisticians;

(iv) economic and statistical practitioners; and

(v) experts from other governments and international organizations.

(2) FEDERAL OPEN MARKET COMMITTEE REPORT ON ADOPTING A MONETARY POLICY RULE.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Federal Open Market Committee shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the feasibility and desirability of setting a monetary policy rule or guidelines.

(B) CONTENTS.—The report under subparagraph (A) shall examine multiple methods of setting the rules or guidelines described in subparagraph (A) and include an analysis of how the rules or guidelines would provide for accountability in fulfilling the mandate of the Committee and the Board of Governors.

(C) PARTICIPATION.—All members of the Board of Governors and each president of a Federal reserve bank, regardless of voting status in the year in which the report is prepared, shall be entitled to participate in and comment on the report under subparagraph (A).

(g) EFFECT ON OTHER LAWS.—Other than as expressly provided in this Act, or an amendment made by this Act, nothing in this Act or an amendment made by this Act shall be construed to alter the public disclosure obligations of the Board of Governors, the Federal Open Market Committee, or the Federal reserve banks, including obligations under section 552 of title 5, United States Code (commonly known as ''the Freedom of Information Act''), or any other provision of law.

On page 1554, line 2, after ''Supervision'' insert '', provided that no person shall be designated to serve as Chairman of the Board more than twice and no person shall be designated to serve as a Vice Chairman of the Board more than twice''.

SA 4000. Mr. KAUFMAN (for himself, Mr. GRASSLEY, and Mr. BROWN of Ohio) submitted an amendment intended to be proposed by him to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 728, between lines 3 and 4, insert the following:

SEC. 760. IMPROVED TRANSPARENCY.

(a) SECURITIES.—Section 11A(a)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78k-1(a)(1)) is amended by adding at the end the following:

''(E) Promoting transparency of all markets for securities through dissemination of quotations and orders to all brokers, dealers,

and investors, and minimizing, to the extent consistent with other purposes of this Act, conditions under which quotations and orders are hidden or selectively disseminated, will—

''(i) foster efficiency;

''(ii) enhance competition;

''(iii) increase the information available to brokers, dealers, and investors;

''(iv) facilitate the offsetting of investors' orders; and

''(v) contribute to best execution of such orders.''.

(b) COMMODITIES.—Section 3(b) of the Commodity Exchange Act (7 U.S.C. 5(b)) is amended—

(1) by striking ''and'' following ''customer assets;'';

(2) by striking the period at the end of the second sentence; and

(3) by adding at the end the following: ''; to promote transparency of all markets through dissemination of quotations and orders to all market participants and market professionals; and to minimize, to the extent consistent with other purposes of this Act, conditions under which quotations and orders are hidden or selectively disseminated. Furthering the purposes of this Act will foster efficiency, enhance competition, increase the information available to market participants, facilitate the offsetting of market participants' orders, and contribute to best execution of such orders.''.

SA 4001. Ms. LANDRIEU (for herself and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1047, strike line 4 and all that follows through page 1051, line 3, and insert the following:

''(i) not less than 5 percent of the credit risk for any asset—

''(I) that is not a qualified residential mortgage that is transferred, sold, or conveyed through the issuance of an asset-backed security by the securitizer; or

''(II) that is a qualified residential mortgage that is transferred, sold, or conveyed through the issuance of an asset-backed security by the securitizer, if 1 or more of the assets that collateralize the asset-backed security are not qualified residential mortgages; or

''(ii) less than 5 percent of the credit risk for an asset that is not a qualified residential mortgage that is transferred, sold, or conveyed through the issuance of an asset-backed security by the securitizer, if the originator of the asset meets the underwriting standards prescribed under paragraph (2)(B);

''(C) specify—

''(i) the permissible forms of risk retention for purposes of this section;

''(ii) the minimum duration of the risk retention required under this section; and

''(iii) that a securitizer is not required to retain any part of the credit risk for an asset that is transferred, sold or conveyed through the issuance of an asset-backed security by the securitizer, if all of the assets that collateralize the asset-backed security are qualified residential mortgages;

''(D) apply, regardless of whether the securitizer is an insured depository institution; and

''(E) provide for—

''(i) a total or partial exemption of any securitization, as may be appropriate in the public interest and for the protection of investors; and

''(ii) the allocation of risk retention obligations between a securitizer and an originator in the case of a securitizer that purchases assets from an originator, as the Federal banking agencies and the Commission jointly determine appropriate.

''(2) ASSET CLASSES.—

''(A) ASSET CLASSES.—The regulations prescribed under subsection (b) shall establish asset classes with separate rules for securitizers of different classes of assets, including residential mortgages, commercial mortgages, commercial loans, auto loans, and any other class of assets that the Federal banking agencies and the Commission deem appropriate.

''(B) CONTENTS.—For each asset class established under subparagraph (A), the regulations prescribed under subsection (b) shall establish underwriting standards that specify the terms, conditions, and characteristics of a loan within the asset class that indicate a reduced credit risk with respect to the loan.

''(d) ORIGINATORS.—In determining how to allocate risk retention obligations between a securitizer and an originator under subsection (c)(1)(E)(ii), the Federal banking agencies and the Commission shall—

''(1) reduce the percentage of risk retention obligations required of the securitizer by the percentage of risk retention obligations required of the originator; and

''(2) consider—

''(A) whether the assets sold to the securitizer have terms, conditions, and characteristics that reflect reduced credit risk;

''(B) whether the form or volume of transactions in securitization markets creates incentives for imprudent origination of the type of loan or asset to be sold to the securitizer; and

''(C) the potential impact of the risk retention obligations on the access of consumers and businesses to credit on reasonable terms, which may not include the transfer of credit risk to a third party.

''(e) EXEMPTIONS, EXCEPTIONS, AND ADJUSTMENTS.—

''(1) IN GENERAL.—The Federal banking agencies and the Commission may jointly adopt or issue exemptions, exceptions, or adjustments to the rules issued under this section, including exemptions, exceptions, or adjustments for classes of institutions or assets relating to the risk retention requirement and the prohibition on hedging under subsection (c)(1).

''(2) APPLICABLE STANDARDS.—Any exemption, exception, or adjustment adopted or issued by the Federal banking agencies and the Commission under this paragraph shall—

''(A) help ensure high quality underwriting standards for the securitizers and originators of assets that are securitized or available for securitization; and

''(B) encourage appropriate risk management practices by the securitizers and originators of assets, improve the access of consumers and businesses to credit on reasonable terms, or otherwise be in the public interest and for the protection of investors.

''(3) FARM CREDIT SYSTEM INSTITUTIONS.—A Farm Credit System institution, including the Federal Agricultural Mortgage Corporation, that is chartered and subject to the provisions of the Farm Credit Act of 1971, as amended (12 U.S.C. 2001 et seq.), shall be exempt from the risk retention provisions of this subsection.

''(4) EXEMPTION FOR QUALIFIED RESIDENTIAL MORTGAGES.—

''(A) IN GENERAL.—The Federal banking agencies, the Commission, the Secretary of Housing and Urban Development, and the Director of the Federal Housing Finance Agency shall jointly issue regulations to exempt qualified residential mortgages from the risk retention requirements of this subsection.

''(B) QUALIFIED RESIDENTIAL MORTGAGE.—The Federal banking agencies, the Commission, the Secretary of Housing and Urban Development, and the Director of the Federal Housing Finance Agency shall jointly define the term 'qualified residential mortgage' for purposes of this subsection, taking into consideration underwriting and product features that historical loan performance data indicate result in a lower risk of default, such as—

''(i) documentation and verification of the financial resources relied upon to qualify the mortgagor;

''(ii) standards with respect to—

''(I) the residual income of the mortgagor after all monthly obligations;

''(II) the ratio of the housing payments of the mortgagor to the monthly income of the mortgagor;

''(III) the ratio of total monthly installment payments of the mortgagor to the income of the mortgagor;

''(iii) mitigating the potential for payment shock on adjustable rate mortgages through product features and underwriting standards;

''(iv) mortgage guarantee insurance obtained at the time of origination for loans with combined loan-to-value ratios of greater than 80 percent; and

''(v) prohibiting or restricting the use of balloon payments, negative amortization, prepayment penalties, interest-only payments, and other features that have been demonstrated to exhibit a higher risk of borrower default.

''(5) CONDITION FOR QUALIFIED RESIDENTIAL MORTGAGE EXEMPTION.—The regulations issued under paragraph (4) shall provide that an asset-backed security that is collateralized by tranches of other asset-backed securities shall not be exempt from the risk retention requirements of this subsection.

''(6) CERTIFICATION.—The Commission shall require an issuer to certify, for each issuance of an asset-backed security collateralized exclusively by qualified residential mortgages, that the issuer has evaluated the effectiveness of the internal supervisory controls of the issuer with respect to the process for ensuring that all assets that collateralize the asset-backed security are qualified residential mortgages.

SA 4002. Mr. LEVIN (for himself, Mr. KAUFMAN, and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROHIBITION ON NEGATIVELY AMORTIZING MORTGAGES.

(a) FINDINGS.—Congress finds the following:

(1) The 2008 financial crisis was caused, in part, by poor quality, high risk mortgages

that were included in mortgage-backed securities, and that incurred higher rates of delinquency and loss than traditional mortgages, damaging thousands of financial institutions holding the mortgages. Those poor quality, high risk mortgages included billions of dollars in negatively amortizing mortgages.

(2) Negative amortization of mortgage loans leads to increased monthly loan payments for borrowers, which, in turn, increases the risk of loan default. During the recent financial crisis, negatively amortized loans defaulted in record numbers, damaging financial institutions and other investors holding those assets.

(3) Years ago, Federal banking regulators banned negatively amortizing credit card loans as a threat to the safety and soundness of banking institutions.

(4) Federal financial regulators and Inspectors General have testified before Congress that negatively amortizing loans pose a threat to the safety and soundness of United States banks, and to the financial markets where these high risk mortgages are sold and securitized.

(b) PROHIBITION ON NEGATIVELY AMORTIZING MORTGAGES.—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by adding at the end following:

''(n) PROHIBITION ON NEGATIVELY AMORTIZING MORTGAGES.—

''(1) IN GENERAL.—Any person who sells, transfers, or plans to sell or transfer at least 1,000 mortgages, mortgage-backed securities, or similar financial instruments within a calendar year shall not include or reference in any of such financial instruments any mortgage in which the loan balance may negatively amortize.

''(2) APPLICABILITY.—This subsection does not apply to home equity conversion mortgages, as defined under section 255 of the National Housing Act (commonly referred to as 'reverse mortgages') that are otherwise regulated by a Federal or State agency.

''(3) RULE OF CONSTRUCTION.—As used in this section, the term 'mortgage' shall not be construed to be restricted or limited only to mortgages referred to in section 103(aa).''.

(c) EFFECTIVE DATE.—The requirements under subsection (n)(1) of section 129 of the Truth in Lending Act (as added by subsection (b)) shall take effect not later than 180 days after the date of the enactment of this Act.

SA 4003. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 19, strike line 16 and all that follows through page 21, line 22 and insert the following:

(4) NONBANK FINANCIAL COMPANY DEFINITIONS.—

(A) FOREIGN NONBANK FINANCIAL COMPANY.—The term ''foreign nonbank financial company'' means a company (other than a company that is, or is treated in the United States as, a bank holding company or a subsidiary thereof), that is—

(i) incorporated or organized in a country other than the United States; and

(ii) the consolidated revenues of which from activities that are financial in nature (as defined in section 4(k) of the Bank Holding Company Act of 1956) constitute 85 percent or more of the total consolidated revenues of such company.

(B) U.S. NONBANK FINANCIAL COMPANY.—The term ''U.S. nonbank financial company'' means a company (other than a bank holding company or a subsidiary thereof, or a Farm Credit System institution chartered and subject to the provisions of the Farm Credit Act of 1971 (12 U.S.C. 2001 et. seq.)), that is—

(i) incorporated or organized under the laws of the United States or any State; and

(ii) the consolidated revenues of which from activities that are financial in nature (as defined in section 4(k) of the Bank Holding Company Act of 1956) constitute 85 percent or more of the total consolidated revenues of such company.

(C) INCLUSION OF DEPOSITORY INSTITUTION REVENUES.—In determining whether a company is a financial company for purposes of this title, the consolidated revenues derived from the ownership or control of a depository institution shall be included.

(5) OFFICE OF FINANCIAL RESEARCH.—The term ''Office of Financial Research'' means the office established under section 152.

(6) SIGNIFICANT INSTITUTIONS.—The terms ''significant nonbank financial company'' and ''significant bank holding company'' have the meanings given those terms by rule of the Board of Governors.

(b) DEFINITIONAL CRITERIA.—The Board of Governors shall establish, by regulation, the criteria to determine, consistent with the requirements of subsection (a)(4), whether a company is substantially engaged in activities in the United States that are financial in nature (as defined in section 4(k) of the Bank Holding Company Act of 1956) for purposes of the definitions of the terms ''U.S. nonbank financial company'' and ''foreign nonbank financial company'' under subsection (a)(4).

SA 4004. Mr. LEVIN (for himself, Mr. KAUFMAN, and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROHIBITION ON NEGATIVELY AMORTIZING MORTGAGES.

(a) PROHIBITION ON NEGATIVELY AMORTIZING MORTGAGES.—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by adding at the end following:

''(n) PROHIBITION ON NEGATIVELY AMORTIZING MORTGAGES.—

''(1) IN GENERAL.—Any person who sells, transfers, or plans to sell or transfer at least 1,000 mortgages, mortgage-backed securities, or similar financial instruments within a calendar year shall not include or reference in any of such financial instruments any mortgage in which the loan balance may negatively amortize.

''(2) APPLICABILITY.—This subsection does not apply to home equity conversion mortgages, as defined under section 255 of the National Housing Act (commonly referred to as 'reverse mortgages') that are otherwise regulated by a Federal or State agency.

''(3) RULE OF CONSTRUCTION.—As used in this section, the term 'mortgage' shall not be construed to be restricted or limited only to mortgages referred to in section 103(aa).''.

(b) EFFECTIVE DATE.—The requirements under subsection (n)(1) of section 129 of the Truth in Lending Act (as added by subsection (b)) shall take effect not later than 180 days after the date of the enactment of this Act.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that the hearing scheduled before the Senate Committee on Energy and Natural Resources on Tuesday, May 18, 2010, will now be held in room SR–325 of the Russell Senate Office Building at 11 a.m.

The purpose is to receive testimony from the Administration on issues related to offshore oil and gas exploration including the accident involving the Deepwater Horizon in the Gulf of Mexico.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to Abigail_Campbell@energy.senate.gov.

For further information, please contact Linda Lance or Abigail Campbell.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks. The hearing will be held on Wednesday, May 19, 2010, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills:

S. 349, to establish the Susquehanna Gateway National Heritage Area in the State of Pennsylvania, and for other purposes;

S. 1596, to authorize the Secretary of the Interior to acquire the Gold Hill Ranch in Coloma, California;

S. 1651, to modify a land grant patent issued by the Secretary of the Interior;

S. 1750, to authorize the Secretary of the Interior to conduct a special resource study of the General of the Army George Catlett Marshall National Historic Site at Dodona Manor in Leesburg, Virginia, and for other purposes;

S. 1801, to establish the First State National Historical Park in the State of Delaware, and for other purposes;

S. 1802 and H.R. 685, to require a study of the feasibility of establishing the United States Civil Rights Trail System, and for other purposes;

S. 2953 and H.R. 3388, to modify the boundary of Petersburg National Battlefield in the Commonwealth of Virginia, and for other purposes;

S. 2976, to designate as wilderness certain land and inland water within the Sleeping Bear Dunes National Lakeshore in the State of Michigan, and for other purposes;

S. 3159 and H.R. 4395, to amend Public Law 101–377 to revise the boundaries of the Gettysburg National Military Park to include the Gettysburg Train Station, and for other purposes;

S. 3168, to authorize the Secretary of the Interior to acquire certain non-Federal land in the State of Pennsylvania for inclusion in the Fort Necessity National Battlefield; and

S. 3303, to establish the Chimney Rock National Monument in the State of Colorado.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to testimony@energy.senate.gov.

For further information, please contact David Brooks or Allison Seyferth.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DURBIN. 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 May 12, 2010, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 12, 2010, at 10:30 a.m., to hold a hearing entitled, ''Sudan: A Critical Moment for the CPA, Darfur and the Region.''

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DURBIN. 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 May 12, 2010, at 10 a.m. to conduct a hearing entitled, ''Iran Sanctions: Why Does the U.S. Government Do Business With Companies Doing Business in Iran?''

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

AD HOC SUBCOMMITTEE ON DISASTER RECOVERY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Disaster Recovery of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on May 12, 2010, at 2:30 p.m. to conduct a hearing entitled, ''Stafford Act Reform: Sharper Tools for a Smarter Recovery.''

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

SUBCOMMITTEE ON PERSONNEL

Mr. DURBIN. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on May 12, 2010, at 10 a.m.

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

SUBCOMMITTEE ON TERRORISM AND HOMELAND SECURITY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee of the Judiciary, Subcommittee on Terrorism and Homeland Security, be authorized to meet during the session of the Senate on May 12, 2010, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled, ''The Espionage Statutes: A Look Back and A Look Forward.''

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

PRIVILEGES OF THE FLOOR

Mr. DURBIN. Mr. President, on behalf of Senator BINGAMAN, I ask unanimous consent that the privilege of the floor be granted to Kevin Huyler, a fellow with the staff of the Committee on Energy and Natural Resources, for the pendency of S. 3217 and any votes thereupon.

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

NATIONAL NURSES WEEK

Mr. DODD. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 522, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 522) recognizing National Nurses Week.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 522) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 522

Whereas since 1990, National Nurses Week is celebrated annually from May 6, which is known as National Recognition Day for Nurses, through May 12, which is the birthday of Florence Nightingale, the founder of modern nursing;

Whereas National Nurses Week is a time of year to reflect on the important contributions that nurses make to provide safe, high-quality health care;

Whereas nurses are known to be patient advocates, acting fearlessly to protect the lives of those under their care;

Whereas nurses represent the largest single component of the health care profession with 3,100,000 jobs;

Whereas nurses are experienced researchers, and their work encompasses a wide scope of scientific inquiry, including clinical research, health systems and outcomes research, and nursing education research;

Whereas nurses are well positioned to provide leadership to eliminate health care disparities that exist in the United States;

Whereas nurses help inform and educate the public to improve the practice of all nurses and, more importantly, the health and safety of the patients they care for;

Whereas survey data shows that enrollments in entry-level baccalaureate programs in nursing rose by 3.6 percent in 2009, and though this marks the ninth consecutive year of enrollment growth, the annual increase in student capacity in 4-year nursing programs has declined sharply since 2003 when enrollment was up by 16.6 percent;

Whereas nursing programs in the United States were forced to reject almost 119,000 qualified applicants according to the most recent survey of all prelicensure nursing programs;

Whereas according to the Bureau of Labor and Statistics, employment of registered nurses is expected to grow by 22 percent from 2008 to 2018, which is a much faster rate of growth than the average rate of growth for all occupations;

Whereas according to survey data, enrollment in doctoral nursing programs increased by more than 20 percent this year, signaling strong interest among students in careers as nursing scientists, faculty, primary care providers, and specialists;

Whereas expanding capacity in baccalaureate and graduate programs is critical to sustaining a healthy nursing workforce and providing patients with the best care possible;

Whereas the nationwide nursing shortage has caused dedicated nurses to work longer hours and care for more acutely ill patients;

Whereas nurse educators work on average more than 57 hours per week in order to ensure that each and every new registered nurse receives an excellent education, advancing excellence among the next generation of nurses;

Whereas nurses inform legislators on the education, retention, recruitment, and practice of all nurses and, more importantly, the health and safety of the patients they care for; and

Whereas increased Federal and State support is needed to enhance existing programs and create new programs to educate nursing students at all levels, to increase the number of faculty members to educate nursing students, to create clinical sites and have appropriately prepared nurses teach and train at those sites, to create educational opportunities to retain nurses in the profession, and to educate and train more nurse research scientists who can discover new nursing: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes National Nurses Week;

(2) supports the goals and ideals of National Nurses Week;

(3) acknowledges the importance of quality higher education in nursing, including baccalaureate and graduate programs, to meet the

needs of one of the fastest growing labor fields in the Nation; and

(4) supports the nurse capacity initiatives for institutions of higher education included in the Higher Education Opportunity Act.

HONORING DEEPWATER HORIZON CREW MEMBERS

Mr. DODD. I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 523 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 523) honoring the crew members who perished aboard the offshore oil rig, Deepwater Horizon, and extending the condolences of the Senate to the families and loved ones of the deceased crew members.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The resolution (S. Res. 523) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 523

Whereas oil and natural gas are necessary commodities for the United States;

Whereas a drill ship, the Deepwater Horizon, was drilling in 5,000 feet of water approximately 50 miles off the coast of Louisiana, in the Gulf of Mexico;

Whereas on April 20, 2010, a terrible explosion occurred aboard the Deepwater Horizon;

Whereas 126 men and women were on board the Deepwater Horizon at the time of the explosion;

Whereas 11 men remain missing, and are presumed dead;

Whereas 17 people were injured, 3 of them critically; and

Whereas the United States is greatly indebted to oil rig crewmen for the serious physical risks, difficult periods of separation from their families, and supremely challenging engineering tasks endured to produce much-needed energy for the Nation: Now, therefore, be it

Resolved, That the Senate—

(1) honors the crew members who perished aboard the offshore oil rig, Deepwater Horizon; and

(2) expresses sincere condolences to the families and loved ones of the deceased crew members.

ORDERS FOR THURSDAY, MAY 13, 2010

Mr. DODD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Thursday, May 13; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of S. 3217, Wall Street reform, and that the Senate recess from 1 p.m. until 2 p.m.

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

PROGRAM

Mr. DODD. Mr. President, we have eight amendments pending and Senators should expect rollcall votes throughout Thursday's session as we continue to process amendments on the Wall Street reform legislation.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DODD. If there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order.

There being no objection, the Senate, at 8:26 p.m., adjourned until Thursday, May 13, 2010, at 9:30 a.m.

DISCHARGED NOMINATION

The Senate Committee on Rules and Administration was discharged from further consideration of the following nomination by unanimous consent and the nomination was confirmed:

STEPHEN T. AYERS, OF MARYLAND, TO BE ARCHITECT OF THE CAPITOL FOR THE TERM OF TEN YEARS.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Wednesday, May 12, 2010:

CONGRESS OF THE UNITED STATES

STEPHEN T. AYERS, OF MARYLAND, TO BE ARCHITECT OF THE CAPITOL FOR THE TERM OF TEN YEARS.

DEPARTMENT OF JUSTICE

PARKER LOREN CARL, OF KENTUCKY, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF KENTUCKY FOR THE TERM OF FOUR YEARS.

GERALD SIDNEY HOLT, OF VIRGINIA, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF VIRGINIA FOR THE TERM OF FOUR YEARS.

ROBERT R. ALMONTE, OF TEXAS, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS.

JERRY E. MARTIN, OF TENNESSEE, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF TENNESSEE FOR THE TERM OF FOUR YEARS.

EXTENSIONS OF REMARKS

A TRIBUTE TO DONNA WISE

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. GUTHRIE. Madam Speaker, I rise today to honor Donna Wise, an outstanding coach, mentor and leader in the Commonwealth of Kentucky.

Donna, who is Campbellsville University's all-time winningest coach and a NAIA Hall of Famer, was inducted into the Kentucky Athletic Hall of Fame last month during a ceremony in Louisville.

With a record of 661 wins, nearly 71% of her games, Donna has been dedicated to the Campbellsville community and to her student-athletes for over 30 years. She has coached 23 NAIA All-Americans and helped lead her teams to 16 national tournaments and 17 regular season conference titles.

She has been named NAIA Coach of the Year three times and conference Coach of the Year seven times and continues to contribute so much to the university as the head of the Department of Human Performance.

Donna has been an inspiration and guide for generations of Campbellsville Lady Tigers. She truly deserves this recognition.

I ask my colleagues to join me in congratulating Donna on a successful and rewarding career and wish her nothing but the best in the years to come.

NATHAN T. WILSON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Nathan T. Wilson. Nathan is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 249, and earning the most prestigious award of Eagle Scout.

Nathan has been very active with his troop, participating in many scout activities. Over the many years Nathan has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Nathan has earned the rank of Foxman in the Tribe of Mic-O-Say. Nathan has also contributed to his community through his Eagle Scout project. Nathan oversaw the design and installation at the Weston Historical Museum of a display depicting the numerous links between Weston residents and the American Civil War.

Madam Speaker, I proudly ask you to join me in commending Nathan for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING KELSEY MAURA WAITE

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. GRIJALVA. Madam Speaker, I rise today to honor an extraordinary young lady from my hometown of Tucson, AZ. Her name is Miss Kelsey Maura Waite. Kelsey is deeply committed to environmental issues and I would like to recognize her for her efforts. At the age of 16, Kelsey has already been honored with over a dozen science-related awards. She has been invited not once but twice to compete at I–SWEEEP, the International Sustainable World (Energy, Engineering & Environment) Project Olympiad. In addition, she has received honors at both the Southern Arizona Regional Science and Engineering Fair and the statewide Arizona Science and Engineering Fair.

At her young age, Kelsey is already a role model for her peers. She has won over 30 science awards in high school alone and has traveled to dozens of countries to represent us with her science projects. She has always been a successful student and in kindergarten, won a trophy at a chess tournament that was taller than she was.

In 5th grade she was inspired by a teacher named Ms. Jadgeo. Many of us had teachers that pushed us in positive ways to our full potential, and for Kelsey it was Ms. Jadgeo. She changed Kelsey's life by assigning her very first science project.

Kelsey is more than just a good student—she is also a wonderful daughter, sister, and citizen. She attends both Sonoran Science Academy and Tucson Magnet High School. It was difficult for her parents to accommodate her attending two different schools that are quite distant from each other. Kelsey took it upon herself to find a job at a local grocery store to be able to pay for her gas, and now wakes up at 5:00 a.m. on Saturday and Sunday each weekend to put in the hours she needs. She is an admirable young lady that deserves our respect and our support. We need to encourage students like Kelsey and support their education because they are the future of our country. They will be tomorrow's experts on environmental and other issues that we cannot afford to ignore.

