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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Ms. LEE of California).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 16, 2009.

I hereby appoint the Honorable BARBARA LEE to act a Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

Reverend Tri Robinson, Vineyard Boise Church, Boise, Idaho, offered the following prayer:

Good morning. It is a privilege to be here.

At a time like this, I didn't want to rely on my own wisdom to pray for you this morning or with you this morning, so I would like to pray the words of the Apostle Paul as he addressed the Philippians.

Dear Lord, as the Apostle Paul once prayed over the people of Philippi, today we echo not only his words, but the heart from which they were spoken.

We pray that if we have any encouragement from belonging to God, any comfort from His love, any fellowship together in His spirit, then let our hearts be tender and compassionate, agreeing wholeheartedly with each other, loving one another, and working together with one mind and one purpose.

We pray, as Paul prayed, for pure motives, for selflessness, not trying to impress others, but being humble, thinking of others as more important than ourselves. We pray that we wouldn't look out for our own interests, but represent the interests of those that we're called to serve. We pray that we might have the same attitude as that of Christ, as He willingly and purposefully became a servant, literally laying down His life for the benefit of all mankind.

We pray these things over this place, this House today, in Jesus' name. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. LANCE 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 TRI ROBINSON

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

Mr. MINNICK. Madam Speaker, I rise this morning to welcome to this august Chamber the Reverend Tri Robinson, the founder and leader of the Vineyard Christian Fellowship, one of the largest and most rapidly growing churches in my home town of Boise, Idaho.

Tri leads a Christian fellowship, proud of its natural, Bible-based worship, devotion to prayer, and generous service to all in need. Tri and his parishioners feed the hungry, house the homeless, engage and educate our youth, and work hard to protect the places we love in the West. He is an educator, author, and Idaho cowboy who has become a pioneer of environmental stewardship for the evangelical churches all over America.

As his Representative in Congress, I welcome Tri Robinson to this House, and I thank him for his moving spiritual guidance.

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.

CONGRATULATING BROWARD COUNTY SCHOOL DISTRICT

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

Mr. KLEIN of Florida. Madam Speaker, I rise today to congratulate the Broward County School District, one of four finalists for the Broad Prize for Urban Education. The Broad Prize is known as the ''Nobel Prize for public education'' and is awarded to districts that show strong reading and math skills among low-income and minority students.

As a finalist for the second consecutive year, Broward schools have made real strides toward closing the achievement gap in public education and have set a standard of excellence for all students.

The winning school district, to be announced this week, will take home $1 million in student scholarships, and all finalists receive $250,000, a critical boost in these difficult economic times.

I congratulate Superintendent James Notter and School Board Chair Maureen Dinnen, as well as the students, parents, and teachers in the

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Broward school system for a job well done. Keep up the good work.

A REPUBLICAN SOLUTION FOR HEALTH INSURANCE REFORM

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

Mr. WILSON of South Carolina. Madam Speaker, I am humbled and grateful for the overwhelming support by the people of South Carolina.

House Republicans have been developing commonsense reforms for our health care system. The Republican Study Committee, led by Dr. TOM PRICE of Georgia, has introduced H.R. 3400, a bill to make health insurance accessible, affordable, and portable. The bill gives small businesses the tools to provide coverage for their employees, it covers preexisting conditions, and promotes wellness and a healthy lifestyle.

The Republican plan does not impose taxes on individuals and small businesses, which will cost jobs. It does not add billions more to our Nation's debt. The American people have spoken, and their voices must not be ignored. We can work together for health insurance reform.

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

TAKING PERSONAL RESPONSIBILITY

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

Mr. HIMES. Madam Speaker, the great debates in this Chamber often center around the question of whether and how much government can do to address a particular problem. There is one thing, though, that we can all agree on, which is that if our families act more responsibly on just about everything—education, energy, health—we are all much better off.

Madam Speaker, September is Emergency Preparedness Month, and as a member of the Committee on Homeland Security, nowhere is this more true than when we think about our health and our security. Our families can do some simple things to make them safer and healthier: have a plan in the event of an emergency, have a place to meet, know how to contact each other.

As we think about facing the H1N1 threat this winter, there are some simple things we can do as families. We can wash our hands often. We can sneeze into a tissue. We can stay home if we feel ill. If we do these small, small things, we can take what is potentially a large problem and make it much, much smaller.

TENTH ANNIVERSARY OF HURRICANE FLOYD

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

Mr. LANCE. Madam Speaker, Wednesday and Thursday mark the 10th anniversary of Hurricane Floyd, a storm that battered the east coast from North and South Carolina to New Jersey.

The damage from Floyd was estimated at $250 million in New Jersey, including close to $100 million in Bound Brook and Manville in my congressional district, when more than 13 inches of rain fell and flooded rivers into homes, businesses and streets, forever changing the face of both communities.

Ten years later, Bound Brook and Manville have implemented important flood control efforts in preparation for the next Floyd. A complex flood control system of walls and levees is being built around Bound Brook. Manville police and fire personnel now have boats and sirens to alert and assist residents. Bound Brook also has an emergency management team of 25 members that communicates with the community if a flood is coming.

On Thursday, I hope to join residents of Bound Brook in celebration of the reopening of the historic Brook Theatre, a century-old venue severely damaged by the flood. The Brook Theatre reopening is a symbol of triumph and rebirth of the towns devastated by Hurricane Floyd 10 years ago.

SWEEPING REFORMS LEAVE NORTHERN MARIANA ISLANDS BEHIND

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

Mr. SABLAN. Madam Speaker, last time I spoke, I pointed out that the health care reform bills currently being debated in the House and Senate do not include the United States territories. Today, I would like to discuss why these reforms are needed just as much, or more, in my district as in any other part of the United States.

There are only 80,000 people in my district in the Northern Mariana Islands, but the health care infrastructure there is struggling. There is only one surgeon for all three of the populated islands. Common equipment that is used to save lives every day across the Nation, like a hyperbaric chamber or a heart catheterization lab, is not available. Funding at the Commonwealth Health Center, the only hospital, is so strained that upfront payment is required before patients even see a doctor.

My constituents are proud Americans who honor and serve their country, so how can I explain to them that these sweeping reforms they have heard so much about will only leave them behind?

MEDICAL LIABILITY REFORM

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

Mr. GINGREY of Georgia. Madam Speaker, experts have predicted that meaningful liability reform can save our health care system $126 billion annually. What does $126 billion in annual savings mean? We would not have to cut $500 billion from our seniors' Medicare program over the next 10 years. We would not have to levy $800 billion in job-killing taxes on our economy. We would not have to ask every American to give up their liberty because of a government edict to purchase government insurance that they may not be able to afford.

My colleagues, meaningful liability reform is the silver bullet in this debate. It can stop the practice of defensive medicine, save our health care system over $100 billion a year, and protect the American people from the occasional greedy lawyer seeking a windfall.

As an OB/GYN who practiced medicine for over 30 years, I know how dire the consequences are if we continue our failure to act. It is time to put partisan politics aside and stand up for the American people. Meaningful liability change cannot wait. It must be included in any health care reform bill.

STUDENT AID AND FISCAL RESPONSIBILITY ACT

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

Mr. WILSON of Ohio. Madam Speaker, I rise today to give my support to the Student Aid and Fiscal Responsibility Act, a bill which will make historic investments in our Nation's higher education.

This legislation covers a broad array of initiatives to make college more affordable and accessible for everyone, and I am particularly glad to see that it does much to strengthen community colleges.

In this challenging economy, community colleges offer a crucial opportunity for students to fully prepare for the workforce. In 2007, there were over 156,000 students enrolled in Ohio's community colleges. I was pleased to see that this legislation provided the attention and funding that community colleges deserve.

This bill creates a new grant program that improves the resources and instruction at community colleges and emphasizes the partnerships between the colleges and local employers. In addition, it invests in the renovation and modernization of aging facilities.

In areas where many students can't afford a 4-year university, these community colleges provide a quality education and the training needed to succeed. These students deserve the increase in funding this legislation proposes. I urge all my colleagues to support this bill.

□ 1015

LIABILITY REFORM IS NECESSARY

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

Mr. FLEMING. Madam Speaker, as we debate health care reform, little attention has been paid to the impact that our Nation's broken medical liability system has on rising medical costs.

There are 125,000 lawsuits against physicians at any given time; 75 percent of the suits are closed without payment to the plaintiff, and in 83 percent of the cases going to trial, physicians are cleared. This means there is very little correlation between lawsuits and actual malpractice. More than that, the current system pushes doctors to overtest and overtreat to avoid being hauled into the courtroom, costing Americans billions of dollars in taxes and higher premiums. In a few cases in which there is a judgment, much of the money goes to pay lawyers, not the aggrieved patient.

Furthermore, the current system is driving physicians out of needed specialties. Recent studies show that one in seven obstetricians no longer delivers babies, and 49 percent of American counties don't even have an OB, largely because of high malpractice costs.

If the President and Democrats are serious about controlling high health care costs, they must call on trial lawyers to share in the sacrifice and to reform the medical liability system.

AN INCENTIVE FOR HEALTHY LIVING

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

Mrs. DAHLKEMPER. Madam Speaker, I rise today out of concern that the health care reform legislation this body is considering lacks an important component: an incentive for healthy living. Encouraging a healthy population is one of the best ways we can reduce our Nation's health care costs over time and can improve our country's livelihood and prosperity.

A healthy lifestyle makes workers more productive; it helps people live longer; it helps people make smart choices about diet, exercise and tobacco use; it helps prevent and not just treat chronic diseases.

Madam Speaker, successful health care reform must include an incentive for Americans to live healthy lives. It is the surest way to decrease our consumption of health care over time, thus, lowering costs.

My legislation, H.R. 3472, will do just that. My bill provides for health insurance coverage premium discounts up to 20 percent for healthy behavior and for improvements toward healthy behavior. This means that Americans would have a tangible incentive to maintain healthy cholesterol levels, heart rates and body mass indexes, which are vital indicators of a person's overall health and wellness.

Madam Speaker, it is good public policy to help Americans live well. It is good public policy to create positive incentives for wellness and to help people make healthy decisions in their everyday lives. I urge my colleagues to support H.R. 3472 and to create health care reform that actually encourages wellness.

CLEAR ACT

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

Mr. SMITH of Nebraska. Madam Speaker, the Natural Resources Committee has the responsibility not only to take steps to encourage more nuclear, solar, hydropower, and wind energy but also to increase the production of domestic oil and gas. Such an all-of-the-above approach will lead to lower energy costs and to more jobs for American citizens while also serving to make our country safer.

Later today, the Natural Resources Committee will be holding a hearing on H.R. 3534, a bill which will simply erect more obstacles to job creation and energy production. This bill creates new levels of bureaucracy, which inevitably will slow new development of American sources of energy. Now is not the time to further delay the advancement of American energy.

Madam Speaker, it is simple: more roadblocks to energy development mean less energy for Americans.

RECOGNIZING THE STATE OF MAINE FOR ITS IMPLEMENTATION OF RECOVERY ACT FUNDING

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

Mr. MICHAUD. Madam Speaker, I rise today to recognize the State of Maine for its efficient implementation of the Recovery Act funding for transportation infrastructure projects.

We in Maine have worked together to accomplish what this bill was intended to do—to create jobs and to put Americans back to work. A recent report on the Recovery Act shows that Maine is ranked number six in the country, having put 100 percent of the highway and bridge recovery projects out to bid. According to the State of Maine, 1,926 Mainers are now working and will be put back to work because of this Recovery Act funding.

While we still have a long way to go, I would like to thank those in Maine who continue to contribute to our State's economy.

DEFUND ACORN

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

Mr. BILIRAKIS. Madam Speaker, I rise today to share my outrage about corruption at ACORN. Illegal activities at the ACORN offices in Baltimore, in Washington, D.C. and in Miami show that corruption is not isolated. Already under suspicion for disturbing activities such as voter fraud in the 2008 elections, ACORN employers encourage prostitution, tax fraud and human trafficking. This culture of corruption must stop.

Madam Speaker, I, for one, will not sit idle and allow my taxpayer constituents to be swindled by an organization that receives millions in Federal funds.

Yesterday, I signed a letter to President Obama, asking him to disclose and terminate all taxpayer funding of ACORN. In addition, I have cosponsored a bill which will stop the Federal funding of this reprehensible enterprise. I call on Speaker PELOSI to bring this legislation to the floor for a vote so that we can stop subsidizing this outrageous and illegal activity. We owe it to our constituents.

ENACT REAL HEALTH CARE 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. Madam Speaker, I rise today to urge my colleagues to continue our hard work in enacting real health care reform and to not bow to the powerful insurance lobby, to the loud voices of opposition, or to the claims of the misinformed.

While we're aware of the work in the other body, that is not the work of this House. We know what our choices are; and as President Obama has said, it's time to make them. If we do nothing, health care costs for employers will rise 166 percent over the next decade.

A recent Kaiser Family Foundation survey showed that an estimated 8 percent of employers will drop their coverage altogether if the current trend continues. We need real reform with a robust public option based on the existing Medicare provider network and payment system, not illusory proposals meant to appease those who have no real intention of changing the status quo or in voting for reform. Let's hold to our goals of lower cost, competition, and accountability.

HOW OUR INVESTMENT IN NASA HAS BENEFITED AMERICA

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

Mr. OLSON. Madam Speaker, yesterday we heard from Norm Augustine, the chairman of the Review of U.S. Human Spaceflight Plans Committee on the recently released options they

have provided the Obama administration regarding the future of our Nation's human spaceflight program; but as we debate the future of human spaceflight, we must not overlook the present.

Last week was a wildly successful one in America's space agency. On Friday, the space shuttle *Discovery* and the crew of STS–128 returned home after a very successful mission to the international space station. Last week, NASA released new and, frankly, stunning images from the recently serviced Hubble telescope. Finally, NASA completed a successful test of the ARES I first-stage rocket motor. This is another milestone of the Constellation program, our next-generation vehicle, to take us back to the Moon.

All of these were amazing accomplishments, but it was just another week at NASA. The American people have invested in space exploration for over 50 years. We continue to reap the benefits of that investment.

HEALTH CARE

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

Ms. CHU. Madam Speaker, opponents of the health care reform bill are trying to confuse and to scare the American people. They are trying to prey on fear of the unknown. Opponents claim that the average American will fare worse under this bill because health care will be rationed by some faceless bureaucrat in Washington, D.C., but they clearly have not traveled to my district in California or they would know that rationing is already happening to people of every age and background. Insurance companies are already denying coverage if you are sick, have a preexisting condition, or are not independently wealthy.

In my district, a healthy middle class father's care was rationed when he was told he could not have insurance when his wife was pregnant because he had asthma as a child. A hardworking man was told that, despite working 30 years in a factory, he wasn't wealthy enough to deserve the cancer treatment that he desperately needed.

Health care reform will prohibit the kind of rationing that my constituents struggle with every day.

HONORING GRAMMY WINNER AND COUNTRY MUSIC RECORDING ARTIST GRETCHEN WILSON

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

Mrs. BLACKBURN. Madam Speaker, I rise today to ask my colleagues to join me in honoring Grammy winner and country music recording artist Gretchen Wilson as she receives the 2009 National Coalition for Literacy Leadership Award. This multi-platinum, acclaimed singer/songwriter was one of millions of Americans who had not finished her high school education.

Gretchen left high school to pursue her music career, and has since had three number one albums. She realized, as a mother, it was important for her to lead by example and to demonstrate to her daughter just how important it is to have an education. So last year, at the age of 34, Gretchen earned her GED. She is teaming up with the Dollar General Literacy Foundation to honor GED graduates and organizations dedicated to the achievement of literacy.

I congratulate Gretchen on her hard work, on her resilience and on her many notable achievements. I ask my colleagues to join me in recognizing her dedication and contributions to adult education and literacy awareness.

REBUILDING THE AMERICAN ECONOMY

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

Ms. SPEIER. Madam Speaker, yesterday, both Warren Buffett and Fed Chairman Ben Bernanke said the recession is very likely over. While most Americans are still months away from experiencing any sign of recovery firsthand, we can take heart in the fact that, as a Nation, we have just managed to avoid the economic precipice we faced just 1 year ago.

Just 200 days since the passage of the stimulus bill, 30,000 construction projects have begun. Jobs of 5,000 police officers and nurses and of 135,000 teachers have been saved; and all across our great country, Americans are working to rebuild the economy. From veterans who are going to college on the GI Bill, to entrepreneurs who are developing innovative technologies for clean energy, to the work we're doing here in Congress to reform our financial regulations and to ensure that all Americans have access to quality medical care, our job has just begun.

It is still too early to celebrate success, but it is time to encourage those policies that work and to have the courage to change those that are in need of reform.

DELAY GUIDELINES FOR THE POTENTIAL RELEASE OF BTIF TERRORISTS

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

Mr. KIRK. Madam Speaker, the administration is preparing to establish guidelines for the review and potential release of Taliban and al Qaeda terrorists held at the Bagram Theater Internment Facility, BTIF, in Afghanistan. This facility holds over 500 of the most dangerous Taliban and al Qaeda terrorists captured on the Afghan battlefield.

According to The Washington Post and The New York Times, each detainee will be given a counselor to grant rights and to review their potential release procedures. The press reports that the new guidelines were approved with a brief and limited congressional review. We know over 50 detainees released from Guantanamo Bay resumed jihad against Americans. The release of terrorists from the Bagram facility will form a clear and present danger to Americans serving in Afghanistan.

I urge Members to sign our letter to Secretary Gates, asking him to delay the release of these guidelines until Congress holds hearings and especially until all of our soldiers in Afghanistan are briefed on this potential danger.

HEALTH CARE REFORM

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

Mr. ELLISON. Madam Speaker, in America today, more than 60 percent of all bankruptcies are related to medical bills. Insurance premiums have gone up three times faster than the money people take home every year. Hundreds of thousands of Americans are denied the health care they need by insurance company bureaucrats, and millions more are holding on by the skin of their teeth to keep what insurance coverage they do have.

Yet there are still those who say that there is no problem and that nothing is wrong. I don't know who they've been listening to—maybe to the insurance company CEOs who rake in millions of dollars every year in bonuses alone or maybe to the insurance company lobbyists who have flooded Washington with millions of dollars spent on ensuring that health care reform does not happen.

Americans want progress. They want a system that delivers quality, affordable health care for them and for their families. By giving them a public option to choose from, we can keep insurance companies honest through competition, and we can provide our Nation's families with the quality health care they deserve.

□ 1030

PUTTING PATIENTS AND DOCTORS IN CONTROL

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

Mr. BOUSTANY. Madam Speaker, last week the President and the congressional Democrats began yet another drive to enact their sweeping overhaul of American health care, H.R. 3200.

Following the President's address to Congress, I urged the President to work with Republicans to lower the cost of health care for American families and small business. Commonsense

solutions and common ground do exist. Let me be clear. We can lower the cost of health care. But a new government-run bureaucracy is not the answer.

The President last week suggested reducing the growing number of frivolous lawsuits against doctors as one way to lower costs. Thus far, the congressional Democrats' plan still fails to mention medical liability reform. Right now, H.R. 3200 fails to meet the President's requirements, and it fails to meet the American people's requirements too.

If the President and congressional Democrats are serious about working together, we need to start over. We need to start over and scrap H.R. 3200. Working together, we can achieve real results to lower the cost of health care and increase access to a doctor for millions of Americans.

SMALL BUSINESSES PROVIDE JOB-CREATION ENGINE

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

Mr. POLIS. Madam Speaker, small businesses are the backbone of our country, providing the job-creation engine that we need to lift us out of this recession. And yet, today, small businesses across our country are at a disadvantage to their larger corporate competitors because of the higher costs of providing health care for their employees, because of smaller risk pools and less purchasing power.

By creating public exchanges, which this health bill proposes, as well as by preventing pricing discrimination based on preexisting conditions, we give small businesses access to low-cost options to provide health care benefits to their employees, increasing the competitiveness of American companies to help lift us out of this recession.

By helping small businesses succeed at what they do best, focusing on their businesses, on innovation, on job growth, and helping to make them more competitive by reducing the cost of their health care insurance, we can lift America out of this recession and make America's small businesses more competitive.

ADMINISTRATION'S PROTECTIONISM

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

Mr. PITTS. Madam Speaker, American dairy farmers are struggling, and expanding markets around the world could help them greatly. The President's placing of a 35 percent tariff on imports of Chinese tires last Friday is likely to start a trade war.

This time of recession is no time to shut down rural trade or spark wider trade wars. Instead, we should look for opportunities to open up new markets for American products.

We have three free trade agreements currently sitting on the table, South Korea, Colombia and Panama, which the administration has virtually ignored since the President took office. Combined, these agreements represent more than 100 million new customers for American products. New markets could go a long way in increasing demand for American products and saving family farms that have operated for generations.

I believe American agriculture and industry can compete worldwide, but we need to break down barriers, not create new ones.

TIME FOR HEALTH CARE REFORM IS NOW

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

Mr. BRALEY of Iowa. Madam Speaker, now is the time for Americans to rise up and speak truth to fear on health care reform. Now is not the time for silence, now is not the time for doubt, and now is not the time for fear.

Recent Census data shows that the average American family spends over $13,000 a year for health care coverage. And if we don't change what we are doing right now, in 10 years the average American family will be spending over $25,000 a year on health care coverage.

That's why the time to act is now, and H.R. 3200 does that by expanding access to quality, affordable, coverage and bringing true health care reform to the American people.

MEDICAL LIABILITY REFORM

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

Mr. BURGESS. Madam Speaker, the President of the United States came to this House last Wednesday night and talked about health care. At the end of his speech, he talked about how perhaps we could consider some, at least a look, at medical liability reform.

And I encouraged the President to do that. I encouraged him to look at my home State of Texas. Look what's happened in Texas since 2003. Texas has become a magnet for doctors.

Since the reforms passed in the State of Texas in 2003, charity care rendered by Texas hospitals has risen 24 percent. Texas has licensed almost 15,000 new physicians, which is a 36 percent increase from pre-reform. Thirty-three rural counties have seen a net gain in emergency room doctors, including 26 counties which previously had no emergency room doctors.

After years of decline, the ranks of medical specialists are growing in Texas. In my field of obstetrics, we had seen a loss of obstetricians in the 2 years prior to reform.