I ask to recognize Miss Kelsey Waite for her dedication to her education, her family and her community.

HONORING DR. JUDITH C. RODRIGUEZ AS THE NEW PRESIDENT OF THE AMERICAN DIETETIC ASSOCIATION FOR 2010–2011

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. CRENSHAW. Madam Speaker, I would like to bring to my colleagues' attention the installation next month of one of my constituents, Dr. Judith C. Rodriguez, PhD, RD, FADA, a professor at the University of North Florida, as President of the American Dietetic Association for 2010–11.

Founded in 1917, ADA is the world's largest organization of food and nutrition health professionals, and is committed to improving the nation's health and advancing the dietetics profession through research, education and advocacy. Approximately three-fourths of ADA's nearly 70,000 members are registered dietitians. Other members include dietetic technicians registered, educators, researchers and students. Nearly half of the membership holds advanced academic degrees. ADA members serve throughout our nation's healthcare system, in nonprofit organizations, schools, correctional facilities, and government and community organizations. They can also be found in the food industry, health clubs, weight management clinics, wellness centers and as consultants.

Dr. Rodriguez has had a rich academic career. Not only is she a professor in the Department of Nutrition and Dietetics at the University of North Florida, she has also chaired the department of public health, and served as director of the undergraduate program in dietetics and the master of science in health nutrition and dietetic programs. She was also project coordinator at Florida Community College and taught courses in food, nutrition and health at several colleges and universities around the country.

Dr. Rodriguez is a prolific author with three food and nutrition books to her credit over the last six years. These include the Latino Food Lover's Glossary and The Diet Selector and Contemporary Nutrition for Latinos. She has received numerous awards, including the 2008 Women of Color Cultural Foundation Award, the 2003 Hispanics Achieving Community Excellence Award, and from her peers in the Florida Dietetic Association, the Distinguished Dietitian Award in 2001. She has also held numerous leadership positions within ADA and currently serves as a peer reviewer for the Journal of the American Dietetic Association.

Dr. Rodriguez earned bachelor and master's degrees in nutrition and higher education from New York University, and a doctorate in cultural anthropology from Rutgers University.

I know the House will join me in extending congratulations to Dr. Judith Rodriguez as she assumes the leadership of the American Dietetic Association on June 1. Those of us who have worked with professionals in the nutrition and dietetics community look forward to the expertise she and her colleagues will provide during her year-long term on such issues as obesity, wellness and healthful eating habits.

IN RECOGNITION OF THE 90TH BIRTHDAY OF MARVIN C. HARDY

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. ROGERS of Alabama. Madam Speaker, I would like to request the House's attention today to pay recognition to a special day in the life of Mr. Marvin C. Hardy of Sylacauga, Alabama.

Mr. Hardy was born on May 2, 1920 in Coosa County. He attended schools in Coosa County and graduated from American High School in Chicago, Illinois. He spent his early years working on the family farm and later worked two years at Alabama Dry Docks in Mobile as a Navy-certified welder before joining the Army in 1943.

Mr. Hardy is an American hero. He served in the 2nd Infantry Division during World War II, landing at Omaha Beach and fighting through the European Theater. He has been awarded the Purple Heart, Bronze Star, Combat Infantry badge, Unit Citation and Good Conduct medal.

After returning home from the war, he began working in construction. Later in his career, he took early retirement to pursue his dreams of owning his own building and construction firm. In his personal life, Mr. Hardy has been married to his wife, Florence, for 64 years. The Hardy's are blessed with two daughters, Susan Wilson and Sherry Starovasnik, and are the proud grandparents of 4 grandsons.

Mr. Hardy is a member of First Baptist Church in Sylacauga and has served in many ministries including Deacon, Building and Grounds committee, Carpenters for Christ, and Brotherhood.

He is an avid deer and turkey hunter as well as a fisherman. In addition to working with wood, he likes to garden and spend time with his family.

I wish Mr. Hardy a very happy 90th birthday.

NATIONAL WOMEN'S HEALTH WEEK

SPEECH OF

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2010

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to applaud the actions of the House of Representatives in recognizing the importance of women's health in our society. I am proud to be an original cosponsor of H. Con. Res. 268, which empowers women to make their health a top priority.

Mother's Day marked the start of National Women's Health Week. This observance is coordinated by the U.S. Department of Health and Human Services' Office on Women's Health. This resolution encourages women to take small steps to improve their health and reduce their risk for many diseases.

This resolution reaffirms the sense of the House that all women must have access to medical services and receive fair treatment. Many women have faced significant obstacles in caring for themselves and their families. This is why I voted with a majority of the House to pass health care reform. Health care reform has lowered costs for women, and prohibits insurance companies from overcharging because of gender or denying coverage because of a preexisting condition. Health care reform has improved women's access to medical services by requiring new health care plans to cover preventative care, routine screenings, and regular checkups.

During National Women's Health Week, it is important to encourage our wives, mothers, grandmothers, daughters, sisters, and aunts to make time to improve their health, and prevent disease. When women make their health a priority and take small, manageable steps to improve their health, the results can be significant and our entire nation benefits. The health of women is not just a women's issue, but an American issue that affects all of us.

May 10th was National Women's Checkup Day. I urge all women in my district, who have not done so already, to make an appointment with their health care professional. Also, I encourage the women in Georgia's Fourth District to take advantage of the educational events, workshops, and conferences taking place in Atlanta this week.

I encourage my colleagues to support this resolution which encourages women to take simple steps for a longer, healthier, and happier life.

IN HONOR OF MR. EDWARD BOWMAN, SR.

HON. CHRISTOPHER S. MURPHY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. MURPHY of Connecticut. Madam Speaker, I rise today in honor of the life of a great man and constituent, Mr. Edward Bowman, Sr. Mr. Bowman, of Cheshire, Connecticut, passed away on April 17, 2010 after a vigorous battle with cancer. He is survived by his eight children and twenty-five grandchildren.

If you know Cheshire, Connecticut, traffic jams aren't something we have to worry about every day. But on the day of his burial procession, Ed Bowman caused one heck of a traffic jam that virtually shut down Route 10. That is how beloved the man was to his family, his friends and his community. While not everyone at Mr. Bowman's funeral knew the man well, they certainly knew what he meant to their community and what a great loss his passing represented.

Ed Bowman was simply a giant in town, both in business and in charity. A devout Catholic, he lived his life in the true spirit of the Ignatian value of acting as a "man for others." Mr. Bowman came up from the bottom to eventually purchase and operate a successful business in Cheshire—White Bowman, Inc. While he was a good businessman, he was an even better volunteer and community cheerleader. If you volunteered at a St. Bridget food drive, Ed Bowman was probably packing grocery bags right next to you; if you thought kids in Cheshire needed more opportunities to participate in sports, Ed Bowman was probably chalking the ball field with you; and if you thought that more scholarships were needed to get more kids to college, Ed Bowman was right there next to you selling raffle tickets and hustling for donations.

And he did it all without asking for anything. One of his friends at the local Rotary remarked that Mr. Bowman wasn't a member of the Rotary because he wanted to attain any leadership position but because he simply believed in the organization and its mission of community service.

Edward Bowman is a rarity among us. His service to his family and community wasn't based on the need for appreciation and acclamation, but instead he served for the most noble of reasons—it was the right thing to do, because he was a man for others.

There is no other way to put it—Ed Bowman WAS Cheshire, and the Bowman family that he built IS Cheshire. In honor of Edward Bowman, Sr. and his lifetime of service to his family and community I ask that all Members of the House of Representatives join me in a moment of silence for one outstanding American.

HONORING MR. TIMOTHY P. SISSLER

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. SHUSTER. Madam Speaker, I rise today to honor Mr. Timothy P. Sissler, the President and Chief Executive Officer of Reliance Bank in Altoona. Mr. Sissler deserves recognition for his career and accomplishments, which have truly been an asset to his industry and community.

The story of Mr. Sissler's career is characterized by hard work and business acumen. He began as a management trainee with Mid-State Bank and Trust Company and then rose through its ranks. When he became the Director of Commercial Banking, Mr. Sissler assumed responsibility for a $750 million portfolio and over 100 officers and employees. He filled this position with such skill that the Central Bank of Hollidaysburg named Mr. Sissler as its President. Once again, Mr. Sissler's abilities proved up to his task, and while he was president, the bank produced double-digit deposit and loan growth. Since 2000, Mr. Sissler has served as president and Chief Executive Officer of Reliance Bank. As impressive as these career achievements are, Mr. Sissler also excels in other areas of the banking industry. He received an A.P. Giannini Public Speaking Award from the American Institute of Banking and coauthored an article for the Journal of Commercial Bank Lending. Furthermore, Mr. Sissler serves on the boards of several organizations, such as Mount Aloysius College and Pennsylvania Free Enterprise, and has been named a Fellow of Leadership, Blair County.

Timothy Sissler reminds us of the benefits hard work, diligence and integrity provide. With these characteristics, he has risen to the top of his field and provides responsible, positive leadership in the banking industry. I commend Mr. Sissler on his honorable achievements, and I look forward to many more.

HONORING U.S. NAVY CAPTAIN JOHN C. SCORBY, JR.

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. CRENSHAW. Madam Speaker, I rise today to honor U.S. Navy Captain John C. Scorby, Jr., the Commanding Officer of Naval Air Station Jacksonville in Florida, one of the nation's largest naval installations. Captain Scorby exemplifies the values of a committed naval officer and, I believe, you will agree when you hear his exceptional performance on a variety of levels.

NAS Jacksonville hosts over 117 tenant commands, 25,000 personnel and their families. As Commanding Officer, it was Captain Scorby's duty to provide oversight and to make sure everything ran like clockwork. For three years, Capt. Scorby was a dedicated leader to this key Navy installation.

A P–3 Orion pilot by trade, Jack Scorby has always seen the big picture. But like the radar on the P–3 Orion, he has the ability to zero in on the details that needed fine tuning and, thus, Jack made a great installation even better.

Captain Scorby set the highest standards for excellence and then led by example to reach and surpass those goals. Using his personality, skill, resourcefulness and the ability to manage and juggle priorities to meet the support needs of the fleet, the war fighter, and the family, Captain Scorby has upheld the highest traditions of the United States Navy. He was the catalyst behind NAS Jacksonville winning a plethora of awards including the Meritorious Unit Commendation, the Secretary of the Navy's and the Chief of Naval Operations' Safety Ashore awards for two consecutive years, and the Commander Navy Region Southeast's 2009 nominee for the Installation Excellence Award.

Under his watch, NAS Jacksonville underwent $350 million of facility construction and upgrades. Captain Scorby oversaw the management of that endeavor and also was instrumental in the smooth relocation of five P–3 Orion squadrons and their families from Maine to Florida.

Jack Scorby cultivated an Individual Augmentee (IA) Support Program that helped sustain the families of IAs who were deployed and then honored them with a luncheon upon their return. This model program is now being replicated at bases worldwide.

NAS Jacksonville earned the reputation as the Airfield of Choice under Jack's command as personnel worked round the clock in providing services to a variety of operations including Army helicopter deployments, Pine Castle Range use, and the initial stand-up training and outfitting of the Navy Expeditionary Guard Battalion for Guantanamo Bay. Captain Scorby and his team at NAS Jacksonville provided support and facilities to the Federal Emergency Management Agency during the hurricane season as well as during the earthquake that devastated Haiti.

A recognized naval ambassador in the City, Captain Scorby hosted two Air Shows, a Presidential visit, and over 90 other ceremonies and special events. I was pleased to work with him on two veteran ceremonies at which we recognized over 250 grateful Vietnam Veterans. Jack and his sailors made sure all veterans were treated as special guests and honored for their service. He partnered with the Florida Department of Labor to host a Disabled Veteran Outreach Program that provided services to veterans and their families and a Tri-Base Job Fair that brought in 155 employers and over 800 job seekers. Each of these events cemented the relationship between the City of Jacksonville and the United States Navy.

Always a strong supporter of Navy personnel and their families whether on base or deployed across the globe fulfilling missions, Jack Scorby also ensured that our fallen heroes returned with honor and a proper homecoming. No matter the time or the day, when a soldier, sailor, marine or airman returned on his final flight, Captain Scorby had police, firefighters, Patriot Guard and hundreds of civilians and naval personnel line the runway and roads. Families of the fallen were moved and grateful.

And on behalf of the City of Jacksonville and the 4th Congressional District, it is my privilege to recognize the dedication, caring and leadership that makes Captain John C. Scorby, Jr., worthy of receiving the Legion of Merit.

PERSONAL EXPLANATION

HON. DEAN HELLER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. HELLER. Madam Speaker, on rollcall No. 256, I was unavoidably detained. Had I been present, I would have voted ''yes.''

NATHAN HOFF

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Nathan Hoff. Nathan is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America and earning the most prestigious award of Eagle Scout.

Nathan has been very active with his troop, participating in many scout activities. Over the many years Nathan has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Nathan has contributed to his community through his Eagle Scout project. Nathan oversaw the construction of a batting cage which will provide a healthy athletic outlet for the residents of Boonville, Missouri.

Madam Speaker, I proudly ask you to join me in commending Nathan for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING MARCIA HILSABECK OF ROUND ROCK HIGH SCHOOL IN ROUND ROCK, TEXAS

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. CARTER. Madam Speaker, I would like to recognize Mrs. Marcia Hilsabeck upon her retirement from Round Rock High School after 43 years of service.

Marcia served all but the first two years of her career in the English Department and has led the English Department since 1994. Throughout the years of her teaching career, she has been honored as Teacher of the Year and Round Rock Local Legend. When Marcia first began teaching at Round Rock High School in 1967, there were 368 students in grades nine through twelve, today there are ten times that many students. Times have changed since Marcia first began her teaching career, but her dedication and love for education has not. She has been called the ultimate teacher by colleagues and generations of students fondly remember and recognize the impact she made on their lives. Her commitment to education is extraordinary and it is with great pride I honor Marcia's career today as I wish her all the best for her retirement years.

HONORING MR. SAM FREDMAN

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mrs. LOWEY. Madam Speaker, I rise to pay tribute to Samuel G. Fredman, this year's recipient of the Rabbi Amiel Wohl Lifetime Achievement Award. This prestigious honor is being respectfully bestowed upon Judge Fredman by the Westchester Jewish Conference for his lifetime of contributions to Westchester County and our great country.

Sam Fredman has led a truly remarkable life. He served in the U.S. Army Air Forces in the South Pacific Theater during and after World War II. After his military service, Sam received his undergraduate degree from Pennsylvania State University and law degree from Columbia University. He is a member of the New York State Bar and admitted to practice in the U.S. District Court for the Southern and Eastern Districts of New York. Judge Fredman has served as law firm partner, law school lecturer, and Justice of the Supreme Court of the State of New York for nearly 14 years. Judge Fredman still practices law today as a private arbitrator and mediator at Wilson Esler Moskowitz Edelmen & Dicker and as a judicial hearing officer for New York's Ninth Judicial Circuit. In addition to his professional achievements, Sam remains a devoted family man as the grandfather of four beautiful grandchildren.

Judge Fredman has already been recognized with over 22 awards and honors during his lifetime, including the American Academy of Matrimonial Lawyers Distinguished Service Award, Pennsylvania State University Distinguished Alumnus Award, and Westchester Holocaust Commission Distinguished Service Award. The long list of Sam's admirers includes the United Jewish Appeal, Westchester

County Bar Association, Westchester Holocaust Commission, Benjamin Cardozo Society, State University of New York, B'nai B'rith Youth Organization, National Conference of Christians and Jews, Cystic Fibrosis Society, Hebrew Academy of Westchester, Solomon Schechter School of Westchester County, Federation of Jewish Philanthropies and the Anti-Defamation League.

However, it is Judge Fredman's service to the Westchester community for over 60 years that has brought him the distinguished Rabbi Amiel Wohl lifetime achievement award. Sam has given his time and talents in support of White Plains Hospital Center, White Plains Public Library, Community Chest, Heart Fund, and numerous other charitable causes. He was chairman of the SUNY-Purchase Council for 5 years and has remained active in religious leadership with the Commission on Synagogue Relations of the Federation of Jewish Philanthropies, Advisory Board of the Westchester Jewish Chronicle, Board of Directors of The Anne Frank Center, Hillel Foundation at Penn State University, Westchester Jewish Conference and the Westchester and Lower Connecticut Division of Israel Bonds where he served as chairman. Despite his busy schedule, Judge Fredman has also made time to coach boys baseball and basketball teams with the White Plains recreational department.

I urge you to join me in honoring our great countryman and my constituent, Judge Sam Fredman.

IN RECOGNITION OF THE SACRAMENTO CENTER FOR INTERNATIONAL TRADE DEVELOPMENT

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Ms. MATSUI. Madam Speaker, I rise today to recognize and congratulate the Sacramento Center for International Trade Development and the Los Rios Community College District for being awarded the President's ''E'' Award for Export Service. This prestigious award is being given to these institutions in recognition of their support to businesses seeking to export their products.

The Sacramento Center for International Trade Development is part of a statewide program funded by the California Community College chancellor's office, and is part of the Workforce and Economic Development Program of the Los Rios Community College District. The center strives to advance northern California's global competitiveness by providing export and import services to businesses and organizations throughout the region.

For more than 15 years, the Sacramento Center for International Trade Development has proven to be a highly successful provider of comprehensive, export services and programs that addresses the needs of northern California businesses. A full-range of export services is provided, from basic export training, to detailed market support, to trade mission preparation and participation. Of paramount importance is the unique connection to the U.S. Department of Commerce and the U.S. Commercial Service which have allowed businesses in northern California to begin exporting products and increase sales in the global marketplace.

Madam Speaker, I am honored to recognize and congratulate the Sacramento Center for International Trade Development and the Los Rios Community College District for their outstanding work to increase exports of Californian products, and for being awarded the President's ''E'' Award for Export Service. Please join me in honoring them.

HONORING FORMER CONGRESSMAN IKE ANDREWS

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. ETHERIDGE. Madam Speaker, I rise today to honor the life of Congressman Ike Andrews, who passed away on May 10, 2010. A former lawyer and public servant, Mr. Andrews will be remembered for his lifelong dedication to his community and the State of North Carolina.

Ike Andrews was born in Bonlee, NC in western Chatham County and always kept a piece of Bonlee is his heart. Ike's father ran the hardware store in town, and his mother was a school teacher, instilling the importance of community in Ike from a young age.

At the age of 18, Ike enlisted and served as a field artillery forward observer in World War II. Wounded by enemy gunshot in the Battle of the Bulge, Ike was hospitalized in Scotland when the war ended. Ike traveled to London to No. 10 Downing Street to witness British Prime Minister Winston Churchill announce the German surrender. During his military service from 1943–1945, he attained the rank of Master Sergeant and received a Bronze Star and Purple Heart.

After the war, Ike Andrews pursued an education at the University of North Carolina at Chapel Hill where he garnered both undergraduate and law degrees. Mr. Andrews opened a law practice in Siler City, NC, where he was elected district attorney and prosecuted criminal cases in Chatham, Orange, and Alamance counties. Mr. Andrews was always serving his community, and he took a further step in 1959 with election to the North Carolina Senate. He later served 4 terms in the North Carolina House of Representatives. In 1972, Mr. Andrews was elected to the first of 6 terms in the U.S. House of Representatives where he would be remembered for his dedication to education, the elderly and long-term care. He never forgot his home, and continued to spend warm Sunday afternoons on his front porch in Bonlee throughout his public service.

Ike served in the U.S. House until 1985, then resumed practicing law in Siler City, and retired to Chapel Hill, NC. Mr. Andrews is survived by his wife, JoAnne Andrews, his daughter, Alice Andrews Joyce and her husband Bob, and his grandchildren, Kevin Joyce and Laura Joyce.

Madam Speaker, I urge my colleagues to join me today in honoring the life of former Congressman Ike Andrews, a North Carolina leader who served his community, his state and his country, while always keeping his Bonlee spirit and values in his heart. It is fitting that we honor him and his family today.

RECOGNIZING GREGORY E. POPE OF UNITED STATES CORPS OF ENGINEERS IN BELTON, TEXAS

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. CARTER. Madam Speaker, I would like to congratulate Gregory E. Pope, United States Corps of Engineers Operations Manager, on his retirement after 34 years of dedicated service. Greg has been a true asset to the Corps for decades and a leader in Texas District 31. I have thoroughly enjoyed working with Greg on many projects over the last several years including the re-opening of several parks on Lake Belton after severe flooding. He has been a valuable resource and I admire his knowledge and professionalism. I appreciate Greg's commitment to the community, TX–31 and the U.S. Corps.

I would like to thank Greg for his leadership and service as well as congratulate him and wish him well in his retirement.

IN RECOGNITION OF DEXTER McNAMARA

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Ms. MATSUI. Madam Speaker, I rise today to recognize and honor the Reverend Dexter McNamara. On Thursday May 6th, Dexter was honored in Sacramento by the Interfaith Service Bureau for his outstanding work with the faith community. I ask all my colleagues to join me in thanking him for his work in bringing people of all faiths together to address our community's most pressing needs.

After earning his bachelor's degree from UCLA and his master of divinity from Princeton University, Dexter served as an associate pastor for 21 years with congregations in Colorado and California. Because of his outstanding work with his congregation and his ability to create greater understanding among faith groups, Dexter was offered a position as the executive director of Sacramento's Interfaith Service Bureau.

Dexter led the Interfaith Service Bureau for 16 years, from 1993–2010. Under his leadership, we were continually reminded that our similarities are greater than our differences. He brought us together by mentoring faith and community leaders, while also leading numerous interfaith projects throughout the region. Dexter has helped the religious community in Sacramento grow and prosper by addressing the challenges of ministering to the needs of diverse people and cultures. He has helped people of different religious backgrounds overcome their differences and work together towards peace and unity.

In 1999, Dexter and the Interfaith Service Bureau coordinated an interfaith response after several synagogues were targeted by hate groups and firebombed. Similarly after the September 11 attacks on our country, he led a community service at the Cathedral of the Blessed Sacrament, bringing all faiths together in interfaith worship services. Out of this came the Call for Unity, annual event to

recognize outstanding community leadership in building bridges of understanding.

Dexter has been recognized numerous times for his outstanding work bringing people together for the common goal of justice and peace. He was awarded the Outstanding Leadership Award by the Sacramento Area Congregations Together, the Distinguished Award by the Sacramento Area League of Associated Muslims, the Building Unity Award by the Sacramento Housing Alliance, and the Community Leadership Award by the Federal Bureau of Investigation.

Dexter organized the Voluntary Organizations Active in Disaster for Sacramento from 2005–2008, and chaired the California Interfaith Power and Light working group from 2005–2008, which worked to raise awareness of global warming and climate change. He served on the Wells Fargo Community Advisory Board, the Family Support Collaborative Board, the Sacramento City Mayor's Youth Task Force, and the local Childcare and Development Planning Council.

Madam Speaker, I am honored to recognize the Reverend Dexter McNamara for his outstanding work with Sacramento's Interfaith Service Bureau, and in bringing people of different faiths together to work towards bettering our community and understanding of one another. I once again ask my colleagues to join me in thanking Reverend Dexter McNamara for all that he has done for the people of Sacramento.

LETTERS TO PRESIDENT OBAMA, GENERAL JONES, DIRECTOR MUELLER, AND DIRECTOR PANETTA ON STRENGTHENING OUR NATIONAL SECURITY

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. WOLF. Madam Speaker, I want to share the following letters that I have sent to President Obama, National Security Advisor General Jones, FBI Director Mueller, and CIA Director Panetta last week urging the implementation four bipartisan proposals to strengthen our national security.

Following the failed attack on Times Square in New York City, it is more important than ever that we implement these proposals that would make our country safer.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
May 5, 2010.

Hon. BARACK H. OBAMA,
The President, The White House, Washington DC.

DEAR MR. PRESIDENT: In light of the attempted terrorist bombing in Times Square in New York City, I urge you again to implement four bipartisan steps that would help make our country safer. If we fail to learn the lessons of the attempted attacks on Christmas Day and Times Square, we will continue to repeat the same mistakes that compromised our preparation for and response to these two incidents. The latest attack underscores the need for the rapid adoption of bipartisan solutions that strengthen our national security.

As you know, I have repeatedly urged the administration to bring back the co-chairs of the 9/11 Commission—Lee Hamilton and Thomas Kean—for a six-month review of the progress that has been made in implementing the commission's recommendations. To date, I have seen no effort by the administration on this front.

I have spoken with Lee Hamilton and he believes this is a good idea. In fact, Mr. Hamilton underscored the need for this when he told ABC News yesterday that, ''the 9/11 commission recommended that you had to have biometric evidence, documentarian evidence of people coming in and exiting [the country.] We've done a pretty good job on the first part of it people entering the country. But with regard to those exiting the country we simply have not been able to set up a system to deal with that and it showed in this case.''

Given our failure to prevent both alleged terrorists—Faisal Shahzad and Umar Farouk Abdulmutallab—from boarding their flights, it is critically important that our transportation security structure have strong leadership and coordination. In both cases, the alleged terrorists slipped through security despite appearing on the ''no fly'' list.

I have repeatedly urged the administration to support legislation to establish a more professional and independent administrator of the Transportation Security Administration (TSA), by setting a 10-year term, akin to the appointment process for the director of the Federal Bureau of Investigation (FBI). In fact, I introduced legislation, H.R. 4459, in early January to do this. After two withdrawn nominations, the position remains vacant and the administration continues to oppose efforts to professionalize this position.

In the wake of the attempted Christmas Day bombing, there were many serious questions regarding the administration's deployment of the new High Value Detainee Interrogation Group (HIG). Five months later, these same questions surround the administration's response to the Times Square attack. The Washington Post noted in its editorial today, ''Nor has [the administration] said whether its High Value Interrogation Group (HIG)—a group of law enforcement and intelligence experts specially trained for terrorism cases—was up and running and deployed in the Shahzad case.''

I have repeatedly urged the administration to collocate the HIG at the National Counterterrorism Center to facilitate information sharing anc cooperation among intelligence agencies. Again, I have seen no effort by the administration to do so.