Since the reform was passed, we have had a net gain of 192 obstetricians in the State of Texas, and 26 counties have added an obstetrician, including 10 counties where none was present before.

We have a great story to tell in Texas. I encourage the President to look at the sensible types of reforms that were enacted in Texas in 2003.

MAJOR STEP FORWARD FOR HEALTH CARE REFORM

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

Mr. PALLONE. Madam Speaker, health care reform in the Congress took a major step forward today with the announcement of the Senate Finance Committee proposal.

There may be differences between that proposal and the bills that we have passed in the House, but the bottom line is that we are moving forward in trying to pass crucial health care reform.

If you look at the Senate Finance proposal, it basically has the health exchange in an effort to provide choice and competition and provide affordability for those Americans who either do not have health insurance now or are afraid that they may lose their health insurance because their costs continue to go up.

The Kaiser Foundation came out yesterday with an analysis that showed that more and more employers now are passing off the cost of health insurance to their employees, either through higher costs that they have to pay or cost-sharing or deductibles or co-pays, so something has to be done. It's not just a question of those who are uninsured; it's also a question of those who have health insurance now who may lose it because their employer will not provide it or their costs continue to climb.

We need to move forward, and we are taking a major step today.

GOVERNMENT TAKEOVER OF HEALTH CARE

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

Ms. FOXX. Madam Speaker, during a time of high unemployment, Democrats in Washington propose a government takeover of health care that will lead to even more job losses in a weaker economy.

For months, the American people have looked to Washington for policies that will do no harm to our economy and help put workers back to work. Unfortunately, all we have seen from the President and Democrat-led Congress are record spending, record deficits and record debt.

The American people are looking for real solutions to the challenges we

face, not another excuse to spend money and increase the reach of Big Government. Republicans have real solutions, but the people in charge of Congress and the President are ignoring them. It's time for the President and the Democrat-controlled Congress to start over on health care, work to get our economy back on track and accept real solutions.

SUPPORT THE REPUBLIC OF GEORGIA

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

Mr. DREIER. Madam Speaker, last week we got the troubling news that Venezuelan President Hugo Chavez was joining Russia and Nicaragua in recognizing the Abkhazia and South Ossetia territories of Georgia as independent countries. This is very troubling. The international community recognizes the territorial integrity of Georgia, and now we have to wonder, with Chavez's move, what other countries might join him in this effort.

It is absolutely essential that we stand with our ally, Georgia, in doing everything that we can to strengthen democracy, the rule of law, and the institutions that exist there.

Senator KERRY and I have joined in introducing a resolution calling for the establishment of a U.S.-Georgia free trade agreement. The actions of Chavez make that even more important today than ever. We need to do all that we can to help strengthen and bolster our economy and their economy as well.

Let's pass this resolution and ensure that the free people of Georgia are able to succeed.

IRAN'S NUCLEAR PROGRAM

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

Mr. MORAN of Kansas. Madam Speaker, we are just days away from President Obama's deadline to Iran that it accept his offer of meaningful talks about that country's nuclear program. Although the U.S. and other world powers will meet in Iran on October 1, Iran has said discussions of its nuclear program are finished. Any discussion that does not include Iran's nuclear program significantly dilutes any benefits of such talks.

For 8 months, Iran has had the opportunity to discuss its nuclear program. Now, moments before the deadline, it proposes talks but remains unwilling to engage on the most important issue.

The President needs to rally international support through the U.N. and G–20 summit this month for sanctions against Iran to ensure that they have great impact.

At the same time, Congress should move forward with legislation that has been introduced to put pressure on Iran. Specifically, we should pass H.R. 2194, the Iran Refined Petroleum Sanctions Act.

The longer we wait to address Iran's pursuit of nuclear weapons, the more difficult it becomes to deal with Iran, and the world becomes a more dangerous place. Hoping that Iran changes course is not a strategy we can live with.

PROVIDING FOR CONSIDERATION OF H.R. 3221, STUDENT AID AND FISCAL RESPONSIBILITY ACT OF 2009

Mr. POLIS. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 746 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 746

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. 3221) to amend the Higher Education Act of 1965, 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 Education and Labor. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. 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. 2. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Education and Labor 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. POLIS. Madam Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentlewoman from North Carolina, Dr. VIRGINIA FOXX. All time yielded for consideration of the rule is for debate only.

GENERAL LEAVE

Mr. POLIS. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous material into the record.

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

There was no objection.

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

Madam Speaker, House Resolution 746 provides for a structured rule for consideration of H.R. 3221, the Student Aid and Fiscal Responsibility Act of 2009.

The rule makes in order 24 amendments, which are listed in the Rules Committee report accompanying the resolution. Each amendment is debatable for 10 minutes, except the manager's amendment and the Kline substitute, which are each debatable for 20 minutes.

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

Madam Speaker, I rise today in strong support of House Resolution 746 and the underlying bill, the Student Aid and Fiscal Responsibility Act, which was passed by the House Education and Labor Committee with bipartisan support.

I thank Chairman MILLER, as well as my colleagues on the committee on both sides of the aisle for their leadership in this historic legislation that puts America's students and their families first. Education is the key to progress and prosperity, both for individuals as well as collectively as a Nation.

Every day we hear from our constituents about their inability to afford college or their excessive student loan debt that burdens their families. Just yesterday I talked to a young woman who attends a university in my district, the University of Colorado at Boulder, and she is graduating with $50,000 in debt.

□ 1045

This Student Aid and Fiscal Responsibility Act tackles this problem head-on by making the single largest investment in higher education in history without costing taxpayers any more.

Following the unprecedented Federal support for education in the American Recovery and Reinvestment Act, which increased Pell Grants and funding to K–12 schools through special ed and Title I, this landmark legislation will transform the way our student loan programs operate and generate $87 billion in savings over the next 10 years

that will be used to help increase Pell Grant scholarships, keep interest rates low on Federal loans, and create a more reliable and effective financial aid system for families at no cost to taxpayers. Converting all new Federal student lending to the reliable, effective, and cost-efficient Direct Loan Program enables these critical investments to make our economy strong and competitive while reducing the deficit and bringing college in reach for countless American families.

I strongly believe in President Obama's goal that the United States become the world leader in the proportion of college graduates by 2020. But like the rest of the country, lower-income students in my home State of Colorado are too often left behind because their families can't afford to pay for college.

Over the next 10 years, this bill invests more than $589 million in Colorado alone to increase the maximum Pell Grant scholarships to $5,550 a year in 2010 and $6,900 in 2019. And starting in 2011, the scholarship's value will be preserved by indexing it to inflation plus 1 percent. Under this bill, students in my district could see a dramatic increase in their Pell Grant awards over the next 10 years.

Applying for financial aid should help, not hinder, college access, yet an estimated 1.5 million college students who likely were eligible to receive Pell Grants didn't even apply for financial aid because they found the Free Application for Federal Student Aid, the FAFSA document, too confusing to fill out. This bold legislation makes it easier for families to apply for financial aid through a streamlined FAFSA form that is simpler and shorter by reducing the number of questions and allowing applicants to use the information from their tax returns.

In addition, the Student Aid and Fiscal Responsibility Act strengthens and expands the Perkins Loan Program that provides low-cost Federal loans to every U.S. college campus and keeps interest rates low on subsidized Federal student loans by making them variable beginning in 2012. These interest rates are currently set to jump from 3.4 percent to 6.8 percent in 2012. For the 5.5 million borrowers across the Nation who take out subsidized student loans every year, these changes mean real savings and offer much-needed relief, more money that can go into textbooks, living expenses, and paying additional college tuition above the student loan amount.

We also know that too many students enroll in college but drop out and don't graduate. College access should lead to college success. However, only half of students who enroll end up with a bachelor's degree. This has enormous economic implications for college dropouts and our economy as a whole because workers with bachelor's degrees earn 54 percent more on average than those who attend some college but don't finish.

This legislation invests $3 billion to bolster college access and completion through innovative programs that focus on financial literacy and help retain graduate and undergraduate students, as well as a $2.5 billion investment in Historically Black Colleges and Universities and Minority-Serving Institutions to help students from disadvantaged backgrounds stay in school and complete their studies. Colorado, as an example, will receive at least $10.5 million over the next 5 years from the increased funding for the College Access Challenge Grant Program.

In recognition of our troops' heroic service to our country, H.R. 3221 gives servicemembers more freedom to attend the college of their choice under the GI Bill and also helps our troops afford an education by providing loan forgiveness for members of the military who are called up to duty in the middle of an academic year, and we all know how disruptive that can be, and helping them complete school and get their degree is an important element that this bill provides to those who serve our Nation proudly.

As a member of the Community College Caucus, I am thrilled that this legislation recognizes the critical role that these open-door institutions play in our communities both as gateways to higher education as well as providers of a highly skilled workforce to fill the needs of our local economies and prepare kids for the growth sectors of our economy and for jobs in the ever-changing and evolving economic sectors. Community colleges are an essential component of America's workforce development, and that is recognized by this bill.

In my district in Colorado, Front Range Community College and the Colorado Mountain College are effectively addressing the needs of both students and employers and represent an essential component for our economic development as well as a source of community pride. By encouraging historic partnerships and innovative reforms and expanding access to free and high-quality online courses, this legislation helps prepare Colorado's 117,000 community college students with the real-world experiences and skills they need to be ready for 21st century jobs or to transfer to 4-year colleges or universities to complete their bachelor's degree. Enrollment in our community colleges is up 20 percent this fall compared to last year, so this funding will help our existing system and infrastructure meet that demand.

Colorado ranks third nationally in expected growth in jobs that will require post-secondary training, and we need to dramatically increase the number of degrees, certificates, and credentials awarded. These new investments will help community colleges establish articulation agreements, expand academic training programs for high-wage occupations in high-demand industries like health care, and improve student support services.

We will also build and enhance links through dual enrollment through our K–12 system to increase collegiate access as well as giving kids who might be first-generation college goers support as they attend college through the K–12 system and take their first college courses and show that, yes, they can achieve at the college level.

Through our bolstering community colleges, we can also strengthen their labor market responsiveness and competitiveness. And to ensure that community college students learn and thrive in modern updated state-of-the-art facilities, Colorado would receive $28.7 million under capital facilities, which will leverage additional funds to help repair and construct projects for community college facilities that are primarily used for instruction, research, or student housing.

But the impact of savings realized from cutting the middleman between students and lenders goes beyond higher education. They will also help ensure that the next generation of children enters kindergarten with the skills needed to succeed in school by increasing access to birth-to-five early learning programs for children from low-income families. The Early Learning Challenge Fund would award $1 billion each year in competitive grants to States that raise the bar of early education standards, show a State commitment to meeting the needs of birth-to-five students and practices through comprehensive reform, build an effective early childhood workforce, improve the school readiness outcomes of young children, and promote parental and family involvement. Investing in high-quality early education is not only the right thing to do, but it is the smart thing to do since it yields a high return, saving taxpayers up to $14 for every dollar we spend.

Yesterday, I had the opportunity to meet with a group of early childhood advocates from across the country, economists, business leaders, bankers, philanthropists, child development experts, who agree that smart investment in early education is critical if we want to close the achievement gap, prevent the achievement gap from arising before kids even enter kindergarten rather than trying to play catchup after the fact through improving our public schools alone. We can close the achievement gap and ensure that children from all economic and social and ethnic backgrounds are prepared to thrive in school as well as in life.

Madam Speaker, I reserve the balance of my time.

Ms. FOXX. I yield myself such time as I may consume.

I want to thank my colleague from Colorado for yielding me time to discuss this bill.

During the month of August, people all over this country spoke out against the government takeover of our health care system. They are fed up with increased spending, increased long-term deficits and debt, and want to reduce

the role of government in our lives. This bill does just the opposite of that.

I complimented my colleague from California Mr. MILLER, yesterday, in a kind of a backhanded way, by saying that he has come up with very, very good titles for the bills that he has been handling in this session. The titles do just exactly the opposite of what the bills do. This bill is called Student Aid and Fiscal Responsibility Act of 2009, and to a person who hasn't spent time reading it or thinking about it, that sounds like a good thing to do. However, this bill and, of course, the rule, which we are debating today, aren't fiscally responsible and this is not the way we should be going.

As I listened to my colleague speak today, I was impressed by the paternalistic attitude that is represented by this bill and by the comments being made by our colleagues: It's going to give more freedom to people. It's going to ensure that community colleges do such and such. It's going to close the achievement gap.

Would that the government had that kind of power. Would that money alone do that kind of thing. That's not what this bill is going to do, and this rule needs to be voted down.

This bill was passed out of the House Committee on Education and Labor by a vote of 30–17. It eliminates the Federal Family Education Loan Program and shifts all student loans to a government-run system under the Direct Loan Program. In addition, the bill creates nine new programs and increases the Federal Government takeover of early education, higher education, school construction, and more. It is an insidious intrusion into education at all levels by the Federal Government, and it doesn't deserve to be passed by this House.

Madam Speaker, I reserve the balance of my time.

Mr. POLIS. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER), the chairman of the Committee on Education and Labor.

Mr. GEORGE MILLER of California. I thank the gentleman for yielding, and I thank the Rules Committee for reporting this legislation to the floor with the amendments that have been made in order. And I want to thank the gentleman from Colorado for his strong support for this legislation not only in the Rules Committee but in our committee, the Education and Labor Committee, where he led a number of efforts to improve this legislation.

This rule will allow for the proper input and amendments from Members from both sides of the aisle on legislation that will be transformative for our students, families, and taxpayers.

The Student Aid and Fiscal Responsibility Act will allow us to invest $87 billion to make college more affordable, to build a world-class community college system, and to improve the opportunities to help our youngest students succeed. This represents the single largest investment in Federal college aid in history. We will be able to do this at absolutely no cost to the taxpayers by undertaking long overdue student loan reforms.

The Student Aid and Fiscal Responsibility Act is a win-win. It's a win for students. They'll have dependable access to Federal college aid, and it will make these programs more effective and efficient for families and for taxpayers. It will help rebuild our economy that is cutting edge, innovative, and it will help again regain our global leadership in both competitiveness and in college graduation rates.

I would like to especially make clear that this bill is, in fact, fiscally responsible. Not only will we be able to take and substitute the subsidies that we now pay out for institutions to lend the government's money to the students for the government to buy back, we will take those subsidies and we will invest that money on behalf of students and their families and institutions to improve the education that they will receive, to improve the access, to try to improve the retention rates so that students that, in fact, take out and borrow money end up with a degree and not as a dropout with a lot of debt, and we will also return about $10 billion to the Treasury to help reduce deficit spending.

Every aspect of this bill speaks to the future, to the future of our economy, to the future strength of our families, to the future needs of students who seek to acquire and are fully qualified to benefit from a college education.

Again I thank the Rules Committee, and I urge my colleagues to support this legislation when we debate it on the floor later today and tomorrow.

Ms. FOXX. Madam Speaker, I now yield such time as he may consume to our distinguished colleague from California (Mr. DREIER), the ranking member of the Rules Committee.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. I thank my friend for yielding.

Madam Speaker, let me say that we are here talking about the issue of education and how we're going to pay for it. And I think that there is clearly a bipartisan agreement that improving the quality of education in the United States of America is essential, not only for people to be successful right here in the United States, but as I regularly point out, if we are in this global economy going to see the kind of success that we all want, it is essential that we have the best educated, most talented young people who are ready to enter the job market.

□ 1100

That is why making sure that they can pursue higher education is a very high priority. There is no disagreement on that whatsoever. The reason we are here right now, Madam Speaker, is to address the issue as to how we pay for it.

Now, I was just in a discussion with the very distinguished new ranking minority member of the Committee on Education and Labor, the gentleman from Minnesota (Mr. KLINE), and we were talking about the size of the Federal deficit. It is $1.6 trillion. I reminded him that is larger than the entire Federal budget was just 10 years ago. We have a number of new plans before us that dramatically expand that. Health care is just one of them. We have the $787 billion stimulus package. We have many, many plans that expand rather than reduce the reach of government. Unfortunately, we have before us one more of those.

Now we have sort of what I have seen as the battle within the Congressional Budget Office. We have a lot of different figures that have been thrown forward to us which create some conflict. I think one of the most interesting was a letter that I just saw sent from Doug Elmendorf, the Director of the Congressional Budget Office, to the distinguished ranking member of the Senate Budget Committee, our colleague, Mr. GREGG. In it he refers to the fact that as we go down the line, we are going to obviously see what is a tremendous increase in expenditures.

I listened to my friend, the chairman of the Education and Labor Committee, talk about the fact that we will have $10 billion in savings. Based on what I have seen from this Congressional Budget Office number, we not only will not have savings; we will have a dramatic increase in spending.

Now we know that pursuing private markets is the right way for us to go, but we have had disruptions in the private markets over the past couple of years. Unfortunately, the measure before us prevents us from being able to rely on private credit markets in the future. One of the reasons that is so important is because private capital is what I believe we should be relying on as much as possible.

I am not saying there should be no role for government, but this measure before us usurps even a modicum of private sector involvement. Where do we as taxpayers look? As my friend and I were just discussing, the distinguished ranking member, Mr. KLINE, we will be looking to China as we continue to go further and further into debt. That is unfortunately exactly what this legislation will do. We will be paying a rate of return on that money that the taxpayer is borrowing. And, again, we will be ignoring the private markets as they reemerge.

And so, Madam Speaker, I have to say that this is just one more indication, as all of the attention is focused on health care, of another $50 billion to $150 billion expansion of the burden that is imposed on our taxpayers, and I don't believe that it will do nearly as well as the private sector would in trying to look to the sources of credit so that we can ensure that the pluralism

that we have in education, clearly the best higher education system on the face of the Earth, succeeds.

And so I urge my colleagues to vote ''no'' on this rule and to make sure that we do have the kinds of improvements that I believe the gentleman from Minnesota wants us very much to implement.

Mr. POLIS. Madam Speaker, in a brief response to the gentleman from California, I had the opportunity to talk to a student, Hailee Koehler, who goes to the University of Colorado, yesterday. She is graduating $50,000 in debt; $30,000 of that is privately borrowed capital and $20,000 is her student loans. The interest rate that she pays on the money that she accessed outside of the federally backed student loans is 15 to 18 percent. That is the interest rate on $30,000 of her debt. And this is just the cost of a college education. This is $50,000 tuition, books, room/board. That is actually very reasonable compared to what it costs at some colleges. She is paying 10 percent less on her federally backed student loans. What a difference in her life it would make if she had access to more at the lower rate.

When we are talking about the government going out and borrowing money, government is borrowing money, 3 percent, 4 percent a year. That is what the government is paying. If we can turn that around and loan that out at 5, 6, or 7 percent, it sounds like a pretty good business for the government to be in.

Mr. DREIER. Would the gentleman yield?

Mr. POLIS. I know the gentleman has experience in business. Doesn't that sound like a pretty good business proposition?

Mr. DREIER. I thank my friend for yielding and I appreciate his question. Let me say that obviously the lowest rate is what we all want to pursue. I believe if we create an opportunity to move into the private markets, creating more competition will play a role in bringing those rates down; and that is what we should be doing.

The debt burden that is going to continue to be imposed on the U.S. taxpayer is something we also need to address as well.

Mr. POLIS. Reclaiming my time, I would simply submit it is better for students and the system, to the extent debt has to be on the books, for debt to be at 3 percent, 5 percent, 6 percent at a year rather than 15 to 18 percent a year which is onerous for anyone who has that kind of debt load.

I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. I thank the gentleman for yielding me this time.

The troubling legacy of the eight years of Bush-Cheney mismanagement includes many types of deficits. We all know of the soaring budget deficit, but every bit as real is the ''opportunity deficit.''

Despite our success earlier this year in creating a new higher education tax credit and expanding Pell Grants, too many young Americans find themselves unable to go to college because of financial barriers. As the gentleman from Colorado just mentioned, too many others leave college with such a mountain of debt they are unable to pursue some of the professional objectives that they would like to do.

When our youth cannot develop their full God-given potential because of financial barriers, our entire country suffers an opportunity deficit. With families struggling in this difficult economy, we bridge the opportunity gap and ensure that more students can obtain a college degree.

This bill really corrects two deficits left over from the Bush Administration by eliminating the waste and inefficiency in the operation of the federal student financial assistance program. It is truly an investment in America's future. By eliminating the unnecessary middleman role of private financial institutions, eliminating the red tape and lending directly to the students, the Federal Government will have more money for them and more resources left over to apply to reducing our national debt.

With the approval of this bill, just in my Central Texas congressional district alone, over the next decade, college students attending the University of Texas, Huston-Tillotson University, Texas State University, St. Edwards, and ACC, will receive more aid, about $46 million more aid, with this measure. Fifteen thousand more students will apply through the simplified financial aid application form, as we cut through the red tape. And we will have $15 million more dollars to help young people prepare to go to college to get the education that they need. Who could oppose such a winning combination of helping our students and reducing the national debt?

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. POLIS. I yield the gentleman from Texas an additional 30 seconds.

Mr. DOGGETT. Who could oppose this winning combination? Well, the banks who pocketed the wasteful expenditure of taxpayer money, of course, and a few ideologues in the Republican Party who oppose all federal involvement unless it helps their buddies.

The alternative that the Republicans are offering today is little more than another corporate bailout that will provide billions more to lenders instead of reducing our debt and helping our students.

Let's invest in our students and reject another corporate giveaway.

Ms. FOXX. Madam Speaker, I know that sometimes we are all given to a little hyperbole here on the floor, but the comment from my distinguished colleague from California that this would be absolutely no cost to taxpayers, if there is anybody listening to this who believes that, I am going to find some swamp land in New Mexico to sell them.

We know that the estimates are that 40,000 jobs are going to be lost in the private sector as a result of this bill. So tell me, who is going to be administering this program? Right now the Direct Loan Program covers 20 percent of the loans that are given out. So is the Department of Education going to absorb this workload? I doubt that. Are they not going to ask for more help to be able to administer the other 80 percent?

In terms of debts, we keep hearing about people who are graduating from college with so much debt. Where is the issue of personal responsibility that we keep hearing so much about from the President. Debt is a personal responsibility. There is no reason for anybody in this country to graduate from college with $50,000 worth of debt.