Perhaps most importantly, I have repeatedly urged the administration to create a ''Team B'' opf outside advisors to bring ''fresh eyes'' to U.S. counterterrorism strategy. The team would represent a ''new approach to counterterrorism'' which focuses not just on connecting the dots of intelligence, but which seeks to stay a step ahead in understanding how to break the radicalization and recruitment cycle that sustains our enemy, how to disrupt their network globally and how to strategically isolate them. This would help us better anticipate the type of threats that occured on Christmas Day and in Times Square.

Counterterrorism experts, including respected Georgetown University professor Bruce Hoffman, have publicly endorsed this proposal. They understand the need for a group of outside experts to challenge assumptions across the intelligance community to help us better prepare for future attacks. In liight of the increasing pace in attempted attacks on U.S. soil, I believe this should be implemented as quickly as possible.

I cannot understand why the administration continues to refuse to adopt these proposals. In light of the latest attempted attack, I urge your action on these proposals—each of which would receive broad bipartisan support from the American people.

Best wishes.

Sincerely,

FRANK R. WOLF,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 6, 2010.

General JAMES JONES,
National Security Adviser, The White House, Washington, DC.

DEAR GENERAL JONES: Enclosed is a copy of the letter I sent to President Obama yesterday urging him, again, to implement a series of bipartisan measures that would strengthen our national security.

In the wake of the attempted terrorist attack in Times Square, these proposals are timelier than ever. If we fail to learn from the mistakes of the attempted Christmas Day and Times Square attacks, we will be unable to anticipate and prevent future attacks.

Again, Jim, I urge you to ask the president to implement these much-needed proposals to protect Americans. I would appreciate your letting me know if you will recommend that the president implement these measures.

Best wishes.

Sincerely,

FRANK R. WOLF,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 6, 2010.

Hon. ROBERT S. MUELLER III,
Director, Federal Bureau of Investigation, Washington, DC.

DEAR MR. MUELLER: Enclosed is a copy of the letter I sent to President Obama yesterday urging him, again, to implement a series of bipartisan measures that would strengthen our national security.

In the wake of the attempted terrorist attack in Times Square, these proposals are timelier than ever. If we fail to learn from the mistakes of the attempted Christmas Day and Times Square attacks, we will be unable to anticipate and prevent future attacks.

Again, Bob, I urge you to ask the president to implement these much-needed proposals to protect Americans. I would appreciate your letting me know if you will recommend that the president implement these measures.

Best wishes.

Sincerely,

FRANK R. WOLF,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 6, 2010.

Hon. LEON PANETTA,
Director, Central Intelligence Agency, Washington, DC.

DEAR DIRECTOR PANETTA: Enclosed is a copy of the letter I sent to President Obama yesterday urging him, again, to implement a series of bipartisan measures that would strengthen our national security.

In the wake of the attempted terrorist attack in Times Square, these proposals are timelier than ever. If we fail to learn from the mistakes of the attempted Christmas Day and Times Square attacks, we will be unable to anticipate and prevent future attacks.

Again, Leon, I urge you to ask the president to implement these much-needed proposals to protect Americans. I would appreciate your letting me know if you will recommend that the president implement these measures.

Best wishes.
Sincerely,

FRANK R. WOLF,
Member of Congress.

EXPRESSING SUPPORT FOR PROMPT RESPONSE TO ATTEMPTED TERRORIST ATTACK IN TIMES SQUARE

SPEECH OF

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2010

Ms. RICHARDSON. Mr. Speaker, as a member of the Homeland Security Committee, I rise today in strong support of House Resolution 1320, expressing support for the vigilance and prompt response of the citizens and law enforcement agencies in New York and Connecticut to the attempted terrorist attack in Times Square on May 1, 2010, their exceptional professionalism and investigative work following the attempted attack, and their consistent commitment to preparedness for and collective response to terrorism.

I would like to acknowledge Speaker PELOSI and Chairman THOMPSON for their leadership in bringing this important resolution to the floor. I would also like to thank my colleagues Congressman MCMAHON, Congressman HIMES, and Congressman HALL, who authored this legislation.

As Chair of the Homeland Security Subcommittee on Emergency Communication, Preparedness, and Response, I am an original cosponsor of this resolution. I am pleased to join my colleagues in recognizing the New York City first responders who safely evacuated hundreds of people from Times Square and responded in a prompt and effective manner, as the result of extensive terrorism preparedness efforts that are supported, in part, by the Department of Homeland Security. H. Res. 1320 recognizes the efforts of these men and women as well as the action of two alert citizens, Mr. Lance Orton and Mr. Duane Jackson, who notified the New York Police Department about a suspicious vehicle that was parked on 45th Street in Times Square. It is due to the exceptional professionalism and investigative work by the New York Police Department, the New York Police Department Bomb Squad, the Fire Department of New York, the Federal Bureau of Investigation, United States Customs and Border Protection, the United States Attorney's Office for the Southern District of New York, the Department of Homeland Security, the Department of Justice, the New York Joint Terrorism Task Force, and other law enforcement agencies in Connecticut that a suspect was apprehended only 48 hours following the attempted bombing.

In conclusion, Mr. Speaker, I support this bill because it is important to recognize and honor the men and women who put themselves in harm's way all day, every day, doing the important work to keep our homeland safe. I am proud to stand with my colleagues today in support of this resolution.

Mr. Speaker, I urge my colleagues to join me in supporting H. Res. 1320.

RECOGNIZING CHARLY SKAGGS OF JUVENILE SERVICES OF WILLIAMSON COUNTY, TEXAS

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. CARTER. Madam Speaker, I would like to recognize Mr. Charly Skaggs upon his retirement from Williamson County Juvenile Services after 32 years of service. Charly served 24 of those years as the chief probation officer. In the beginning of Charly's career there were only seven employees in the juvenile services department and the county had just broken ground on a ten-bed secure detention facility.

Williamson County grew a great deal during Charly's time of service resulting in operation of a detention center, a non-secure residential center, a juvenile justice alternative education program, a secure residential program, court services, probation services, community services, electronic monitoring and the first military model residential setting with 150 employees. Charly has spent many years traveling all over the U.S. training in the juvenile services field, as well as serving as the past president of the National and Texas Juvenile Detention Associations. I had the pleasure of working with Charly when I sat on the Bench as District Judge of Williamson County. It is an honor to congratulate my friend on his retirement and I wish him all the best.

CONGRATULATING THE 2010 MOUNT CARMEL SCHOOL WE THE PEOPLE TEAM

HON. GREGORIO KILILI CAMACHO SABLAN

OF THE MARIANA ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. SABLAN. Madam Speaker, once again, the students of Mount Carmel School have won the honor to represent the Northern Mariana Islands in the annual "We the People" competition. Mount Carmel has a tradition of excellence in speech and debate and this year's group of orators continued that tradition with distinction.

The competition is directed by the Center for Civic Education and funded by Congress through the Education for Democracy Act.

This is a program we should continue to support. I watched the Mount Carmel students testify in a simulated congressional hearing on constitutional issues they had studied in the We the People: The Citizen and The Constitution textbook. The students are nothing short of impressive in their knowledge and their understanding of the historical bases and the philosophical concepts underlying the document that established our national government.

Eleven hundred students from around our nation earned the right to come to Washington for the final competition over the weekend of April 24th by competing against other schools in their congressional district and States. This is but a fraction of the students who participate and benefit. In its 23-year history the We the People: The Citizen and The Constitution program has reached more than 30 million students.

A survey of program alumni demonstrates that students take to heart what they learn. Ninety-five percent of the respondents voted in the November 2008 election. Additionally, 76 percent voted in all previous elections for which they were eligible, and 56 percent had contacted a government official regarding a public issue during the previous 12 months.

As in years past the We the People program honored a member of Congress with the Dale E. Kildee Civitas Award. Chairman David Obey was this year's recipient for his contribution to the field of civic education. I congratulate the Chairman for this recognition; and, again, I urge my colleagues to support this worthwhile program.

Now I'd like to recognize the Mount Carmel team members by name: Matthew Aquino, Geza Baka, III, Maria Balajadia, Ryanne Camacho, Ericka Celestino, John Edward Elenzano, Ji Yeon Kim, Min Seong Kim, Savana Manglona, Ivan Matala, Nicoli Matala, Anthony Sablan, Nicolas Sablan, Troy Villafuerte, Brittany Yamagata, Calvin Yang, Joseph Yoon; and their coaches: Keolester Buenpacifico, Rosiky Camacho, Justice John Manglona, Judge Ramona Manglona; and chaperones, Maggie Sablan, Velma Palacios.

HONORING THE NEW JERSEY STATE POLICE INTERNET CRIMES AGAINST CHILDREN TASK FORCE

HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. ADLER of New Jersey. Madam Speaker, I rise today to honor the New Jersey State Police Internet Crimes Against Children Task Force for winning the Prosecutor's Unit Excellence Award. This award is given to a unit or group functioning within the criminal justice system in recognition of outstanding performance. They will be recognized at the Burlington County Prosecutor's Office 22nd Annual PROCOPS Award Banquet. PROCOPS, or Prosecutor's Recognition of Citizens or Public Servants, recognizes members of law enforcement and civilians whose significant actions, bravery and concern for the well being of society have made Burlington County, NJ a safer place to live.

The Internet Crimes Against Children Task Force (ICAC) was created to aid law enforcement agencies in their investigations of offenders who use the Internet, online communication systems, or other computer technology to sexually exploit children. This group is important because it helps keep our children safe while they are surfing the internet.

Madam Speaker, I hope you will join me in recognizing the New Jersey State Police Internet Crimes Against Children Task Force for their outstanding performance.

RECOGNIZING MR. LONNIE MYERS FOR HIS CONTRIBUTIONS TO VAN BUREN

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. BOOZMAN. Madam Speaker, I rise today to recognize Mr. Lonnie Myers for earning the Iverson Riggs Memorial Citizen of the Year Award for his dedication and commitment to Van Buren, Arkansas.

Myers, an assistant superintendent for the Van Buren School District, has been a big influence in the school system first as a teacher and coach, then as an assistant principal, principal and athletic director. Many in the community regard Myers as the driving force behind the creation of Van Buren High School Hall of Honor and for having played a big role in getting a multi-billion dollar tax package passed to upgrade school facilities.

Neighbors and community leaders agree that Myers is a caring man, with a big heart who always leads by example and is always working in the best interest of the community and students of the school district.

It's clear that Myers is very deserving of the Iverson Riggs Memorial Citizen of the Year Award. Now, after decades of calling Van Buren home, Myers is moving to take a job in a nearby community. He will be greatly missed in Van Buren, but his impact and influence won't be forgotten.

CONSTRUCTION AWARDS BANQUET

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. VISCLOSKY. Madam Speaker, it is with great sincerity and admiration that I offer congratulations to several of Northwest Indiana's construction businesses, corporations, and contractors. On Friday, May 14, 2010, the Northwest Indiana Business Roundtable and the Construction Advancement Foundation will honor these entities and individuals at the Construction Awards Banquet, which will be held at the Avalon Manor Banquet Hall in Merrillville, Indiana.

The Northwest Indiana Business Roundtable (NWIBRT) is an independent non-profit council of local firms who are dedicated to the progress and development of construction and maintenance projects in Northwest Indiana. The NWIBRTs main goal is to promote safety, quality, and cost effectiveness by all construction business affiliates. The NWIBRT will be presenting the Safety Awards to many of these hard working local businesses. The recipient of the Safety Contractor of the Year Award is Solid Platforms, Inc. The Safety Excellence Award recipients are as follows: Total Safety US, Inc., Culver Roofing, Inc., The Pangere Corporation, Atlantic Plant Services, Interstate Insulation Corporation, Interstate Environmental Services, Inc., Correct Construction, Inc., Solid Platforms, Inc., The American Group of Constructors, Graycor Industrial Constructors, Inc., ATC Associates, Inc., Ambitech Engineering Corporation, and Orbital Engineering, Inc. The recipients of the Safety Achievement Award are: M&O Environmental Company, Stevens Engineers & Constructors, Security Industries, Inc., Stevenson Crane Service, Inc., Falk-Pli, Middough, Inc., R.J. Mycka, Inc., and Superior Construction Company, Inc. The Safety Recognition Award recipients are as follows: Manta Industrial, Inc., EMCOR Hyre Electric Company of Indiana, Inc., Central Rent-a Crane, Inc., Mersino Dewatering, Inc., M&O Insulation Company, AMS Mechanical Systems, Regional Contractors Alliance, KM Plant Services, Inc., Meade Electric Company, Cornerstone Electrical Consultants, Inc., CET Inc., Tranco Industrial Services, Inc., and BMW Constructors, Inc. The Safety Progress Award recipients are Urban Elevator and Van's Industrial. The recipient of the Safety Innovation Award is Manta Industrial. This year's Roger Walters Memorial Safety Award recipient is Mr. Doug Patton, Project Safety Manager, BMW Constructors.

The Construction Advancement Foundation, CAF, was created in 1967 and represents Northwest Indiana union contractors. The CAF continues to be a major force in the growth and improvement of the union construction industry in Northwest Indiana. The CAF will also be presenting project and contractor of the year awards. This year's Public Works Project of the Year Award recipient is: Hasse Construction Company, Inc. for the Lost Marsh Clubhouse and the Hammond Port Authority. The recipient of the Commercial Project of the Year Award are Tonn & Blank Construction for the Valparaiso Family YMCA. The Industrial Project of the Year Award recipient is BMW Constructors, Inc., for the C8 Coal Conveyor Replacement/NIPSCO. The recipient of the Commercial Contractor of the Year Award is Berglund Construction, while the recipient of the Highway Contractor of the Year Award is Walsh &Kelly, Inc. The Industrial Contractor of the Year Award recipient is The Ross Group, Inc., and the Professional & Engineering Services Contractor of the Year recipient is ACMS Group. Finally, the recipient of this year's Sub-Contractor of the Year Award is Thatcher Foundations, Inc.

Madam Speaker, I ask that you and my distinguished colleagues join me in congratulating these hard working individuals, businesses, and contractors for their dedication to the construction industry and to Northwest Indiana. They have contributed in many ways to the growth and development of the economy in Indiana's First Congressional District, and I am very proud to represent them in Washington, D.C.

IN RECOGNITION OF WILLIAM GOWER

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. ROGERS of Alabama. Madam Speaker, I would like to request the House's attention today to pay recognition to William Gower, a constituent of mine who has been overcoming his disabilities and gaining his freedom by participating in races for the past four years with Tim Thomas, Pastor of Munford Baptist Church in Munford, Alabama.

William Gower is a 37 year-old man with cerebral palsy who tirelessly works to prevail over his challenges and lives a fulfilling life that many individuals without disabilities can only dream of. Together, Tim and William formed "Team Gower" and have participated as one in over 30 races.

On Saturday, April 17, 2010, "Team Gower" participated in a 15-mile race to raise money to help purchase a new special needs van for William. William has worked hard all his life, and this new van will help ensure he has the independence he wants.

All of us across East Alabama are deeply proud of William Gower and his outstanding strength. He is a role model for us all.

LAWRENCE KESTER

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. BACA. Madam Speaker, I stand here today to honor and remember a loving father and husband, respected citizen and dedicated public servant, Mr. Lawrence Kester.

Lawrence was killed on duty May 7, 2010, while driving a San Bernardino County public transit bus, in Rialto, California. He was 47 years old.

He was the victim of a senseless stabbing attack by a mentally ill passenger. Although Lawrence did not survive the attack his passengers escaped traumatized but unscathed.

Fifteen years ago, Lawrence began working for the public transit system and went on to become one of the best regarded drivers in San Bernardino, as well as a great friend to the community.

He was well respected by his customers and colleagues alike, commended on numerous occasions for his consummate professionalism and attention to security.

Most recently, he was awarded the elite "Million Mile Club" membership which is reserved for drivers who have driven more than one million passenger miles in safety.

Lawrence is remembered as a Good Samaritan and trusted friend. He was the kind of man who would chip in for people when they didn't have enough change for the fare and generously greet customers as they entered and exited, wishing them a nice day.

Lawrence is survived by his wife, Misty, and 8 children. Lawrence and Misty celebrated their 12th anniversary of marriage last week and the family just recently spent a weekend at Disneyland together.

Let us take the time to pay tribute to this wonderful man. Let us celebrate the life he lived and the example he led.

Although he is no longer with us, his noble nature and loving kindness will continue to live on through the lives of everyone he touched.

The thoughts and prayers of my wife Barbara, my family and I are with his family at this time.

Madam Speaker, let us pay our respects to Lawrence Kester. He will always have a place in our memories and hearts for everything he gave to his family and community.

HONORING THE RECIPIENTS OF THE PROSECUTOR'S CITIZEN HERO AWARD

HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. ADLER of New Jersey. Madam Speaker, I rise today to recognize and congratulate several South Jersey citizens as they are being honored with this year's 'Prosecutor's Citizen Hero Award.' This award is given to an individual who is not a member of the law enforcement profession, yet has performed in a manner above and beyond any level expected of the general citizenry. For their outstanding efforts, they will be recognized at the Burlington County Prosecutor's Office 22nd Annual PROCOPS Award Banquet. PROCOPS, or Prosecutor's Recognition of Citizens or Public Servants, recognizes members of law enforcement and civilians whose significant actions, bravery and concern for the well being of society have made Burlington County, NJ a safer place to live.

Mr. Muzafer Yilmaz, Ms. Jacqueline Alomar, and Ms. Alesha Bennett are being honored for their involvement in the identification of a bank robbery suspect. Jayden Bolli, a courageous three year old who contacted 9–1–1 after his grandmother had fallen unconscious, will also be honored this year. Jayden had recently been taught by his grandmother how to use the 9–1–1 system in case of an emergency.

Madam Speaker, I hope that you will join me in thanking these citizens for their invaluable assistance in times of need.

IN HONOR OF A REAL AMERICAN HERO: CAPTAIN KYLE A. COMFORT, U.S. ARMY

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. ROGERS of Alabama. Madam Speaker, I rise today in honor and in mourning of a brilliant American Hero from my State of Alabama, Capt. Kyle A. Comfort. On May 8th 2010, Kyle gave That Last Full Measure for God and Country; Our prayers are with his lovely wife Catherine and new daughter Kinleigh. May our Lord hold them in his hands. I ask that this poem penned by Albert Caswell be placed in the RECORD in honor of him.

TAKE COMFORT

Take Comfort!
As you lay your head down to sleep . . .
All in your hearts of love, so very deep . . .
Of all of those memories, so to keep!
Of all of those Magnificent Ones, who have so brought us peace . . .
But, with their fine lives . . . as it's but for them we now so weep!

Take Comfort!
In such hearts of honor and love . . . so very deep!
Who to all of ours, so brilliantly do so speak!
As a gentle rain, rolls across Alabama this night . . . all in our sleep . . .
Are but our Lords tears, coming down from Heaven from his heart so very deep . . .
All because of you Kyle, and your most selfless sacrifice so very sweet . . .
And all of this pain, your family must now so keep!

Take Comfort . . .
In hearts now so very deep . . .
As this you must, believe!
That a new Angel, our Lord God . . . up in Heaven has so received!
To watch over us, indeed!
To fight the darkness, you see!
And on this day, as you hold your family so very tight . . .
And all seems so very right!
All because a Hero, for us all has so died this night!
Because, Freedom is not free!
But, bought and paid for . . . by all of these most selfless souls indeed!
By men like Kyle, our most brilliant of all lights!
And families who now so cry, in tears of heartache tonight!
So, hush little baby Kinleigh Ann . . . don't you cry!
For one day, up in Heaven you will look into your Father's eyes!
And you, Katherine . . . his lovely wife!
Your Hero Kyle, but wants you to have a happy life!
For there will be an eternity together, up in Heaven so very bright!
So this night as you lay your head down to rest, but remember all of our best!
Take Comfort, all in how our world they bless!
Amen!

IN RECOGNITION OF SACRAMENTO'S BUSINESS LEADERS

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Ms. MATSUI. Madam Speaker, I rise today to recognize the many outstanding Sacramento business leaders who will be honored at the Sacramento Metropolitan Chamber of Commerce's 115th Annual Dinner & Business Awards Ceremony. The men and women who were honored on Friday, February 5th, are dedicated to the success of Sacramento and have worked tirelessly to advance the region's economic vitality. I ask all my colleagues to join me in honoring these fine Sacramentans.

David Higgins, a commercial construction icon and retired CEO of Harbison-Mahony-Higgins Builders, has been named "Sacramentan of the Year" for his life's work and commitment to philanthropy in the region. He has been actively involved in the leadership of HMH Builders, a general building contractor, for more than 40 years.

For decades, David has advocated for the sustainable growth of the region, most recently as past president of the Sacramento Area Commerce and Trade Organization. He has also been widely recognized for his local charitable endeavors, including his longtime support of Jesuit High School, health and social service and youth programs, and the arts.

Ron Mittelstaedt, Chairman and CEO of Waste Connections Inc., has been named "Businessman of the Year." Ron founded Waste Connections in 1997. When he took the firm public the following year, Waste Connections had approximately $40 million in revenue and about 400 employees. Today, the company serves about 2 million business and residential customers throughout 26 states, employs nearly 5,400, and has reported revenue of more than $1 billion. It is a true success story.

Jonna Ward, CEO of Visionary Integration Professionals, has been named "Businesswoman of the Year." Jonna started VIP 12 years ago out of her spare bedroom and has grown it to be the largest woman-owned business in our region. Through her leadership, VIP is also one of the fastest growing businesses in the country—making the Inc. 500 list for the past two years.

Other award winners include "Volunteer of the Year," Martha Clark Lofgren from Brewer Lofgren LLP. Robert Tobin, President and CEO of Cottage Housing, winner of the "Al Geiger Award," will be recognized for his work providing housing for homeless. The "Peter McCuen Award for Civic Entrepreneurs" will be presented to Rick Fowler for his work with The Community College Fund.

The "Small Business of the Year" award will be presented to Patrick Mulvaney and Mulvaney's B&L, for growing into one of Sacramento's top restaurants. Patrick is a marvelous chef, who supports local farmers and is active with a number of local non-profits.

Four outstanding local institutions have been inducted into the "Sacramento Business Hall of Fame" for their longtime and significant contributions to the economic and civic growth of the Sacramento region. Being inducted are Kronick, Moskovitz, Tiedemann & Girard; Owen-Dunn Insurance Services; SAFE Credit Union; and Western Contract. Recognized for its success as a long standing, 100-year-old business in Sacramento, Lionakis has been inducted into the "Centennial Business Hall of Fame."

Madam Speaker, I am honored to recognize these individuals and businesses for their economic and civic contributions to the Sacramento Region. On behalf of the people of Sacramento and the Fifth Congressional District of California, I ask all my colleagues to join me in honoring them for their unwavering commitment to our region.

HONORING THE RECIPIENTS OF THE PROSECUTOR'S SPECIAL RECOGNITION AWARD

HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. ADLER of New Jersey. Madam Speaker, I rise today to recognize and congratulate Mr. Matt Skahill and Ms. Rosemary Clark, as they are honored with the 'Prosecutor's Special Recognition Award' for providing significant assistance to law enforcement in Burlington County, NJ. For their outstanding efforts, they will be recognized at the Burlington County Prosecutor's Office 22nd Annual PROCOPS Award Banquet. PROCOPS, or Prosecutor's Recognition of Citizens or Public Servants, recognizes members of law enforcement and civilians whose significant actions, bravery and concern for the well being of society have made Burlington County, NJ a safer place to live.

I would like to extend my sincere congratulations and thanks to Mr. Matt Skahill, Assistant U.S. Attorney, for his efforts in successfully prosecuting major drug traffickers in the South Jersey region. Thanks to his efforts,

men intent on distributing illegal narcotics are now off our streets. I would also like to recognize Ms. Rosemary Clark of Willingboro, NJ for providing compassion, strength, and support as a foster parent to two children who were witnesses in a case against their own father.

Madam Speaker, I ask you to join me in thanking these individuals for their assistance to law enforcement in Burlington County, NJ. I am proud to represent such exemplary citizens, and I hope others follow their example by helping those in need.

PASSING OF JIM BOREN

HON. DAN BOREN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. BOREN. Madam Speaker, for any politician interested in a word of wisdom on how to conduct themselves; Dr. James "Jim" H. Boren—father, husband, author, teacher, and philanthropist—had this advice to those in public service; "mumble when uncertain, delegate when in distress, and ponder when in command."

Madam Speaker, the state of Oklahoma lost a true public servant recently—Jim Boren, who drew attention to his political causes with excitement, determination and color, died April 24th, 2010 at the age of 84.

Jim Boren joined the Navy during WWII at the age of 17. As a midshipman on the Destroyer Escort, William C. Cole, Jim served his nation with distinction and honor; including time in the 1945 Battle of Okinawa.

After the war, Jim received his degree from the University of Texas and began his first stint as a teacher at Oxnard Union H.S. in Oxnard, California. During that time, Jim earned a Master's degree at Cal State at Long Beach and a Master's at the University of Southern California. Eventually, Jim would return to the University of Texas to earn his PhD.

Later in life, Jim Boren would become the campaign manager, and eventually the chief of staff, for Senator Ralph Yarborough of Texas. During his time with Senator Yarborough, Jim worked side-by-side with him on legislation such as the National Defense Education Act, Cold War GI Bill, Nuclear Test Ban Treaty, Padre Island National Seashore, and the Mental Health Bill.

After working in the U.S. Senate, Jim Boren received a State Department appointment in 1960 to serve in an official capacity in South America under the Kennedy Administration, eventually obtaining the position of Deputy Director of the Economic Mission in Peru. After leaving government work, Jim began to teach again and write from his position as scholar-in-residence at Northeastern State University in Tahlequah, OK.

Jim possessed his own original brand of political satire, authoring literature in that genre, not the least of which is exemplified by a pair of books entitled "When in Doubt, Mumble: A Bureaucrat's Handbook" and, "How to be a Sincere Phony: A Handbook for Politicians and Bureaucrats."

Through his unique style and substance, Jim Boren had a tremendous impact on his peers and most importantly on his community. And as a member of the United States House of Representatives, I would like to honor Dr. James "Jim" Boren for his consummate wit, humor and unyielding dedication to the American political landscape.

Additionally, I also want to take a moment to send my deep condolences to Jim's friends and family, especially his wife Norma Williams; two sons, Richard and Stan Boren; two stepsons, James and John Williams; brother, Gene Boren; sister, Marilyn Boren; and three grandchildren.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Ms. LEE of California. Madam Speaker, today I missed rollcall vote No. 256 on H. Res. 1294, rollcall vote No. 257 on H. Res. 1328, and rollcall vote No. 258 on H. Res. 1299. Had I been present, I would have voted "aye" on each of these rollcall votes.

CONGRATULATING THE SMITH-COTTON HIGH SCHOOL JUNIOR RESERVE OFFICER TRAINING CORPS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. SKELTON. Madam Speaker, let me take this means to congratulate the Smith-Cotton High School Junior Reserve Officer Training Corps (JROTC) of Sedalia, Missouri. These outstanding young men and women recently placed first overall at the 2010 National High School Drill Team Championships in Daytona, Florida.

More than 145 schools and over 4,000 cadets from across the country participated in the annual competition, and each team competed in four events: regulation, exhibition, color guard, and inspection. The cadets from Smith-Cotton High School scored exceptionally well in each, earning first place in regulation and color guard, second in exhibition, and tenth in inspection.

Since September, the Smith-Cotton JROTC has logged hundreds of hours in training and preparation. These young cadets showed an unyielding commitment to purpose, to team, and to goal, and their hard work has truly paid off. With leaders like the young men and women of this team, I am confident our future is in good hands.

Madam Speaker, the cadets of the Smith-Cotton High School Junior Reserve Officer Training Corps deserve recognition for their outstanding achievement, and I trust my fellow members of the House will join me in congratulating them.

COMMENDING MR. GERRY LENFEST ON HIS 80TH BIRTHDAY

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. BRADY of Pennsylvania. Madam Speaker, I would like to recognize a great Philadelphian and a great American, Mr. H.F. (Gerry) Lenfest, and to call out specifically his outstanding service to the nation through his unwavering support of the Library of Congress. As he marks his 80th birthday I rise in tribute to a visionary leader who has established a high bar for philanthropists and whose dedication to the nation's library, his city, state and nation are legend.

Gerry Lenfest has been Chairman of the James Madison Council, the Library's first-ever national private sector group, since 2007. He was one of the founding members of this remarkable group of philanthropists, and the Council is growing and flourishing under his leadership. The Council helps the Library add to the national collection and share its treasures with the nation and the world. Mr. Lenfest, who has a deep interest in educating today's youth, is the driving force behind the Library's top fundraising priority—to create a much-needed residential scholars center in the nation's capital. He is the lead donor, and is co-chairing the fundraising campaign to provide the emerging generation of researchers and teachers both here and abroad with inexpensive accommodations close to the unequaled reservoir of educational material in the Congress's library.

Championing the Residential Scholars Center is the latest of Gerry Lenfest's many benefactions to the nation's library. Since accepting the invitation of Librarian of Congress James H. Billington to join the Madison Council in 1990, Mr. Lenfest and his wife Marguerite have played key roles in the establishment and expansion of the National Digital Library, an authoritative, free Web site that presents 16 million unique and important primary documents of our nation's history and culture to students, teachers, researchers and casual browsers around the world. Gerry and Marguerite have also supported the Library in acquiring a number of unique, historically significant items for the national collection such as the Lafayette map collection and the 1507 Waldseemüller map, the first map of the Western Hemisphere and the first document of any kind to use the name "America.". Gerry and Marguerite turn visions into reality not only through their generosity, but also through their engaging personalities.

In addition to their enthusiastic support for many varied initiatives at the Library of Congress, the Lenfests have extended their involvement and generosity to more than 168 educational, musical, conservation, health, arts and historic causes in Philadelphia and across Pennsylvania, and across the nation. Gerry's philanthropic leadership and presiding skills over cultural institutions in Philadelphia, like his Chairman's role with the Library of Congress, have been major contributions to America—and reminds us of the special role that Philadelphia has played in our nation's history and culture.

IN HONOR OF SENATOR ALBERT STANLEY RODDA

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Ms. MATSUI. Madam Speaker, I rise today to recognize and honor the life of former California State Senator Albert S. Rodda, who passed away on April 3, 2010 at the age of 97. He was a lifelong public servant whose example as a true leader will remain a guiding light for generations to come.

Albert Stanley Rodda was born on July 23, 1912 in Sacramento, California. A lifelong Sacramentan, Senator Rodda graduated from Sacramento High School in 1929, attended Stanford University, then returned to Sacramento to teach at Grant Union High School. After serving as a gunnery officer in the U.S. Navy during World War II, Senator Rodda once again returned to Sacramento, this time to teach at Sacramento Junior College, now known as Sacramento City College. He returned to Stanford and earned his Ph.D. in history and economics in 1951. Even after serving in the legislature, he continued his passion for education by teaching at California State University, Sacramento and by serving on the Los Rios Community College District Board of Trustees.

Dedicated to both public service and education, Senator Rodda was a civic leader throughout his life. Before being elected into the California State Senate in 1958, he served as president of the Local 31 of the California Federation of Teachers. While serving with the CFT, it became clear to him that teachers' rights were often ignored by administrators and school boards. After his election, Senator Rodda became a fierce proponent for education reform. During his 22 years as a legislator, he championed public education as chairman of both the Senate Education Committee and the Senate Finance Committee. He crafted legislation that provided necessary funding for public schools and created the California Community Colleges Chancellor's Office and Board of Trustees. He also drafted landmark legislation that gave teachers collective bargaining rights and established the Public Employment Relations Board.

While a steadfast Democrat, Senator Rodda was widely respected and made it a principle to work in a bipartisan manner with his fellow Senators. Because of this character trait he was often considered the choice alternative to end brewing legislative rivalries. He always made it a priority to thoughtfully study every piece of legislation he voted on, often taking his time, but always coming to a fair decision. He set the bar high and stands as an example that we all can look to for guidance.

Senator Rodda left his mark on Sacramento. His work can be seen at the Cal Expo, on Regional Transit and in Old Sacramento at the California State Railroad Museum. His lasting legacy may be a strong community college system, a system that he taught at and led. Today, the Los Rios Community College District and Sacramento City College give Sacramentans an opportunity to improve their lives through academic learning and career technical education.

Madam Speaker, I am honored to recognize and honor the life of one of Sacramento's greatest leaders. On behalf of the people of Sacramento and the State of California, I ask all my colleagues to join me in honoring Albert Stanley Rodda for his unwavering commitment to Sacramento, the State of California and our nation. Senator Rodda was humble, honest and thoughtful in all he did. He was a great man, and he will be missed.

HONORING CAPTAIN GERALD VALENTA

HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. ADLER of New Jersey. Madam Speaker, I rise today to recognize Captain Gerald B. Valenta of the Willingboro Police Department. Captain Valenta has been awarded the Career Recognition Award for his distinguished career in law enforcement. He will be recognized at the Burlington County Prosecutor's Office 22nd Annual PROCOPS Award Banquet. PROCOPS, or Prosecutor's Recognition of Citizens or Public Servants, recognizes members of law enforcement and civilians whose significant actions, bravery and concern for the well being of society have made Burlington County, NJ a safer place to live.

Captain Valenta has been a dedicated and loyal law enforcement officer for 32 years, proudly serving the citizens of Willingboro, NJ. The Willingboro Police Department expresses deep gratitude for his continued contributions to the Burlington County Law Enforcement Community.

As a nation, we owe an enormous debt of gratitude to Captain Valenta and to the men and women of the law enforcement community. Each day, these selfless individuals start their shifts with one goal in mind: to serve and to protect the citizens of their communities. The one constant they face is the uncertainty of what each day will bring, knowing all too well that in any situation, there is the potential for danger. Still, these everyday heroes honor the commitment they have made to the people they serve.

Madam Speaker, please join me in congratulating Captain Valenta for his honorable service to the Willingboro Police Department.

HONORING CRESTON CHRISTIAN ELEMENTARY SCHOOL

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. EHLERS. Madam Speaker, it is my distinct pleasure to join with the past and present members of the Creston Christian Elementary School family to "Celebrate God's Faithfulness," and mark over 120 years of devotion to the education of young people in Grand Rapids. As a state senator, I had the pleasure of recognizing Creston Christian Elementary School for its first 100 years of service, and now, as their Representative in the United States Congress, I am delighted to again honor them for their tradition and success.

"By faithfulness we are collected and wound up into unity within ourselves, whereas we had been scattered abroad in multiplicity." Saint Augustine eloquently captures the mission of Creston Christian Elementary School as they have worked to develop an inclusive community, believing that one body is made up of many parts. Through unity, Creston Christian has sought to learn from one another and grow closer to God.

On the eve of my retirement and Creston Christian's consolidation this fall to a new, comprehensive elementary school, it is not only a time of celebration, but also an occasion for remembrance. As we both close out one chapter and open a new one, I am reminded of God's faithfulness and that great things happen when we glorify Him and model our lives after His teachings. As Creston Christian joins with other schools in the area, I suspect the changes will be bittersweet for many families and staff members. I hope you will take the time to reflect on the many years of service provided by the dedicated staff and families connected to Creston Christian, and know that not only have you prepared many young people to make a living, but you have also taught them how to make a life—one that is focused on God and centered on Christ.

I am thankful for the many years of service so willingly given. I hope that Creston Christian has a joyous, memorable celebration, and may God's blessings continue to shine upon you.

HONORING THE 20TH ANNUAL DC BLACK PRIDE CELEBRATION

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Ms. NORTON. Madam Speaker, I rise to pay tribute to the 20th Annual DC Black Pride celebration, which will be held in Washington, DC on May 26–31.

The DC Black Pride celebration is a multiple-day festival that features music, dance, fashion shows, films, poetry slams, church services, community town hall meetings, a health and wellness expo, and much more. The DC Black Pride celebration is widely considered to be one of the world's preeminent Black Pride celebrations, drawing more than 30,000 people to the nation's capital from across the United States as well as Canada, the Caribbean, South Africa, Great Britain, France, Germany, and the Netherlands.

At the very first Black Pride, the DC Black Pride celebration fostered the beginning of the International Federation of Black Prides and the "Black Pride Movement," which now consist of forty Black Prides on three continents.

The DC Black Pride celebration has deep roots in the DC community, dating back to 1975. It grew out of the Club House's annual Memorial Day weekend celebration, called the Children's Hour. After the Club House closed in 1990, local individuals and groups kept the tradition alive by organizing the first DC Black Pride celebration on May 25, 1991, at Banneker Field. The celebration has grown from a few hundred people who attended that first festival to the thousands expected for the 2010 celebration.

Fittingly, the celebration's organizing body, Black Lesbian and Gay Pride Day, Inc., chose "20 Years Later, The Legacy Lives!" as the

theme for this year's celebration. This theme reflects the 20 years of DC Black Pride of fulfilling the mission, which is to increase awareness of and pride in the diversity of the lesbian, gay, bisexual and transgender in the African American community, as well as support for organizations that focus on health disparities, education, youth and families.

DC Black Pride is led by a volunteer Board of Directors, which coordinates this annual event and smaller events throughout the year. The 2010 Board consists of: Patricia Corbett; Jimma Elliott-Stevens; Earl Fowlkes, Jr.; and Jhahbriel Moore, Sr.

I ask the House to join me in welcoming all who are attending the 20th Annual DC Black Pride celebration.

HONORING JUDGE ARNOLD ROSENFIELD

HON. MIKE THOMPSON

CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. THOMPSON of California. Madam Speaker, I rise today with my colleague, Representative LYNN WOOLSEY, to honor a friend and community leader, Judge Arnold, Arnie, Rosenfield. Judge Rosenfield is retiring after a distinguished career marked by his commitment to children and families and his foresight in establishing successful programs to serve them.

Born in Connecticut, Arnie Rosenfield attended Vanderbilt University, where he earned his J.D. in 1971. That same year he married Phyllis Ann Rubins, and the couple has two children, Jessica and Asa.

Judge Rosenfield began his career as a Deputy District Attorney in San Luis Obispo County, CA, where he demonstrated early on his passion to serve those not always well-represented in the justice system. He handled one of the first large successful consumer protections trials in California, and in 1977, after taking the same position in Sonoma County, he established a Consumer Protection Unit. He later opened a private practice and served as the first Commissioner of Sonoma County Superior Court before being elected Superior Court Judge in 1984, a position he held until his retirement on December 31, 2009.

The majority of Judge Rosenfield's cases involved the juvenile court, and he was always a strong advocate for children at risk for emotional trauma. In 1996 he initiated the Court Appointed Special Advocates (CASA) for Sonoma County, which advocates for the needs of abused children caught up in the justice system. He instigated the development of the Redwood Children's Center for easing the process of interviewing and examining these children and has been a supporter of Social Advocates for Youth, the Valley of the Moon Foundation, Jewish Children and Family Services, and the Parent Education Project of Sonoma County. He also served on the Advisory Committee on Juvenile & Family Law for the California Judicial Council. "I have been very involved in my career in trying to make the court system work better for kids and families who find themselves caught up in it," he says.

Judge Rosenfield was also a strong proponent of restorative justice, an approach in which offenders work with the victims and the community for repair of the harm they have done. He used these techniques, especially for kids, before there was an actual movement and became a leader in the field as well as an instructor at Sonoma State University, Empire Law School, and California Judicial College.

For his work, Judge Rosenfield has received numerous awards including Juvenile Court Judge of the Year by the California Judges Association and the 2009 Rex Sater Award from the Sonoma County Bar Association for Excellence in Family Law.

Madam Speaker, Judge Arnold Rosenfield has provided Sonoma County with a legacy of innovative programs and, more importantly, an example of what passionate leadership can accomplish. "It's my belief that for the most part what we do to kids and families here in the justice system continues to be destructive," he says, "and I've spent my time trying to make it more constructive. I try to care about the families that I see and am very gratified to see lives turn around." Thank you, Judge Rosenfield, for the many lives you have turned around and for showing us what can be done in the name of justice.

HONORING THE RECIPIENTS OF LAW ENFORCEMENT OFFICER COMMENDATIONS

HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. ADLER of New Jersey. Madam Speaker, I rise today to recognize and congratulate several New Jersey law enforcement officers who are to be commended for performing above and beyond the call of duty. Our law enforcement officers are held to the highest standards, and it is a great honor to recognize them for their outstanding efforts. These officers will be recognized at the Burlington County Prosecutor's Office 22nd Annual PROCOPS Award Banquet. PROCOPS, or Prosecutor's Recognition of Citizens or Public Servants, recognizes members of law enforcement and civilians whose significant actions, bravery and concern for the well being of society have made Burlington County, NJ a safer place to live.

I would like to commend the following officers: Detective Richard Naff of the Moorestown Twp. Police Department for his outstanding investigative work that led to the dismantling of a residential burglary ring; Officers Duane Grazioli & Dean Potts of the Burlington County Sheriff's Office for crawling under a burning tractor trailer and pulling the driver to safety; Ptl. Nicholas Czepiel of the Florence Township Police Department for administering medical assistance to a fellow officer following a serious collision; Det. Robert Bennett of the Maple Shade Police Department for his sustained involvement in the life of a troubled juvenile who came to him for help; Patrolmen Brandon Conard and Paul Barnes of the Riverside Police Department for their tenacious search that led to the discovery of an injured and disoriented citizen; Detectives Linda Chieffalo, Irene Angelaccio, Patrolman Thomas Polite of the Westampton Police Department for skilled police work that led to the identification and arrest of an armed gas station robber; and Patrolmen Shaun Welthy & Ryan Bieri also of the Westampton Police Department for administering life-saving CPR.

Madam Speaker, I hope you will join me in extending congratulations and thanks to these exemplary law-enforcement officers.

RECOGNITION OF DR. RAMMOHAN ON HIS RETIREMENT FOR HIS CONTRIBUTIONS TO MS RESEARCH

HON. MARY JO KILROY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Ms. KILROY. Madam Speaker, I rise today to honor Dr. Kottil Rammohan for nearly three decades of providing care to patients and conducting ground-breaking research in central Ohio. Dr. Rammohan, who is retiring from Ohio State University this year, has touched the lives of countless patients and people throughout the world living with Multiple Sclerosis (MS) or other neurological disorders.

As a faculty member in the neurology department at OSU, Dr. Rammohan's dedication to MS research has led to numerous advancements in his field. One of his achievements was discovering a breakthrough in treating fatigue, a symptom that plagues many of those living MS. His discoveries help improve the quality of life for the hundreds of thousands of Americans who live with this disorder.

Outside of OSU, Dr. Rammohan has been active in several medical organizations including the MS section of the American Academy of Neurology and the Consortium of Multiple Sclerosis Centers. He also has served as the acting chair of the Buckeye Chapter Clinical Advisory Committee and the national Clinical Care Committee for the National Multiple Sclerosis Society. His valuable contributions to the National Multiple Sclerosis Society have earned him recognition in its Volunteer Hall of Fame.

Dr. Rammohan, who has been repeatedly recognized as one of America's Best Doctors, has been asset to our community for decades. On behalf of all Americans living with MS, I am happy to congratulate and thank Dr. Rammohan for his distinguished career in the field of neurology and for his lifelong devotion to helping others.

HONORING THE ACHIEVEMENTS OF DR. CHARLES TOWNES ON THE 50TH ANNIVERSARY OF THE LASER

HON. BOB INGLIS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. INGLIS. Madam Speaker, I rise with my colleagues in celebration of the 50th anniversary of the laser. This is a unique and fitting opportunity to recognize Charles Hard Townes.

South Carolina has the distinction of claiming Dr. Townes, who was raised on a farm just outside of Greenville and graduated from Furman University. His long career led him to the historic Bell Labs, Columbia University, the

Institute for Defense Analysis, and the Massachusetts Institute of Technology, and continues today at the University of California, Berkely. He has made major waves in spectroscopy, radar systems, and now astrophysics and astronomy.

The most notable of his achievements and the one that we celebrate now earned him a share in the 1964 Nobel Prize for Physics. Dr. Townes is most famous for his work on the precursor to the laser. This technology has contributed billions of dollars to our economy and we use it in everything from listening to music and buying groceries to manufacturing cars and conducting surgery. Scientists use lasers today to study everything from the big bang to nuclear fusion.

This transformational technology can be traced back to an epiphany and a thought experiment on a Washington D.C. park bench in 1951. Three years of hard work and experimentation later, Dr. Townes and his team delivered a functional 'maser.' By 1958, Bell Labs had filed a patent application for what we now call the laser.

While we cheer Dr. Townes' hard work and the sweeping impact of his technology, we must also acknowledge his dedication to defending this idea. One of the most famous chapters in the history of the laser is the steadfast opposition Dr. Townes and his team faced from several eminent physicists. His perseverance pushed the research forward.

In addition, Dr. Townes is one of only two people who have ever won both the Nobel Prize and the Templeton Prize. The Templeton Prize honors those who have made exceptional contributions to affirming life's spiritual dimension, and Dr. Townes received the prize for his papers and talks that sought harmony between scientific discovery and religious faith.

It is an honor to recognize this man and his numerous contributions to physics and scientific inquiry. I thank him for his devotion to discovery, and for sharing his optimism and genius with all of us.

BELCHER ELEMENTARY SCHOOL OF CLEARWATER, FLORIDA CELEBRATES ITS 50TH ANNIVERSARY

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. YOUNG of Florida. Madam Speaker, a major celebration takes place in Clearwater, Florida, this Friday as Belcher Elementary School celebrates its 50th anniversary of educating Pinellas County's youth.

Under the direction of Principal John DiLeo, Belcher Elementary moved into its new brick building on January 4, 1960 and under his leadership for the next eight years it grew into a fixture of the community. Principal DiLeo left Belcher in 1968, but missed the school so much that he returned for another 10 year stint as principal from 1978–1988.

He was the first of seven principals that have each left there mark on Belcher. Lisa Roth is the current principal and since arriving in 2003 she has helped usher Belcher into the new age of high technology including white boards in the classrooms.

Belcher has always been on the cutting edge of technology. It was in 1989 that the entire school was wired for cable television and with that came the Belcher Bobcat News or BBN. It was the county's first student produced news show for an elementary school, brought to life by fifth-grade teacher Linda Callahan, who continues to oversee production of the program.

Eight years later, Belcher took the next technological leap as the school was wired for internet access, which brings the world to the fingertips of every student.

Many of the advancements at Belcher Elementary have come through the support of the school's award-winning PTA organization. In addition to the events the PTA sponsors for the students and staff, the organization has taken special pride in the improvements it has made to the school facility and grounds. One of its landmark achievements was the opening of a nature center, which turned some unused area on school grounds into a native Florida ecosystem. With Florida's beautiful weather, this has become an outdoor classroom where students learn and where they work to maintain its natural elements.

Belcher's motto is ''Believe—Act—Achieve'' and the students, teachers, volunteers and support staff live that out every day. Likewise the core values of Belcher's staff—Education, Integrity and Community—are widely apparent with the many awards the school has received. Most recently, Belcher was recognized with a 2009 Bronze Award for the National Alliance for a Healthier Generation Program. It is a Positive Behavior Model School and has received a Golden School Award for community involvement for the last 26 years.

Madam Speaker, some of the Belcher Bobcats joined us for a visit here at the Capitol last week and they all will be back home Friday for the school's big celebration. It is my hope that my colleagues will join me in congratulating the students, faculty, staff, parents and volunteers of Belcher Elementary School for 50 years of educational excellence.

HONORING THE LIFE OF MR. JIM BOREN

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise on behalf of myself and Congressman DAN BOREN of Oklahoma to pay tribute to Dr. James Boren, a man who made a profound impact on our country through his public service and political activism. Dr. Boren's celebrated life came to an end on April 24 when he passed away at his home in Tahlequah, Oklahoma, at the age of 84.

As my colleagues may know, Dr. Boren was the second cousin of our colleague, Congressman BOREN, and first cousin to his father, former U.S. Sen. David Boren of Oklahoma.

Dr. Boren served our country valiantly in World War II as a sailor in the Pacific, where his ship was struck by multiple Japanese kamikaze planes in the Battle of Okinawa. Following his distinguished Naval service, he embarked on a career in government.

He served as Chief of Staff to Senator Ralph Yarborough until 1960 when he joined John Kennedy's presidential campaign. Following Kennedy's victory, Dr. Boren received an appointment from the State Department for an assignment in Latin America. During his tenure in Latin America, he established the volunteer organization Partners of the Americas.

Despite his remarkable career in public service, Dr. Boren's greatest impact was felt through his political activism. He dedicated much of his attention to government inefficiency and corruption. No one in Washington was safe from one of his satirical assaults. In 1972, he famously raced the United States Postal Service on horseback from Philadelphia to Washington, D.C., in order to highlight inefficiencies.

Dr. Boren believed in the power of humor and satire to inspire political activism among the people. He never was without a witty remark pertaining to politics or government. During his Presidential campaign in 1992, the Apathy Party candidate notably stated, ''I have what it takes to take what you've got.''

Personally, I will always remember his memorable line, ''if you are going to be a phony, at least be sincere about it.'' That's just one of the gems from his two books, When in Doubt Mumble and How to be a Sincere Phoney, a Handbook for Politicians and Bureaucrats.

In addition to his political work and writing, Dr. Boren spent three decades as a scholar-in-residence at Northeastern State University in Oklahoma, teaching younger generations about the importance of activism.

Dr. Boren is survived by his beautiful wife Norma, his two sons, two stepsons and his three grandchildren.

Madam Speaker, I ask my colleagues to join us in honoring the remarkable life of Dr. James Boren. His friends and family will miss his wit and humor, and everyone in this chamber can thank him for this famous quotation, ''When in doubt, mumble; when in trouble, delegate; when in charge, ponder.''

HONORING THE SERVICE OF CAPTAIN JOHN C. MIKO

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. MILLER of Florida. Madam Speaker, I rise today to honor Captain (Ret.) John C. Miko as he prepares to retire as Vice President of Government Relations for the Electronics, Intelligence, and Support Operating Group of BAE Systems. Captain Miko's life of dedicated service to this country throughout times of conflict and times of peace is truly remarkable, and it is a great privilege to recognize him on this day.

Following the example set by his family's military service, Captain Miko attended the United States Coast Guard Academy and received a commission as an Ensign upon graduation. After serving aboard the Coast Guard Cutter Unimak for 16 months, he went to flight school at NAS Pensacola, Florida. Within his aviation specialty, he had a variety of important and challenging flying assignments. Captain Miko served as an instructor pilot and spent three years as an exchange pilot with the British Royal Navy. In addition, he commanded a large Coast Guard Group and Air

Station in Oregon. Before being detailed to the Department of Homeland Security Transition team and the DHS Office of Legislative Affairs, Captain Miko served as the Coast Guard liaison to the U.S. Senate and as Chief of Coast Guard congressional affairs.

Upon his retirement from the U.S. Coast Guard in 2004, Captain Miko accepted a government relations position with BAE Systems. Since then, he has continued to demonstrate his abilities as a passionate and effective public policy advocate on matters of national security. In his role as Vice President of Government Relations, he displayed even-tempered, professional leadership that consistently focused on helping others do what is best for our U.S. military members and veterans.

Captain Miko has tirelessly supported this nation's military through his service in the U.S. Coast Guard and as a trusted voice within the defense community. Madam Speaker, on behalf of the U.S. Congress I am honored to recognize the efforts and accomplishments of this outstanding American patriot. I congratulate and thank Captain John C. Miko for his 33 years of service and wish him a happy retirement.

HONORING JUDGE ARNOLD ROSENFIELD

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Ms. WOOLSEY. Madam Speaker, I rise today with my colleague, Representative MIKE THOMPSON, to honor a friend and community leader, Judge Arnold, Arnie, Rosenfield. Judge Rosenfield is retiring after a distinguished career marked by his commitment to children and families and his foresight in establishing successful programs to serve them.

Born in Connecticut, Arnie Rosenfield attended Vanderbilt University, where he earned his J.D. in 1971. That same year he married Phyllis Ann Rubins, and the couple has two children, Jessica and Asa.

Judge Rosenfield began his career as a Deputy District Attorney in San Luis Obispo County, CA, where he demonstrated early on his passion to serve those not always well-represented in the justice system. He handled one of the first large successful consumer protections trials in California, and in 1977, after taking the same position in Sonoma County, he established a Consumer Protection Unit. He later opened a private practice and served as the first Commissioner of Sonoma County Superior Court before being elected Superior Court Judge in 1984, a position he held until his retirement on December 31, 2009.