And it is pretty good business for the government to be in because we can borrow money cheaper than the private sector can: that sounds like the argument that established Fannie Mae and Freddie Mac. And we do know where that has led us.

Last but not least, I guess it is going to be hundreds of years before our colleagues stop blaming every ill in this country on the Bush-Cheney administration.

I yield such time as he may consume to the gentleman from Minnesota (Mr. KLINE), the ranking member of the Education Committee.

Mr. KLINE of Minnesota. Madam Speaker, I thank the gentlelady for yielding, and I rise in opposition to this rule and the underlying bill.

Once again Members on the other side of the aisle are frantically rushing to expand the reach and cost of the Federal Government. Well, if government expansion is what you are looking for, this is the bill for you.

H.R. 3221 eliminates the private sector-based Federal Family Education Loan program and shifts every student and every school in America into the Direct Loan Program beginning July 1, 2010, less than 10 months away.

It creates or expands numerous entitlement programs, spending tens of billions of dollars on everything from prekindergarten programs to school renovation to online course management.

Republicans offered more than a dozen amendments to this deeply flawed legislation, amendments that were designed to forestall the damage it is sure to cause, or at the very least, alleviate some of the most egregious spending and policy shifts. Six of those amendments were made in order, less than half. By comparison, Democrats offered a total of 32 amendments: 18 were made in order and another five were incorporated into the manager's amendment. That means in total 72 percent of the amendments offered by Democrats will receive a vote today.

A bad process often accompanies a bad bill, and H.R. 3221 is no exception. The Education and Labor Committee has a track record of working across party lines when it comes to education.

In recent years, our panel has approved a comprehensive renewal of Federal higher-education programs that incorporated ideas from both Democrats and Republicans. We also acted last year to avert a shutdown of the student loan programs by enacting, with bipartisan support, the Ensuring Continued Access to Student Loans Act.

Apparently, Democrats have now decided to abandon that effort and pursue a partisan goal they have harbored for more than a decade. Bipartisanship has been cast aside, as this rule reflects.

If Democrats wanted to pursue a thoughtful, careful, bipartisan approach to stabilizing the student loan programs and reducing our deficit, they would support the Republican alternative which we plan to offer later in the debate. That's one amendment that was made in order under this rule, and I am certainly glad it was. Our amendment offers a commonsense solution that allows us to slow down and carefully consider what is best for students, schools, and taxpayers.

Shifting to 100 percent direct lending will radically alter the way students pay for college. It will cause upheaval at colleges and universities from coast to coast as schools scramble to make the personnel and infrastructure changes necessary to administer a program that is run by the Federal Government.

This is a serious issue that deserves a serious debate. And what are we doing about it? We are giving it a few hours this afternoon and tomorrow morning before casting our votes and turning our attention to the next thing.

□ 1115

Students deserve better. Families deserve better. The tens of thousands of Americans who stand to lose their jobs deserve better. And taxpayers—who ultimately foot the bill for this measure, this massive expansion of government—deserve better.

We have had discussion already this morning about the costs of this bill. And they are certainly confusing and debatable. Proponents say and have said it will save billions and reduce the deficit. Others say it will add tens of billions of dollars to the deficit, as Mr. DREIER was addressing earlier.

In fact, I was looking at a story from McClatchy Newspapers coming out of Kansas City, discussing an independent analysis of this program, and it says, ''Changes in the loan program will 'save a big chunk of money,' said Marc Goldwein, the policy director for the Committee for a Responsible Federal Budget, a watchdog group. Will it be the right amount to offset the new spending? The obvious answer is we don't know.''

He warned that the new system's fiscal outlook would be ''particularly uncertain because it would depend on economy-related factors such as default rates, need-based aid, and other factors.''

In fact, that's why the Congressional Budget Office, in looking at this bill, has amended, although not officially by the rules of this House, its estimate. The letter that Mr. DREIER talked about, addressed to Senator GREGG, they said if we had used market risk-based analysis like we did in the TARP program, this bill wouldn't ''save $87 billion, but some $33 billion less.'' And if we counted the discretionary spending—over $13 billion—it would cost more. And if we looked at the real cost of Pell Grants, it would cost another $11.5 billion more.

So I think those that say that this is going to impact the deficit, increase the deficit, have the arguments in their favor. I understand it's debatable. But what is certainly clear, what is not confusing, is that this bill is an expansion of the government, with new programs and new spending. It is a government takeover in an industry. And it will result in a loss of jobs.

I wanted to address just a couple of comments that have already been made today in this debate. I felt the pain when my colleague from Colorado talked about the student that was paying some 15.5 percent interest. That's not a FFEL program. That interest rate is capped. We want to make sure that such a program exists and people aren't paying those kind of interest rates.

Then, I'm always struck when one of my colleagues says, Well, we're trying to eliminate waste and inefficiency by going to a government program. My colleagues, that just defies history, to find a government program that reduces waste and inefficiency. The stories are rampant. We know in every department huge amounts of waste and inefficiency, whether it's a $500 or $600 hammer in Defense acquisition or money wasted on trailers sitting in fields after hurricane recovery efforts. The Federal Government does not reduce waste and inefficiency. That defies history.

I urge a ''no'' vote on the rule and the underlying bill.

Mr. POLIS. I'd like to yield 2 minutes to my colleague on the Education and Labor Committee, the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. I thank the gentleman for yielding. I want to make three quick points, but first I want to say that I rise in support of this rule and, more importantly, in support of the underlying legislation.

Three quick points. The ranking member of the Rules Committee spoke with great reverence for private markets and talked about how we are eliminating any private role in the student loan program. The truth is that, were it not for the intervention of the Federal Government this year, there would be virtually no private student loan market.

We passed last year a piece of legislation called the Ensuring Continued Access to Student Loans, and we did so so that students could continue to borrow because of a lack of liquidity in the student loan market. Had we not acted, the private student loan market would have been severely diminished, if not nonexistent. In fact, 60 percent of the $85 billion that students were borrowing this year, they are borrowing as a result of the intervention of the Federal Government.

So we can't rely on the private loan market. And one of the reasons we are taking this action is because students need to have a source of funding that they can rely upon.

So it's very important that we pass this legislation to address the issue of the lack of liquidity in the student loan market and to give students a source of financing that they can rely upon.

The second point. We talk constantly in this Chamber about waste, fraud, and abuse. And the simple fact is that we are supporting a private loan program, the FFEL program, that wastes $8 billion to $9 billion a year in taxpayer dollars, and we are making the judgment that those taxpayer dollars would be much better spent if we took that $8 billion or $9 billion and used it to help students attend college, to improve community colleges, to expand other student aid programs, to help students graduate, something that's very, very important.

So we are attacking the waste, fraud, and abuse that exists.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POLIS. I yield an additional 30 seconds to the gentleman from New York.

Mr. BISHOP of New York. We are attacking the waste, fraud, and abuse that exists, and doing so in a way that helps students.

Lastly, my friend from Minnesota, the ranking member of the Education Committee, just said that we are pursuing a partisan goal. I would take issue with that and say that what we're pursuing is a very practical goal.

The practical goal we're pursuing is to help young people go to college. We are not going to be able to compete as a Nation in an increasingly competitive global marketplace unless we have an educated workforce. Higher education is the key to that educated workforce.

So, from a very practical perspective, not partisan perspective, we need to pass this legislation.

Ms. FOXX. I would like to share with the Members some concerns that have been shared with me by the University of North Carolina system, and I will quote: ''UNC is concerned about the committee's attempt to divert Federal funding away from higher education to K–12 construction and early childhood education.

''While K–12 construction and early childhood education may be worthwhile Federal priorities, they should not be funded at the expense of higher education.''

Another point that they have made is that they're very concerned about a provision in the Miller reconciliation

bill that would eliminate the in-school interest exemption for graduate and professional student borrowers.

While we are talking about how we want people to continue their education and how important an education is to our country, putting graduate students in the position of having to pay interest while they're in school is not a very smart thing for us to be doing.

I want to talk a little bit about other changes that are coming to the Federal Financial Aid Program through this bill. It's going to eliminate restrictions that prevent individuals convicted of drug possession from receiving taxpayer-funded financial aid. It's going to change the need analysis formula, which is going to fail to do enough to fundamentally simplify our system of financial aid programs, and there is a move to variable interest rates for subsidized Stafford loans, which keeps the system unnecessarily complex for borrowers in an effort to cover a broken political promise to cut interest rates in half, which was made last year and which we debunked, I thought, pretty well then.

With that, Madam Speaker, I will reserve the balance of my time.

Mr. POLIS. I would like to inform the gentlelady from North Carolina I was just given this information by staff that some of the remarks that she made were with regards to a previous version of the bill. The version that is being put forth in this rule does allow graduate students to be eligible for in-school interest subsidies for subsidization through the Stafford loan.

So the changes she's referring to were in fact discussed and there was initially some discussion that it could come down a different way. But this bill being put forward does allow graduate students to participate in that.

I would like to yield 2 minutes to a former member of the Rules Committee, the gentlewoman from Florida (Ms. CASTOR).

Ms. CASTOR of Florida. I thank the gentleman from Colorado and the Rules Committee for yielding time. Madam Speaker, I rise in strong support of H.R. 3221, the Student Aid and Fiscal Responsibility Act, and this rule, and I rise in support of every student who hopes to attend college but is grappling with rising costs.

For millions of students across America, we are going to make the cost of attending college more affordable. In Florida, my home State, hundreds of thousands of students and families will find the cost of attending college more affordable through significant increases in the Pell Grant and expanded student loans.

I cosponsored this landmark investment in our students and higher education because over the next 10 years we will invest over $2.2 billion in Florida students, including over $100 million for students in the Tampa Bay area, through increases in the Pell Grant. That means direct aid to half a million Florida students, including over 24,000 students in my district alone, at no new cost to taxpayers.

We all understand that in this economy families are being squeezed by the rising cost of tuition and living expenses. And with the price of college steadily increasing, too many students are forced to make tough choices when trying to figure out how to pay for college. But due to our efforts and support from President Obama, a college education in America will be more affordable.

A college education has always been critical. People with college degrees earn more. And a college degree today is even more valuable as the fabric of our workforce changes and we prepare students for 21st century jobs.

Thank you to Chairman GEORGE MILLER and the great Education and Labor Committee for standing up once again for students, families, and American colleges and universities. Madam Speaker, this bill provide our students with the tools they need to be successful, and I urge support.

Ms. FOXX. Madam Speaker, I want to say that I appreciate the fact that we did have several amendments made in order by the Rules Committee, and we're very grateful for that because it gives us an opportunity to debate those amendments on the floor. And we have certainly talked a lot about that in the past, especially with the appropriations process.

But I want to say that we were very disappointed that, given the financial situation in our country and the concern that people have that's being expressed every day by our constituents over the fact that we continue to have massive job losses in this country, despite the fact that the President promised with the passage of the stimulus bill that we would not go above an 8 percent unemployment rate, that ever since the President came into office, job losses have skyrocketed, and the fact that our deficit is the largest that it's ever been in the history of this country. There were two amendments that we think we should have had made in order so that we could discuss the financial situation and the impact that this bill, the underlying bill is going to have.

One of those amendments, by Congressman TOM PRICE of Georgia, provided that the act would fail to take effect if the Secretary of Education, in consultation with the Secretaries of Labor and the Treasury—all of those positions, of course, controlled by the President—would determine that the provisions of section 201, which would end the FFEL program, will result in more than 5,000 job losses. We are very concerned that this bill is going to increase job losses.

Furthermore, the amendment by the distinguished gentleman from Illinois (Mr. ROSKAM) would have prohibited using Federal funds to carry out titles 3 through 5 of H.R. 3221 until the national deficit is under $1 trillion.

We believe that in a time, again, when our economy is suffering tremendously from actions—wrong actions taken and appropriate actions not taken—that we should not be adding to the problems of our citizens by increasing unemployment and increasing the deficit.

□ 1130

So I want to express our concern that those amendments were not made in order, but express my appreciation for those that were made in order, including one from me.

With that, I reserve the balance of my time, Madam Speaker.

Mr. POLIS. Madam Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. I appreciate the gentleman yielding time, and I rise in support of this rule. I think it's clear from the debate and the discussion that my colleagues on the other side of the aisle would rather put their support with banks, maintain banks as the middlemen in this effort—banks are making money hand over fist and enormous profits—and cast their lot with banks versus casting their lot with students and their families.

Education is the cornerstone of our republic. It is only by offering and delivering quality education for all of our citizens—from the earliest years to the college years—that we can live up to our most noble democratic principles and ensure freedom and equality, that we make opportunity real for each and every American, and that we can continue to lead the world to economic security and lasting prosperity. As President Obama said last week, and I quote, Countries that out-educate us today will out-compete us tomorrow.

But today as our economy struggles to emerge from a debilitating recession, fewer and fewer students are able to afford a college education. Although the Recovery Act we passed in the winter has helped to fill the gap, States are facing massive budget shortfalls and are thus forced to decrease the resources available to education. Meanwhile, many schools are raising tuition, cutting financial aid and closing classrooms.

That's why this bill is the right bill at the right time. By restructuring our Federal financing of student loans to enhance the Direct Loan Program, we can realize significant savings throughout the system. This money will be applied to other areas of critical education funding, including increasing Pell Grants and Perkins loans. With these and other reforms in the bill, such as keeping investment rates low and simplifying student aid forms, this legislation keeps the door of opportunity afforded by a college education open to all, without costing American taxpayers an extra dime.

Equally important to the savings realized by this bill is the creation of the State Challenge Grants which will allow States to invest in their early childhood development infrastructure. These competitive grants will mark a

historic collaboration between the Department of Education and Health and Human Services, where the expertise on these programs has traditionally resided.

Each day, over 11 million children under the age of 5 spend time outside the care of their parents and in a wide variety of environments. We need to ensure that they are spending this critical social and cognitive development time in a quality setting. As with any endeavor, early investments in education yield tremendous dividends down the road for both the student and for society. Cognitive science and countless studies tell us the same thing: early childhood education helps students achieve more throughout their lives. There is arguably no better way to spend our education dollars than to fund these important programs.

In closing, I am proud of the bill that Chairman MILLER has brought to this committee, and I urge my colleagues to support this rule.

Ms. FOXX. Madam Speaker, I think I may be the only Member of Congress who has been a community college president. So I've had a good bit of experience. I was a professor and an assistant dean at a university. I served on a school board for 12 years. So I have extensive experience in the field of education.

I am a product of public education. I grew up extraordinarily poor. I doubt there is anybody in the Congress who grew up as poor as I did. And I know that much of the success that I have had has been the result of the opportunities I had in education. I give credit to the people who taught me and who guided me throughout my educational career. It took me 7 years to get my undergraduate degree, but I graduated without a dime of debt because I worked and went to school. I know that it is possible to do that, and I know that a person does not have to borrow $50,000 a year to get an education in this country. We are blessed that we have extraordinarily high-quality, low-cost education programs all across this country. We have excellent community colleges. We have excellent public education, higher education, and we have excellent private education. We have more choice in this country than any other place in the world.

As I said, I have extensive background in this area. As a community college president, I had the opportunity to work with the Workforce Investment Program. As a member of the State legislature, I had an opportunity to understand these programs and work with them at some length. So I am not unfamiliar with this area. What I see when I read this bill, particularly as it talks about giving money to community colleges, is basically setting up a welfare program for States and for community colleges. We already have the kind of accountability, I believe, that we need in community colleges in this country.

Yesterday, again, my distinguished colleague from California said that the bill has, for the first time ever, accountability in it. I have read this bill. There is no accountability in here. There are benchmarks established somewhere out in the future. They're not even discussed in the bill. There is talk about serving underserved groups of people. There is really no accountability in here.

And I'm wondering if our colleagues are going to consider men an underserved group. It's my understanding—and, again, I'm not up to date on the literature—that approximately 65 percent of the people now in higher education are women. So women have certainly found the opportunities there.

I have a great number of concerns about this bill, not just what it's going to do to the student loan programs but to the other areas. It's going to get into elementary education, preschool education. We just don't need the Federal Government injecting itself here. The bill is going to limit choices for parents and students seeking educational loans and I think decrease the quality of service historically provided by private lenders. In 2007–2008, the FFEL program served more than 6.4 million students and parents at 5,000 postsecondary institutions, lending a total of $55.3 billion or 78 percent of all needed Federal student loans. In general, postsecondary institutions have preferred to provide their student loans through the private FFEL program because of its ability to provide students high-quality customer service, education outreach, and loan default prevention.

Again, what this is, in my opinion, is another takeover by the Federal Government of a segment of our society that we don't need taken over.

I would like to quote from an article from The Weekly Standard entitled, Need a Student Loan? Boy, Does Uncle Sam Have a Deal for You:

''For whatever else the monopoly in direct lending accomplishes, it will greatly expand the number of young people who find themselves entangled with, and ultimately beholden to, the vast system of rewards and rebukes that the Federal Government has at hand. More than 65 percent of college students borrow money to go to college. That's a lot of guinea pigs.

''We already have a foreshadowing of possibilities. Congressmen are tinkerers, and they have been tinkering with federally backed loans for years, hoping to push borrowers into doing things that Congressmen find pleasing. The most interesting of their ideas was signed into law by President Bush. This shouldn't be a surprise, since by his second term Bush had proved a pretty ambitious tinkerer himself. The Public Service Loan Forgiveness Program of the College Cost Reduction and Access Act of 2007—such big titles you have, grandma!—was designed to let college students know what they should do once they got out of school.

''Student borrowers can have their Federal loans forgiven after 25 years, on the condition that they make a single minimum payment every 360 days. This is already a significant inducement to acquire a Federal rather than a private loan. But the Public Service Loan Forgiveness Program goes a step further. You can have your loan forgiven after only 10 years, vastly reducing the total amount of money you pay for your college education—to below $5,000 in some cases—on three conditions. Your loan has to be handled directly by the government, with no contamination from private lenders; you have to meet a schedule of monthly minimum payments; and upon graduation, you have to get the right kind of job.

''The right kind of job turns out to be what's loosely called ''public service.'' In common discourse, public service is already an elastic term, used mostly as a form of self-flattery, but seldom has the euphemism been stretched quite as far as it was in Bush's bill. Work for the government, any government—whether as an actuary, a diplomat, or a teacher; a social worker, a fighter pilot, or a forklift driver—and you qualify for the loan forgiveness. You qualify, too, if you take a job with any 501(c)(3) nonprofit organization: the Wilderness Society, U.S. Public Interest Group, the Rainbow Coalition, the Transgender Law and Policy Institute, even, theoretically, the Heritage Foundation. It doesn't matter if you're an agitator, lawyer, lobbyist, congressional aide, or pavement-pounder hectoring passersby into signing petitions for Greenpeace. The important thing is, you can't be helping anyone turn a profit.''

Madam Speaker, this bill is another government takeover of parts of our lives, and this rule should be voted down along with the bill.

[From the Weekly Standard, Aug. 3, 2009]

NEED A STUDENT LOAN?

(By Andrew Ferguson)

The House Committee on Education and Labor is having a busy summer. (Everybody in Washington is having a busy summer!) Earlier this month, for example, one of its essential subunits—the Subcommittee on Early Childhood, Elementary and Secondary Education and Healthy Families and Communities, or SECESEHFC—held lengthy hearings to determine new ways the United States Congress might accomplish one of its many important goals: the ''Prevention of Bullying.''

The subcommittee chairman, a congressman named Kildee, from Michigan, pointed out that last year, fully 75 percent of schools in the United States had reported an incident of bullying or worse.

''One incident is one too many,'' Kildee said, thoughtfully if not originally. ''We must do something immediately to address this widespread problem.''

With the ''prevention of bullying'' safely in the solution pipeline, the committee went on to do something immediately to address another widesperead problem. Apparently college students are getting private loans to fund their education. Last week the committee approved a bill that will put an end to all that.

The committee's vote accelerates a process that was begun under President Clinton. In 1994, Congress approved his idea of a Direct Lending Program for students who needed to borrow money to go to college. Before then the government had merely guaranteed student loans, which were originated and serviced by private banks selected by the government. The guarantee ensured that the ''private'' loans made huge profits for the banks, regardless of interest rates or default rates.

Guaranteed loans are a textbook example of crony capitalism or (if you prefer) corporate socialism: The government assumes all the risk while doling out contracts to favored businesses, who then reap the profits. With student loans, the lender gets preening rights in the bargain, marketing itself as a Merchant of Dreams, a benefactor of America's youth, a sweet-tempered Mr. Jaggers to a nation of eager Pips. In truth, the only people who like the system of guaranteed loans are the student loan industry—now handling more then $90 billion a year—and the congressmen whose districts contain large numbers of people who work in the student loan industry.

Direct lending eliminates these unctuous middlemen by encouraging students to borrow money directly from the federal government. The program semi-satisfies libertarians, who dislike cronyism, and thrills liberals, who believe the noble goal of universal college education should be uncorrepted by the yuckiness of money making. Liberal backers of direct lending believe, in effect, that there's room for only one merchant of Dreams around here, and it better be the federal government. Moreover, direct lending saves the government money—no really, it does—by reducing fees and other handling costs, savings which can then be passed on to the poor borrowers, though they never are.

The bill that passed out of committee last week completes the triumph of Clinton's program. The grandly titled Student Aid and Fiscal Responsibility Act of 2009 does away with the federal guarantee for student loans and brings them all under the care of Congress and fhe federal Department of Education, saving (say the committee's accountants) nearly $10 billion a year. The committee plans to rechannel more than half those savings to purposes other than financing higher education. But for a college student trying to make tuition, the most dramatic consequence is that federal direct lending will soon be the only kind of lending there is. Washington will be the lender of first and last resort.

Some students—or more likely, their parents—still take out private bank loans with no federal guarantees. This accounts for about 14 percent of the student loan market. But it's unclear how long that corner of the market can last, as the federal government slowly crowds out truly private lenders by offering customers lower interest rates, greater discounts, and easier eligibility rules. Most likely the private lenders will abandon the field altogether, and the last chance to build a genuinely competitive market in college loans will be lost.