The majority of Judge Rosenfield's cases involved the juvenile court, and he was always a strong advocate for children at risk for emotional trauma. In 1996 he initiated the Court Appointed Special Advocates (CASA) for Sonoma County, which advocates for the needs of abused children caught up in the justice system. He instigated the development of the Redwood Children's Center for easing the process of interviewing and examining these children and has been a supporter of Social Advocates for Youth, the Valley of the Moon Foundation, Jewish Children and Family Services, and the Parent Education Project of Sonoma County. He also served on the Advisory Committee on Juvenile & Family Law for the California Judicial Council. ''I have been very involved in my career in trying to make the court system work better for kids and families who find themselves caught up in it,'' he says.

Judge Rosenfield was also a strong proponent of restorative justice, an approach in which offenders work with the victims and the community for repair of the harm they have done. He used these techniques, especially for kids, before there was an actual movement and became a leader in the field as well as an instructor at Sonoma State University, Empire Law School, and California Judicial College.

For his work, Judge Rosenfield has received numerous awards including Juvenile Court Judge of the Year by the California Judges Association and the 2009 Rex Sater Award from the Sonoma County Bar Association for Excellence in Family Law.

Madam Speaker, Judge Arnold Rosenfield has provided Sonoma County with a legacy of innovative programs and, more importantly, an example of what passionate leadership can accomplish. ''It's my belief that for the most part what we do to kids and families here in the justice system continues to be destructive,'' he says, ''and I've spent my time trying to make it more constructive. I try to care about the families that I see and am very gratified to see lives turn around.'' Thank you, Judge Rosenfield, for the many lives you have turned around and for showing us what can be done in the name of justice.

HONORING THE 35TH ANNUAL CAPITAL PRIDE

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Ms. NORTON. Madam Speaker, I rise to pay tribute to the 35th Annual Capital Pride, a celebration of the national capital area's Gay, Lesbian, Bisexual and Transgender, GLBT, communities and their families and friends.

In 1975, Deacon ''Super Hero'' MacCubbin, owner of Lambda Rising Bookstore, in Dupont Circle, launched the first Capital Pride. It began as a block party on 20th St, between R and S Streets, NW. Six years later, in 1981, the annual Pride Parade became part of the festivities. Now Capital Pride consists of more than 10 days of events organized by the Capital Pride Planning Committee and dozens of local community partners.

This year's Capital Pride theme, ''You Ain't Seen Nothing Yet,'' both reflects Capital Pride's past and anticipates its future.

Capital Pride's producer, the Capital Pride Alliance, Inc., predicts an attendance of 250,000, making Capital Pride one of the largest GLBT festivals in the United States.

This year Capital Pride culminates with what the Washington City Paper has declared D.C.'s Best Parade for three years running, the Capital Pride Parade, on June 12, and ''The Main Event,'' a street fair on Pennsylvania Avenue in the shadow of the U.S. Capitol, on June 13.

I have marched in Pride parades since coming to Congress to emphasize universal human rights and the importance of enacting federal legislation to secure those rights for the GLBT community. Congress has much work to do. We must pass the Family Leave Insurance Act, the Employment Non-Discrimination Act, the Domestic Partnership Benefits and Obligations Act, the Respect for Marriage Act, the Safe Schools Improvement Act, the Military Readiness Enhancement Act, the Domestic Partnership Benefits and Obligations Act, the Tax Equity for Health Plan Beneficiaries Act, the Family and Medical Leave Inclusion Act, the Uniting American Families Act, and the Responsible Education About Life Act.

This year our nation's capital joined Iowa, Maine, Massachusetts, and New Hampshire in extending equal marriage rights to its GLBT residents.

I ask the House to join me in welcoming those who are attending the 35th Annual Capital Pride.

CELEBRATING THE DENTON COUNTY VETERANS MEMORIAL

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. MARCHANT. Madam Speaker, I rise today to celebrate the completion of the Denton County Veterans Memorial. This memorial represents the bravery and selfless sacrifices of veterans who have served in United States Armed Forces. These men and women have performed their duty to our country with honor.

The Denton County Veterans Memorial assures that the legacy of veterans from all services will not be forgotten by the residents of Denton County. Inspired by veterans who dedicated their service to protecting the freedom of the United States, the Denton County Veterans Memorial honors the service members who have served the United States past, present, and in the future.

Since the founding of our great nation, the members of our armed forces have been charged with the responsibility for defending the United States. Currently, many men and women serve around the world protecting and defending our security and sovereignty. While paying tribute to our fallen heroes, this memorial also acknowledges our soldiers who have returned home to their families and loved ones. America has more than 23 million living veterans, and we are inspired by their devotion and commitment to the United States as demonstrated through their service.

Today, as citizens, we have been made stronger by the bravery and courage of our veterans. I ask all of my distinguished colleagues to join me in commemorating the Denton County Veterans Memorial to honor the great men and women who have served the United States in war and peace, those who have made the ultimate sacrifice, and those who stand in harm's way.

HONORING MRS. NANCY EGBERT

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. ROGERS of Michigan. Madam Speaker, I rise today to pay tribute to an outstanding educator, Mrs. Nancy Egbert.

Since the very beginning of her teaching career, Nancy Egbert demonstrated skill, leadership, and a unique ability to positively impact the children fortunate enough to be in her classroom. After graduating from Northern Michigan University in 1967 with a B.S. in education, she established herself as a versatile educator, teaching subjects ranging from journalism and business education at the high school level to reading, math and social studies to elementary school students. In 1984, Nancy Egbert tallied another achievement to her résumé when she obtained a certification in elementary education from Michigan State University.

In 1986 she was hired at St. Gerard's, a Catholic school in Lansing, as a second grade teacher, where she has served since. Her subsequent twenty-five year commitment to molding young minds during their most formative stage is in itself a testimony to her passion and commitment to high-quality religious education. It is in no small part thanks to her hard work that St. Gerard's has won the prestigious Michigan non-public school accrediting association (MNSAA) award for excellence for 2009–2010.

Throughout her time as an educator in Michigan, she has helped shape countless young lives, serving as a role model and leader in religious education. I commend Nancy Egbert on her dedication to education and her students. She is to be applauded for her continuous contribution to the state of Michigan and the lives of our children.

URGING PREVENTION OF ATTACKS AGAINST FEDERAL EMPLOYEES

SPEECH OF

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2010

Ms. RICHARDSON. Mr. Speaker, I rise today in support of H. Res. 1187, which recognizes Federal employees for their outstanding service to our Nation and stresses the importance of promoting their safety and security while they are at work. H. Res. 1187 is an important measure that raises public awareness in regards to both the excellent work performed by Federal employees and the need to protect them on the job.

I thank Chairman TOWNS for his leadership in bringing this bill to the floor. I also thank the sponsor of this legislation, Congressman MORAN, for recognizing the importance of seeking ways to improve the safety and security of Federal employees.

Federal employees work long hours every day to ensure that Government is working for the American people. In return, we must do what we can to show our appreciation for their service. This includes ensuring their safety while at work. Unfortunately, recent events show that we can do more.

Mr. Speaker, as Chairwoman of the House Committee on Homeland Security's Subcommittee on Emergency, Communications, Preparedness, and Response, I am particularly attuned to the threats facing our Federal employees. Between 2001 and 2008, more than 1,200 attacks have been made on Internal Revenue Service (IRS) buildings. The February 18, 2010 attack on the Austin, Texas IRS building claimed the life of two-tour Vietnam veteran Vernon Hunter. The March 4, 2010 shooting that injured two Pentagon guards represented the fourth attack or security scare on a Federal building in 2010.

These unfortunate events show that we must adopt a heightened focus on protecting Federal employees and securing Federal workplaces. Additionally, we should also be grateful for the service of the state and local government employees throughout the country and work to ensure that they, too, are safe at work. As the representative of thousands of state and local government employees, I understand the importance of the work they perform to ensure that our states and cities are run fairly and efficiently. We must be dedicated to their workplace safety.

In addition, these attacks should also serve as a reminder of the need to enhance our security efforts not only for government employees, but for all Americans. The areas in and around my district contain multiple infrastructure sites of national importance, such as the Port of Long Beach, the Gerald Desmond Bridge, and the Alameda Corridor. Due to the constant flow of goods through these sites, they are vulnerable to attack and intentional sabotage. We must enhance our national security efforts to ensure that these sites, and the hundreds of others across the country, are secure and that the American people are safe.

Mr. Speaker, we must continue to protect the people who serve us every day. I applaud the Federal employees who dedicate their lives in making sure government is working on behalf of the American people.

I urge my colleagues to join me in supporting H. Res. 1187.

HONORING THE EDUCATIONAL CAREER ACHIEVEMENTS OF THOMAS A. CROW, PH.D.

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. COSTA. Madam Speaker, I rise today to commend Dr. Thomas A. Crow, Chancellor of the State Center Community College District as he prepares to retire after 20 years of dedicated service to the higher education community. Throughout Dr. Crow's time at the State Center Community College District, enrollment has grown to include nearly 40,000 students, facilities have expanded and a strong commitment to the Workforce Development Programs has been forged.

Tom is a San Joaquin Valley native, born in Fresno, California. He is a graduate of California State University, Fresno where he earned his bachelor's and master's Degrees. He attended Arizona State University in Tempe where he was awarded his Doctor of Philosophy in education. In addition, he completed his post-doctoral studies in Kinesiology at the University of California, Los Angeles.

Tom has spent his career with the State Center Community College District working as a selfless public servant. During Dr. Crow's tenure with the State Center Community College District, he has served in a variety of capacities including Vice chancellor and assistant to the Chancellor. Prior to joining the State Center Team, Dr. Crow served as president of Reedley College for 7 years and as the superintendent for the Fowler Unified School District; both located in the heart of Central California.

Dr. Crow believes in a strong community commitment and has been actively involved in numerous civic and professional organizations including the Rotary Club of Fresno, Fresno Business Council, Fresno County Economic Development Corporation, the Fresno Chamber of Commerce, the Regional Jobs Initiative, Fresno Compact, and the Workforce Investment Board. The leadership that Tom has shown to the community of Fresno has been steadfast during his time of service.

Dr. Tom Crow serves as an outstanding example for those who truly want to make a positive difference for students everywhere. Madam Speaker, I ask my colleagues to rise with me today and join in expressing appreciation for Chancellor Thomas Crow's service to the field of education.

IN RECOGNITION OF LINDA PADILLA MACEDO

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. CARDOZA. Madam Speaker, it is with great sadness that I rise today to honor the late Linda Padilla Macedo. Linda passed away peacefully on April 21, 2010. She is survived by her husband, Dan Macedo; her daughters Rebecca and Stephanie; her parents Joseph and Joanna Padilla; her sister Theresa Soares and brother-in-law Steven Soares; her brother-in-law Don Leatherman; her sister-in-law Nanette Barce-Padilla; her brother-in-law and sister-in-law Pamela and Tom Friedman; and numerous nieces and nephews.

Linda and her husband Dan were partners in the family dairy business, which had been in operation for 65 years until 2007, when Dan and Linda retired to Sonora. She earned her bachelor of arts and masters degrees from Fresno State University. Linda was a founding member and held many offices including president of the Merced Chapter of California Women for Agriculture and went on to become State president of CWA. She served as chairman of the USDA Farm Services Agency State Committee and the Ag Awareness and Literacy Foundation. She also served on the Merced County Farm Bureau Board of Directors, National Dairy Promotion & Research Board, Merced County Agricultural Preservation Strategy Committee, California Department of Conservation Council for the Preservation of Habitat and Natural Resources, County UC Merced Planning and Advisory Committee, American Agri Women and the Common Threads Committee. Linda donated her knowledge, talents and time in support of her daughters as they grew up, serving as a member of the Our Lady of Mercy Boosters Club and project leader for Lancers 4–H.

The volunteer activity closest to her heart was the founding of the Merced County Farmlands and Open Space Trust and the Central Valley Farmland Trust, which she served as the president and on the board of directors. Linda served her community selflessly and through her time and commitment helped to educate the community about the importance

of agriculture and the protection of our farmland.

Madam Speaker, the recognition that I am offering today before the House of Representatives for Linda Padilla Maced is small compared to the contributions and impact she had on the lives of so many. She was truly an invaluable member of our community, an exemplary advocate for agriculture, and an outstanding human being.

PERSONAL EXPLANATION

HON. DEAN HELLER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. HELLER. Madam Speaker, on rollcall No. 257 I was unavoidably detained.

Had I been present, I would have voted "yes."

HONORING STEPHEN A. BOUCH OF NAPA COUNTY

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. THOMPSON of California. Madam Speaker, I rise today to honor Mr. Stephen A. Bouch who will be retiring as Court Executive Officer of the Napa Superior Court. Stephen's leadership will be truly missed by his co-workers, the people of Napa County, and the countless of people nationwide that relied on his extensive knowledge of the criminal justice system.

Mr. Bouch began his distinguished career as a jury commissioner/law librarian in the Superior Court of Santa Cruz County in California. He was soon promoted to assistant Superior Court administrator in San Mateo County, California. From there he launched his 4 decade career as the Court Administrator for the Superior Courts of Spokane, Washington and the Superior Court of Monterey County, California. Due to his passion and perseverance, Mr. Bouch became the first non-judge, trial court administrator in Idaho's history. More success followed when he was appointed to the position of deputy administrative director for the State of Alaska court system. He returned to California where he served at the state level working as a special consultant to the state's Judicial Council, Administrative Office of the Courts. In 2001 he was appointed as the Napa Superior Court executive officer.

Mr. Bouch's career and personal contributions are innumerable. As a court administrator in California, he assisted in the design and implementation of a countywide integrated criminal justice system. As the court executive officer he created an award winning public website which provides information on services that local non-profits offer. The website is instrumental for family court litigants and it is available to all Napa County residents. Mr. Bouch also administered domestic and juvenile relations divisions of trial courts in California and Idaho.

Mr. Bouch also spent 6 years working as a senior staff associate for the National Center for State Courts, where he shared his extensive knowledge with varying sized jurisdictions throughout the United States and abroad. His administrative work was recognized when he received the Toll Fellowship from the National Council of State Governments in Lexington, Kentucky.

Madam Speaker, it is my distinct pleasure to recognize Stephen A. Bouch for his many years of service to Napa, California, and to thank him for his many contributions on behalf of our country and his community. I join his wife Jan, and his children, David, Michael and Christopher, and our colleagues in wishing him the best as he enters this new phase of his life.

HONORING MAINE'S SMALL BUSINESS PERSONS OF THE YEAR: TRAPPER CLARK AND THOMAS STURTEVANT

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. MICHAUD. Madam Speaker, I rise today to recognize the accomplishments of Trapper Clark and Thomas Sturtevant, the co-recipients of the 2010 Small Business Association's, SBA, Maine Small Business Persons of the Year Award.

The annual SBA Maine Small Business Person of the Year Award recognizes outstanding entrepreneurs for their contributions to the Nation's economy and for their personal achievements based upon staying power, employee growth, sales increases, current and past financial performance, product or service innovation, response to adversity and contributions to community. Trapper Clark and Thomas Sturtevant, co-owners of the aluminum trailer manufacturing company Alcorn in Winslow, Maine, embody the spirit of this award.

On March 1, 2006, Alcom got its start in a small section of an old mill with only a handful of employees. Five years and one recession later, the manufacturers inhabit a seventy-thousand square foot factory, employing eighty workers and serving over two-hundred dealers. As of last month, Alcom was supplying its "mission line" trailers to customers from New England, throughout Canada and as far west as Utah.

Mr. Clark and Mr. Sturtevant have achieved remarkable growth even during these tough economic times. Alcom took on 25 new workers since last October, and Clark and Sturtevant have surpassed their projected sales and growth goals for 2010 inside the first three months of the year. Most impressively, with an ambitious business plan and expected sales of $44 million and 196 employees in 2013, Alcom has found a way to grow while still keeping their employee base in Maine.

Madam Speaker, Alcorn is a remarkable Maine success story. Please join me in honoring Trapper Clark and Thomas Sturtevant for their accomplishments and their dedication to community.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is $12,931,157,737,293.42.

On January 6, 2009, the start of the 111th Congress, the national debt was $10,638,425,746,293.80.

This means the national debt has increased by $2,292,731,990,999.60 so far this Congress. The debt has increased $4,372,259,520.42 since just yesterday.

This debt and its interest payments we are passing to our children and all future Americans.

SUPPORT OF THE "REMOVAL CLARIFICATION ACT OF 2010"

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. JOHNSON of Georgia. Madam Speaker, I rise today to introduce the "Removal Clarification Act of 2010." This bipartisan legislation will help protect the Federal Government from interference with its operations.

Under the federal officer removal statute, 28 U.S.C. § 1442(a), "any officer of the United States or of any agency thereof, sued in an official capacity or individual capacity for any act under color of such office" may remove the case to Federal district court. The statute is designed to enable Federal officials to remove a case out of State court and into Federal court.

However, in over forty States, individuals may be deposed and/or required to produce documents despite the fact that they have not yet been sued. Such pre-suit discovery is sometimes used by plaintiffs to confirm that they are suing the proper defendant, identify unknown defendants, or investigate potential claims.

Courts are split on whether the removal statute applies to pre-suit discovery. Today's legislation will make clear that the removal statute applies to all State judicial proceedings in which a legal demand is made for a Federal officer's testimony or documents, including pre-suit discovery. It will also clarify that the Federal officer need not wait until he or she is subject to contempt in order to seek removal.

The ambiguity over whether a Federal officer can invoke the removal statute during pre-suit discovery was presented in a recent case involving Republican EDDIE BERNICE JOHNSON, who was the subject of a pre-suit discovery petition. Republican JOHNSON removed the action from State court on the basis of the removal statute. However, the Federal court held that the pre-suit discovery proceeding did not constitute a "civil action or criminal prosecution" for purposes of the statute and remanded the petition to State court. The bill I introduce today would have permitted such removal.

This bill will not alter the well-settled requirement that removal under section 1442(a)(1)

must be predicated on the availability of a Federal defense. Nor will it result in removal of cases that belong in State court since only the part of the case involving the Federal officer is removed under 1442(a)(1).

In short, this legislation will enable Federal officials to remove cases to Federal court in accordance with the spirit and intent of the removal statute.

I hope that my colleagues will join me in supporting this bipartisan legislation.

WE THE PEOPLE

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. VISCLOSKY. Madam Speaker, it gives me great pleasure to pay tribute to the outstanding achievements of an exceptional group of students from Munster High School, located in Indiana's First Congressional district. Competing against a class from every state in the country, one team from Munster High School accomplished the extraordinary feat of finishing in eighth place in the national competition of the We the People: The Citizen and the Constitution program held in Washington, DC, from April 24–26, 2010. For their remarkable knowledge and understanding of American government, these exceptional young people are to be commended.

The We the People program, administered by the Center for Civic Education, is a program that reaches over 30 million elementary, middle, and high school students. The goal of the program is to provide students with an understanding of the fundamentals of the Constitution and the Bill of Rights. The national finals competition imitates a Congressional hearing in which high school students testify as constitutional experts before a panel of judges.

The people of Munster, as well as the community of Northwest Indiana, can be proud of this truly noteworthy class of students. The team consists of: Stacey Avtgis, Chandani Bhatt, John Bochnowski, Cristina Bonini, Thomas Burgwald, Sumanth Chintamani, Georgenna Chioros, Nicholas Estes, Michael Jerge, Kamryn Klawitter, Neil Kondamuri, Christina Lee, Melissa Lee, Aesha Maniar, Brianna Meyer, Tara Mojtahed, Santhosh Narayan, Spencer Newell, Katherine Palmer, Alexander Parobek, Aaditya Shah, Niral Shah, Matthew Skiba, Adam Stepanovic, Shawn Tuttle, Ines Tzolov, and Elizabeth Wadas.

Madam Speaker, I would like to once again extend my most heartfelt congratulations to the members of Munster High School's We the People program, as well as their coach, Mr. Michael Gordon, and all of the community and faculty members who have instilled in these students the desire to succeed. The values exhibited by these young people and their interest in the history and fundamentals of our great nation serve to inspire us all. I am proud to represent these fine individuals in Congress, and I am proud to have been given this opportunity to recognize these future leaders. I look forward to watching their achievements as they continue to rise to the top.

PERSONAL EXPLANATION

HON. DEAN HELLER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. HELLER. Madam Speaker, on rollcall No. 258, I was unavoidably detained. Had I been present, I would have voted "yes."

HOME STAR ENERGY RETROFIT ACT OF 2010

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 2010

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 5019) to provide for the establishment of the Home Star Retrofit Rebate Program, and for other purposes:

Mrs. MALONEY. Madam Chair, I rise today to voice my support for H.R. 5019, the Home Star Energy Retrofit Act.

This legislation will help to create jobs while saving consumers money and reducing our nation's energy consumption.

It will also provide an important boost for the construction sector which has been mercilessly pounded by both the recession and the collapse in new housing construction.

In my role as chair of the Joint Economic Committee, we have been examining the sector-by-sector impact of the Great Recession.

The construction sector has seen employment drop by almost 28 percent since the recession began. More than two million jobs—in this sector alone—were lost.

We're not going to get those jobs back overnight, but policies like the Home Star Energy Retrofit Act can play an important role in encouraging growth in construction while speeding our transition to a more energy-efficient economy.

The legislation provides rebates to consumers for purchasing energy-efficient products or materials and for doing renovations to make their homes more energy efficient.

Consumers can get the rebates for buying caulk or insulation, at their local hardware store for example, or working with a contractor on larger projects, such as installing new heating or cooling systems, or replacing windows.

The larger the project, the larger the rebate.

The legislation also creates a new state-federal program to provide loans to consumers for renovations that improve energy efficiency.

The Home Star legislation builds on the energy efficiency provisions in the Recovery Act, including weatherization programs targeted at low-income families and retrofits of public housing.

The legislation helps us accomplish two key goals—increasing jobs and reducing our energy costs and consumption.

A number of studies have already shown the job creation power of retrofitting homes and buildings.

The Center for American Progress estimated that $40 billion invested in retrofits would create approximately 800,000 jobs. And these are good, high-paying jobs—construction workers, carpenters, electricians and roofers.

Finally, residential and commercial buildings use 40 percent of the energy in our country and account for 40 percent of carbon emissions.

The Home Star Energy Retrofit Act will speed the pace of home retrofits, speed up the creation of badly needed jobs, decrease our demand for carbon based fuels, and help us move more quickly to a cleaner, brighter more energy efficient future.

I encourage you to support H.R. 5019.

HONORING SPRING WOODS METHODIST CHURCH ON ITS 50TH ANNIVERSARY CELEBRATION

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. GENE GREEN of Texas. Madam Speaker, I rise today to commend Spring Woods Methodist Church on celebrating its 50th anniversary. The current Pastor is Dr. J.D. Phillips and the church is composed of people from all walks of life. I am a member of the church and am proud of this accomplishment.

Spring Woods has the distinction of being the first Methodist church in Northwest Houston. The first service was held on October 18, 1959, and was attended by 18 people at Spring Elementary School.

On May 15, 1960, Dr. Homer T. Fort, the Houston West District superintendent officially recognized Spring Woods Methodist Church. Through assistance from the Room to Grow Program, the church purchased five and a half acres on FM 1960 for the future church site. The original charter membership was composed of 44 people and by the end of the year, the number increased to 106. Today the congregation numbers over 1,000 members and continues to serve the Lord by serving the people of Northwest Houston

Since the church was built, they have added several buildings on the property. This includes an 18,000 square foot education/administrative office building.

And so it is with great pleasure that I recognize and congratulate Spring Woods Methodist Church on celebrating its 50th anniversary.

TRIBUTE TO ACKNOWLEDGE DEPAUL UNIVERSITY AS IT LAUNCHES ITS CAPITAL CAMPAIGN TO HONOR THE ACCOMPLISHMENTS OF ST. VINCENT DEPAUL AND ST. LOUISE DEMARILLAC ON THE OCCASION OF THE 350TH ANNIVERSARY OF THEIR DEATHS

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. DAVIS of Illinois. Madam Speaker, DePaul University is the largest Catholic university in the United States and the largest private non-profit university in the Midwest. It remains dedicated to serving and educating the

economically disadvantaged, as it has done throughout its history. DePaul University provides high-quality education for students from the entire metropolitan area through its Chicago and suburban campuses.

In 2010, DePaul University celebrates the work and accomplishments of its namesake, St. Vincent DePaul, and St. Louise de Marillac, founder of the Daughters of Charity, on the occasion of the 350th anniversary of their deaths. To honor the examples of St. Vincent and St. Louise through its mission of education and service, DePaul University is embarking on a capital campaign entitled, "Many Dreams. One Mission." This capital campaign will help guarantee the accessibility and affordability of the University's 260 graduate and undergraduate programs. This campaign will raise funds to build campus facilities that will enhance the University's academically-rigorous and nationally-acclaimed programs of study.

As a proud Chicagoan and former educator, I congratulate DePaul University for its many contributions to higher education and community service, and I join with DePaul University in celebrating St. Vincent DePaul and St. Louise DeMarillac on the occasion the 350th anniversary of their deaths.

SUPPORTING DESIGNATION OF NATIONAL EXPLOSIVE ORDNANCE DISPOSAL DAY

SPEECH OF

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2010

Mr. BLUMENAUER. Mr. Speaker, I am proud to support H. Res. 1294, honoring those who are serving and have served courageously as Explosive Ordnance Disposal personnel, as contractors or members of the United States Armed Forces.

At home and abroad, unexploded ordnance (UXO)—bombs and shells that failed to explode during military training, testing, or operations—pose a health and safety risk to communities and restrict opportunities for economic development. These still-dangerous explosives and harmful contaminants are located on or buried in millions of acres of former military lands in every state and Congressional district. Alarmingly, much of this land now serves as housing, schools, businesses, parks, and playgrounds.

For the past ten years I have worked closely with my colleagues to direct Congressional funding and legislative action on UXO cleanup and increase investment in technology. In 2005, I formed the bipartisan UXO Caucus as part of an ongoing effort to increase Congressional awareness. The purpose of the UXO Caucus is to inform Members of the health, safety, and environmental risks of UXO and to highlight the challenges faced by communities and the federal government to clean up UXO and redevelop former military properties. Due to these bipartisan efforts, the Department of Defense has now named a program manager in charge of remediation, and additional funding has gone to technology that will better determine the location and density of munitions contamination.