Few will weep over that vanished opportunity—until, perhaps, they see what Congress does with the new power that has fallen into its lap. For whatever else the monopoly in direct lending accomplishes, it will greatly expand the number of young people who find themselves entangled with, and ultimately beholden to, the vast system of rewards and rebukes that the federal government has at hand. More than 65 percent of college students borrow money to go to college. That's a lot of guinea pigs.

We already have a foreshadowing of the possibilities. Congressmen are tinkerers, and they have been tinkering with federally backed student loans for years, hoping to push borrowers into doing things that congressmen find pleasing. The most interesting of their ideas was signed into law by President Bush. This shouldn't be a surprise, since by his second term Bush had proved a pretty ambitious tinkerer himself. The Public Service Loan Forgiveness Program of the College Cost Reduction and Access Act of 2007—such big titles you have, grandma!—was designed to let college students know what they should do once they got out of school.

Student borrowers can have their federal loans forgiven after 25 years, on the condition that they make a single minimum payment every 360 days. This is already a significant inducement to acquire a federal rather than a private loan. But the Public Service Loan Forgiveness Program goes a step further: You can have your loan forgiven after only 10 years, vastly reducing the total amount of money you pay for your college education—to below $5,000 in some cases—on three conditions. Your loan has to be handled directly by the government, with no contamination from private lenders; you have to meet a schedule of monthly minimum payments; and upon graduation you have to get the right kind of job.

The right kind of job turns out to be what's loosely called ''public service.'' In common discourse public service is already an elastic term, used mostly as a form of self-flattery, but seldom has the euphemism been stretched quite so far as it was in Bush's bill. Work for the government, any government—whether as an actuary, a diplomat, or a teacher; a social worker, a fighter pilot, or a forklift driver—and you qualify for the loan forgiveness. You qualify, too, if you take a job with any 501(c)(3) nonprofit organization: the Wilderness Society, U.S. Public Interest Research Group, the Rainbow Coalition, the Transgender Law and Policy Institute, even, theoretically, the Heritage Foundation. It doesn't matter if you're an agitator, lawyer, lobbyist, congressional aide, or a pavement-pounder hectoring passersby into signing petitions for Greenpeace. The important thing is, you can't be helping anyone turn a profit.

The first loans won't be forgiven till 2017, so there's no telling yet how many people are taking advantage of the program or how much it will cost. But it's clearly designed to cast a very wide net. Indeed, its definition of public service is so broad that only a certain kind of graduate would be denied this splendid perk of an almost-free education: the idiot who went to work in the world of buying, selling, inventing, making, and producing.

Though Bush couldn't have known it, his program anticipated the age that dawned this January. It fits the ambitions and tastes of the Obama era, especially as summarized on several occasions by the first lady. She and her husband are perhaps the most famous student-loan borrowers in history. She speaks often of the torment of living under the debt load they had accumulated in college (Princeton, Columbia) and law school (Harvard). In remarks first reported by Byron York in National Review, in February 2008, she was particularly graphic. Thanks to their student loans, the Obamas found themselves ''struggling to figure out how we would save for our kids.''

What placed them in this position, Mrs. Obama said, was their decision to ''move out of the moneymaking industry''—both had worked in corporate law—''into the helping industry.'' Again, the term ''helping'' is loosely defined: After leaving their law firms, he went to work for the Illinois state senate, she to Chicago city government and then a nonprofit hospital. ''We left corporate America, which is a lot of what we're asking young people to do,'' she said.

Recently she expanded on the theme. ''I went from college to law school to a big old fancy law firm,'' she told a group of Americorps workers, ''where I was making more money than both of my parents combined.'' But then came a revelation. ''I had to ask myself whether, if I died tomorrow, would I want this to be my legacy, working in a corporate firm, working for big companies? And when I asked myself the question, the resounding answer was, absolutely not.''

How great their struggles were, and to what extent the struggles were aggravated by college-loan payments, are open questions. From the time they left their money-making days behind, according to tax returns, the Obamas never had a combined yearly gross adjusted income of less than $207,000. Usually it was much more. (During those years in the helping industry, the Obamas donated 0.9 percent of their income to charity, presumably because, as the old saying goes, ''we gave at the office.'') By 2005, Mrs. Obama alone was making $315,000 a year as an industrial helper, directing ''community affairs'' at her hospital. Except for the bad timing, she could have had her loan debt scrubbed by President Bush's program.

One justification for the program is that people in the helping industry need the financial help, because of their low pay. But most people would consider the Obamas' income pretty good money. It turns out that public service, even strictly defined, doesn't necessarily require financial sacrifice. Neal McCluskey and Chris Edwards, of the libertarian Cato Institute (one of those public-serving nonprofits), have tried to show that government work, including public school teaching, compares favorably with work in the private sector, whether you count wages, benefits, or both. Using data from 2004, Edwards found that the average federal worker earned an average of 56 percent more than the average employee in the real economy.

So if public servants don't need their loans forgiven any more than do debtors in the private sector, what's the point of the Public Service Loan Forgiveness Program? Why provide an incentive for graduates to steer clear of the private workforce? Mrs. Obama's remarks capture the spirit behind the program. The implication isn't merely that nonprofit jobs are admirable. It's that they're always and everywhere more admirable than jobs in the world of commerce.

The logic closes like a pincer: The only loans available to students will be from the government; and the only way to get the most favorable terms on the loans will be to do what the lender likes. Of course, you don't have to work for Greenpeace or Amnesty International or AmeriCorps. But if you don't, you'll pay every penny of your student loan, plus interest, while your friends who made the right decision won't have to do that. No one's making anyone do anything. It's not a threat, it's a nudge. It's not an ultimatum, it's a suggestion. And it's certainly not bullying. Bullying is about to be made illegal.

I reserve the balance of my time.

Mr. POLIS. Madam Speaker, I yield 3 minutes to my colleague on the Committee on Education and Labor, the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Madam Speaker, I thank the respected gentleman from Colorado.

I rise in full support of the Student Aid and Fiscal Responsibility Act, which would make college more affordable and accessible with a landmark investment in college aid. This will not cost taxpayers a dime by improving the

way that our student loan programs operate. In fact, we can expect a $10 billion savings for taxpayers. Our experience with the direct loan program has lasted two decades now, and it is a great success. Students like it, colleges like it, taxpayers like it. Let's expand it.

This legislation makes available $40 billion to increase the maximum Pell Grant scholarship from its current $5,500—a long way from the $4,000 where it was mired for a number of years—now to $6,900 by later in the decade. It would, in effect, double the number of students who receive Pell Grants in my home State of New Jersey. Further, by converting all new Federal loans to the stable and cost-efficient Direct Loan Program, the bill would help keep interest rates low on need-based Federal student loans.

I'm especially pleased that the bill provides billions to modernize and make our Nation's elementary and secondary schools more energy efficient, including a number of provisions that I'm pleased to have written. Finally, I strongly support the Early Learning Challenge Fund, the community college reforms, and the simplifications to the FAFSA forms that are also included in this bill. I want to thank Chairman MILLER for working with me to protect the Graduate Stafford Loan Program in this bill.

This is a good bill. Millions of students and parents support the goals of the bill. Let's answer their pleas for help and make colleges more affordable. No one can argue reasonably that now is not the time to improve accessibility and affordability of college. I urge support of this rule and the underlying bill.

Ms. FOXX. Madam Speaker, as proposed in President Obama's FY 2010 budget, H.R. 3221 eliminates the FFEL student loan program that has been the overwhelming choice of students and families for more than 40 years, replacing it with a government-run program. While Democrats continue to use government takeovers as a panacea to all economic problems, converting all student loans to government subsidized loans is just another way that Democrats are killing jobs, increasing government intrusion, and eroding the rights of the consumer. I will urge my colleagues to vote ''no'' on the rule and ''no'' on the underlying bill.

Madam Speaker, having no additional speakers on our side of the aisle, I yield back the balance of my time.

□ 1145

Mr. POLIS. Madam Speaker, overcrowded and crumbling schools threaten the safety and achievement of America's students and are an embarrassment for our education system.

Our schools are short of being in good condition by an estimated $255 billion. In my home State of Colorado, the backlog of school construction and maintenance needs has been estimated between $5.7 and $10 billion. That is why this legislation assists school districts with funds for school modernization, renovation, and repair projects that will create healthier, safer, and more energy-efficient teaching and learning climates.

Colorado will receive more than $42 million over the next 2 years under this bill. In 2006, I cochaired a successful campaign for a $300 million bond issue for the Boulder Valley School District in my school district to address the needs of our schools. But many low-income districts in Colorado don't have the capacity to finance the necessary school upgrades. That is why I am particularly pleased that this legislation addresses income disparities by allocating funds to States and districts based on their share of students from low-income families.

Most importantly, this legislation is fiscally responsible because it pays for itself. By ending subsidies currently given to banks and private lenders, this bill saves taxpayers $87 billion over 10 years, according to the Congressional Budget Office.

In addition to investing in our education system, this legislation also directs $10 million in savings back to the U.S. Treasury to help pay down the deficit and boost the fiscal health of the country our children will inherit. This legislation is yet another major step towards building a 21st century early childhood education system that will prepare the next generation of students for a lifetime of success.

In a global knowledge-based economy, our Nation cannot afford to waste talent and squander human capital. Each and every student who is ready and wants to go to college shouldn't give up because of the cost barriers that are in their way. This landmark legislation's historic investment in college scholarships provides increased educational opportunities to Americans across the board.

I talked to another student from the University of Colorado yesterday, Alexis Smith, who talked about her family's story. She grew up in a family with a small business in the Denver area. Their family earns between $40,000 and $60,000 a year, depending on the business. Like a lot of American families, they fall above a lot of the need-based scholarship programs and below the range that college is easily affordable. Alexis is graduating college with $25,000 in debt, including substantial credit card debt. She would not have been able to go to college without help from Pell Grants as well as Stafford loans, and her father is currently working 10 hours a day, 7 days a week at age 63 to help afford to put her and her brother through college. These are the kinds of sacrifices that Americans are willing to make.

The Federal Government is here as a partner. By passing this bill, we will be able to improve the student loan program and create savings that we can pass back along to the students in the form of increased availability of student loans as well as grants. That is why I strongly support this rule and the underlying legislation.

Madam 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. The question is on the resolution.

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

Ms. FOXX. 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, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 3246, ADVANCED VEHICLE TECHNOLOGY ACT OF 2009

Mr. POLIS. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 745 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 745

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. 3246) to provide for a program of research, development, demonstration, and commercial application in vehicle technologies at the Department of Energy. 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. 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. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have

been adopted. 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. 2. 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. POLIS. Madam Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. POLIS. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous material into the RECORD.

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

There was no objection.

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

Madam Speaker, House Resolution 745 provides for a structured rule for consideration of H.R. 3246, the Advanced Vehicle Technology Act of 2009. This rule makes in order all three of the Republican amendments submitted to the Rules Committee for consideration as part of this bipartisan bill.

The Advanced Vehicle Technology Act of 2009 is an important part of this Congress' commitment to clean energy, job creation, and reducing our country's dependence on foreign oil. It recognizes what many of us know to be true: We need a significant boost in research and development of innovative vehicle technologies in order to become energy independent, to reduce the greenhouse gas emissions that threaten our planet, and to ensure that the American automobile industry remains viable. To that end, H.R. 3246 authorizes $2.85 billion over the next 5 years to strengthen and support advanced vehicle technology research at the Department of Energy.

While through other measures we have laid a foundation to increase the accessibility of public transportation—another critical component of reducing our emissions of global warming gases—and even in this bill we will invest in increasing the energy efficiency and reducing the costs of producing and operating these public transportation vehicles, in many parts of this country it is still necessary that the primary mode of transit is the automobile.

The expanse of rural America and suburban and exurban America simply require personal vehicles for work and for pleasure. The good news is that in this bill we will be able to capitalize on a movement that already exists. One need only look to the biodiesel co-ops of Iowa, where folks can buy clean, domestically produced fuel at costs frequently lower than the petroleum option, or companies such as Rocky Mountain Sustainable Enterprises founded and based in Boulder, Colorado, in my district. This company recycles waste vegetable oil, oil that would otherwise find its way to a landfill but instead has been used to power agricultural equipment and vehicles.

I am proud to say that this company will be opening a new facility in Fort Morgan, Colorado, in the district of my colleague and good friend, Representative BETSY MARKEY. This facility will enable this firm to produce enough fuel to continue providing to their agricultural clients while expanding to mass transit and passenger vehicle biodiesel.

All across the country, the biofuels industry is gearing up to provide the clean domestic fuel of America's future while providing good-paying jobs today. We need to help these companies grow, and we can do this by ensuring that vehicles made right here in America are prepared to use our domestically produced fuel.

America has had a long love affair with the automobile, and vehicles are continually becoming more efficient, more comfortable, easier to own and easier to maintain. This, by right, should continue. Through this legislation, we will make the investments required to ensure that the great tradition of the family summer road trip is available to future generations.

Madam Speaker, our domestic auto industry has had its difficulties these last few years. And I speak not only of the Big Three Detroit automakers, so iconic of the industry that grabbed many of the headlines, but also of the many companies, such as Delphi and many others, that create components for vehicles and employ hundreds of thousands of Americans. It is these smaller companies that have produced significant innovation. However, due to the economic crisis, rising operational costs, including health care for their employees, many of these companies have had to slow or shutter their research and development operations in order to afford to stay in business and keep their assembly lines running.

In order to navigate out of this recession back to manufacturing leadership, we need to have a compass of innovation. This bill before us today ensures that the best technologies, from electric drivetrains to clean diesel, are made available, and that vehicles driven in the United States are the cleanest and most efficient in the world.

We can further the technologies that are sponsored through this competitive process that will ensure that our dependence on foreign oil will be decreased and will increase demand for domestically produced renewable energy, creating jobs.

This bill is as good for the air and urban America as it is for the economy of rural America.

Madam Speaker, 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. POLIS), for the time, and I yield myself such time as I may consume.

The transportation sector of our economy accounts for a considerable portion of U.S. energy use and oil consumption. Our economy is extremely dependent on foreign sources of oil. We are subject to the extreme volatility of the gasoline market, not to mention the whims of dictators like Ahmadinejad and Chavez. That is why last year Members on this side of the aisle pushed for greater energy independence by advocating for new domestic energy sources as well as investments in the clean technologies of the future. Unfortunately, our efforts were ignored or shut down by the majority.

Although the majority decided to ignore and shut down our efforts to promote domestic energy sources, I believe we have to continue to work on this important issue. Congress must continue to make investments in alternative energy and promote its development and implementation. We need to have a diverse energy portfolio to sustain our economic growth. We must encourage the development of vehicles that run on electric, natural gas, and other alternative fuels.

We can move away from our dependence on foreign oil as a primary source of energy. Doing this is in our national interest, in terms of security, as well as our environmental interests.

For over two decades, the Department of Energy has funded various clean energy research activities on passenger vehicles and heavy duty trucks. While those programs have produced mixed results, I believe that Federal vehicle technology research and development programs will only be effective through robust partnerships with a wide variety of vehicle technology developers and manufacturers.

Madam Speaker, I have met with various experts in the energy field to discuss the development of sustainable transportation in the United States. In my conversations with those experts, including this last weekend with Michael Granoff with Better Place, I was educated regarding the efforts by our friends, the Israelis, to completely replace oil as an energy source in their economy.

□ 1200

Israel's efforts to replace oil are serious and extraordinary. We have to listen to experts like Mr. Granoff. We have to implement policies immediately that will lead to the development of electric automobiles. Massively throughout our economy, it needs to be done and it needs to be done now.

Unfortunately, Communist China is well advanced in the practical application and development of electric automobile technology. We are about to be

overtaken by a dangerous competitor in a major technology of the future, which may very well decide if we are able to remain an economic superpower. This is not something that we can take lightly. It's serious, and it deserves our urgent attention.

The underlying legislation being brought to the floor today, H.R. 3246, the Advanced Vehicle Technology Act, takes a small step in the right direction. It reiterates the importance of the Federal Government's role in funding and in coordinating research activities and in disseminating research findings in order to bring clean technology to passenger vehicles and to heavy trucks to reduce our Nation's dependence on petroleum, thus reducing emissions.

The legislation authorizes approximately $3 billion over the next 5 years for the Department of Energy to create a research program to help develop technologies that will substantially reduce or eliminate petroleum use in the Nation's vehicles. As part of this new program, the Department of Energy is required to collaborate with numerous sectors of the automotive industry.

Now, during yesterday's hearing in the Rules Committee, we heard testimony from both sides of the aisle on the underlying legislation. It was clear from the testimony that this legislation has great bipartisan support. Yet the majority in the Rules Committee felt it was necessary to offer a restrictive rule. I really don't know why. I know that the rule allows both of the minority amendments that were submitted to the Rules Committee; but, unfortunately, it forbids the consideration of three amendments submitted by Members of the majority party. I believe we should have allowed those amendments. We should have considered, in effect, this legislation under an open rule, a rule that allows for a truly free and full debate. The majority blocked our attempts to have such an open debate.

Really, I think it's a shame that the majority has, once again, blocked an open debate. Since this majority took over, Madam Speaker, in 2007, they have had one open rule on a nonappropriations bill. Unfortunately, it is standard operating procedure for this majority to block open debate on the House floor.

I reserve the balance of my time.

Mr. POLIS. Madam Speaker, again, this rule that we are proposing allows all three Republican amendments that were proposed to be made in order. I certainly appreciate the concern from the gentleman from Florida with regard to our Democratic amendments and the fact that we should have had more in the bill. We do have several that have been allowed as well.

I would like to yield 3 minutes to the gentleman from Florida (Mr. KLEIN).

Mr. KLEIN of Florida. I thank the gentleman from Colorado.

Madam Speaker, I rise in strong support of this rule and the underlying bill, the Advanced Vehicle Technology Act of 2009.

This legislation, which is supported by a bipartisan majority of this body and on behalf of the American people, makes an excellent and a smart investment in research that will catapult American ingenuity into new levels of competitiveness.

Now, for years, I know many people have said, Why haven't our car companies kept up? There were a lot of decisions along the way and a lot of reasons; but I think what we're doing today is taking a very, very important step for which many of us have been advocating for many, many years. I know a lot of people have said, Well, the technology must be there. It's just not being utilized. Maybe that's the case and maybe that isn't the case, but what's happening right now is something that many of us have been advocating for.

On December 5, 2008, in the Financial Services Committee where American automakers testified before Congress on their dire financial state, I, personally, had the opportunity to ask the automakers about whether they would support a process by which we could bring the best of technology, of the engineers and of the entrepreneurs together to really leapfrog. I mean, I'm a firm believer that American ingenuity is at the top. It's one of the strengths we have in our country. Fortunately, those car leaders at that time said yes.

Well, this bill takes that moment, that effort, and the financial resources and does what the gentleman from Florida said: it allows us to have a stake and a participation in advancing research. Whether through medical science or the automobile business, I think this is a role that we can play.

The New Democrat Coalition, in which I participate, followed up with a letter to the administration, stressing the themes of allowing there to be some resource commitment to this new electric and hybrid technology. I, along with many of my colleagues and many Americans, believe that our country's researchers and engineers can and will develop the engine technology that will leapfrog automakers from all over the world and will speedily deploy an electric car of the future.

The legislation today that we are considering accomplishes these goals by investing in a program that brings together these stakeholders from across the industry to develop this vehicle technology of tomorrow right here in the United States. I am confident that this technology and this program will provide automakers with the tools they need to lead the auto industry into a new generation of innovation.

Let me point out that section 101 contains language to ensure that grants do not fund duplicative efforts. This is essential to our commitment to fiscal responsibility. It saves taxpayer money because grant recipients will not be reinventing the wheel separately, but will be coming together efficiently.

I would like to commend my colleague, Congressman GARY PETERS, for introducing this legislation and Chairman BART GORDON for his leadership in bringing this legislation to the floor today.

I urge passage of this rule and the underlying bill.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield back the balance of my time.

Mr. POLIS. Madam Speaker, the question is how do we create and perfect the nonpetroleum technologies that the market wants, and the Advanced Vehicle Technology Act is part of the answer.

By jump-starting vehicle technology research, this bill puts American ingenuity to work in cleaning up our transportation sector and in protecting the planet. Electrifying vehicle systems, increasing engine durability, and developing waste-heat recovery systems are just a few of the many innovative technologies that this bill will support. At the same time, we know we need to take action today to fight global warming, to lessen our petroleum dependence, and to create jobs here in America. For that reason, this legislation before us emphasizes public-private partnerships that will help create jobs in private industry, not just in government offices.

There is a reason why this bill is supported by Ford Motor Company, Delphi, Caterpillar, GM, EcoMotors, the United Auto Workers, and the National Association of Manufacturers. H.R. 3246 means good jobs today developing and building the vehicle technologies of tomorrow.

When we can create jobs and cut our petroleum dependence at the same time, it's clear that we are making good policy, Madam Speaker. By this measure, the Advanced Vehicle Technology Act is the clearest and most straightforward kind of good policy. With this in mind, I urge my colleagues to support this very fair rule and the underlying legislation.

I would like to thank Representative PETERS, Representative BIGGERT and Chairman GORDON, as well as my colleagues on the Rules Committee and the committee staff of the Science and Technology Committee, for crafting this legislation that will increase the efficiency of our Nation's vehicle fleet while reducing our dependence on foreign oil.

I yield back the balance of my time and move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings

will resume on questions previously postponed.

Votes will be taken in the following order:

Adopting H. Res. 746 and suspending the rules and adopting H. Res. 260.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic vote will be conducted as a 5-minute vote.

PROVIDING FOR CONSIDERATION OF H.R. 3221, STUDENT AID AND FISCAL RESPONSIBILITY ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on adoption of House Resolution 746, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

The vote was taken by electronic device, and there were—yeas 241, nays 179, not voting 13, as follows:

[Roll No. 703]

YEAS—241

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E.B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Woolsey
Wu
Yarmuth

NAYS—179

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono Mack
Boozman
Boustany
Boyd
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Etheridge
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
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
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
Moore (KS)
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
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Barrett (SC)
Bishop (GA)
Bonner
Conyers
Culberson
DeGette
Higgins
McHugh
Sánchez, Linda T.
Schmidt
Sestak
Tanner
Wilson (OH)

□ 1234

Messrs. WITTMAN, PETRI, MOORE of Kansas, and MACK 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.