UXO technicians and units at home and abroad perform a selfless and dangerous task on behalf of the United States and we will forever be in their debt. Despite risking their lives for the health and safety of our families and communities, these heroes have largely gone unrecognized. I am extremely grateful for their sacrifices and I am pleased that we can honor them with this resolution highlighting National Explosive Ordnance Disposal Day.

43RD ANNIVERSARY OF THE REUNIFICATION OF JERUSALEM

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. GARRETT of New Jersey. Madam Speaker, I rise now to commemorate a significant event: the 43rd anniversary of the reunification of Jerusalem, which is being celebrated today. I am proud to be a cosponsor of H. Con. Res. 271, which recognizes this important day.

Jerusalem is one of the most historic cities in the world; it has been destroyed, besieged, attacked, captured, and recaptured multiple times. Yet in 1948, for the first time, the city was divided into two parts. For the following 19 years, access to holy sites was denied by Jordan. Even worse, synagogues were destroyed and ancient tombstones desecrated. Residents of Jerusalem could not even see the Western Wall, let alone pray there.

At last, in 1967, Jerusalem was reunited during the Six Day War. In celebration, Defense Minister Moshe Dayan gave this oft-repeated statement:

"This morning, the Israel Defense Forces . . . have united Jerusalem, the divided capital of Israel. We have returned to the holiest of our holy places, never to part from it again. To our Arab neighbors we extend, also at this hour—and with added emphasis at this hour—our hand in peace. And to our Christian and Muslim fellow citizens, we solemnly promise full religious freedom and rights. We did not come to Jerusalem for the sake of other peoples' holy places, and not to interfere with the adherents of other faiths, but in order to safeguard its entirety, and to live there together with others, in unity."

Truly, today is not cause for celebration by Jews only. Christians and Muslims also consider Jerusalem a holy city. Furthermore, visitors of many other faiths travel to the Old City to pray or simply appreciate the historic sites, which are not only accessible today, but also properly maintained.

Sadly, some people still do not consider Jerusalem to be Israel's capital. And despite the passage of the Jerusalem Embassy Act in 1995, we have not yet moved the U.S. embassy in Israel from Tel Aviv to Jerusalem. It is preposterous that Israel, our democratic friend and strategic ally, is the only country in which the U.S. embassy is not located in the functioning capital. I strongly encourage President Obama and Secretary of State Clinton to begin the process of relocating the U.S. Embassy in Israel.

As Israeli Prime Minister Benjamin Netanyahu, recently stated: "The connection between the Jewish people and the Land of Israel cannot be denied. The connection between the Jewish people and Jerusalem cannot be denied . . . Jerusalem is not a settlement. It is our capital."

In closing, I want to reflect on the name, "Jerusalem." It is my understanding that the name of this city is built from a Hebrew root word meaning "completeness" or "wholeness." How appropriate that for the past 43 years Jerusalem has been able to live up to its name. As Psalm 122:3 states: "Jerusalem is built as a city that is united together."

HONORING MICHAEL SPAK

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. WOLF. Madam Speaker, I call to the attention of the House the passing on January 25 of Michael Robert Spak, 62, a resident of Leesburg, Virginia, who was the founder and chairman of the nonprofit Loudoun Crime Commission.

Mr. Spak enlisted in the United States Marine Corps at age 18 and completed two tours of combat duty in Vietnam from 1966–1969. Following his honorable discharge in 1969, he joined the Los Angeles Police Department, where he served on the Bomb Squad/Criminal Conspiracy Section for several years, becoming an expert on bomb detection, disposal and investigation. In 1974, he joined the Central Intelligence Agency, where he served for 23 years, first as an officer in the CIA's Directorate of Science and Technology and then in the Directorate of Operations. In the context of his work, he traveled the world from the Middle East to Africa and Asia. He also served in multiple long-term overseas assignments in Europe and Latin America. After retiring from government service in 1996, he started his own company, Virtual Defense & Development International, Inc. (VDI), an international consulting and professional services company specializing in matters of defense, law enforcement, security and intelligence, and post-conflict economic development. He served as president and chairman of VDI until the time of his death.

He was the founder and chairman of the non-profit Loudoun Crime Commission; he was a founder of the newly-constructed National Museum of the Marine Corps at Quantico, and was active in the Marine Corps Heritage Foundation; and he served in the Loudoun County Marine Corps League Detachment, where he most recently held the position of judge advocate and was involved in its annual Toys for Tots campaign. In addition, he owned and operated Amber Creek Vineyard in Leesburg and was a member of the Loudoun Winegrowers Association. He was a lifelong member of the Masonic Lodge. He held two bachelor's degrees from George Mason University and American University, respectively, and at the time of his death was working towards his master's degree at American University. Mr. Spak was vigilant in his efforts to fight crime and support law enforcement agencies. He is commended for his life of service to his country and his community. Mr. Spak was willing to put his own life at risk for the protection of our country and our communities. Michael Robert Spak was very much appreciated throughout the Marine, Intelligence and law enforcement communities and his energy, ideas and enthusiasm will be greatly missed.

Madam Speaker, we extend our sympathies to Mr. Spak's family, including his wife, Kristin Rickard Spak of Leesburg, Virginia; three children, Jessica Lynn White of Ashburn, Brian Thomas Spak of Boulder, CO, and Nicholas Michael Spak, of Boulder, CO; two grandchildren: Kelsey Lynn White and Austin Ray White, both of Ashburn; and a sister Janis Lee Bradley of Carson City, NV.

CONGRATULATING TRACEY GROSSMAN

HON. THEODORE E. DEUTCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. DEUTCH. Madam Speaker, I rise today to congratulate Tracey Grossman, recently honored as the recipient of the 2010 Daniel Ginsberg Award by the Anti-Defamation League.

The Anti-Defamation League's Daniel Ginsberg Award is given annually to young ADL leaders who show the enthusiasm and creativity of Daniel Ginsberg and ADL leaders whose interest and involvement covered virtually the entire spectrum of ADL issues. Since 1995, ADL has recognized many of their young and most dedicated leaders with this great honor.

Tracey's advocacy on behalf of the goals of Florida's chapter of ADL, and her guidance of Florida's ADL Glass Leadership Institute carries on the spirit of Daniel Ginsberg's great leadership.

I would like to congratulate Tracey, her husband Gabriel, and her parents Wes and Maddi for this great honor. I am proud to have their friendship and wish Tracey continued success in all of her future endeavors.

HONORING THE ACHIEVEMENTS OF DAVE KOEHLER

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. COSTA. Madam Speaker, I rise today to commend Dave Koehler on his 20th Anniversary as the Executive Director of the San Joaquin River Parkway Trust.

Dave is a native of the San Joaquin Valley, born in Fresno, California. He is a graduate of Fresno High School and California State University, Fresno. Dave and his wife Sharon are the proud parents of two sons, Shannon and Spence.

Dave has always been an integral part of the San Joaquin River Parkway Trust. He began as a member of the Board of Directors, has served as the Chair of the Education Committee, and was subsequently named as the Executive Director.

Under Dave's leadership as Executive Director of the San Joaquin River Parkway Trust, the organization has grown immensely. The acquisition of the Parkway lands, which began in the late 1980s, continues to be a positive work in progress. Presently, the Parkway Trust has acquired 3,500 acres of protected lands which includes the Scout Island Regional Outdoor Environmental Education Center and the Coke Hallowell Center for River Studies. These River Parkway Trust jewels serve as points of interest for all individuals visiting the Parkway.

As a result of Dave's dedication and tenacity, in conjunction with staff and volunteers, several ecological reserves and trails have been established along the San Joaquin River between Friant Dam and California State Highway 145. The Parkway Trust has become a valued foundation of knowledge for all those who are interested in learning more about the river. Visitors from across our great state and nation are able to enjoy the history and importance of the majestic San Joaquin River.

Madam Speaker, I ask my colleagues to rise with me today to express our appreciation for Dave Koehler's diligent work as Executive Director of the San Joaquin River Parkway Trust and, on behalf of the thousands of visitors to the San Joaquin River Parkway Trust Lands, thank him for his continued dedication and commitment.

ST. PETERSBURG POLICE ATHLETIC LEAGUE CELEBRATES 50 YEARS OF HELPING KIDS

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. YOUNG of Florida. Madam Speaker, the St. Petersburg Police Athletic League celebrates 50 years of helping St. Petersburg's youth this Friday.

When first established in 1960, the PAL program provided recreational activities for the youth of our community. Today their mission has grown to include a wide range of after-school and summer programs that go far beyond sports. PAL volunteers and staff provide educational support, sports, fitness, art and drama programs and the offerings continue to grow and evolve.

The St. Petersburg PAL chapter now serves more than 500 youth per year. As PAL volunteer and former board member Ed Schatzman told The St. Petersburg Times recently, "We know kids are receiving wholesome programs and great contact with police officers that will be a key to their choosing a positive path to being good citizens."

One of PAL's primary missions is truancy prevention as more than 300 youth per year come to the program after they are caught by police officers skipping school. Through PAL, they receive help to improve their attendance, improve their academic performance, and are often referred to other agencies for help with drug treatment, counseling and school-based services.

Melissa Byers, PAL's Executive Director, told The Times that more than 60 percent of these students show improved school attendance as a result of the intervention of police and the PAL program.

Madam Speaker, The PAL program nationally and in St. Petersburg has proven to be a tremendous success in helping to build positive relationships between youth and police officers. They learn to build a bond of trust that keeps many young people from making mistakes that will haunt them for life.

Following my remarks, I will include the story from The Times by Kathy Ferguson about PAL's great work in St. Petersburg. As Mr. Schatzman told the reporter, "Our St. Pete PAL has kept kids on the right path for 50 years; and if that isn't important, I don't know what is. The kids of PAL will make St. Petersburg's future bright."

Madam Speaker, it is my hope that my colleagues will join me in thanking the St. Petersburg PAL chapter, the police officers who volunteer their time, the board members and the staff for a job well done. There will be a grand celebration of their service in St. Petersburg this Friday as the community comes together to celebrate "50 Years of Making a Difference" and as they move on to their next 50 years of serving the youth of our community.

[From the St. Petersburg Times, May 9, 2010]

FOR 50 YEARS POLICE HAVE BEEN PALS TO KIDS—THE LOCAL POLICE ATHLETIC LEAGUE HELPS MORE THAN 500 KIDS A YEAR

(By Kathy Ferguson)

Boxing and double-dutch jump rope were all the rage in 1960 when the Police Athletic League of St. Petersburg opened its doors. Today PAL's athletics have grown to include basketball, track and flag football. Athletics may be its base, but sports are no longer PAL's only lineup. After-school and summer programs, Boy Scout troops, mentoring and a truancy plan help more than 500 youngsters every year.

This month, PAL celebrates 50 years of building positive bonds between police officers and youths. A 1950s-style, glamorous gala is set for Friday at the Renaissance Vinoy Resort & Golf Club in St. Petersburg. Tampa Bay Buccaneer football great Mike Alstott serves as honorary chairman.

Usually a Founders Club Breakfast is held. But this year's anniversary was too important for an early riser salute, Robin Grabowski, gala chairwoman, said.

"This is a major celebration for PAL," said Grabowski. "Everyone is invited to attend."

The gala will also applaud 50 PAL founders who supported through donations or service.

Ed Schatzman, who has dedicated 30 years to PAL, remembers its humble start.

"The north end of the basketball court ended abruptly at the basket because we couldn't fit a regulation court in the building," Schatzman said. "Our home team always had an advantage because our kids knew how to 'run up the wall' during games."

The first facility was on Fifth Avenue N, near 16th Street. Now PAL is at 1450 16th St. N, beside Woodlawn Elementary School.

Schatzman and his wife, Stefanie, sponsored a child for the summer program last year. Schatzman has been involved in PAL Scouts, served on the board of directors and helped with the after-school reading program.

"We know kids are receiving wholesome programs and great contact with police officers that will be key to their choosing a positive path to being good citizens," Schatzman said.

Planting seeds, executive director Melissa Byers said, is what PAL is all about. Its mission is crime prevention through athletics, education and recreation.

"We offer young people opportunities to enrich their self-esteem and team-building skills in a structured, nonthreatening environment," she said. The idea is to keep kids busy between the peak hours of youth violence and crime between 3 and 9 p.m.

Programs include daily fitness, art, drama, soccer, tennis, games, movies and homework time. Character development focuses on issues like gang involvement, making choices, stranger danger, bullying prevention and goal setting.

A new emphasis is being placed on health and the environment.

''We are planting an organic garden behind the facility and putting more focus on healthy eating,'' Byers said.

PAL works with disadvantaged youths, but children from all walks of life are welcome. Scholarships are offered.

More than 300 children each year get involved with PAL through a truancy intervention program. Officers pick up youngsters skipping school and wandering the streets. The students are brought to PAL's facility. They get help with ways to increase school attendance, improve their grades and find out what else they need to be successful. Often they are referred to outside services for help. That may mean counseling, drug treatment or school-based services.

''This is a much more productive use of their days,'' Byers said. The issues range from skipping school and low academics to homelessness and substance abuse.

Success is measurable.

''Over 60 percent of these students show improved attendance as a result of this intervention,'' Byers said.

''Our St. Pete PAL has kept kids on the right path for 50 years; and if that isn't important, I don't know what is,'' said Schatzman. ''The kids of PAL will make St. Petersburg's future bright.''

IN SPECIAL RECOGNITION OF BARBARA BARKER UPON HER RETIREMENT AS DISTRICT DIRECTOR OF OHIO'S FIFTH CONGRESSIONAL DISTRICT OFFICES

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. LATTA. Madam Speaker, it is my great pleasure to pay special tribute to an outstanding public servant from Ohio's Fifth Congressional District. My District Director, Barbara Barker of Antwerp, Ohio will be retiring following Twenty-One years of service to Ohio's Fifth Congressional District Offices.

Barbara Barker began her service to Ohio's Fifth Congressional District as a Staff Assistant to the late Congressman Paul E. Gillmor. Barbara was soon promoted to serve in various capacities under Congressman Gillmor, being selected to serve as District Representative, Senior District Representative, and then lastly as District Director during her tenure. Following the vacancy left by the late Congressman Gillmor, Barbara's professionalism as a manager of congressional district operations made her a natural choice to assume the same role in my district offices. I have found Barbara to be a dedicated public servant, who has not only managed the day to day functions of my district offices, but has demonstrated that she made the well-being of the constituents of Ohio's Fifth Congressional District the hallmark of her career with the United States House of Representatives.

Madam Speaker, I ask my colleagues to join me in congratulating Barbara Barker for her role in my district offices. Our communities have undoubtedly benefited from her years of faithful service. We wish Barbara Barker all of the best upon her retirement as District Director of Ohio's Fifth Congressional District Offices.

HONORING UNITED STATES MILITARY WHO SERVED DURING THE KOREAN WAR

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. COURTNEY. Madam Speaker, I rise today to honor the men and women of the United States Military who served our nation with honor and dignity during the Korean War. I would like to particularly note the service of Connecticut's veterans who served during that conflict.

On June 25, 1950, soldiers from North Korea invaded South Korea and within days quickly secured the South Korean capital of Seoul. Only two days later, on June 27, President Harry Truman ordered the U.S. military to give the South Korean Government troops cover and support. Less than three months later, on September 15, 1950, United States forces under the command of General Douglas MacArthur successfully invaded Inchon stunning the North Korean military. Over the following years, a series of battles were fought between North Korean and South Korean forces aided primarily by U.S. forces as well as those from some twenty countries. Tragically, some 37,000 members of the U.S. Armed Forces lost their lives fighting in the Korean War and sadly their sacrifices have in some circles been forgotten or marginalized over time. We must never allow this to happen to those men and women who have served and given so much in defense of our freedom, and that is why I stand here today in the House of Representatives to honor them.

In my home state of Connecticut, thousands of men and women answered the call of duty and many of those gave the ultimate sacrifice. This week, in the town of East Lyme, veterans, family members and local citizens will join together to honor the service of the men and women who served in the Korean War. I would like to particularly thank Joyce Harris, President of the East Lyme Veterans Council for her efforts to put this event together and all those veterans who will be in attendance for this event. We owe these men and women our respect and our thanks, and we must honor the commitments that have been made to these veterans and their families. I ask that all members of the House join me in that effort.

A BILL TO DESIGNATE THE FACILITY OF THE UNITED STATES POSTAL SERVICE LOCATED AT 3270 FIRESTONE BOULEVARD IN SOUTH GATE, CALIFORNIA AS THE ''HENRY C. GONZALEZ POST OFFICE BUILDING''

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I am proud today to introduce a bill to designate the facility of the United States Postal Service located at 3270 Firestone Boulevard in South Gate, California as the ''Henry C. Gonzalez Post Office Building.''

Henry Gonzalez currently serves as a Councilmember for the City of South Gate, where he has proudly served for over two decades, beginning in 1982 when he became the first Latino elected to the City Council. He continued to make history as the City's first Latino Mayor just a year later, a role he has assumed several times during his 23 years in elected office.

In addition to his government service, Henry Gonzalez is a pillar of the South Gate community. He is an avid supporter of South Gate youth sports—having founded the South Gate High School Booster Club and the South Gate Youth Football league—and he has served as a board member for countless national and local organizations.

He is a much-loved and respected community leader. In light of his great service to our community, it is fitting that we name this post office in his honor.

Henry Gonzalez has given much of himself to better the city of South Gate. A post office named in his honor will remind us of what true civic commitment is and will inspire us all in the years to come.

IN RECOGNITION OF CORNELIUS JOHN GROVES

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. CARDOZA. Madam Speaker, it is with the greatest respect and admiration that I rise today to honor Cornelius John ''C.J'' Groves. C.J. is not only an engaged member of our community in Merced County, California, but a respected and influential educator.

C.J. Groves was born in Casper, Wyoming on May 26, 1920. His family moved in 1924 to Petaluma, California, where they settled. He attended local public schools and graduated in mid-year from Petaluma High School in 1938. After graduation, he enrolled at San Jose State, but was drafted into the U.S. Army in 1941 during his junior year. While in the service, he boxed as a light heavyweight and won all the tournaments that he entered. He retired undefeated. His ability to articulate made him an obvious candidate for Officers Candidate School where he graduated as a second lieutenant and was assigned to the Medical Administrative Corps. He was then sent to the Philippines for active duty. After the war ended, he was shipped to Japan until March 1946. He was discharged as a first lieutenant and ended his military career as a captain in the reserve.

After the service, C.J. continued his studies at San Jose State and graduated in June 1947 with a degree in English and a minor in history. He then attended Stanford University, where he completed the credential program. He began teaching at Merced High School in 1948. He continued his own education during his career and ultimately received a masters degree from Chapman University. In 1958, he helped open the new campus for Atwater High School as Vice Principal and Dean of Boys. He served in that capacity until 1974 when he was named Principal of Atwater High School. He continued to lead the school with distinction until 1981 when he retired.

His commitment to education has garnered the life-long respect and admiration of the

countless students who were fortunate to have gone to both Atwater and Merced High Schools during his long tenure with the Merced Union High School District. His distinguished career in education has also been a source of inspiration and encouragement to all of those who have served with him as faculty and staff.

C.J. currently resides in Merced, where he has enjoyed his retirement years. He was an active member of his duck club for many years, a member of the Elks, and is a 32nd degree Mason. Madam Speaker, it is my distinct honor and privilege to join my community in honoring Mr. C.J. Groves on his 90th birthday.

PEACE OFFICERS MEMORIAL DAY

SPEECH OF

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2010

Ms. RICHARDSON. Mr. Speaker, I rise today in support of H. Res. 1299, which recognizes the men and women who have given their lives in the line of duty as law enforcement officers. This is an important measure that pays tribute to the selfless men and women who lost their lives as they worked to protect the American people. These brave individuals deserve our national gratitude for their sacrifice.

I thank Chairman CONYERS for his leadership in bringing this bill to the floor. I also thank the sponsor of this legislation, Congressman POE, for his dedication to ensuring that the men and women who protect our families and communities are honored for their bravery, service, and sacrifice.

Careers in law enforcement are inherently dangerous and the men and women who decide to serve as police officers should be commended for their bravery. Today, there are more than 900,000 law enforcement officers in the United States who risk their lives every day to protect our communities. Following the horrific terrorist attacks of September 11, 2001, more than seventy law enforcement officers were killed while rescuing victims and restoring a sense of order during this time of national tragedy. September 11, 2001, was the deadliest day for law enforcement officers in the history of our nation.

More than 18,600 law enforcement officers have been killed in the line of duty throughout the history of the United States. These police officers were killed while responding to disturbance calls, making arrests in robberies, investigating suspicious circumstances, making traffic stops, and countless other efforts to protect the American people and ensure the safety of our communities.

In my district in Long Beach, California, 28 police officers have died in the line of duty. In a Peace Officers Memorial Day tribute, Long Beach Mayor Bob Foster eloquently stated, "All of our officers and firefighters chose a profession where they could no longer sit still and proclaim that somebody should do something. Thinking about taking action and actually taking action is what separates the good from the great; the well intentioned from the heroes." I agree with Mayor Foster. Law enforcement officers are true American heroes.

I salute the bravery and dedication of law enforcement officers at the Federal, State, and local levels. I extend my deepest sympathy to the loved ones of police officers who have been killed while working to protect the American people.

I urge my colleagues to join me in supporting H. Res. 1299.

HONORING DEANNA ESPINA

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. STARK. Madam Speaker, I rise today to pay tribute to Deanna Espina, who has managed the San Lorenzo School District's Indian Education Program for over 35 years.

Deanna is an enrolled member of the Yakama Nation in Washington State. Her tribal name is "Speelyi," which means "Coyote." Deanna and her husband, Joe, have been married for 56 years; their four children all graduated from San Lorenzo High School.

Deanna's career at the San Lorenzo School District began in 1974, the first year of the Title IV Indian Education Program. More than 35,000 students have attended Deanna's presentations at the Native American Museum during her three decades of managing the program.

Deanna's achievements and honors are numerous. She is the founding member of the Bay Area Indian Education Council; was recognized as Administrator of the Year by the National Indian Education Association; received Distinguished Educator of the Year for Indian Education from the State of California; received Indian Education Showcase Award from the U.S. Department of Education for one of the best Indian Education Programs in the country; and received the Honored Elder Award from the California Indian Education Conference. The San Lorenzo School District's Indian Education Program has received commendations from the Alameda County Superintendent of Schools, The California Congress of Parents, Teachers and Students and a Congressional Record tribute on the 25th anniversary of the Titled Indian Education Programs.

Additionally, Deanna is one of the first Native American women elected to the National Board of the YWCA. She is a member of the California Teachers Association, National Education Association, and the Association of California School Administrators. She is also a founding member of the Oakland Museum's Cultural and Ethnic Affairs Guild.

Deanna's leadership and vision have allowed Native American programs to thrive throughout Alameda County. Her commitment has raised the community's awareness of the history and richness of Native American culture. I join many others in thanking Deanna Espina for her exemplary contributions to our community.

IN HONOR OF FIRST STATE BALLET THEATRE

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize First State Ballet Theatre as they celebrate their 10th anniversary. Over the past decade, First State Ballet Theatre has become a staple in and around the Delaware arts community, one that currently holds the distinction of being the only professional ballet company in our state.

Since its establishment, First State Ballet Theatre has brought the beauty and excitement of live ballet to Delaware, and in doing so has served more than 7,000 school children through in-theatre lecture demonstrations and classes. The company has made the city of Wilmington a tourist destination for ballet enthusiasts, commissioning major works from internationally recognized choreographers and drawing patrons from throughout the mid-Atlantic region—from Richmond, Virginia, to Pittsburgh, Pennsylvania, to New York City and Rhode Island. The collaborations that First State Ballet Theatre has initiated with Delaware artists and arts institutions like Charles Parks, SPARX, the Delaware Symphony Orchestra, OperaDelaware, and the Grand Opera House, have served to enrich our state's arts programs and we in Delaware are extremely grateful for their contributions.

In addition to regional and local achievements, First State Ballet Theatre has also made a significant impact on the international stage. Its students have been ranked among the top 12 young dancers in the world by distinguished judges at the Youth America Grand Prix—the world's largest ballet competition for pre-professional dancers. The company founded and presented four Arabesque international festivals of classical and contemporary ballet, attracting guest artists from around the globe to the main stage of the Wilmington Grand Opera House. In 2007, First State Ballet Theatre students performed by special invitation at the Spoleto Festival dei Due Mondi in Spoleto, Italy—a prestigious international ballet festival—and were the only Delaware performing arts company to receive such an honor.

In recognition of their 10th anniversary, I would like to congratulate and honor First State Ballet Theatre for the extraordinary amount of effort and dedication the company has invested not only in its students, but in the greater arts community of Delaware. I commend them for their continued efforts and numerous contributions, and I wish them all the best on this momentous occasion.

INTRODUCTION OF A BILL THAT PROHIBITS THE CLOSURE OF THE COMMISSARY AND EXCHANGE PROGRAMS AT NAVAL AIR STATION BRUNSWICK

HON. CHELLIE PINGREE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Ms. PINGREE of Maine. Madam Speaker, today I am proud to be introducing a bill that

prohibits the closure of the commissary and exchange programs at Naval Air Station Brunswick in my home State of Maine.

Unfortunately, before I was a Member of Congress, Naval Air Station Brunswick was selected for closure during the 2005 Base Realignment and Closure process. We are saddened to see the base close and so many active duty members, who have made Maine their home transfer to Jacksonville, Florida. However, a significant active duty population will remain whose mission still requires them to be stationed in the midcoast area. These units include Supervisor of Shipbuilding, Conversion and Repair, which is a field activity of Naval Sea Systems Command located in Bath, 1st Battalion, 25th Marines located in Topsham, and units of the Maine Army National Guard that will soon construct a joint reserve center at Naval Air Station Brunswick. Additionally, there are thousands of military retirees who depend on this fundamental part of their pay and benefits package.

Military families count on the commissary and exchange programs to deliver costs savings. Access to these programs is not a fringe benefit, but a critical part of the pay package we have promised the men and women who serve.

The fact that Brunswick has been selected for closure is no excuse for these men and women to go without the same programs their counterparts across the globe depend on. Many of the retirees in the midcoast Maine area relocated there after their service specifically for the commissary and exchange programs. We must honor the promises that we made to these individuals, and not abandon them now during these difficult economic times.

I look forward to working with my colleagues in the coming weeks to pass this important legislation in the House.

ON THE 100TH ANNIVERSARY OF SECOND BAPTIST CHURCH EAST END

HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. SCOTT of Virginia. Madam Speaker, I rise today to congratulate an institution in my hometown of Newport News. On Friday, May 28, 2010, Second Baptist Church East End will celebrate its 100th anniversary, and I would like to highlight some moments from the history of the church and its contribution to our community.

Second Baptist was organized during the first week of May, 1910, with Minnie Jones, A.B. Lucy, Rebecca Vaughan and Daniel Peters serving as charter members. The first worship service was held on the second Sunday in May 1910 at the Odd Fellows Hall in the 1100 block of 33rd Street, with Reverend J.E. Tynes serving as the guest speaker.

The church chose Reverend H.H. McLean as its first pastor. Under his leadership the church membership increased rapidly—a new church building was built in less than a year with the first worship service being celebrated Easter Sunday, April 16, 1911. Under Rev. McLean's leadership, many church organizations were founded that are still alive today, including the Choir, the Deacon Board, the Board of Trustees, the Sunday School, the Baptist Young People's Union and the Willing Workers Club.

Second Baptist has had eleven pastors throughout its history, including Rev. F.A. Brown, Rev. W.S. Sharp, Rev. A.A. Watts, Rev. O.B. Allen, Rev. John Tilley, Rev. L.A. Williams, Rev. E.D. Harrell, Rev. O.L. Simms, Rev. Preston T. Hayes, and Rev. Avery E. Miller.

Under Rev. Sharp, the church was able to pay off its mortgage. Under Rev. Watts, multiple improvements were made to the church including the furnishing of stained glass windows, chandeliers and carpeting. The term of Rev. Allen saw the purchase of a parsonage. Rev. Harrell added a basement and annex to the church building. Under Rev. Simms a new parsonage was purchased and a new organ installed.

The longest serving Pastor in the history of Second Baptist was Rev. Preston T. Hayes, who succeeded Rev. Simms in July 1956. Under Rev. Hayes' leadership, multiple organizations and ministries were formed, including: The Layman Fellowship; The Women's Prayer Breakfast; Youth Fellowship; Blind and Deaf Ministries; and the Wednesday Morning and Evening Bible Classes. While at Second Baptist, Rev. Hayes was elected President of the Virginia Baptist General Convention (1977–79). During his tenure as President, the Convention formed a Division of Men to provide an avenue through which the Men of the Convention could utilize their skills and talents in promoting Christian stewardship and support for their local congregations. Rev. Hayes passed away in 2001, and the church dedicated the Preston T. Hayes Center for Christian Education in his honor. In the period between permanent pastors, the church continued Rev. Hayes' tradition of establishing programs to serve the church and the community by starting a Mentoring Program and a Computer Lab.

Rev. Hayes was succeeded by Second Baptist's current pastor, Rev. Avery E. Miller. Under Rev. Miller, Second Baptist has continued to flourish with the establishment of a Media Ministry, a Nursing Home Ministry, a Singles Ministry, and Mannah Inc., the Church's non-profit community service organization. Among Mannah's numerous efforts to serve the East End community are: one-on-one services for at-risk children in school; afterschool tutorial programs; summer day camps; and a weekly feeding program.

As Second Baptist gathers to celebrate its centennial, the church can truly remember its past, celebrate its present, and focus on the future with great expectations. I would like to congratulate Pastor Miller and all of the members of Second Baptist Church East End on the occasion of their 100th anniversary. I wish them 100 more years of dedicated service to the community.

FEDERAL JUDGES TO APPEAL TO SUPREME COURT OVER COMPENSATION

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. PAUL. Madam Speaker, I would like to enter into the record an article from the New York Sun dealing with a court case that could have a dramatic impact on current federal legal tender laws. A number of federal judges are appealing the elimination of their cost of living increase, claiming that this is an unconstitutional diminution of pay. In fact, Madam Speaker, even if they had received a cost of living increase they may still have received a pay cut, because the government's CPI figure is purposely manipulated to underestimate the true inflation rate.

Perhaps the most interesting facet of this case is the potential implication for federal legal tender laws. Some experts speculate that if the current case is unsuccessful the judges' only recourse would be to challenge legal tender laws that artificially prop up the value of paper money. Against gold, the paper dollar has lost 80 percent of its value over the past decade. No amount of cost of living increases could overcome devaluation this severe. I am waiting with anticipation for the ultimate resolution of this case, and encourage my colleagues to read this thought-provoking article.

[From the New York Sun, May 11, 2010]

KAGAN'S FIRST CASE COULD INVOLVE A QUESTION OF HER OWN—AND HER COLLEAGUES'—PAY

(By Staff Reporter of the Sun)

NEW YORK—If Solicitor General Kagan is confirmed before the start of the Supreme Court's coming term, one of her first big cases on the high bench could touch on one of the most sensitive questions the court has ever handled—the pay of federal judges themselves.

The case was launched quietly some years ago by a rainbow coalition of some of the most distinguished judges on the federal bench. They are seeking to overturn an act of Congress rescinding an automatic pay increase designed to protect federal judges from the ravages of inflation, and are likely this month to ask the Supreme Court to take the case.

What makes the case so sensitive—potentially explosive, even—is that it could prove to be a stepping stone, whether intended or not, toward re-opening the question of legal tender. For the question of judges' pay confronts the courts with the question of whether a one-dollar note of legal tender that trades today at less than 1,000th of an ounce of gold is compensation equal to a one-dollar note of currency that was worth, say, a decade ago four times as much. What makes federal judges so special is that it is unconstitutional to diminish the pay of any federal judge while he is in office.

Were the judges eventually forced to confront that question, says one legal scholar of the monetary system, Edwin Vieira Jr., ''it would have profound economic and political effects, and it would cause a re-evaluation of the entire monetary system. Congress would be forced to undergo a complete re-evaluation of the monetary system.''

The federal judges asking the Supreme Court to review the rescission of their cost-of-living adjustments aren't raising the legal tender question, at least not yet. They are not asking to be paid in constant—or inflation-adjusted—dollars, and they appear to believe that the Supreme Court doesn't have to address that issue to satisfy their claim that Congress violated the anti-diminishment clause of the Constitution when it removed a previously promised cost-of-living raise. But they also have to be well aware of the enormity of the issue that lies just beyond the claim they are making.

The plaintiffs themselves comprise an array of senior judges and some of the most

distinguished figures on the federal bench. They include two appointees of President Carter—a district judge of the Eastern District of Louisiana, Peter Beer, and a judge on the district court in central California, Terry Hatter, Jr.; two appointees of President Reagan—Thomas F. Hogan, of the District Court for the District of Columbia, and Laurence H. Silberman, who rides the District of Columbia Circuit of the Court of Appeals for the District of Columbia Circuit.

Also among the plaintiffs are three appointees of President Clinton—Richard Paez, who rides the Ninth Circuit for the United States Court of Appeals, and Jas. Robertson, of the District Court for the District of Columbia, and A. Wallace Tashima, who was elevated to ride the 9th Circuit by Mr. Clinton after having first served as a district judge on the nomination of Mr. Carter.

The pay of judges is one of the most sensitive issues in American history. The Declaration of Independence enumerates judges pay as one of the ''injuries and usurpations'' committed by George III against the Americans. The Declaration stated that the British tyrant ''has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.''

It was that claim that led the Founders to establish, in Article III of the Constitution, that ''[j]udges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour''—meaning for life—and that they ''shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.''

The complaint in the latest case, which is known as Beer v. U.S., would not be the first time federal judges have gone to court with claims in respect of their pay. As recently as 2008 at New York State, judges launched a legal case to gain a raise. New York's constitution, like the federal constitution, also prohibits the lowering of a judge's pay. But the argument the New York judges have made, and they have made it in their own courts, is that the way the legislature in Albany has handled the issue violates the principle of separation of powers.

Beer v. U.S. involves federal judges, who are seeking a hearing by the Supreme Court with a different argument—that when Congress scinded a legislated cost-of-living adjustment, as it did for a number of recent years, the judges' pay was diminished. The judges lost in their early rounds on a complicated set of issues, partly of precedent established in an earlier case when judges fought for a cost of living increase.

In some recent legal fracases involving judges pay, there have been statements from several Supreme Court justices, including one by Justice Scalia, that seem to have emboldened the judges filing a claim in the latest case. They are expected to file in the next few days a petition for the Supreme Court to hear their claim that earlier precedents were wrongly decided and that rescinding a legislated cost-of-living adjustment is a diminishment. The Supreme Court has ruled that in cases where a judge has an interest in the outcome of a case but is by necessity the party who must hear it, it is the judge's duty to rule, despite the conflict of interest. It may be that were Ms. Kagan to be elevated to the Supreme Court she would decide to recuse herself from Beer v. U.S. because of her either direct or tangential involvement in the case as solicitor general.

One difference between the current case and earlier ones is that the country is now in a historic monetary crisis, in which the value of United States fiat money has collapsed to such a degree that the Supreme Court would have to go through contortions to avoid considering it. In the past decade, the value of a dollar has plummeted to less than a 1,200th of an ounce of gold from, say, the 265th of an ounce of gold that it was worth at the start of the president of George W. Bush.

This means that the legal tender with which a judge is paid today is worth less than a quarter of what it was worth a decade ago.

The Supreme Court ruled after the Civil War that the federal government's paper money had to be accepted as legal tender. The centerpiece of the court's rulings was called Knox v. Lee and involved payment for a flock of sheep. But there is a legion of scholars and activists who believe—as did the Chief Justice of the United States at the time of Knox, Salmon Chase—that Knox v. Lee was wrongly decided. Such scholars argue that the majority in Knox v. Lee would never have sustained the monetary system we have today.

These critics point out that the Founders of America, who used the word ''dollars'' twice in the Constitution, all knew what the word meant—namely, 416 grains of standard silver or 371¼ grains of pure silver, the same as was in a then-ubiquitous coin known as a Spanish milled dollar, which was also known as a piece of eight. That standard was codified in one of the most famous laws passed in the early years of the republic, the Coinage Act of 1792. Critics of the legal tender law believe that 416 grains of standard silver—or the free market equivalent in gold—is the only form of constitutional money.

''If the judges bringing the case of Beer v. United States fail to convince the Supreme Court to restore their cost of living adjustment, federal judges will then have no option left but to reformulate their case so as to challenge the legal tender concept as presently applied,'' says Mr. Vieira.

INTRODUCTION OF THE SIKES ACT AMENDMENTS ACT OF 2010

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Ms. BORDALLO. Madam Speaker, today I have introduced a bill to amend the Sikes Act to improve natural resources management planning for State-owned installations used for the national defense. I have introduced this bill after working with appropriate officials at the Department of Defense (DOD). The amendments proposed by DOD will improve coordination between DOD, the Department of the Interior and State, Territorial and local partners for the protection of fish and wildlife resources on DOD lands and State-owned installations used for the national defense.

As the Chairwoman of the Subcommittee on Insular Affairs, Oceans and Wildlife and as a member of the Committee on Armed Services, this bill that I have introduced today is appropriate as the 111th Congress moves forward with an agenda promoting responsible environmental stewardship. DOD controls nearly 25 million acres of valuable fish and wildlife habitat at approximately 400 military installations nationwide. These lands contain a wealth of plant and animal life, vital wetlands for migratory birds and habitat for nearly 300 federally listed threatened and endangered species. For 50 years, the Sikes Act has helped the commanders of these installations balance their use of air, land and water resources for military training and testing with the need to conserve and rehabilitate these important ecosystems. In past National Defense Authorization Acts, Congress has made improvements to the Sikes Act and my bill, the Sikes Act Amendments Act of 2010, continues this progress by proposing three significant improvements to the law.

First, my bill clarifies the scope of the Sikes Act by extending its provisions to State-owned National Guard installations, including the requirement to develop and implement Integrated Natural Resources Management Plans, INRMP, that are already required for federally owned military installations. Another provision in this bill would make permanent the successful invasive species management pilot program on Guam, authorized into law in 2004, and expand its score to all military installations. Finally, the bill makes several technical and clarifying changes to the U.S. Code to make it consistent with other subheadings and titles.

I want to thank Chairman SOLOMON ORTIZ of the House Armed Services Subcommittee on Readiness for his leadership on issues affecting management of military installations and the readiness of our military forces. I also thank Chairman NICK RAHALL of the House Natural Resources Committee for his leadership in providing for seamless protection for our fish and wildlife resources, a national treasure, across all public lands. I look forward to working with my colleagues in both the Natural Resources Committee and the Armed Services Committee in receiving testimony, support and views on the Sikes Act Amendments Act of 2010.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 13, 2010 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 17

2:30 p.m.

Homeland Security and Governmental Affairs

To hold hearings to examine the Gulf Coast disaster, focusing on assessing the nation's response to the Deepwater Horizon oil spill.

SD–342

MAY 18

10 a.m.

Appropriations

Defense Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2011 for the Pacific Command and European Command programs.

SVC–217

Foreign Relations

To hold hearings to examine the new Strategic Arms Reduction Treaty (START).

SD–106

Judiciary

Human Rights and the Law Subcommittee

To hold hearings to examine drug enforcement and rule of law, focusing on Mexico and Colombia.

SD–226

11 a.m.

Energy and Natural Resources

To resume hearings to examine issues related to offshore oil and gas exploration including the accident involving the Deepwater Horizon in the Gulf of Mexico.

SR–325

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine response efforts to the Gulf Coast oil spill.

SR–253

Environment and Public Works

To hold hearings to examine Federal response to the recent oil spill in the Gulf of Mexico.

SD–406

Health, Education, Labor, and Pensions

To resume hearings to examine Elementary and Secondary Education Act (ESEA) reform, focusing on supporting student health, physical education, and well-being.

SD–430

Intelligence

To hold closed hearings to consider certain intelligence matters.

SH–219

MAY 19

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine the proposed Constitution of the U.S. Virgin Islands, S. 2941, to provide supplemental ex gratia compensation to the Republic of the Marshall Islands for impacts of the nuclear testing program of the United States, H.R. 3940, to amend Public Law 96–597 to clarify the authority of the Secretary of the Interior to extend grants and other assistance to facilitate political status public education programs for the peoples of the non-self-governing territories of the United States, and H.R. 2499, to provide for a federally sanctioned self-determination process for the people of Puerto Rico.

SD–366

Veterans' Affairs

To hold hearings to examine pending legislation.

SR–418

10 a.m.

Health, Education, Labor, and Pensions

Children and Families Subcommittee

To hold hearings to examine the state of American children.

SD–430

Judiciary

To hold hearings to examine renewing America's commitment to the refugee convention, focusing on the Refugee Protection Act of 2010.

SD–226

Rules and Administration

To resume hearings to examine the filibuster, focusing on the filibuster today and its consequences.

SR–301

Small Business and Entrepreneurship

To hold hearings to examine the nomination of Marie Collins Johns, of the District of Columbia, to be Deputy Administrator of the Small Business Administration.

SR–428A

11 a.m.

Small Business and Entrepreneurship

To hold hearings to examine the Small Business Administration (SBA) Disaster Assistance Program and the impact of the Deepwater Horizon oil spill on small businesses.

SR–428A

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine S. 3302, to amend title 49, United States Code, to establish new automobile safety standards, make better motor vehicle safety information available to the National Highway Traffic Safety Administration and the public.

SR–253

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine S. 349, to establish the Susquehanna Gateway National Heritage Area in the State of Pennsylvania, S. 1596, to authorize the Secretary of the Interior to acquire the Gold Hill Ranch in Coloma, California, S. 1651, to modify a land grant patent issued by the Secretary of the Interior, S. 1750, to authorize the Secretary of the Interior to conduct a special resource study of the General of the Army George Catlett Marshall National Historic Site at Dodona Manor in Leesburg, Virginia, S. 1801, to establish the First State National Historical Park in the State of Delaware, S. 1802 and H.R. 685, bills to require the Secretary of the Interior to conduct a special resource study regarding the proposed United States Civil Rights Trail, S. 2953 and H.R. 3388, bills to modify the boundary of Petersburg National Battlefield in the Commonwealth of Virginia, S. 2976, to designate as wilderness certain land and inland water within the Sleeping Bear Dunes National Lakeshore in the State of Michigan, S. 3159 and H.R. 4395, bills to revise the boundaries of the Gettysburg National Military Park to include the Gettysburg Train Station, S. 3168, to authorize the Secretary of the Interior to acquire certain non-Federal land in the State of Pennsylvania for inclusion in the Fort Necessity National Battlefield, and S. 3303, to establish the Chimney Rock National Monument in the State of Colorado.

SD–366

3:30 p.m.

Appropriations

Transportation, Housing and Urban Development, and Related Agencies Subcommittee

To hold hearings to examine the President's proposed budget request for fiscal year 2011 for the Washington Metropolitan Area Transit Authority (Metro).

SD–138

MAY 20

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine S. 2921, to provide for the conservation, enhanced recreation opportunities, and development of renewable energy in the California Desert Conservation Area, to require the Secretary of the Interior to designate certain offices to serve as Renewable Energy Coordination Offices for coordination of Federal permits for renewable energy projects and transmission lines to integrate renewable energy development.

SD–366

10:30 a.m.

Homeland Security and Governmental Affairs

Contracting Oversight Subcommittee

To hold hearings to examine counter-narcotics contracts in Latin America.

SD–342

2:30 p.m.

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine efforts to right-size the Federal employee-to-contractor mix.

SD–342

Intelligence

To hold closed hearings to consider certain intelligence matters.

SH–219

MAY 25

9 a.m.

Armed Services

Airland Subcommittee

Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2011.

SR–222

10:30 a.m.
Armed Services
Readiness and Management Support Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2011.
SR–222

2 p.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2011.
SR–222

2:30 p.m.
Commission on Security and Cooperation in Europe
To hold hearings to examine Holocaust era assets after the Prague conference.
SR–428A

3:30 p.m.
Armed Services
Strategic Forces Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2011.
SR–222

5 p.m.
Armed Services
Personnel Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2011.
SR–222

MAY 26

9:30 a.m.
Armed Services
SeaPower Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2011.
SR–222

2:30 p.m.
Armed Services
Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2011.
SR–222

MAY 27

9:30 a.m.
Armed Services
Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2011.
SR–222

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine building a secure future for multiemployer pension plans.
SD–430

MAY 28

9:30 a.m.
Armed Services
Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2011.
SR–222

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S3569–S3662

Measures Introduced: Eight bills and three resolutions were introduced, as follows: S. 3348–3355, and S. Res. 521–523. **Page S3643**

Measures Reported:

S. 736, to provide for improvements in the Federal hiring process and for other purposes, with an amendment in the nature of a substitute. (S. Rept. No. 111–184) **Page S3643**

Measures Passed:

National Nurses Week: Senate agreed to S. Res. 522, recognizing National Nurses Week.

Pages S3661–62

Honoring the Crew Who Perished Aboard Deepwater Horizon: Senate agreed to S. Res. 523, honoring the crew members who perished aboard the offshore oil rig Deepwater Horizon, and extending the condolences of the Senate to the families and loved ones of the deceased crew members. **Page S3662**

Measures Considered:

Restoring American Financial Stability Act—Agreement: Senate continued consideration of S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end "too big to fail", to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, taking action on the following amendments proposed thereto: **Pages S3569–S3627**

Adopted:

By 63 yeas to 36 nays (Vote No. 141), Merkley Amendment No. 3962 (to Amendment No. 3739), to prohibit certain payments to loan originators and to require verification by lenders of the ability of consumers to repay loans. **Pages S3569, S3573–74**

By 91 yeas to 8 nays (Vote No. 143), Hutchison Modified Amendment No. 3759 (to Amendment No. 3739), to maintain the role of the Board of Governors as the supervisor of holding companies and State member banks. **Pages S3569, S3573, S3574–75**

Snowe/Landrieu Amendment No. 3918 (to Amendment No. 3739), to improve title X.

Pages S3576–80, S3591–94

By 98 yeas to 1 nay (Vote No. 145), Reed/Brown (MA) Amendment No. 3943 (to Amendment No. 3739), to establish a specific consumer protection liaison for service members and their families.

Pages S3611–16

Landrieu Amendment No. 3956 (to Amendment No. 3739), to exempt qualified residential mortgages from credit risk retention requirements.

Pages S3575–76, S3625–27

Crapo Modified Amendment No. 3992 (to Amendment No. 3956), to provide for credit risk retention requirements for commercial mortgages.

Pages S3590–91, S3625–27

Rejected:

By 42 yeas to 57 nays (Vote No. 142), Corker Amendment No. 3955 (to Amendment No. 3739), to provide for a study of the asset-backed securitization process and for residential mortgage underwriting standards. **Pages S3569, S3572–73, S3574**

By 39 yeas to 59 nays (Vote No. 144), Chambliss Amendment No. 3816 (to Amendment No. 3739), to implement regulatory oversight of the swap markets, to improve regulators' access to information about all swaps, to encourage clearing while preventing concentration of inadequately hedged risks in central clearinghouses and ensuring that corporate end users can continue to hedge their unique business risks, and to improve market transparency.

Pages S3595–S3610

Withdrawn:

Dodd (for Durbin) Amendment No. 3932 (to Amendment No. 3739), to ensure that the fees that small business and other entities are charged for accepting debit cards are reasonable and proportional to the costs incurred, and to limit payment card networks from imposing anti-competitive restrictions on small businesses and other entities that accept payment cards. **Pages S3619–20, S3624**

Dodd (for Franken) Amendment No. 3808 (to Amendment No. 3739), to instruct the Securities and Exchange Commission to establish a self-regulatory organization to assign credit rating agencies to provide initial credit ratings. **Pages S3619–20, S3624**

Pending:

Reid (for Dodd/Lincoln) Amendment No. 3739, in the nature of a substitute. **Pages S3569–S3627**

Collins Amendment No. 3879 (to Amendment No. 3739), to mandate minimum leverage and risk-based capital requirements for insured depository institutions, depository institution holding companies, and nonbank financial companies that the Council identifies for Board of Governors supervision and as subject to prudential standards. **Pages S3616–17**

Brownback Modified Amendment No. 3789 (to Amendment No. 3739), to provide for an exclusion from the authority of the Bureau of Consumer Financial Protection for certain automobile manufacturers. **Page S3617**

Brownback (for Snowe/Pryor) Amendment No. 3883 (to Amendment No. 3739), to ensure small business fairness and regulatory transparency. **Pages S3617–18**

Specter Modified Amendment No. 3776 (to Amendment No. 3739), to amend section 20 of the Securities Exchange Act of 1934 to allow for a private civil action against a person that provides substantial assistance in violation of such Act. **Pages S3618–19**

Dodd (for Leahy) Amendment No. 3823 (to Amendment No. 3739), to restore the application of the Federal antitrust laws to the business of health insurance to protect competition and consumers. **Pages S3619–20**

Sessions Amendment No. 3832 (to Amendment No. 3739), to provide an orderly and transparent bankruptcy process for non-bank financial institutions and prohibit bailout authority. **Pages S3620–24**

Dodd (for Durbin) Amendment No. 3989 (to Amendment No. 3739), to ensure that the fees that small businesses and other entities are charged for accepting debit cards are reasonable and proportional to the costs incurred, and to limit payment card networks from imposing anti-competitive restrictions on small businesses and other entities that accept payment cards. **Pages S3624–25**

Dodd (for Franken) Amendment No. 3991 (to Amendment No. 3739), to instruct the Securities and Exchange Commission to establish a self-regulatory organization to assign credit rating agencies to provide initial credit ratings. **Pages S3624–25**

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:30 a.m., on Thursday, May 13, 2010. **Page S3662**

Message from the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report on the continuation of the national emergency that was originally declared in Executive Order 13303 of May 22, 2003; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–55) **Page S3641**

Nominations Confirmed: Senate confirmed the following nominations:

Parker Loren Carl, of Kentucky, to be United States Marshal for the Eastern District of Kentucky for the term of four years.

Gerald Sidney Holt, of Virginia, to be United States Marshal for the Western District of Virginia for the term of four years.

Stephen T. Ayers, of Maryland, to be Architect of the Capitol for the term of ten years. (Prior to this action, Committee on Rules and Administration was discharged from further consideration.)

Jerry E. Martin, of Tennessee, to be United States Attorney for the Middle District of Tennessee for the term of four years.

Robert R. Almonte, of Texas, to be United States Marshal for the Western District of Texas for the term of four years. **Pages S3627, S3662**

Messages from the House: **Page S3641**

Measures Referred: **Page S3641**

Measures Placed on the Calendar: **Pages S3569, S3641**

Executive Communications: **Pages S3641–43**

Additional Cosponsors: **Pages S3643–46**

Statements on Introduced Bills/Resolutions: **Pages S3646–47**

Additional Statements: **Pages S3640–41**

Amendments Submitted: **Pages S3647–60**

Notices of Hearings/Meetings: **Pages S3660–61**

Authorities for Committees to Meet: **Page S3661**

Privileges of the Floor: **Page S3661**

Record Votes: Five record votes were taken today. (Total—145) **Pages S3574–75, S3610, S3613**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 8:26 p.m., until 9:30 a.m. on Thursday, May 13, 2010. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S3662.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: AIR FORCE

Committee on Appropriations: Subcommittee on Defense concluded a hearing to examine proposed budget estimates for fiscal year 2011 for the Air Force, after

receiving testimony from Michael B. Donley, Secretary, and General Norton A. Schwartz, Chief of Staff, both of the Air Force, Department of Defense.

DEFENSE AUTHORIZATION REQUEST AND FUTURE YEARS DEFENSE PROGRAM

Committee on Armed Services: Subcommittee on Personnel concluded a hearing to examine Reserve component programs in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program, after receiving testimony from Dennis M. McCarthy, Assistant Secretary for Reserve Affairs, General Craig R. McKinley, Chief, National Guard Bureau, Lieutenant General Harry M. Wyatt III, Director, Air National Guard, Major General Raymond W. Carpenter, Acting Director, Army National Guard, Lieutenant General Jack Stultz, Chief, U.S. Army Reserve, Vice Admiral Dirk J. Debbink, U.S. Navy, Chief, Navy Reserve, Lieutenant General John F. Kelly, Commander, Marine Forces Reserve, and Commander, Marine Forces North, and Lieutenant General Charles E. Stenner, Jr., Chief, Air Force Reserve, and Commander, Air Force Reserve Command, all of the Department of Defense; and Rear Admiral Sandra Stosz, Director of Reserve and Leadership, U.S. Coast Guard, Department of Homeland Security.