SUPPORTING EFFORTS TO REDUCE INFANT MORTALITY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 260, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and agree to the resolution, H. Res. 260, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 18, as follows:

[Roll No. 704]

YEAS—415

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
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
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E.B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy

Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stupak
Sullivan
Sutton
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—18

Barrett (SC)
Bishop (GA)
Bonner
Capps
Cardoza
Conyers
Costa
Culberson
Higgins
Lofgren, Zoe
McHugh
Neal (MA)
Price (GA)
Sánchez, Linda T.
Schmidt
Sestak
Stearns
Tanner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are 2 minutes remaining in this vote.

□ 1243

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3251

Ms. FALLIN. Madam Speaker, I ask unanimous consent to remove my name as a cosponsor for H.R. 3251.

The SPEAKER pro tempore (Ms. BALDWIN). Is there objection to the request of the gentlewoman from Oklahoma?

There was no objection.

□ 1245

GENERAL LEAVE

Mr. GORDON of Tennessee. Madam 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. 3246.

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

There was no objection.

ADVANCED VEHICLE TECHNOLOGY ACT OF 2009

The SPEAKER pro tempore. Pursuant to House Resolution 745 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. 3246.

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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. 3246) to provide for a program of research, development, demonstration and commercial application in vehicle technologies at the Department of Energy, with Mr. PIERLUISI 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. Mr. Chairman, I yield myself such time as I may consume.

H.R. 3246, the Advanced Vehicle Technology Act of 2009, is authored by the gentleman from Michigan (Mr. PETERS) and co-sponsored by our colleague from Illinois (Mrs. BIGGERT). This legislation provides a comprehensive authorization for long-term, sustained funding of public-private vehicle research, development, demonstration and commercial application activities in the Department of Energy Vehicle Technologies Program.

From passenger cars to heavy duty long-haul trucks, we are all aware of the economic, environmental, and strategic importance of diversifying our Nation's vehicle sector through innovation in cleaner and more efficient technologies.

However, the current economic situation has made it all the more difficult for companies to invest in the research and technology development to get us there. Department of Energy programs play an invaluable role in filling this critical gap.

This bill provides a critical foundation of support to ensure U.S. leadership in developing and producing the next generation of advanced vehicle technologies. The bill instructs the Secretary to continue support for longer-term higher-risk technologies such as hydrogen, while recognizing the importance of research in areas that can deliver significant improvements in the near term, such as vehicle electrification.

It also makes important investments in areas such as vehicle manufacturing and medium- to heavy-duty vehicles research. It accomplishes this goal through continued partnership with industry and strengthened DOE coordination with other Federal research agencies.

This is a bipartisan bill reported from the Science and Technology Committee which incorporated a number of our Republican colleagues' suggestions. It follows on recommendations of the National Academies of Science and a diverse group of stakeholders and is endorsed by the likes of the Alliance of Automobile Manufacturers, GM, Ford, Chrysler, the UAW, Motor and Equipment Manufacturers Association, the National Association of Manufacturers, and the U.S. Chamber of Commerce, among many others.

After a very productive and bipartisan process in the committee, I am looking forward to a constructive floor debate and passage of this very important bill.

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

Mr. HALL of Texas. Mr. Chairman, I yield myself such time as I may consume.

I rise today in support of H.R. 3246, the Advanced Vehicle Technology Act of 2009. It has the stated objective to develop technologies that improve efficiency and emissions of vehicles, reduces reliance on petroleum, and supports vehicle manufacturing in the United States. Among other things, it develops cost-effective vehicle technologies for wide-scale utilization, enhanced commercial and passenger vehicle performance, allows for greater consumer choice, shortens technology penetration times, ensures balance and diversity in Federal R&D investment, strengthens public-private R&D partnerships, and probably many other things.

I would like to thank Congressman PETERS for the good job he did working with us and working with the Science

Committee on this bill, and for incorporating our suggestions and the suggestions of our chairman into his manager's amendment for ways to improve the bill during the full committee markup, including a provision in Title I that requires the Secretary to ensure that activities do not duplicate those of other programs within the Department of Energy or other relevant research agencies. In our country's tough financial situation, we want to ensure that taxpayer dollars are being used efficiently and responsibly and not being wasted or mismanaged as well.

The manager's amendment, agreed to in the full committee, included bipartisan language supportive of applied and basic research and development of hydrogen and natural gas vehicle technologies.

Congressman TEAGUE offered an amendment that seemed to reiterate the spirit of comity, but it was unfortunately not made in order by a party-line vote at the Rules Committee hearing yesterday.

As I said during the full committee markup, the cost of the bill gives me some pause; but I understand the costs associated with the level, degree, and scope of the bill that deals with research, development, and commercial application activities on materials, technologies, and processes of not only passenger vehicles, but also medium- to heavy-duty commercial and transit vehicles, including long-haul class 8 truck and trailer platforms.

With that said, I plan to vote for an amendment that will be offered by Representative BROUN of Georgia to reduce the authorization amount in the bill by $650 million.

The transportation sector uses 67.9 percent of the petroleum that is used in our country. If we want to reduce or wean our dependence on foreign sources of oil, we are going to need technological advances in the vehicles that Americans drive to help us reach that goal. The bill before us today will certainly help to achieve these advances.

I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield 3 minutes to the author of this excellent piece of legislation, Mr. GARY PETERS from Michigan, and concur with Mr. HALL in saying that he did a terrific job in reaching out to all parties to make this a bipartisan bill that has great support both here in Congress, as well as throughout industry.

Mr. PETERS. Mr. Chairman, I thank Chairman GORDON for those kind words.

It is no secret that the global economic crisis has had an absolutely devastating impact on the automobile industry. Automobile and truck manufacturers and parts suppliers around the globe are struggling to deal with substantially decreased demand in vehicle sales.

At the same time, we are in the midst of a transformation to a more energy-independent economy which will require the production of new vehicle technologies that will increase fuel efficiency and reduce harmful emissions. Development of advanced technologies for both heavy duty trucks and passenger vehicles is of vital national interest and requires a coordinated effort at the Federal level.

That is why I am proud to have worked with Chairman GORDON to introduce the Advanced Vehicle Technology Act of 2009. This legislation will build upon the current research efforts of the Department of Energy and the private sector by providing an increased Federal investment in passenger and heavy duty vehicle research and development.

By directing the Department of Energy to partner with industry stakeholders and agencies across the Federal Government, the bill will ensure that our investment leverages the maximum amount of talent and innovation and leads to faster development of new technologies that will help us meet our energy challenges and promote American innovation in the advanced vehicle technologies field.

There is intense global competition right now to determine which countries will produce the cars and trucks of the future. There is no doubt that in the years ahead more Americans will be driving hybrids, plug-in hybrids, battery electric vehicles, and cars and trucks powered by hydrogen fuel cells. The only question is whether these new technologies will be researched, developed, and manufactured here in United States, creating American jobs, or whether this technology will be built overseas. The Advanced Vehicle Technology Act will help ensure that the American automobile industry will continue to be globally competitive and that we as a Nation will not trade our dependence on foreign oil for a dependence on foreign batteries and other emerging technology.

This legislation has strong support from industry. It has been endorsed by the United States Chamber of Commerce and by the National Association of Manufacturers, who understand how important it is for our Nation to maintain its competitiveness in research and development and emerging technology in order to preserve our manufacturing base.

H.R. 3246 has been endorsed by the Alliance of Automobile Manufacturers and by individual automakers like Chrysler, General Motors, Ford, and Daimler. It is strongly supported by the Motor and Equipment Manufacturers Association, which is the industry trade group representing auto parts suppliers, as well as key suppliers based in my congressional district like ArvinMeritor, Magna International, Delphi and Bosch.

I am also proud to report that this bill has the support of organized labor, including my good friends at the United Auto Workers, and from the environmental community as well, including such organizations as the League of Conservation Voters, the Natural Resources Defense Council, and the Sierra Club.

The CHAIR. The gentleman's time has expired.

Mr. GORDON of Tennessee. I yield the gentleman an additional 30 seconds.

Mr. PETERS. This bill's broad support includes the steel industry, which is excited by the opportunities this legislation will create for them to partner with the Federal Government on research projects that will continue to make steel lighter and stronger. High-mileage cars will need to reduce weight while keeping passengers safe, and the steel industry can and must play an important role in helping us achieve that goal.

I thank Chairman GORDON and his staff for leadership on this legislation and for their helpfulness to both me and to my staff. And I would also like to thank my Republican colleagues on the Science Committee, especially Mrs. BIGGERT, for working with me to improve this important bill. And I would also like to thank the Democratic leadership, and in particular Majority Leader HOYER, for working on this bill.

The Advanced Vehicle Technology Act will help reduce our Nation's dependence on foreign oil and preserve and create manufacturing jobs in Michigan and across the country. I encourage my colleagues to support H.R. 3246.

Mr. HALL of Texas. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. SOUDER).

(Mr. SOUDER asked and was given permission to revise and extend his remarks.)

Mr. SOUDER. Mr. Chairman, I want to thank my friend from Texas.

I strongly support this bill, but I do so with some reservations. I would like to discuss some of the pressures that the government has put on a region like mine. My district is number one in manufacturing jobs and number one in percent in manufacturing, and actually gained slightly over number two last year because we lost fewer jobs than other areas of the country in manufacturing.

Without core value-added industries, our country is in deep trouble. I grew up in retailing. Retailing and service industry and so on circulate the money among themselves. To add value to our country, it can be in software, it can be in manufacturing or agriculture, but it has to be something that has a value-added addition to the economy.

Now, the challenge we have in our country, for a variety of reasons, to improve our environment, to improve the safety of our workers, to make sure we have pensions and health care, our costs have soared compared to our international competition because government has put additional pressures because we as a society felt they should be there.

But that means as the companies in my district go to make a product, they

start with costs that are higher than other countries start in their costs. We then watch China cheat on the currency, anywhere from 20 to 80 percent, and we expect our manufacturers who are already disadvantaged in price competition to compete with countries that don't even play fair in international currency that further artificially lower their prices.

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Now the challenge we have is that when we make a car or a pickup, we start with a huge disadvantage in price, and then compound that with currency changes, and then we wind up trying to sell more value-added units. In other words, just like a house gets most of the profits from adding a bigger kitchen, a bigger bedroom, we get value from making bigger cars, making bigger trucks, making SUVs and vans, in order to pay pensions and health care.

Then, all of a sudden, the world shifts. We start to mandate that you're going to have to get higher mileage. And where are we to get R&D dollars to do that? How are we to reduce the cost to be able to compete; that as we look at the cap-and-tax bill in my area, the number one manufacturing area, we're 85 percent coal and 15 percent nuclear. We don't have a lot of wind and solar that's going to be able to employ many of these people who had a middle class lifestyle, the American Dream, because they worked at these different factories, they worked to upgrade them. They're doing every lean management technique they can possibly do in these companies. How are they supposed to keep their jobs if we raise the energy costs in the manufacturing area of the United States?

It's not an accident that the four districts hardest hit are my district, Congressman DONNELLY's in the South Bend area, Congressman LATTA, just over to the other side of Ohio, and Congressman JORDAN's, because of the energy use we have, combined with the heavy manufacturing.

Then we look at additional health care costs on these companies. The question becomes how to survive. They have no dollars for the R&D to meet these new demands. A bill like this, then, becomes essential. We don't really have money right now to spend. In case anybody hasn't figured out, we have incredible deficits.

I don't believe that this is really the role predominantly for the Federal Government to do. But I'm now left representing a district that, unless the Federal Government does this, and having piled on the mandates and having allowed China to cheat in international trade, unless we do this, I don't know how we survive. I don't know how the people in my district survive.

This program authorizes $2.85 billion to conduct vehicle research and development. It has $1.75 billion to create a new demonstration program to find commercial applications to reduce or eliminate petroleum use and emissions in passenger and commercial vehicles. There's $1.1 billion to implement a similar program that applies to medium- and heavy-duty commercial vehicles.

I first want to thank my neighbor, friend, and colleague—it shows that you can do things in a bipartisan way—Congressman JOE DONNELLY, along with Congressman DEFAZIO, for making sure that RVs were included in this. Between us, we have 58 percent—between JOE and I, and then Congressman DEFAZIO has another chunk—of the RV industry in America.

This is a huge challenge. Guess what? Not only do you have these motor homes, of which 12 percent, I believe, of American people own either a towable or a mobile home, but you have to have a big vehicle to tow them. You can't tow them with a little, tiny car. We've got to figure out how we're going to deal with the mileage in that.

I also have the largest pickup plant in the United States, a Silverado and Sierra pickup plant that's actually getting a plus-up that is heavily robotics. But they need the technology, even though they're some of the most efficient pickups sold by any company. If they're going to compete with the mileage standards and GM is going to survive, they need to find new breakthroughs.

Navistar has just contracted to build electric delivery trucks in an abandoned RV plant in Elkhart County in Wakarusa, in my district. Alcoa, in Auburn, in my district, is working with aluminum to try to reduce the weight of the vehicles.

The CHAIR. The time of the gentleman has expired.

Mr. HALL of Texas. Mr. Chairman, I'm glad to yield 3 more minutes to the gentleman, knowing of his interest in the RV industry, and his support.

Mr. SOUDER. As we heard in steel, in my area I have two massive SDI, Steel Dynamics plants, as well as a whole bunch of supplementary facilities from OmniSource and others who provide recycled steel to them.

I have five Nucor facilities in my district, that if our steel is going to compete and get the weight down and get different methods, we're going to have to have more innovation and research.

Navistar also at this point has around 1,350 to 1,500 jobs in my area doing engineering and designing big trucks, military vehicles. We have a challenge in this in the military area, too, because the Humvee is done in Congressman DONNELLY's district, but the engine blocks and the hood and a lot of those parts that we're constantly struggling with on weight, are in my district as well.

I rise in support of this bill, even though I'm reluctant to have the government take over big parts of the R&D industry. We're in fact seeing other countries do this around the world. I don't know how we're going to achieve our goals to become greener, to get more efficient vehicles to help save our industrial base in the United States, if we don't do this.

So I rise in support of this. It's why the manufacturing groups support it, why the Chamber supports it, it's why the unions support it, because without some assistance it is not clear how in the world we're going to save the manufacturing jobs in America that are so critical to the industrial base.

And one last point. The industrial base that does the trucks, that does the RVs, that does the pickups, also does our military. And if we don't have the basic core manufacturing, it is not clear how we stay an independent Nation.

Mr. GORDON of Tennessee. Mr. Chairman, I yield such time as he may consume to the dean of the United States House of Representatives, and my mentor, the gentleman from Michigan (Mr. DINGELL).

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. I rise to thank my dear friend, the gentleman from Tennessee, for his courtesy to me and for the expeditious way in which he has handled this bill. The Nation owes him a debt for this and for many other things. And I thank him.

I also rise in strong support of H.R. 3246, the Advanced Vehicle Technology Act of 2009. I want to commend my colleague from Michigan, Mr. PETERS, for the superb work that he and his staff have done on this important piece of legislation. And I want to also thank my colleagues on the Republican side, including the Republican coauthors and my good friend, the ranking minority member of the committee, the gentleman from Texas (Mr. HALL).

The bill that we consider today is going to help America to grasp the new technology in automobile manufacturing and save jobs and opportunities for our people in the future.

It will augment the Department of Energy's ability to research and to develop advanced technologies, which are necessary for the fuel-efficient vehicles of tomorrow. I take no small degree of personal interest in this subject, as several of the companies, such as A123 Systems, are located in my district, and they will produce new types of technologies under H.R. 3246 which will help them to foster these efforts, which are so much in our national interest.

Not only do these technologies have the potential to reduce vehicle fleet emissions and national fuel consumption, freeing us from dependence on foreign oil, but also their production represents a growth industry, something of which my home State, Michigan, and which the entire country is in great need. H.R. 3246 is therefore both an environmental and an economic blessing.

I urge my colleagues to vote in support of H.R. 3246, and I commend, again, my dear friend from Tennessee

and my friend from Michigan for their authorship and for their leadership of this important matter.

Mr. HALL of Texas. Mr. Chairman, I continue to reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield 1½ minutes to my friend, the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Thank you, Mr. Chairman. I rise in strong support of H.R. 3246, the Advanced Vehicle Technology Act, and I want to especially applaud Congressman PETERS and Chairman GORDON, who I have had the honor to serve with on the Science Committee, and the distinguished ranking member, Mr. HALL, for his continued and outstanding commitment to science and technology and innovation. That's what moves the Nation forward. It's where his political career has been invested, in making sure that we continue to see America be the preeminent military, social, cultural, and economic leader in the world, and largely because of the embrace of technology and innovation like fuel cell technology.

We know, for example, that every time we replace a gasoline-powered bus with a fuel cell bus, it's equal to removing 77 cars from our roadways.

Hydrogen and fuel cell industries support in Connecticut some 2,100 jobs. With the vision that the chairman has laid out, that will only increase and expand across this country.

We had a young visionary President in the sixties who said that we could put a man on the moon within 10 years. We actually did it in nine. With this technology embracing the most abundant element in the universe, you can't tell me that we can't heat and cool our buildings and get people back and forth to their jobs if we make the appropriate investment.

When you look at the certification from NASA of our ability to utilize fuel cell technology in flight and also in our space station, you understand the great potential that it has. But unless you have the backing of a visionary leader like BART GORDON, it will not come to fruition.

The CHAIR. The time of the gentleman has expired.

Mr. GORDON of Tennessee. I yield the gentleman an additional 30 seconds.

Mr. LARSON of Connecticut. So, again, Mr. Chairman, I would like to thank you and the committee for your commitment to this very important technology that seeks to advance our country and wean ourselves from dependency on foreign nations and help bring our troops home.

Mr. HALL of Texas. May I ask how much time I have? I continue to reserve, and I want to see if I might let the chairman have some of my time, if he needs it. He apparently has half a dozen or so other speakers over there.

The CHAIR. The gentleman from Texas has 21½ minutes.

Mr. HALL of Texas. I reserve the balance of my time

Mr. GORDON of Tennessee. Thank you, Mr. HALL. Mr. Chairman, I yield 2 minutes to a member of our committee, the gentleman from New York (Mr. TONKO).

Mr. TONKO. I rise today in support of H.R. 3246, the Advanced Vehicle Technology Act. H.R. 3246 supports the key public policy goals of improving our Nation's energy security and our environment. Specifically, this legislation encourages research and development for a diverse range of near-term and long-term vehicle electrification technologies that will improve vehicle fuel efficiency, reduce emissions, and support the United States manufacturing and American workers.

We must address our energy problems as we continue to address our economic problems. By doing so, I believe we can ensure that while our economy recovers, we will be competitive and secure in the energy sector as well. The passage of H.R. 3246 is indeed vital to addressing both of these concerns.

As Congress moves through this session, we must continue to pass policies that will promote energy efficiency—policies which drill and mine efficiencies as we previously drilled for oil and mined for coal.

Finally, we must continue to invest in research and development to ensure that our United States are at the forefront of the energy revolution: Creating jobs, embracing intellectual capacity, and promoting clean domestic energy.

I urge my colleagues to join me today and vote in favor of H.R. 3246. I commend the sponsor for his vision.

Mr. HALL of Texas. Mr. Chairman, I yield 3 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding, Mr. Chairman. I rise in support of H.R. 3246, the Advanced Vehicle Technology Act, and I'd like to thank the chairman of the committee, Mr. GORDON, and the ranking member, Mr. HALL, and my colleague particularly, Mr. PETERS, for bringing to the floor such a good bill.

H.R. 3246 will advance technologies of the future by reauthorizing the Department of Energy's vehicle technology program and build on an existing energy infrastructure to demonstrate and deploy more fuel-efficient automobiles and heavy equipment.

Over the years, the Department of Energy has worked with the industry to develop, demonstrate, and deploy vehicle technologies for automobiles and heavy-duty vehicles. Some of those research needs have been addressed through public-private research programs like the 21st Century Truck Partnership, the FreedomCAR, and Hydrogen Fuel Initiatives.

Unfortunately, in the past, our research priorities have shifted inconsistently between passenger and heavy-duty vehicles. As a result, many long-term goals remain unfulfilled.

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H.R. 3246 offers the research parity and focus to advance technologies all across transportation sectors by including medium- to heavy-duty trucks and nonroad equipment. While the total number of heavy trucks is small compared to passenger vehicles, their fuel consumption and emissions justify a consistent investment in basic research and development of hybrid models and other advanced truck technologies. There is no one-size-fits-all approach that will address the unique needs and demands on construction, industrial and agricultural equipment. Therefore, we must examine the full range of components within nonroad equipment systems to produce the greatest overall efficiency benefits at the least cost.

I know everyone here recognizes the essential role nonroad equipment plays in improving our infrastructure. Fuel remains a primary driver in the cost of major construction and infrastructure projects. With advances in nonroad equipment technologies, we will further our drive for efficiency and fuel savings beyond the engine alone so that we can see tremendous benefits in project productivity and energy efficiency.

For these reasons, Mr. Chair, I support H.R. 3246 and urge my colleagues to do the same.

Mr. GORDON of Tennessee. Mr. Chairman, I yield 3 minutes to the champion for Cash for Clunkers, the gentlelady from Ohio (Ms. SUTTON).

Ms. SUTTON. I thank the chairman for yielding the time, and I thank him for his strong leadership on this issue and on so many initiatives that are leading our country forward. I would like to commend my friend Congressman GARY PETERS for his great work on this bill, which I am delighted to rise in support of.

The Advanced Vehicle Technology Act provides this Congress with a great opportunity to help create green automotive jobs for American workers. Currently, almost all of the major components for advanced technology vehicles sold in the United States are imported. That needs to change. We must ensure that our workers are assembling the vehicles of tomorrow and producing the components and next-generation technologies right here at home.

The Advanced Vehicle Technology Act invests in a diverse and comprehensive range of technologies and programs that will improve fuel efficiency and reduce harmful emissions. In my district, a startup company has been working on a process to recover engine waste heat to convert into electricity to power the very same vehicle. Under this bill, they could partner with the Department of Energy and other industry partners to further develop and commercialize this energy-producing and saving technology.

I'm also pleased that this bill has a provision for the research, development, demonstration and commercialization of lightweight materials.

Mr. Chair, Akron, Ohio, is the polymer capital of the world. There is a strong interest for research and commercialization of polymers and plastics by companies across the country. In addition, our steelworkers in the domestic steel industry can produce advanced high-strength steel which makes vehicles considerably stronger while requiring less mass and increasing fuel economy.

Recently, with the overwhelming success of the CARS program, Americans demonstrated their desire to trade in their less efficient clunker for a more fuel-efficient vehicle. Thanks to the CARS program, nearly 700,000 clunkers were taken off the road and replaced with vehicles that had on average 58 percent increased fuel economy. The CARS program brought thousands of workers back to work, making autos and parts for more fuel-efficient vehicles. With this bill before us, we will take another step to help our environment and grow jobs. That's why this bill has earned the support of the UAW as well as Ford, GM, Chrysler and other industry and business groups.

Mr. Chair, I'm also proud that we worked on an amendment that was added to this bill, working with Representative CHELLIE PINGREE and Chairman GORDON, which is also supported by the UAW, requiring an annual report on the technologies developed from the Advanced Vehicle Technology Program. The report must disclose whether these technologies were successfully adopted for commercial applications; and if they were, whether these technologies are manufactured in the United States. With taxpayer dollars invested, we want them to be manufactured right here in the United States. I commend the gentlemen for their great work.

Mr. HALL of Texas. Mr. Chair, I continue to reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. MAFFEI).

Mr. MAFFEI. Thank you very much, to the distinguished chairman of the Science and Technology Committee, BART GORDON. I also want to thank my colleague on the Financial Services Committee, a very distinguished new Member of the House, GARY PETERS, the sponsor of this bill.

By increasing the power of alternative and renewable energy, we have the opportunity to break our addiction to foreign oil, reduce global warming and create millions of new jobs in the process, ones that cannot be shipped overseas. In my own region, we are doing research in alternative fuels such as butanol at the School of Environmental Science and Forestry in Syracuse, and we have hydrogen fuel cell technology in Rochester institutions of higher education, as well as at a Delphi plant there. We're already using these new fuel vehicles, the ones that have already come out.

On Monday I stood at an old train station in downtown Syracuse which had been abandoned for years, creating an eyesore. But using stimulus money, the Clean Communities Group will turn this building into a charging station for electric cars as well as an alternative fueling hub for CuseCar, an alternative fuel car sharing company in Syracuse. Under this bill, it can become a center for research on the practical use of these advanced technology vehicles.

Our energy policy, Mr. Chairman, is heading in the right direction, and the Advanced Vehicle Technology Act ensures that we are charting the right course for our new energy future.

Mr. HALL of Texas. Mr. Chair, I continue to reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky (Mr. YARMUTH).

Mr. YARMUTH. I thank the chairman for his work and his committee's great work on this bill.

Mr. Chair, I rise today in support of H.R. 3246. This bill is another example of Congress' commitment to reducing our dependence on foreign oil, creating green jobs to revitalize our economy, and reestablishing America as a global innovation leader.

I have seen firsthand how our investments are paying off for my hometown of Louisville, Kentucky. There, 400 new jobs are being created thanks to Recovery Act funding that incentivized General Electric to move the production of an energy-efficient water heater from China back to the United States in Louisville.

H.R. 3246 represents another step forward—this time, by ensuring our Nation's auto industry will drive innovation by developing clean and efficient technologies for every type of vehicle. This important legislation establishes research and development programs that will lower petroleum usage and emissions in heavy-duty vehicles that are key to commerce but are often recognized as some of the least efficient in operation.

At the Kentucky truck plant, also in my hometown, hardworking employees produce the F-Series heavy-duty truck. By developing new technologies to make heavy-duty trucks more energy efficient, more fuel efficient and, therefore, more in demand, Ford will be able to expand operations and create new jobs.

That's what this legislation is all about, investing in green technology to create good-paying U.S. jobs and to stimulate economic growth while continuing our efforts to ensure that America leads the world in the industry that will dominate the global economy for decades to come. We cannot afford to pass up this opportunity.

I, therefore, urge all my colleagues to join me in supporting the Advanced Vehicle Technology Act.

Mr. LEVIN. Mr. Chairman, I rise in strong support of the Advanced Vehicle Technology Act. I am proud to be an original co-sponsor of this important bill introduced by my colleague from Michigan, Mr. PETERS.

This legislation builds on the success of the Department of Energy's vehicle technology programs in collaborating with industry to develop the cars and trucks of the future. Hybrids, plug-in hybrids, pure electric cars, fuel cell vehicles, alternative fuel vehicles: these technologies all require enormous and sustained investments in R&D. Through vehicle technology programs like FutureCar and the 21st Century Truck Partnership, DOE is partnering with industry to make this R&D more feasible and more fruitful.

The bill before us would rationalize the authorization for DOE's varied vehicle technology programs and substantially increase the authorized funding levels. In total this bill authorizes $2.9 billion over the next 5 years to invest in vehicle technology. It will be essential for Congress to follow through and fully fund this authorization in the annual appropriations process.

I am particularly pleased that this bill recognizes the enormous fuel savings potential in the medium and heavy duty market and specifies that up to $200 million per year be devoted to developing advanced technology medium and heavy duty trucks. This complements legislation I've introduced to extend the tax credits for the purchase of medium and heavy duty trucks for 5 years and double the amount of the credits.

These vehicles move 80 percent of the goods transported in the U.S., serve as utility maintenance vehicles, and perform refuse collection services in our communities. It is estimated that the fuel consumption of the 90,000 refuse collection trucks in the U.S. is equivalent to 2.5 million passenger vehicles. Putting as few as 10,000 hybrid electric trucks on the road would reduce diesel fuel use by 7.2 million gallons per year and reduce carbon dioxide emissions by 83,000 tons.

In a word Mr. Chair, this bill is vital. It is a vital step toward a full partnership between the Federal Government and the domestic auto industry in developing the cars and trucks of the future and building them here in the United States. I urge all my colleagues to support it.

Mr. AL GREEN of Texas. Mr. Chair, I wish to express my strong support for H.R. 3246, the Advanced Vehicle Technology Act of 2009.

The global competition for producing the cars and trucks of the future is happening now. There is no question that in the years ahead, people will be driving hybrids, plug-in hybrids, battery electric vehicles, and cars and trucks powered by hydrogen fuel cells. The question is whether these technologies will be imported from abroad, or produced right here in the United States by a sustainable, cutting-edge American automobile industry.

The global economic downturn and credit crisis have limited the resources that automakers and vehicle manufacturers can draw on to support their research and development activities. As American automakers struggle to become globally competitive and we race to make the best and most fuel-efficient vehicles, we have a chance to accelerate their development through the Advanced Vehicle Technology Act of 2009.

The Advanced Vehicle Technology Act will reauthorize the Department of Energy's Vehicle Technologies Program, through which the Department partners with industry to provide research, development, demonstration, and commercial application of advanced vehicle

technologies in the U.S. These programs have led to numerous successes, including a dual-mode hybrid transmission system used in transit buses and trucks manufactured in the U.S.

Through supporting advanced vehicle technologies, this legislation also reaffirms our commitment to reducing energy use to combat global warming and increase America's energy independence by reducing the need for imported oil.

Recognizing the importance of this legislation, H.R. 3246 has been endorsed by General Motors, Ford Motor Company, Chrysler, the UAW, Nissan, the Motor and Equipment Manufacturers Association, Daimler, Magna International Delphi, ArvinMeritor, Robert Bosch LLC, Caterpillar, Dueco Odyne, Achates Power, and the Engine Manufacturers Association.

Let us invest in American energy independence, American jobs, a cleaner environment and cleaner communities by voting in favor of the Advanced Vehicle Technology Act of 2009. I urge my colleagues to support H.R. 3246.

Mr. LARSON of Connecticut. Mr. Chair, I rise in support of H.R. 3246, the Advanced Vehicle Technology Act, and applaud the efforts of Congressman PETERS, Chairman GORDON, and his colleagues on the Science and Technology Committee for their contributions to the future of advanced automobile technologies in the U.S. As long as we are exporting our dollars overseas in exchange for oil, our economic and national security are at risk. The future of the American auto industry and thousands of American jobs rest on the ability of domestic car companies to research, develop, and commercialize new, clean, efficient technologies, including hydrogen and fuel cell technologies, that will be the backbone of a new U.S. vehicle market and economy.

Hydrogen fuel cells can provide power for a wide array of transportation applications. Fuel Cells are a proven technology and already in use today. In Hartford, CT, the transit department is using a fuel cell powered bus that emits no pollution. Every time we replace a gasoline powered bus with a fuel cell bus it is equal to removing 77 cars from our roadways. The hydrogen and fuel cell industry already supports 2,100 jobs in Connecticut alone and with this bill is poised to add many others.

Hydrogen fuel cells are clean and efficient and will allow us to become more energy independent while reducing carbon emissions. Supporting this bill will give us more options to create jobs in Connecticut, keep America competitive, and reduce pollution. I encourage a "yes" vote on this bill.

Mr. VAN HOLLEN. Mr Chair, I rise in support of the Advanced Vehicle Technology Act of 2009.

This bipartisan bill will provide long term, sustained funding for a comprehensive research and development program across a spectrum of vehicle sizes and advanced vehicle technologies. It will focus and better coordinate the ongoing work of our federal agencies, research institutions and private industry on this important task. And it will benefit all Americans by strengthening our energy security, reducing harmful emissions, providing consumers with more vehicle choice, boosting our manufacturing sector and enhancing our international competitiveness.

I commend Representatives PETERS and BIGGERT for crafting this forward-looking legislation. I urge my colleagues' support.

Mr. HALL of Texas. I yield back the balance of my time. Thank you, Mr. Chair.

Mr. GORDON of Tennessee. Having no additional speakers, Mr. Chairman, I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 3246

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 ''Advanced Vehicle Technology Act of 2009''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) According to the Energy Information Administration, the transportation sector accounts for approximately 28 percent of the United States primary energy demand and greenhouse gas emissions, and 24 percent of global oil demand.

(2) The United States transportation sector is over 95 percent dependent on petroleum, and over 60 percent of petroleum demand is met by imported supplies.

(3) United States heavy truck fuel consumption will increase 23 percent by 2030, while overall transportation energy use will decline by 1 percent.

(4) The domestic automotive and commercial vehicle manufacturing sectors have increasingly limited resources for research and development of advanced technologies.

(5) Vehicle, engine, and component manufacturers are playing a more important role in vehicle technology development, and should be better integrated into Federal research efforts.

(6) Priorities for the Department of Energy's vehicle technologies research have shifted drastically in recent years among diesel hybrids, hydrogen fuel cell vehicles, and plug-in electric hybrids, with little continuity among them.

(7) The integration of vehicle, communication, and infrastructure technologies has great potential for efficiency gains through better management of the total transportation system.

(8) The Federal Government should balance its role in researching longer-term exploratory concepts and developing nearer-term transformational technologies for vehicles.

SEC. 3. OBJECTIVES.

The objectives of this Act are to—

(1) develop technologies and practices that—

(A) improve the fuel efficiency and emissions of all vehicles produced in the United States; and

(B) reduce vehicle reliance on petroleum-based fuels;

(2) support domestic research, development, demonstration, and commercial application and manufacturing of advanced vehicles, engines, and components;

(3) enable vehicles to move larger volumes of goods and more passengers with less energy and emissions;

(4) develop cost-effective advanced technologies for wide-scale utilization throughout the passenger, commercial, government, and transit vehicle sectors;

(5) allow for greater consumer choice of vehicle technologies and fuels;

(6) shorten technology development and integration cycles in the vehicle industry;

(7) ensure a proper balance and diversity of Federal investment in vehicle technologies; and

(8) strengthen partnerships between Federal and State governmental agencies and the private and academic sectors.

SEC. 4. DEFINITIONS.

For the purposes of this Act:

(1) DEPARTMENT.—The term ''Department'' means the Department of Energy.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—The following sums are authorized to be appropriated to the Secretary for research, development, demonstration, and commercial application of vehicles and related technologies, including activities authorized under this Act:

(1) $550,000,000 for fiscal year 2010.

(2) $560,000,000 for fiscal year 2011.

(3) $570,000,000 for fiscal year 2012.

(4) $580,000,000 for fiscal year 2013.

(5) $590,000,000 for fiscal year 2014.

(b) MEDIUM AND HEAVY DUTY COMMERCIAL VEHICLES.—From the amounts authorized under subsection (a), there are authorized to be appropriated for carrying out title II—

(1) $200,000,000 for fiscal year 2010;

(2) $210,000,000 for fiscal year 2011;

(3) $220,000,000 for fiscal year 2012;

(4) $230,000,000 for fiscal year 2013; and

(5) $240,000,000 for fiscal year 2014.

(c) USER FACILITIES.—From the amounts authorized under subsection (a), there are authorized to be appropriated for carrying out section 104—

(1) $35,000,000 for fiscal year 2010;

(2) $30,000,000 for fiscal year 2011;

(3) $20,000,000 for fiscal year 2012;

(4) $15,000,000 for fiscal year 2013; and

(5) $15,000,000 for fiscal year 2014.

(d) NON-ROAD PILOT PROGRAM.—From the amounts authorized under subsection (a), there are authorized to be appropriated for carrying out section 204—

(1) $20,000,000 for fiscal year 2010;

(2) $20,000,000 for fiscal year 2011; and

(3) $20,000,000 for fiscal year 2012.

TITLE I—VEHICLE RESEARCH AND DEVELOPMENT

SEC. 101. PROGRAM.

(a) ACTIVITIES.—The Secretary shall conduct a program of basic and applied research, development, demonstration, and commercial application activities on materials, technologies, and processes with the potential to substantially reduce or eliminate petroleum use and the emissions of the Nation's passenger and commercial vehicles, including activities in the areas of—

(1) hybridization or full electrification of vehicle systems;

(2) batteries and other energy storage devices;

(3) power electronics;

(4) vehicle, component, and subsystem manufacturing technologies and processes;

(5) engine efficiency and combustion optimization;

(6) waste heat recovery;

(7) transmission and drivetrains;

(8) hydrogen vehicle technologies, including fuel cells and internal combustion engines, and hydrogen infrastructure;

(9) aerodynamics, rolling resistance, and accessory power loads of vehicles and associated equipment;

(10) vehicle weight reduction;

(11) friction and wear reduction;

(12) engine and component durability;

(13) innovative propulsion systems;

(14) advanced boosting systems;

(15) hydraulic hybrid technologies;

(16) engine compatibility with and optimization for a variety of transportation fuels including liquid and gaseous fuels;

(17) predictive engineering, modeling, and simulation of vehicle and transportation systems;

(18) refueling and charging infrastructure for alternative fueled and electric or plug-in electric hybrid vehicles;

(19) gaseous fuels storage system integration and optimization;

(20) sensing, communications, and actuation technologies for vehicle, electrical grid, and infrastructure;

(21) efficient use and recycling of rare earth materials, and reduction of precious metals and other high-cost materials in vehicles;

(22) aftertreatment technologies;

(23) thermal management of battery systems;

(24) development of common standards, specifications, and architectures for both transportation and stationary battery applications; and

(25) other research areas as determined by the Secretary.

(b) TRANSFORMATIONAL TECHNOLOGY.—The Secretary shall ensure that the Department continues to support activities and maintains competency in mid- to long-term transformational vehicle technologies with potential to achieve deep reductions in petroleum use and emissions, including activities in the areas of—

(1) hydrogen vehicle technologies, including fuel cells, internal combustion engines, hydrogen storage, infrastructure, and activities in hydrogen technology validation and safety codes and standards;

(2) multiple battery chemistries and novel energy storage devices, including electromechanical batteries and other nonchemical batteries;

(3) communication and connectivity among vehicles, infrastructure, and the electrical grid; and

(4) other innovative technologies research and development, as determined by the Secretary.

(c) INDUSTRY PARTICIPATION.—To the maximum extent practicable, activities under this Act shall be carried out in partnership or collaboration with automotive manufacturers, heavy commercial and transit vehicle manufacturers, vehicle and engine equipment and component manufacturers, manufacturing equipment manufacturers, advanced vehicle service providers, fuel producers and energy suppliers, electric utilities, universities, national laboratories, and independent research laboratories. In carrying out this Act the Secretary shall—

(1) determine whether a wide range of companies that manufacture or assemble vehicles or components in the United States are represented in ongoing public private partnership activities, including firms that have not traditionally participated in federally-sponsored research and development activities, and where possible, partner with such firms that conduct significant and relevant research and development activities in the United States;

(2) leverage the capabilities and resources of, and formalize partnerships with, industry-led stakeholder organizations, nonprofit organizations, industry consortia, and trade associations with expertise in the research and development of, and education and outreach activities in, advanced automotive and commercial vehicle technologies;

(3) develop more efficient processes for transferring research findings and technologies to industry;

(4) give consideration to conversion of existing or former vehicle technology manufacturing facilities for the purposes of this Act; and

(5) promote efforts to ensure that technologies developed under this Act are produced in the United States.

(d) INTERAGENCY AND INTRAAGENCY COORDINATION.—To the maximum extent practicable, the Secretary shall coordinate research, development, demonstration, and commercial application activities among—

(1) relevant programs within the Department, including—

(A) the Office of Energy Efficiency and Renewable Energy;

(B) the Office of Science;

(C) the Office of Electricity Delivery and Energy Reliability;

(D) the Office of Fossil Energy;

(E) the Advanced Research Projects Agency—Energy; and

(F) other offices as determined by the Secretary; and

(2) relevant technology research and development programs within other Federal agencies, as determined by the Secretary.

(e) COORDINATION AND NONDUPLICATION.—In coordinating activities the Secretary shall ensure, to the maximum extent practicable, that activities do not duplicate those of other programs within the Department or other relevant research agencies.

(f) FEDERAL DEMONSTRATION OF TECHNOLOGIES.—The Secretary shall make information available to procurement programs of Federal agencies regarding the potential to demonstrate technologies resulting from activities funded through programs under this Act.

(g) INTERGOVERNMENTAL COORDINATION.—The Secretary shall seek opportunities to leverage resources and support initiatives of State and local governments in developing and promoting advanced vehicle technologies, manufacturing, and infrastructure.

SEC. 102. SENSING AND COMMUNICATIONS TECHNOLOGIES.

The Secretary, in coordination with the relevant research programs of other Federal agencies, shall conduct research, development, and demonstration activities on connectivity of vehicle and transportation systems, including on sensing, computation, communication, and actuation technologies that allow for reduced fuel use, optimized traffic flow, and vehicle electrification, including technologies for—

(1) onboard vehicle, engine, and component sensing and actuation;

(2) vehicle-to-vehicle sensing and communication;

(3) vehicle-to-infrastructure sensing and communication; and

(4) vehicle integration with the electrical grid.

SEC. 103. MANUFACTURING.

The Secretary shall carry out a research, development, demonstration, and commercial application program of advanced vehicle manufacturing technologies and practices, including innovative processes to—

(1) increase the production rate and decrease the cost of advanced battery manufacturing;

(2) vary the capability of individual manufacturing facilities to accommodate different battery chemistries and configurations;

(3) reduce waste streams, emissions, and energy-intensity of vehicle, engine, and component manufacturing processes;

(4) recycle and remanufacture used batteries and other vehicle components for reuse in vehicles or stationary applications;

(5) produce cost-effective lightweight materials such as advanced metal alloys, polymeric composites, and carbon fiber;

(6) produce lightweight high pressure storage systems for gaseous fuels;

(7) design and manufacture purpose-built hydrogen and fuel cell vehicles and components; and

(8) produce permanent magnets for advanced vehicles.

SEC. 104. USER TESTING FACILITIES.

Activities under this Act may include construction, expansion, or modification of new and existing vehicle, engine, and component research and testing facilities for—

(1) testing or simulating interoperability of a variety of vehicle components and systems;

(2) subjecting whole or partial vehicle platforms to fully representative duty cycles and operating conditions;

(3) developing and demonstrating a range of chemistries and configurations for advanced vehicle battery manufacturing; and

(4) developing and demonstrating test cycles for new and alternative fuels, and other advanced vehicle technologies.

TITLE II—MEDIUM AND HEAVY DUTY COMMERCIAL AND TRANSIT VEHICLES

SEC. 201. PROGRAM.

(a) IN GENERAL.—The Secretary, in partnership with relevant research and development programs in other Federal agencies, and a range of appropriate industry stakeholders, shall carry out a program of cooperative research, development, demonstration, and commercial application activities on advanced technologies for medium- to heavy-duty commercial and transit vehicles, including activities in the areas of—

(1) engine efficiency and combustion research;

(2) on board storage technologies for compressed and liquefied natural gas;

(3) development and integration of engine technologies designed for natural gas operation of a variety of vehicle platforms;

(4) waste heat recovery and conversion;

(5) improved aerodynamics and tire rolling resistance;

(6) energy and space-efficient emissions control systems;

(7) heavy hybrid, hybrid hydraulic, plug-in hybrid, and electric platforms, and energy storage technologies;

(8) drivetrain optimization;

(9) friction and wear reduction;

(10) engine idle and parasitic energy loss reduction;

(11) electrification of accessory loads;

(12) onboard sensing and communications technologies;

(13) advanced lightweighting materials and vehicle designs;

(14) increasing load capacity per vehicle;

(15) thermal management of battery systems;

(16) recharging infrastructure;

(17) complete vehicle modeling and simulation;

(18) hydrogen vehicle technologies, including fuel cells and internal combustion engines, and hydrogen infrastructure;

(19) retrofitting advanced technologies onto existing truck fleets; and

(20) integration of these and other advanced systems onto a single truck and trailer platform.