U.S. HUMAN SPACE FLIGHT

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine the future of United States human space flight, after receiving testimony from John P. Holdren, Director, Office of Science and Technology Policy, Executive Office of the President; Charles F. Bolden, Jr., Administrator, National Aeronautics and Space Administration; Norman R. Augustine, Review of United States Human Spaceflight Plans Committee, Bethesda, Maryland; Neil A. Armstrong, Commander, Apollo 11, Lebanon, Ohio; and Captain Eugene A. Cernan, USN (Ret.), Commander, Apollo 17, Houston, Texas.

SUDAN

Committee on Foreign Relations: Committee concluded a hearing to examine Sudan, focusing on the Comprehensive Peace Agreement (CPA), Darfur and the region, after receiving testimony from Major General Jonathan S. Gration, USAF (Ret.), Special Envoy to Sudan, Department of State.

IRAN SANCTIONS

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine Iran sanctions, focusing on why the United States Government does business with companies who do business with Iran, after receiving testimony from Representative Deutch; Joseph A. Christoff, Director, International Affairs and Trade, Government Accountability Office; and Danielle Pletka, American Enterprise Institute, Washington, D.C.

STAFFORD ACT REFORM

Committee on Homeland Security and Governmental Affairs: Ad Hoc Subcommittee on Disaster Recovery concluded a hearing to examine Stafford Act reform, focusing on sharper tools for a smarter recovery, after receiving testimony from W. Craig Fugate, Administrator, Federal Emergency Management Agency, and Matt Jadacki, Deputy Inspector General, Office of Emergency Management Oversight, Office of the Inspector General, both of the Department of Homeland Security; Mayor Joseph P. Riley, Jr., The United States Conference of Mayors, Charleston, South Carolina; David Maxwell, National Emergency Management Association (NEMA), Little Rock, Arkansas; and Sheila Crowley, National Low Income Housing Coalition, Washington, D.C.

ESPIONAGE STATUTES

Committee on the Judiciary: Subcommittee on Terrorism and Homeland Security concluded a hearing to examine espionage statutes, after receiving testimony from Stephen I. Vladeck, American University Washington College of Law, Jeffrey H. Smith, Arnold & Porter LLP, and Kenneth L. Wainstein, O'Melveny & Myers LLP, all of Washington, D.C.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 16 public bills, H.R. 5278–5293; and 8 resolutions, H. Con. Res. 277; and H. Res. 1351–1357 were introduced. **Pages H3440–41**

Additional Cosponsors: **Pages H3441–42**

Reports Filed: There were no reports filed today.

Speaker: Read a letter from the Speaker wherein she appointed Representative Serrano to act as Speaker pro tempore for today. **Page H3313**

Chaplain: The prayer was offered by the guest Chaplain, Reverend Dr. Timothy Goble, Grace Evangelical Free Church. **Page H3313**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Satellite Television Extension and Localism Act of 2010: S. 3333, to extend the statutory license for secondary transmissions under title 17, United States Code; **Pages H3317–30**

Clarifying the health care provided by the Secretary of Veterans Affairs that constitutes minimum essential coverage: H.R. 5014, amended, to clarify the health care provided by the Secretary of Veterans Affairs that constitutes minimum essential coverage, by a ⅔ yea-and-nay vote of 417 yeas with none voting "nay", Roll No. 260; **Pages H3330–33, H3355–56**

Supporting the goals and ideals of National Learn to Fly Day: H. Res. 1284, amended, to support the goals and ideals of National Learn to Fly Day; **Pages H3336–38**

Agreed to amend the title so as to read: "Supporting the goals and ideals of International Learn to Fly Day, and for other purposes.". **Page H3338**

Expressing the sense of the Congress that general aviation pilots and industry should be recognized for the contributions made in response to Haiti earthquake relief efforts: S. Con. Res. 61, to express the sense of the Congress that general aviation pilots and industry should be recognized for the contributions made in response to Haiti earthquake relief efforts; **Pages H3338–39**

Recognizing National Nurses Week: H. Res. 1261, amended, to recognize National Nurses Week; **Pages H3341–44**

Officer Daniel Faulkner Children of Fallen Heroes Scholarship Act: H.R. 959, amended, to increase Federal Pell Grants for the children of fallen public safety officers; **Pages H3344–46**

Expressing support for the goals and ideals of Children's Book Week: H. Res. 1333, to express support for the goals and ideals of Children's Book Week; **Page H3347**

Lord's Resistance Army Disarmament and Northern Uganda Recovery Act: S. 1067, to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice; **Pages H3409–16**

Recognizing the close friendship and historical ties between the United Kingdom and the United States: H. Res. 1303, amended, to recognize the close friendship and historical ties between the United Kingdom and the United States; **Pages H3416–17**

Agreed to amend the title so as to read: "Recognizing the special relationship and historic ties between the United Kingdom and the United States.". **Page H3417**

Commending the Community of Democracies for its achievements since it was founded in 2000: H. Res. 1143, amended, to commend the Community of Democracies for its achievements since it was founded in 2000; and **Pages H3418–20**

Commending the progress made by anti-tuberculosis programs: H. Res. 1155, amended, to commend the progress made by anti-tuberculosis programs. **Pages H3420–21**

Suspension—Proceedings Resumed: The House agreed to suspend the rules and agree to the following measure which was debated on Tuesday, May 11th:

Supporting the goals and ideals of National Women's Health Week: H. Con. Res. 268, to support the goals and ideals of National Women's Health Week, by a ⅔ yea-and-nay vote of 418 yeas with none voting "nay", Roll No. 261. **Page H3356**

Suspensions—Proceedings Postponed: The House debated the following measures under suspension of the rules. Further proceedings were postponed:

Expressing the sympathy and condolences of the House of Representatives to those people affected by the flooding in Tennessee, Kentucky, and Mississippi in May, 2010: H. Res. 1337, to express the sympathy and condolences of the House of Representatives to those people affected by the flooding in Tennessee, Kentucky, and Mississippi in May, 2010 and **Pages H3333–36**

Recognizing the significant accomplishments of AmeriCorps: H. Res. 1338, to recognize the significant accomplishments of AmeriCorps and to encourage all citizens to join in a national effort to raise awareness about the importance of national and community service. **Pages H3339–41**

America COMPETES Reauthorization Act of 2010: The House began consideration of H.R. 5116, to invest in innovation through research and development and to improve the competitiveness of the

United States. Consideration is expected to resume tomorrow, May 13th. **Pages H3347–55, H3356–H3409**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Science and Technology now printed in the bill, modified by the amendment printed in part A of H. Rept. 111–479, shall be considered as an original bill for the purpose of amendment under the 5-minute rule. **Page H3364**

Agreed to:

Gordon (TN) en bloc amendment consisting of the following amendments printed in part B of H. Rept. 111–479: Matsui amendment (No. 3) that ensures that Smart Grid technologies are included in the list of research, development, demonstration, and commercial application activities that may be undertaken by a DOE Energy Innovation Hub; Matsui amendment (No. 4) that ensures that the development of new smart grid technologies are an important part of the Office of Science's research activities as it continues to strengthen its collaborations with the rest of DOE to accelerate the advancement of new energy technologies; Wu amendment (No. 5) that requires ARPA–E to make awards designed to overcome the long-term and high-risk barriers relating to its goals and to facilitate submission, where possible by small businesses and entrepreneurs, of funding opportunities; McCarthy (NY) amendment (No. 11) that ensures that any assessments and studies on improving emergency communications build upon conclusions made in existing reports on the matter; Clarke amendment (No. 18) that ensures that STEM evidence-based education programs increase participation by women and underrepresented minority students; Cohen amendment (No. 19) that expresses a Sense of Congress encouraging the incorporation of an engineering curriculum in K–12 schools; Cuellar amendment (No. 20) that directs the Director of the National Science Foundation to conduct outreach efforts to encourage applications from underrepresented groups; Honda amendment (No. 25) that coordinates federal STEM education programs with the work being done by state-level P–16 and P–20 councils to coordinate, integrate, and improve education throughout all grade levels and the common core standards being developed by the states by adding facilitating improved coordination between these efforts as one of the responsibilities of the Advisory Committee on STEM Education created in the bill; Jackson Lee (TX) amendment (No. 27) that requires the STEM Industry Internship Program report to include an economic and ethnic breakdown of the participating students; Moore (WI) amendment (No. 47) that expands the bill proposed climate and environmental science research of the Earth's atmosphere and biosphere to include the Great Lakes in addition to oceans; and Hare amendment (No. 39) that declares that it is the sense of Congress that when more than one applicant applies for STEM education programs or activities authorized under the COMPETES Act and are considered equal in merit, that the grant making authority shall give additional consideration to the applicant who has not previously received funding and those institutions of higher education in rural areas; **Pages H3391–93**

Gordon (TN) amendment (No. 7 printed in part B of H. Rept. 111–479) that ensures that biomass technology systems and related courses are included in the list of fields that would be encompassed by the energy systems science and engineering education programs; **Pages H3393–94**

Gordon (TN) amendment (No. 8 printed in part B of H. Rept. 111–479) that ensures that students enrolled in two-year, certificate, associate, or baccalaureate programs are eligible for STEM programs. It also calls for a report of agency approaches to increase minority participation in STEM careers; **Pages H3394–96**

Gordon (TN) en bloc amendment No. 2 consisting of the following amendments printed in part B of H. Rept. 111–479: Loretta Sanchez (CA) amendment (No. 14) that includes the membership of elementary school and secondary school administrator associations to the President's Advisory Committee on STEM Education; Bishop (NY) amendment (No. 15) that directs the National Institute of Standards and Technology to develop, or assist in the development of, reference materials, standards, instruments and measurement methods for nanomaterials and derived products and also calls on NIST to develop data to support the correlation of properties of nanomaterials to any environmental, health, or safety risks; Barrow amendment (No. 16) that requires the inclusion of manufacturing education and training in the strategic plan developed by Federal agencies; Carney amendment (No. 17) that requires the National Science Foundation to conduct outreach encouraging rural colleges and private sector entities in rural areas to participate in the internship grant program; Herseth Sandlin amendment (No. 22) that urges NSF to respond to the recommendations of the National Academy of Sciences and National Science and Technology Council regarding investments in facilities, and to make joint investments with the Department of Energy where possible; Childers amendment (No. 35) that requires the NIST Director to carry out a disaster resilient buildings and infrastructure program; Kissell amendment (No. 42) that requires the Secretary to consider the amount of the obligation when determining application fees for the

newly established Innovative Technologies in Manufacturing Loan Guarantee Program; Klein (FL) amendment (No. 43) that instructs the director of the Hollings Manufacturing Extension Partnership (MEP) within NIST to evaluate obstacles unique to small manufacturers that prevent them from effectively competing in the global market, and design a comprehensive plan to support MEP centers in meeting the needs of these small manufacturers; Perriello amendment (No. 49) that provides that the President's advisory committee on STEM can provide advice to Federal agencies including through the section 301 interagency committee; Holt amendment (No. 23) that requires the Director of the White House Office of Science and Technology Policy to submit to Congress a national competitiveness and innovation strategy; Holt amendment (No. 24) that expresses the Sense of Congress that peer review is an important part of ensuring the integrity of scientific research and that in developing public access policies, the National Science and Technology working group established under this section should take into account the role of scientific publishers in the peer review process; Minnick amendment (No. 46) that requires the President's Advisory Panel on STEM Education to coordinate with state and local workforce programs to better meet their needs; Patrick J. Murphy (PA) amendment (No. 48) that includes in the list of STEM education programs and activities at the Department of Energy a competitive grant program for colleges and universities, including 2 year colleges, to create or expand courses and degree programs in the areas of energy systems science and engineering; and Kanjorski amendment (No. 9) that permits a Regional Innovation Center to use funding for interacting with the general public and state and local governments in order to meet the goals of the cluster; **Pages H3401–03**

Gingrey (GA) amendment (No. 21 printed in part B of H. Rept. 111–479) that directs the National Science Foundation to establish the Green Chemistry Basic Research and Development program and provide merit-based grants to support green chemistry applications. Green chemistry is chemistry that involves the design of chemical products and processes that reduce or eliminate the use or generation of hazardous substances, and it focuses on preventing pollution and waste from forming in the first place; **Pages H3403–04**

Gordon amendment (No. 1 printed in part B of H. Rept. 111–479) that makes technical and clarifying changes to the bill. Also amends Section 243 (''Robert Noyce Teacher Scholarship Program'') and Section 702 (''Persons with Disabilities), and add new Sections 412 (''Report On the Use of Modeling and Simulation'') and Section 704 (''Budgetary Effects''), Section 705 (''Limitation''), and Section 706 (''Prohibition on Lobbying''), among other changes (by a recorded vote of 417 ayes to 6 noes, Roll No. 262); **Pages H3405–06**

Markey (MA) amendment (No. 10 printed in part B of H. Rept. 111–479) that establishes a program to support the development and commercial application of clean energy technologies through a Clean Energy Consortium selected competitively by the Secretary of Energy. The Consortium would be regionally based and include research universities, national labs, industry, and other state and nongovernmental organizations with research or technology transfer expertise in clean energy technology. The Consortium would have a technology focus to which at least 50 percent of support would be directed. The grant to establish and operate the Consortium is for an amount not more than $10,000,000 per year and is for a period not to exceed 3 years (by a recorded vote of 254 ayes to 173 noes, Roll No. 264); **Pages H3396–98, H3407**

George Miller (CA) amendment (No. 12 printed in part B of H. Rept. 111–479) that requires public institutions of higher education, with respect to employees who are represented by labor organizations and who work on activities or programs supported by this Act, to maintain a policy to respond to union information requests, for information to which the union is legally entitled, on a timely basis in order to be eligible to receive facilities and administrative costs provided by any of the funding sources authorized by this Act. Failure to comply with such a policy would result in suspension of payments to the institution for facilities and administrative costs until compliance is achieved (by a recorded vote of 250 ayes to 174 noes, Roll No. 265); and **Pages H3398–H3400, H3407–08**

Reyes amendment (No. 13 printed in part B of H. Rept. 111–479) that requires the STEM coordinating committee under OSTP to describe the approaches that will be taken by each agency to conduct outreach designed to promote widespread public understanding of career opportunities in the STEM fields. It also requires the establishment and maintenance of a publicly accessible online database of all federally sponsored STEM education programs (by a recorded vote of 413 ayes to 10 noes, Roll No. 266). **Pages H3400–01, H3408–09**

Rejected:

Hall (TX) amendment (No. 6 printed in part B of H. Rept. 111–479) that sought to strike title V of the bill (Innovation) (by a recorded vote of 163 ayes to 258 noes, Roll No. 263). **Pages H3393, H3406**

Proceedings Postponed:

Boccieri amendment (No. 34 printed in part B of H. Rept. 111–479) that seeks to increase the authorization level for funding for Federal Loan Guarantees for Innovative Technologies in Manufacturing from $50 million to $100 million. **Pages H3404–05**

H. Res. 1344, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 243 yeas to 177 nays, Roll No. 259, after the previous question was ordered without objection. **Pages H3347–55**

Moment of Silence: The House observed a moment of silence in honor of fallen law enforcement officers. **Page H3406**

President's Export Council—Appointment: The Chair announced the Speaker's appointment of the following Members of the House of Representatives to the President Export Council: Representatives Reichert and Tiberi. **Page H3421**

Presidential Messages: Read a message from the President wherein he notified Congress that the national emergency declared with respect to the stabilization of Iraq is to continue in effect beyond May 22, 2010—referred to the Committee on Foreign Affairs and ordered printed (H. Doc. 111–108). **Page H3422**

Read a message from the President wherein he transmitted to Congress the text of a proposed Agreement Between the Government of the United States of America and the Government of the Russian Federation for Cooperation in the Field of Peaceful Uses of Nuclear Energy—referred to the Committee on Foreign Affairs. **Pages H3422–23**

Quorum Calls—Votes: Three yea-and-nay votes and five recorded votes developed during the proceedings of today and appear on pages H3354–55, H3355–56, H3356, H3405–06, H3406, H3407, H3407–08, H3408–09. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 10:17 p.m.

Committee Meetings

RURAL ENERGY SAVINGS PROGRAM ACT

Committee on Agriculture: Subcommittee on Conservation, Credit, Energy and Research held a hearing on H.R. 4785, Rural Energy Savings Program Act. Testimony was heard from Representatives Clyburn, Whitfield, and Perriello; Nivin Elgohary. Acting Assistant Administrator, Rural Utilities Services, USDA; former Representative Glenn English of Oklahoma; and public witnesses.

LABOR, HHS, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education, and Related Agencies continued appropriation hearings. Testimony was heard from public witnesses.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FY 2011

Committee on Armed Services: Subcommittee on Military Personnel approved for full Committee action H.R. 5136, National Defense Authorization Act for Fiscal Year 2011.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FY 2011

Committee on Armed Services: Subcommittee on Strategic Forces approved for full Committee action H.R. 5136, National Defense Authorization Act for Fiscal Year 2011.

PREMATURITY AND INFANT MORTALITY

Committee on Energy and Commerce: Subcommittee on Health held a hearing on Prematurity and Infant Mortality: What Happens When Babies are Born Too Early? Testimony was heard from the following officials of the Department of Health and Human Services: William Callaghan, M.D., Senior Scientist, Maternal and Infant Health Branch, Division of Reproductive Health, National Center for Chronic Disease Prevention and Health Promotion, Centers for Disease Control and Prevention; and Catherine Spong, M.D., Branch Chief, National Institute of Child Health and Human Development, NIH; and public witnesses.

DEEPWATER HORIZON RIG OIL SPILL

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled "Inquiry into the Deepwater Horizon Gulf Coast Oil Spill." Testimony was heard from Steve Newman, President and CEO, Transocean Limited; Lamar McKay, Chairman and President, BP America, Inc., Tim Probert, President, Global Business Lines, Chief Health, Safety, and Environmental Officer, Halliburton; and Jack B. Moore, Director, President and CEO, Cameron International.

CREDIT INFORMATION USE REFORM

Committee on Financial Services: Subcommittee on Financial Institutions and Consumer Credit held a hearing entitled "Use of Credit Information Beyond Lending: Issues and Reform Proposals." Testimony was heard from public witnesses.

MINORITIES AND WOMEN IN FINANCIAL REGULATORY REFORM

Committee on Financial Reform: Subcommittee on Oversight and Investigations and the Subcommittee on Housing and Community Opportunity held a joint hearing entitled "Minorities and Women in Financial Regulatory Reform: The Need for Increasing Participation and Opportunities for Qualified Persons and Businesses." Testimony was heard from Orice M. Williams-Brown, Director, Financial Markets and Community Investment, GAO; and public witnesses.

HOMELAND SECURITY INTELLIGENCE ENTERPRISE

Committee on Homeland Security: Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment held a hearing entitled "A DHS Intelligence Enterprise: Still Just a Vision or Reality?" Testimony was heard from the following officials of the Office of Intelligence and Analysis, Department of Homeland Security; Caryn Wagner, Under Secretary, and Bart Johnson, Principal Deputy Under Secretary.

FEDERAL BUILDING RESTROOM GENDER PARITY

Committee on Oversight and Government Reform: Held a hearing on H.R. 4869, Restroom Gender Parity in Federal Buildings Act. Testimony was heard from Representatives Clarke and Cohen; Robert Peck, Commissioner, Public Building Service, GSA; Sharon Pratt, former Mayor, D.C.; and public witnesses.

POSTAL SERVICE WORKSHARE DISCOUNTS PRODUCT COSTS

Committee on Oversight and Government Reform: Subcommittee on Federal Workforce, Postal Service and the District of Columbia held an oversight hearing entitled "The Price is Right, or is it?: An Examination of USPS Workshare Discounts and Products that Do Not Cover Their Costs." Testimony was heard from Maura Robinson, Vice President, Pricing, U.S. Postal Service; John D. Waller, Director, Office of Accountability and Compliance, Postal Regulatory Commission; and public witnesses.

GOVERNMENT EFFICIENCY, EFFECTIVENESS, AND PERFORMANCE IMPROVEMENT ACT OF 2009

Committee on Oversight and Government Reform: Subcommittee on Government Management, Organization, and Procurement approved for full Committee action, as amended, H.R. 2142, Government Efficiency, Effectiveness, and Performance Improvement Act of 2009.

SMALL BUSINESS AND BROADBAND

Committee on Small Business: Held a hearing entitled "Small Businesses and Broadband: An Engine for Economic Growth and Job Creation." Testimony was heard from public witnesses.

VETERANS HEALTH MEASURES

Committee on Veterans' Affairs: Ordered reported the following bills: H.R. 1017, as amended, Chiropractic Care Available to All Veterans Act; H.R. 5145, Assuring Quality Care for Veterans Act; and H.R. 3885, Veterans Dog Training Therapy Act.

INDICATION AND WARNING METHODOLOGIES

Permanent Select Committee on Intelligence: Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence met in executive session to receive a briefing on Indication and Warning Methodologies. The Subcommittee was briefed by departmental witnesses.

FINANCIAL INTELLIGENCE

Permanent Select Committee on Intelligence: Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence met in executive session to receive a briefing on Financial Intelligence. The Subcommittee was briefed by Stuart Levey, Under Secretary, Terrorism and Financial Intelligence, Department of the Treasury.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR THURSDAY, MAY 13, 2010

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Transportation, Housing and Urban Development, and Related Agencies, to hold an oversight hearing to examine the Federal Housing Administration and its role in the housing market, 9:30 a.m., SD–138.

Full Committee, business meeting to markup H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, 3:30 p.m., SD–106.

Committee on Armed Services: to receive a closed briefing on operations in Afghanistan, 2:30 p.m., SVC–217.

Committee on Finance: to hold hearings to examine the nomination of Alan D. Bersin, of California, to be Commissioner of Customs, Department of Homeland Security, 10 a.m., SD–215.

Committee on Indian Affairs: to hold an oversight hearing to examine Indian school safety, 9:30 a.m., SD–628.

Committee on the Judiciary: business meeting to consider the nominations of Goodwin Liu, of California, to be United States Circuit Judge for the Ninth Circuit, Raymond Joseph Lohier, Jr., of New York, to be United States Circuit Judge for the Second Circuit, Leonard Philip Stark, to be United States District Judge for the District of Delaware, and Kerry Joseph Forestal, to be United States Marshal for the Southern District of Indiana, John Dale Foster, to be United States Marshal for the Southern District of West Virginia, Gary Michael Gaskins, to be United States Marshal for the Northern District of West Virginia, Dallas Stephen Neville, to be United States Marshal for the Western District of Wisconsin, and R. Booth Goodwin II, to be United States Attorney for the Southern District of West Virginia, all of the Department of Justice, 10 a.m., SD–226.

Full Committee, to hold hearings to examine the nominations of Scott M. Matheson, Jr., of Utah, to be United States Circuit Judge for the Tenth Circuit, John J. McConnell, Jr., to be United States District Judge for the District of Rhode Island, James Kelleher Bredar, and Ellen Lipton Hollander, both to be United States District Judge for the District of Maryland, and Susan Richard Nelson, to be United States District Judge for the District of Minnesota, 2:30 p.m., SD–226.

Select Committee on Intelligence: to hold closed hearings to consider certain intelligence matters, 2:30 p.m., SH–219.

House

Committee on Agriculture, hearing to review U.S. agriculture policy in advance of the 2012 Farm Bill, 9 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Defense, on Pacific Command/U.S. Forces Korea, 10 a.m., H–140 Capitol.

Committee on Armed Services, Subcommittee on Air and Land Forces, to mark up H.R. 5136, National Defense Authorization Act for Fiscal Year 2011, 2 p.m., 2118 Rayburn.

Subcommittee on Readiness, to mark up H.R. 5136, National Defense Authorization Act for Fiscal Year 2011, 10:30 a.m., 2118 Rayburn.

Subcommittee on Seapower and Expeditionary Forces, to mark up H.R. 5136, National Defense Authorization Act for Fiscal Year 2011, 12:30 p.m., 2212 Rayburn.

Subcommittee on Terrorism, Unconventional Threats and Capabilities, to mark up H.R. 5136, National Defense Authorization Act for Fiscal Year 2011, 9 a.m., 2212 Rayburn.

Committee on Energy and Commerce, Subcommittee on Commerce, Trade and Consumer Protection, hearing on the following bills: H.R. 4501, Guarantee of a Legitimate Deal Act of 2009; and H.R. 2480, Truth in Fur Labeling Act of 2009, 1 p.m., 2322 Rayburn.

Subcommittee on Communications, Technology, and the Internet, hearing entitled " The National Broadband Plan: Promoting Broadband Adoption," 10 a.m., 2123 Rayburn.

Subcommittee on Energy and Environment, hearing on the following measures to reauthorize the Safe Drinking Water Act State Revolving Fund, and the Assistance, Quality and Affordability Act of 2010 (AQUA) 9:30 a.m., 2322 Rayburn.

Committee on the Judiciary, to consider pending Committee business, 9:55 a.m., followed by a hearing on the United States Department of Justice, 10 a.m., 2141 Rayburn.

Committee on Natural Resources, Subcommittee on Energy and Mineral Resources, oversight hearing entitled "Up in the Air: The BLM's Disappearing Helium Program," 10 a.m., 1324 Longworth.

Committee on Ways and Means, Subcommittee on Select Revenue Measures, hearing on the proposals to establish an infrastructure bank, 10 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, executive, briefing on National Counterterrorism Center Budget for Fiscal Year 2011, 9:30 a.m., 304–HVC.

Next Meeting of the SENATE

9:30 a.m., Thursday, May 13

Senate Chamber

Program for Thursday: Senate will continue consideration of S. 3217, Restoring American Financial Stability Act, with rollcall votes expected throughout the day.

(Senate will recess from 1 p.m. until 2 p.m.)

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, May 13

House Chamber

Program for Thursday: Complete consideration of H.R. 5119—America COMPETES Reauthorization Act of 2010.

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