(b) LEADERSHIP.—The Secretary shall appoint a full-time Director to coordinate research, development, demonstration, and commercial application activities in medium- to heavy-duty commercial and transit vehicle technologies. Responsibilities of the Director shall be to—

(1) improve coordination and develop consensus between government agency and industry partners, and propose new processes for program management and priority setting to better align activities and budgets among partners;

(2) regularly convene workshops, site visits, demonstrations, conferences, investor forums, and other events in which information and research findings are shared among program participants and interested stakeholders;

(3) develop a budget for the Department's activities with regard to the interagency program, and provide consultation and guidance on vehicle technology funding priorities across agencies;

(4) determine a process for reviewing program technical goals, targets, and timetables and, where applicable, aided by life-cycle impact and cost analysis, propose revisions or elimination based on program progress, available funding, and rate of technology adoption;

(5) evaluate ongoing activities of the program and recommend project modifications, including the termination of projects, where applicable;

(6) recruit new industry participants to the interagency program, including truck, trailer, and component manufacturers who have not traditionally participated in federally sponsored research and technology development activities; and

(7) other responsibilities as determined by the Secretary, in consultation with interagency and industry partners.

(c) REPORTING.—At the end of each fiscal year the partnership shall submit to the Secretary

and relevant Congressional committees of jurisdiction an annual report describing activities undertaken in the previous year, active industry participants, efforts to recruit new participants, progress of the program in meeting goals and timelines, and a strategic plan for funding of activities across agencies.

SEC. 202. CLASS 8 TRUCK AND TRAILER SYSTEMS DEMONSTRATION.

The Secretary shall conduct a competitive grant program to demonstrate the integration of multiple advanced technologies on Class 8 truck and trailer platforms with a goal of improving overall freight efficiency, as measured in tons and volume of freight hauled or other work performance-based metrics, by 50 percent, including a combination of technologies listed in section 201(a). Applicant teams may be comprised of truck and trailer manufacturers, engine and component manufacturers, fleet customers, university researchers, and other applicants as appropriate for the development and demonstration of integrated Class 8 truck and trailer systems.

SEC. 203. TECHNOLOGY TESTING AND METRICS.

The Secretary, in coordination with the partners of the interagency research program described in section 201(a)—

(1) shall develop standard testing procedures and technologies for evaluating the performance of advanced heavy vehicle technologies under a range of representative duty cycles and operating conditions, including for heavy hybrid propulsion systems;

(2) shall evaluate heavy vehicle performance using work performance-based metrics other than those based on miles per gallon, including those based on units of volume and weight transported for freight applications, and appropriate metrics based on the work performed by nonroad systems; and

(3) may construct heavy duty truck and bus testing facilities.

SEC. 204. NONROAD SYSTEMS PILOT PROGRAM.

The Secretary shall undertake a pilot program of research, development, demonstration, and commercial applications of technologies to improve total machine or system efficiency for heavy duty nonroad equipment, and shall seek opportunities to transfer relevant research findings and technologies between the nonroad and on-highway equipment and vehicle sectors.

The CHAIR. No amendment to the committee amendment is in order except those printed in House Report 111–255. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. GORDON OF TENNESSEE

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111–255.

Mr. GORDON of Tennessee. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. GORDON of Tennessee:

Page 15, after line 9, insert the following new section:

SEC. 105. REPORTING.

Not later than 18 months after the date of enactment of this Act and annually thereafter through 2015, the Secretary of Energy shall transmit to Congress a report regarding the technologies developed as a result of the activities authorized by this title, with a particular emphasis on whether the technologies were successfully adopted for commercial applications, and if so, whether those technologies are manufactured in the United States.

Page 18, line 20, through page 19, line 2, amend subsection (c) to read as follows:

(c) REPORTING.—At the end of each fiscal year, the Secretary shall submit to the Congress an annual report describing activities undertaken in the previous year, active industry participants, efforts to recruit new participants, progress of the program in meeting goals and timelines, and a strategic plan for funding of activities across agencies.

Page 20, line 13, strike ''heavy duty''.

Page 20, line 13, insert ''mobile'' after ''nonroad''.

The CHAIR. Pursuant to House Resolution 745, the gentleman from Tennessee (Mr. GORDON) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. GORDON of Tennessee. Mr. Chairman, I yield myself as much time as I may consume.

The amendment I have offered has three parts. First, it makes a small technical change at the request of the Department of Justice to clarify that the Secretary shall report to Congress on the medium- to heavy-duty vehicle program; second, it incorporates an amendment from my colleague from Maine (Ms. PINGREE) to require a report on commercialized technologies from the overall vehicle technology program; and third, it incorporates the amendment offered by Mr. HARE of Illinois to ensure that a range of nonroad mobile equipment is eligible for the pilot program in section 204.

This is a simple amendment which incorporates a few small changes suggested by my colleagues to make the bill even better. I urge its adoption.

I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chair, I rise to claim the time on the Gordon amendment.

The CHAIR. The gentleman is recognized for 10 minutes.

Mr. HALL of Texas. I yield myself as much time as I may consume.

I support the Gordon amendment with a caveat. I support the title II reporting requirement classification that the Secretary shall submit the annual report to Congress. In regards to the report requirement for title I, I would prefer the reporting language that is in Representative BROUN's amendment as it's more comprehensive and mirrors the report language requirement in title II. Perhaps in conference, the two authors of the reporting amendments could agree to merge that language so that all bases are covered.

The third part of Mr. GORDON's amendment deals with striking ''heavy duty'' from the Nonroad Systems Pilot Program in section 204 in the bill and adding the word ''mobile'' so that we are now referring to nonroad mobile equipment. I understand that there is some concern that the term heavy duty has a different meaning in the nonroad world than it does in the on-road world. So I appreciate the addition of ''mobile'' in the section as well as Mr. HOLT's upcoming amendment that would further clarify that the pilot program is intended to include agricultural and construction nonroad equipment.

With that, I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, let me say to Mr. HALL, I understand his concern about the additional accountability with Mr. BROUN, and he has an amendment that we will be supporting later. So hopefully those will be complementary, and we will have additional accountability and transparency.

If the gentleman from Texas has nothing more to say, I don't either.

Mr. HALL of Texas. I have a speaker on the way. I don't believe he's here yet.

I would like to reserve my time. If you could take another 2 or 3 minutes to do whatever you want to do or say.

Mr. GORDON of Tennessee. Well, if you would like to compliment me for a couple of minutes, I would be happy to accept that while we wait.

Mr. HALL of Texas. Well, first I appreciate your trip to Texas Monday, up and back. And I appreciate Mr. BROUN's position on this. You know, we had amendments, and Mr. BROUN's amendment, I believe, was voted down by a party vote when we had the hearing. I may be wrong on that. But he's here to support the position that he's taken. I'd like to have some time for him to at least talk about how the two could fit together when we head to conference or any of the conference committees.

□ 1330

Mr. GORDON of Tennessee. Well, I would say to Mr. HALL, certainly I think Mr. BROUN is a constructive force, certainly in our committee as well as here. I think he has two amendments today. I would suggest this potentially to my friend; if whomever you have coming to speak, we could allow them to speak during another amendment if that would be consistent.

Mr. HALL of Texas. I would ask unanimous consent that that be granted.

Mr. GORDON of Tennessee. If that's the case, then I think we can complete this amendment now.

The CHAIR. The gentleman's request is not in order in the Committee of the Whole.

Mr. GORDON of Tennessee. Well, we don't really need a UC. Mr. HALL and I know that we can trust each other, and so if he has someone that wants to speak later, we will certainly make that available at any time they come in on whatever amendment it might be.

Mr. Chairman, I reserve my time.

Mr. HALL of Texas. Mr. Chairman, I yield back the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Tennessee (Mr. GORDON).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. HALL OF TEXAS

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111–255.

Mr. HALL of Texas. Mr. Chairman, I rise as the designee for the amendment by the gentleman of Georgia (Mr. BROUN).

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. HALL of Texas:

Page 6, line 8, strike ''$560,000,000'' and insert ''$550,000,000''.

Page 6, line 9, strike ''$570,000,000'' and insert ''$550,000,000''.

Page 6, line 10, strike ''$580,000,000'' and insert ''$550,000,000''.

Page 6, line 11, strike paragraph (5).

Page 6, line 17, strike ''$210,000,000'' and insert ''$200,000,000''.

Page 6, line 18, strike ''$220,000,000'' and insert ''$200,000,000''.

Page 6, line 19, strike ''$230,000,000'' and insert ''$200,000,000''.

Page 6, line 20, strike paragraph (5).

Page 7, line 2, strike paragraph (5).

The CHAIR. Pursuant to House Resolution 745, 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 yield such time as he may consume to the gentleman from Georgia, Dr. BROUN, for his amendment.

(Mr. BROUN of Georgia asked and was given permission to revise and extend his remarks.)

Mr. BROUN of Georgia. Thank you, Mr. HALL.

Mr. Chairman, I rise to support my amendment.

Mr. Chairman, my amendment is very straightforward. To be blunt, I'm asking this body to show the tiniest sliver of fiscal restraint to freeze the authorization levels that this bill outlines at next year's levels.

As the bill is currently written, next year this body will authorize $550 million for advanced vehicle technology. This is money in addition to the billions of dollars in funding already authorized and made available to the auto industry in the Energy Independence and Security Act of 2007, and the millions more made available to them just this year in the nonstimulus bill.

Starting in 2011, and for the next 3 years, this authorization calls for $10 million in increases for each ensuing year. Surely, Mr. Chairman, we can all agree that with all of the money out there already and with the massive increases authorized in this bill, saving $30 million is more than reasonable. Additionally, because of all the money that is already available to this program and similar programs, my amendment asks that we end this legislation's funding authorization after 2013.

Mr. Chairman, we are spending money at record rates. And with a proposed health care reform bill, a potential highway bill, cap-and-trade, and a whole slew of other bills that will be considered in the near future, there does not seem to be any end in sight. Surely we can all agree that showing just a tiny bit of fiscal responsibility is in all of our best interests.

The American taxpayers and future generations are on the hook for trillions of dollars in spending, borrowing, and interest payments over the coming decades. I'm simply asking for us to show a modicum of restraint. For simply put, isn't $550 million a year for a program that already has multiple funding sources enough? I think so.

Mr. GORDON of Tennessee. Mr. Chairman, I rise in opposition to the amendment and claim the time.

The CHAIR. The gentleman from Tennessee is recognized for 5 minutes.

Mr. GORDON of Tennessee. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Chairman, I'd like to speak about the merits of this bill, the Advanced Vehicle Technology Act, which is an important step forward for revitalizing the auto industry in my district, in Michigan, and across our Nation.

This legislation will authorize $550 million in essential research funding, with the emphasis on medium and heavy duty commercial trucks and trailers that have previously been overlooked. Through federally directed research and development, the auto industry can move toward better, more fuel-efficient vehicles through applied research and development of materials and technologies. This will directly benefit a number of existing companies in their transition toward new parts and technologies for the domestic auto industry, and encourages entrepreneurs with an innovative idea to enter the market. This includes a number of existing and potential auto part suppliers and manufacturers in my district and throughout Michigan.

I would like to thank Chairman GORDON for yielding me the time, and I would also like to thank Congressman PETERS and Congresswoman BIGGERT for introducing this important legislation. I would encourage all my colleagues to support this bill and support the chairman on the amendments.

Mr. HALL of Texas. Mr. Chairman, I yield myself such time as I may consume.

I rise in support of the Broun amendment to reduce the authorization level in H.R. 3246. As I mentioned during the full committee markup, I have concerns over the amount of money being authorized in this bill; $2.43 billion over the 2010–2014 period, and $423 million after 2014, according to the Congressional Budget Office.

The Broun amendment would reduce the multiyear authorization by $650 million. Where the bill authorizes an increase of $10 million over the previous fiscal year for sections 5(a) and 5(b), the Broun amendment keeps each fiscal year's authorization constant and removes the authorization for fiscal year 2014 in sections 5(a), (b) and (c).

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

Mr. GORDON of Tennessee. Mr. Chairman, I reserve the balance of my time to close.

Mr. HALL of Texas. Mr. Chairman, I yield Dr. BROUN an additional 2 minutes.

Mr. BROUN of Georgia. I thank my friend, Mr. HALL, from Texas for yielding me more time.

Mr. Chairman, this legislation has support from both sides of the aisle, but as was made perfectly clear in our committee markup back in July, there are some serious concerns with the amount of money being authorized and where exactly it will go. In recent bills, such as the Wall Street bailout and the stimulus bill from earlier this year, we have provided a lack of appropriate oversight for the money being spent. I do not want to see us make the same mistake with this legislation.

Most of us can agree that developing alternative fuel cell technology is a necessary precursor to taking control of our energy consumption needs, and all of us on both sides of the aisle have that philosophy and believe in that, but simply throwing money at a problem is never a solution, and my amendment is just a good, commonsense improvement, however minor, to this otherwise very noble legislation. So I ask my colleagues to support this amendment, and I thank Mr. HALL.

Mr. HALL of Texas. Mr. Chairman, I yield back the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, while my colleague from Georgia has another amendment which we will gladly support, I am afraid I must reluctantly oppose this amendment on the grounds that it freezes funding for the bill at the 2010 levels and cuts the final year of funding.

I appreciate the gentleman's effort to keep costs down. He has been a champion, both in our committee and on this floor, for trying to make the government live in a more frugal way. However, in this situation, I need to point out that the funds that are authorized in this particular program do not duplicate any funds that are in the energy bill or the Recovery Act for this particular purpose.

I also want to point out that the amounts authorized in this bill fall upon recommendations from the National Academies of Science review of the program, as well as testimony in the committee and historic trends in the programs. The annual increases provided for in this bill are very modest and necessary for it to fulfill its goals, and I think for that reason we

have an unusual situation where this amendment is opposed by both the National Association of Manufacturers and the UAW.

Again, Mr. BROUN is doing nothing but trying to make us justify, I think, our spending, as he should. He has been a champion for that. In this situation, I think that we have made that case, and his amendment should be opposed and our good bill should move forward.

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

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. HALL).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. BROUN of Georgia. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. BROUN OF GEORGIA

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111–255.

Mr. BROUN of Georgia. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. BROUN of Georgia:

Page 15, after line 9, insert the following new section:

SEC. 105. REPORTING.

At the end of each fiscal year the Secretary shall submit to the relevant Congressional committees of jurisdiction an annual report describing activities undertaken in the previous year under this title, active industry participants, efforts to recruit new participants, progress of the program in meeting goals and timelines, and a strategic plan for funding of activities across agencies.

The CHAIR. Pursuant to House Resolution 745, the gentleman from Georgia (Mr. BROUN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. BROUN of Georgia. Mr. Chairman, I yield myself such time as I may consume and rise in support of my amendment.

(Mr. BROUN of Georgia asked and was given permission to revise and extend his remarks.)

Mr. BROUN of Georgia. Mr. Chairman, this amendment is very straightforward. In fact, it's just a small technical correction to the bill. As the bill is written, there are two titles. The first is specific to commercial and passenger vehicles, and the second is to medium-size and heavy duty vehicles. Both sections obviously deal with advanced vehicle technologies, but only one has a reporting requirement, title II. My amendment adds a reporting requirement to title I as well.

If enacted, the Secretary of Energy will have to submit an annual report to the relevant congressional committees on the implementation, progress, and long-term goals of this program.

This legislation authorizes a large amount of taxpayer dollars to a program that, like every other government program, is susceptible to waste, fraud, and abuse. The easiest way to combat that is through diligence and a certain amount of oversight and transparency. My amendment fits both of these requirements.

Mr. Chairman, we need to exercise more caution with where taxpayer dollars are being spent. That entails both doing more research about the programs that we are funding before we write and pass legislation as well as exercising our oversight responsibilities after the money has been authorized. This amendment is very simple. The simple technical corrections go directly towards fulfilling the latter objective.

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

Mr. GORDON of Tennessee. Mr. Chairman, I claim time in opposition to the amendment, although I am not opposed to the amendment.

The CHAIR. Without objection, the gentleman from Tennessee is recognized for 5 minutes.

There was no objection.

Mr. GORDON of Tennessee. Mr. Chairman, I want to thank Dr. BROUN for bringing this constructive amendment to our attention. I think the additional transparency and accountability will make this good bill an even better bill, and for that reason I urge adoption of Dr. BROUN's amendment.

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

Mr. BROUN of Georgia. I thank the chairman. He has been a great chairman for us, and I enjoyed working with Chairman GORDON on this issue. My dear friend from Texas, our ranking member, Mr. HALL, would like to speak, so I yield him 2 minutes. And I just very much appreciate the Chairman's acceptance of my amendment.

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Mr. HALL of Texas. Mr. Chairman, I rise in support of the Broun amendment. This amendment would require the Secretary to report to Congress on a yearly basis on the activities undertaken in the previous year under title I, such as active industry participants, efforts to recruit new participants, progress of the program in meeting goals and timelines, and a strategic plan for the funding of activities across agencies. This amendment allows the Congress and the public to monitor the success of activities in title I and to ensure that the money that is ultimately appropriated is being well spent.

Now, while I realize the Gordon amendment added a title I report, as I stated earlier, I would prefer the reporting language that is in Representative BROUN's amendment, as it is more comprehensive and mirrors the report language requirement in title II.

I would again express my hope that, in conference, the two authors of the reporting amendments could agree to merge their language so that all bases are covered.

Mr. BROUN of Georgia. Mr. Chairman, again, I thank Chairman GORDON for accepting my amendment. I greatly appreciate it. I think this is a commonsense amendment. It will offer more transparency and more accountability, which I think we ought to do in all legislation we pass. Unfortunately, there is not a lot of that around here with multiple branches of the Federal Government. I thank the chairman for accepting my amendment.

I urge a ''yes'' vote for everybody.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BROUN).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. PETERS

The CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111–255.

Mr. PETERS. Mr. Chairman, I rise as the designee for Mr. POLIS, and I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. PETERS:

Page 9, lines 11 and 14, redesignate paragraphs (24) and (25) as paragraphs (25) and (26), respectively.

Page 9, after line 10, insert the following new paragraph:

(24) retrofitting advanced vehicle technologies to existing vehicles;

The CHAIR. Pursuant to House Resolution 745, the gentleman from Michigan (Mr. PETERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. PETERS. Mr. Chairman, my colleague's amendment, which has been read, recognizes that it takes many years for a technology to be fully integrated into the Nation's vehicle fleet and that some technologies may actually be appropriate for the retrofitting of existing vehicles. Automakers have expressed some very strong concerns about how these aftermarket conversions are going to affect vehicles that are under warranty, and I share these concerns.

However, I support Mr. POLIS in the work that he is attempting to do with this amendment. I support the amendment, and I look forward to working with the gentleman to perfect the language in conference.

I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, though not opposed, I rise to claim the time on the Polis amendment.

The CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. HALL of Texas. I support the Polis amendment. The amendment would enable our constituents to continue driving the vehicles they currently own while taking advantage of

technology that would enable them to reduce their petroleum use perhaps faster than if they were to wait for a new vehicle to make its way from concept to showroom.

Mr. POLIS. Mr. Chair, I rise in support of my amendment to H.R. 3246, The Advanced Vehicle Technology Act of 2009, which was offered by Mr. PETERS, and the underlying bill. I would first like to thank Representative GARY PETERS, Representative JUDY BIGGERT, Science and Technology Committee Chairman GORDON, my colleagues on the committee, and the committee staff for crafting this legislation that will increase the efficiency of our nation's vehicle fleet while reducing our dependence of foreign oil.

Mr. Chair, at a time when manufacturers are struggling with rising costs and foreign competition, all too often companies are forced to choose between research and the development of new clean technologies or keeping their factory doors open. No manufacturer can be blamed for choosing to not turn their employees' families loose into the winter of unemployment.

America's talented workforce is our greatest resource and our manufacturing companies understand that preserving their workforce wherever possible is essential to weathering the storm of this recession. However, to best achieve economic recovery, we must not stop at merely creating jobs. We must restore America's role as a manufacturing leader. And this cannot be done without investing in innovation. H.R. 3246 will provide the research and design dollars essential to supporting innovation, and it will do so in a competitive process to ensure that the best technologies are supported and that America's transportation fleet is the most modern and efficient in the world.

This bill's economic impact—increased production, reduced operational costs, and ease of both private and commercial transportation—is matched in its environmental benefits. The investments we will make in biofuels and electric drivetrains, as well as refinements to reduce the consumption of combustion engines—including clean diesel—will clear our skies of smog while reducing our dependence on foreign oil. America's love affair with the automobile by right should continue; however, it is imperative that we take the initiative today to make vehicles cleaner and greener for tomorrow. Future generations should be able to take part in the tradition of the summer family road trip with a vehicle that not only meets the needs of a family, but is also powered by clean energy to preserve the pristine lands such as Rocky Mountain National Park in my home State of Colorado.

These innovations, however, do not come without costs nor do they help us by sitting on a shelf. Our environment does not have time to wait for our nation's entire fleet of vehicles to cycle through their useful lives. Our economy cannot afford for these advancements to be available only to the wealthy. This legislation wisely recognizes this issue as it pertains to costly heavy duty vehicles used by industry and mass transit by investing in technologies that can be retrofitted to existing fleets.

Mr. Chair, my amendment simply adds that we must invest in retrofitting passenger cars. Retrofit technology is essential to reducing our environmental impact, and it is so an issue of social equity. The financial relief from reduced fuel costs and the ability to choose clean domestic fuel over polluting foreign oil should be made available to all Americans, not only those who have the resources to buy a new car. My amendment ensures that the millions of Americans who are unable or uninterested in a new vehicle will benefit from this investment. Whether it is a beloved '69 Mustang or the family minivan, it is vital to our national economy and security to encourage private investment in our nascent biofuels industry, and most importantly, it is vital to our planet that every vehicle on the road is capable of being powered by clean, domestic energy.

Mr. Chair, the Advanced Vehicle Technology Act will be the jumpstart our nation's manufacturers, large and small, need to make our nation's transportation network clean, green, and powered by energy made in America. I congratulate Chairman GORDON, Representative PETERS, Representative BIGGERT and the Committee on Science and Technology on crafting this legislation and ask that my colleagues support my amendment and pass the underlying bill.

Mr. HALL of Texas. I yield back the balance of my time.

Mr. PETERS. Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. PETERS).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. POSEY

The CHAIR. It is now in order to consider amendment No. 5 printed in House Report 111–255.

Mr. POSEY. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. POSEY:

Page 15, after line 9, insert the following new section:

SEC. 105. INNOVATIVE AUTOMOTIVE DEMONSTRATION PROGRAM.

The Secretary shall establish an Innovative Automotive Demonstration Program, within the existing Vehicle Technologies Program, to encourage the introduction of new vehicles into the marketplace that are designed in their entirety to achieve very high energy efficiency but still provide the capabilities required by the American consumer. This program shall encourage introduction of new light duty vehicles into the marketplace capable of achieving energy efficiencies significantly greater than required under current and pending Federal Corporate Average Fuel Economy (CAFE) standards. This program shall also encourage the use of materials and manufacturing techniques that minimize environmental impacts. Awards under this section shall be made on a competitive basis for demonstration of vehicles that—

(1) carry at least four passengers;

(2) meet all Federal safety requirements;

(3) achieve at least 70 miles per gallon or the equivalent on the Environmental Protection Agency drive cycle;

(4) provide vehicle performance that is judged acceptable to the United States consumer;

(5) be affordable to the American consumer;

(6) use materials and manufacturing processes that minimize environmental impacts;

(7) meet all Federal and State emission requirements; and

(8) provide new high technology engineering and production employment opportunities.

The CHAIR. Pursuant to House Resolution 745, the gentleman from Florida (Mr. POSEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. POSEY. Mr. Chairman, I yield myself such time as may be necessary.

(Mr. POSEY asked and was given permission to revise and extend his remarks.)

Mr. POSEY. I thank the chairman and the ranking member for their work on this bill. Creating advanced vehicles is important if we are to reduce our dependence on foreign oil and to reduce emissions.

I am pleased to be joined by my colleague from Florida (Ms. KOSMAS) in offering this amendment. Our amendment makes sure that we explore all near-term options for increasing vehicle fuel efficiency. There are very near-term technologies that can be applied to develop and produce very high-mileage vehicles. Unfortunately, the possibility has not been a priority for the Department of Energy, and it has not been incorporated into the vehicle technologies program. The Department has been doing some very good work, but that work is focused on longer-term possibilities.

I think we need nearer-term solutions and interim advances. Our amendment would ask the Department to give full consideration to these nearer-term advances.

I am aware of companies that are close to demonstrating very high-mileage passenger vehicles. A partnership with the Department of Energy could be enough to make this a reality in a relatively short period. Our amendment asks the Department of Energy, within existing funds, to create a competitive program for demonstrating very high-mileage vehicles. These would be four-person vehicles that are affordable to the average family. We're talking about vehicles that would get 70, 80, 90, maybe 100 miles per gallon or more, which is clearly in excess of three times the current CAFE standards.

If there is a vehicle that could get that kind of performance and it could be made in America and could be on the market within 3 years, I think we definitely should explore that, and our amendment makes sure that the Department does explore that possibility.

I urge you to support the Posey-Kosmas amendment, and I reserve the balance of my time.

Ms. KOSMAS. Mr. Chairman, I rise to claim the time in opposition, although I do not oppose the amendment.

The CHAIR. Without objection, the gentlewoman from Florida is recognized for 5 minutes.

There was no objection.

Ms. KOSMAS. I rise in support of the Posey-Kosmas amendment and of this bill, H.R. 3246, the Advanced Vehicle Technology Act.

Our amendment would direct the Department of Energy to establish an Innovative Automotive Demonstration Program to award competitive grants for the purpose of demonstrating and for bringing to the market very high energy-efficient vehicles, achieving at least 70 miles per gallon in the near term.

Creating opportunities such as this ensures that we are utilizing the expertise of both the Department of Energy and of those in the industry who have real-world experience. This program will help to ensure that our Nation remains competitive in the world automotive market. Here at home, it will not only help us to meet new mileage and emissions requirements but to far exceed them.

Right now, companies across the Nation, including in central Florida, are researching and developing vehicles that will use lightweight materials and highly efficient engines, enabling them to potentially reach 100 miles per gallon. This program will help ensure that these companies are able to move past the R&D stage to demonstration and to full-scale manufacturing in the near term. Our Nation can lead the world in innovation and in technology achievements if we are willing to make the investment.

I would like to thank my friend and colleague, Congressman POSEY, for working with me on this important program which, I think, will be beneficial to consumers, which will help us to reduce our emissions and dependence on foreign oil, and which will lead to new jobs in central Florida and across the Nation.

I urge my colleagues to support the bipartisan Posey-Kosmas amendment and the underlying bill.

I reserve the balance of my time.

Mr. POSEY. Mr. Chairman, I yield to my colleague, the ranking member, the gentleman from Texas (Mr. HALL).

Mr. HALL of Texas. Mr. Chairman, I rise in support of the Posey amendment.

Mr. POSEY's goal is to direct the Department of Energy to give the same consideration to demonstrating vehicles using fossil fuels that can achieve 70 miles per gallon or more as they are to alternatively fueled vehicles and hybrids. I support that.

Mr. POSEY. Mr. Chairman, I yield back the balance of my time.

Ms. KOSMAS. Mr. Chairman, I yield to Chairman BART GORDON.

Mr. GORDON of Tennessee. Thank you, Ms. KOSMAS.

I appreciate your hard work on this amendment as well as Mr. POSEY's. You've brought us an amendment that is consistent with the overall goals of the bill but which requires some fine-tuning as we move through the conference process. With that understanding, we would still like to work with the gentleman and gentlewoman on perfecting the language as we move forward, and I support the amendment and urge its adoption.

Ms. KOSMAS. Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. POSEY).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. GORDON OF TENNESSEE

The CHAIR. It is now in order to consider amendment No. 6 printed in House Report 111–255.

Mr. GORDON of Tennessee. Mr. Chairman, I rise as the designee for Mr. KENNEDY, and I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. GORDON of Tennessee:

Page 10, line 12, insert ''qualified plug-in electric vehicle manufacturers,'' after ''transit vehicle manufacturers,''.

The CHAIR. Pursuant to House Resolution 745, 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, Mr. KENNEDY's amendment seeks to recognize that the Nation's vehicle fleet encompasses more than just 4-wheel passenger cars and large commercial trucks and that the ultra-efficient 2-wheel and 3-wheel vehicles should also be considered eligible for Federal research activities. I support my colleague's amendment and urge its adoption.

I reserve the balance of my time.

Mrs. BIGGERT. Mr. Chairman, I rise to claim time in opposition to the Kennedy amendment even though I am not necessarily opposed to the amendment.

The CHAIR. Without objection, the gentlewoman from Illinois is recognized for 5 minutes.

There was no objection.

Mrs. BIGGERT. Mr. Chairman, I just have a question of the designee, Mr. GORDON.

I am not sure that this amendment is necessary as I believe that a qualified plug-in electric vehicle manufacturer is considered an automotive manufacturer.

Do you think that there definitely needs to be something written into the amendment saying that a qualified plug-in electric vehicle manufacturer is considered an automotive manufacturer?

Mr. GORDON of Tennessee. I will yield to Mr. KENNEDY.

Mr. KENNEDY. Yes. To answer the gentlewoman's question, obviously, with advanced technology and energy-efficient vehicles, we're looking at all sorts of modes of transportation. Of course, in Europe, these modes of transportation, for the most part, are these small motor scooters. In fact, if we're looking to become energy independent and efficient and if we're trying to incentivize in this country the production and manufacturing of vehicles that are going to reduce our dependence on foreign oil and are going to promote energy efficiency, we cannot do this and miss a large part of the market that the rest of the world is utilizing in order for them to become more energy independent and more energy efficient.

That's why it is important that we actually put this in the language of the bill, because, otherwise, they will not be eligible for the incentives that we make available for 4-wheel vehicles. In fact, if the idea is to promote all of these kinds of vehicles, we ought to make sure that it says that distinctly in the language.

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Mrs. BIGGERT. Reclaiming my time, as I said, I am not necessarily opposed. I just wanted clarification whether you thought that these vehicles would not be included in this bill, if they were not addressed.

Mr. KENNEDY. We have found already that these vehicles have not been able to garner the loan assistance that has been already available in other pieces of legislation and in the stimulus bill and previous legislation because they don't come under the strict definition of a 4-wheel vehicle.

We have tried to make the regulations flexible enough to say that they are two and can be retrofitted to become four, but, of course, that's kind of a stretch in the fact that the manufacturing process can be expanded to make 4-wheel vehicles out of these 2-wheel kinds of systems, but it's not the intended purpose of these manufacturing facilities. That's why we want to put it in specifically to mention 2- or 3-wheel vehicles.

Mrs. BIGGERT. Reclaiming my time, I would not oppose the amendment.

I yield back the balance of my time.

Mr. GORDON of Tennessee. First let me thank Mrs. BIGGERT for the work she has done in bringing this bill to us, as well as the work for those legitimate questions that I think need to be answered, and I think Mr. KENNEDY did answer.

I yield the balance of my time to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY. I appreciate the gentlelady, and thank the gentleman from Tennessee for yielding me this time.

I won't go on any further than I have already explained except to say that obviously there are good green jobs. We talk about good green jobs in this bill. This is about good green jobs.

These vehicles are already being sold to police departments as public safety vehicles all across America. These Vectrix vehicles that are made in my State are electrical vehicles that have enormous capacity in the metropolitan areas. And, frankly, they are obviously great for the environment, but they are also fuel efficient, and they provide a great alternative to vehicles that we have since relied on that create such pollution in our air.

So I think this is good. It's creating good jobs here domestically.

And if we provide the loans, then we can keep these manufacturing jobs here at home. Roughly, 16,000 jobs are anticipated, conservatively, within the next 5 years as a result of just loans that can be made through the Department of Energy as a result of this amendment.

So I would ask that my colleagues favorably support this amendment.

Mr. Chair, I rise in support of my amendment, offered by Mr. GORDON, an amendment to ensure that this valuable legislation includes all manufacturers of qualified plug-in electric vehicles.

Right now, there are a dozen companies in our country that are designing and manufacturing 2- and 3-wheeled electric vehicles. They have not been able to participate in Department of Energy funding opportunities, not because they lack merit, but because they simply don't have 4 wheels.

If these companies had access to Department of Energy loans on the same basis as the rest of their industry, they could create 900 green jobs in the next year and 16,000 jobs in the next 5 years. With our current unemployment, we cannot afford to leave one job on the table.

My amendment is simple. It ensures that all manufacturers producing qualified plug-in electric vehicles are eligible under this legislation. In the past, innovative vehicles like electric motorcycles were left out simply because they did not conform to outdated definitions.

My amendment clarifies that these groundbreaking vehicles and their manufacturers are eligible under the program using a definition from existing law.

The electric vehicle industry has an opportunity to profoundly influence our nation's future. It can help to preserve our environment, revitalize our manufacturing base and help free us from our dependence on fossil fuels.

I urge my colleagues in the House to join me in support of all plug-in electric vehicles and adopt this amendment.

Mr. GORDON of Tennessee. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Tennessee (Mr. GORDON).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. GORDON OF TENNESSEE

The Acting CHAIR (Mr. SABLAN). It is now in order to consider amendment No. 7 printed in House Report 111–255.

Mr. GORDON of Tennessee. Mr. Chairman, I rise as the designee for Mr. HOLT, 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. 7 offered by Mr. GORDON of Tennessee:

Page 20, line 13, insert ''including agricultural and construction equipment,'' after ''nonroad equipment,''.

The Acting CHAIR. Pursuant to House Resolution 745, 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, Mr. HOLT's amendment would further clarify the pilot program for nonroad equipment. It is meant to include large mobile equipment as found in sectors such as agriculture and construction. The technologies used in these sectors are analogous to those found in on-road medium to heavy-duty trucks, and greater transfer of technology between sectors would benefit all.

This is a good amendment, and I urge the adoption.

I reserve the balance of my time.

Mrs. BIGGERT. Mr. Chairman, I rise to claim the time in opposition to the Holt amendment, even though I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentlewoman from Illinois is recognized for 5 minutes.

There was no objection.

Mrs. BIGGERT. Mr. Chairman, I support the Holt amendment. I think that this amendment makes clear that the pilot program was intended to include agricultural and construction nonroad equipment.

Therefore, I do support the amendment.

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. 8 OFFERED BY MR. MARSHALL

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 111–255.

Mr. MARSHALL. 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. MARSHALL:

Page 8, line 24, insert '', including the unique challenges facing rural areas'' after ''electric hybrid vehicles''.

The Acting CHAIR. Pursuant to House Resolution 745, the gentleman from Georgia (Mr. MARSHALL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. MARSHALL. Mr. Chairman, the bill provides that the Secretary shall conduct research. It actually mandates that the Secretary conduct research that's designed to improve the efficiency of vehicles that are used in transportation and the infrastructure that refuels or recharges those vehicles.

Mr. Chairman, it does not specifically, as it now stands, direct the Secretary to consider the unique challenges that face rural areas with regard to these issues. The population is not as dense. It can be more expensive to develop the infrastructure.

The distances typically that have to be covered by those who are using vehicles are greater. The infrastructure is probably going to have to be a little denser to take that into account, relatively speaking.

In rural areas you will find that many people use larger vehicles. Pickup trucks are very common, and it's not simply because folks like pickup trucks, it's because folks have heavy things to carry, large loads fairly regularly.

These are unique challenges that face rural America. And rural America is also that portion of America that really doesn't have a lot of extra money in its pocket to meet transportation costs.

So I think it's particularly appropriate that we specifically direct the Secretary to take into account the unique challenges facing rural America when it comes to transportation issues generally, and when it comes to our attempts to improve, make more efficient, make more cost efficient, make cleaner our use of transportation across the country.

I think the amendment should be noncontroversial. I certainly hope so.

I reserve the balance of my time.

Mrs. BIGGERT. Mr. Chairman, I rise to claim the time in opposition to the Marshall amendment, even though I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentlewoman from Illinois is recognized for 5 minutes.

There was no objection.

Mrs. BIGGERT. Mr. Chairman, I am supportive of the Marshall amendment. As the amendment states, there are unique challenges facing rural areas, especially in regards to refueling and infrastructure for alternative-fuel vehicles, such as those that run on natural gas and hydrogen or electric or plug-in electric hybrid vehicles that require an electrical outlet.

I thank Mr. MARSHALL for trying to ensure that rural Americans have the same benefits in this area as their urban counterparts.

With that, I would support this amendment.

I yield back the balance of my time.

Mr. MARSHALL. I thank the gentlelady for her support. I think all rural Americans thank the gentlelady for her support.

What I would like to do right now, Mr. Chairman, if I could ask, is yield some time to the gentleman from New Jersey (Mr. HOLT) whose amendment was just considered and adopted. Mr. HOLT couldn't be here at the time the amendment was considered, and I know he wants to speak a little bit about his amendment.

Mr. HOLT. Mr. Chairman, I thank my respected friend from Georgia and also the chairman for their support of my legislation, this amendment that is really quite simple, and I appreciate their support of it.

There is nothing in the bill that would prohibit the use of funds for advanced agriculture vehicles. My

amendment, as adopted, simply underscores the importance of research and development in this arena.

Rising food costs have been one of the greatest burdens of America's struggling families, and the cost of fuel in transporting agricultural products has been a major factor in these costs increases.

According to the U.S. Department of Agriculture, prices for what the department calls ''food at home,'' which includes grocery stores, convenience stores and food at farmers markets, will rise 2 to 3 percent this year following an increase of 6.4 percent last year, they say the highest jump in nearly two decades. Increasing food prices are expected to outpace increases in the Consumer Price Index.

Granted, the cost of fuel is only one factor in these increases. But everything we can do to ease the burden of high fuel costs of agricultural products certainly will help. Coming from the Garden State, which has a long agricultural tradition, I feel that this is as important an issue for my constituents as for those in the other 49 States.

I will continue to work to find ways to make agricultural production less costly, more sustainable.

Mr. Chair, I rise today in support of my amendment to the Advanced Vehicle Technology Act (H.R. 3246 which was offered by Mr. GORDON of Tennessee), to ensure that funding for the pilot program will be applied towards the development of more fuel efficient agricultural vehicles.

There is nothing in the bill that would have prohibited the use of funds for advanced agriculture vehicles; my amendment simply underscores the importance of research and development in this arena.

Rising food costs have been one of the greatest burdens on our struggling families, and the cost of fuel in producing and transporting agricultural products has been a major factor in these cost increases. According to experts from the U.S. Department of Agriculture, prices for what the Department calls ''food at home,'' which includes purchases at grocery stores, convenience stores and farmers' markets, will rise 2 to 3 percent this year, following an increase of 6.4 percent last year, ''the highest jump in nearly two decades.'' Increasing food prices are expected to outpace increases in the Consumer Price Index.

Granted, the cost of fuel is not the only factor behind the increasing price of food. But everything we can do to ease the burden of high fuel costs on agricultural production will help. Coming from the Garden State which has a long agricultural tradition, this is an important issue to my constituents.

I will continue to work to find ways to make agricultural production less costly and more sustainable, because I believe it is critical to our food security. I urge my colleagues to support this amendment.

Mr. MARSHALL. Mr. Chairman, I would like to yield 30 seconds to the chairman of the committee, who continues to regularly beat me in every running race we have, the gentleman from Tennessee.

Mr. GORDON of Tennessee. More importantly, I want to thank you for this very excellent, constructive amendment. It seeks to recognize the unique challenges faced by rural communities as we move toward greater electrification of the transportation sector.

I too share the concern for my constituents in Middleton, Tennessee. This is an excellent amendment, an improvement to a good bill, and I urge its adoption.

Mr. MARSHALL. If I could just wrap up, you know, I am no expert in this area, but I do know rural areas. And with the distances, the weights of vehicles, it seems to me that natural gas and natural gas distribution facilities and hybrid engines probably are what we are going to need in rural areas more than anything else, and that pure electric isn't going to work very well.

But that's for the experts to figure out. What this amendment does is essentially direct the Secretary to make sure that the experts do focus on questions like that.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. MARSHALL).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. COHEN

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 111–255.

Mr. COHEN. 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. 9 offered by Mr. COHEN:

Page 10, lines 1 through 3, amend paragraph (2) to read as follows:

(2) multiple battery chemistries and novel energy storage devices, including nonchemical batteries and electromechanical storage technologies such as hydraulics, flywheels, and compressed air storage;

The Acting CHAIR. Pursuant to House Resolution 745, the gentleman from Tennessee (Mr. COHEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

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

I would first like to commend Representative PETERS and the Science and Technology Committee for sponsoring this forward-looking piece of legislation and, of course, Chairman GORDON for his outstanding work in bringing this to the floor.

For more than a century the United States has been the home to automobile innovation. This innovation made the U.S.A. the world leader in automobile production and automobile design. Cars and the United States were almost synonymous.

However in recent years the United States has fallen far behind Asian and European automakers and countries there with regard to vehicle innovation, especially when it comes to fuel efficiency. As gas prices continue to rise and American citizens become more concerned about global warming and energy security, they have responded by purchasing more fuel-efficient vehicles.

So the American car manufacturer must meet that demand to stay active and viable. Finding a safe, affordable and clean alternative to oil will not be cheap nor easy. Public and private entities will have to work cooperatively to solve this technological problem. Old-fashioned American entrepreneurship will need to be working on the cutting edge of technological advancements to keep our automobile industry alive.

From hydrogen fuel cells to electric cars, these innovators are leaving no stone unturned when it comes to finding energy solutions. So with such an array of technologies holding so much promise, we cannot afford to ignore any promising technology. With this in mind, Amendment No. 9 assures electromechanical storage technologies such as hydraulics, flywheels and compressed air storage are also allowed to be researched under this Department of Energy program.

These technologies hold tremendous promise and need to be explored as energy alternatives. For example, existing compressed air cars average more than 115 gas-equivalent miles per gallon and can reach speeds of up to 90 miles an hour. Most importantly, these cars emit almost zero carbon dioxide and only cost $2 to $3 to fill up.

□ 1415

Technologies such as compressed air are not yet perfect; however, with the passage of the Advanced Vehicles Technology Act, these innovative technologies can receive the funding they need to transform a novel fuel source into an energy solution of the future. Doing so will spur development throughout the country in small scientific laboratories, and one in Memphis, Bioworks, in my district might be one that engages in this, as well as in the massive grounds of General Motors, Ford, and other American manufacturing plants.

The economic competitiveness and safety of the United States depends upon the ability of American entrepreneurs to develop viable alternatives to oil. In order to ensure our future security, we must make a down payment on the future of our country by seriously investing in alternative energy research.

For these reasons, I strongly urge the passage of this amendment to the Advanced Vehicles Technology Act, which simply gives another alternative to the Department of Energy to move us into the future in a progressive and sound way.

Mrs. BIGGERT. Mr. Chairman, I rise to claim the time in opposition to the Cohen amendment even though I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentlewoman from Illinois is recognized for 5 minutes.

There was no objection.

Mrs. BIGGERT. Mr. Chairman, I do support the amendment. I think it simply lays out examples of electromechanical storage technologies to make sure that they are included in this bill.

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

Mr. COHEN. Mr. Chairman, I yield to the gentleman from Murfreesboro, Tennessee (Mr. GORDON), the chairman of the committee.

Mr. GORDON of Tennessee. I thank Mr. COHEN for yielding.

I also thank him for presenting this good amendment to us. It seeks to recognize the full range of energy storage devices that can be incorporated into vehicles, including beyond batteries. We have worked with Mr. COHEN in perfecting the language. It's a good amendment, and I urge adoption.

Mr. COHEN. Mr. Chairman, I urge a positive vote on the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Tennessee (Mr. COHEN).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY DONNELLY OF INDIANA

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 111–255.

Mr. DONNELLY of Indiana. 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. 10 offered by Mr. DONNELLY of Indiana:

Page 15, line 20, insert ", recreational," after "heavy-duty commercial".

Page 17, line 11, insert ", recreational," after "heavy-duty commercial".

The Acting CHAIR. Pursuant to House Resolution 745, the gentleman from Indiana (Mr. DONNELLY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. DONNELLY of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Americans across the country have, for decades, taken their families and recreational vehicles to national parks, historic battlefields, and other tourist sites and towns that are uniquely American. Despite the recent economic downturn and increase in gas prices, thousands more RVs will continue to be sold each year.

My amendment is simple: Include RVs as eligible for vehicle technologies research at the Department of Energy under section 201 of the bill dealing with medium and heavy duty and transit vehicles.

The RV industry has been moving in the right direction with fuel efficiency research; however, just as with other medium and heavy duty vehicles, the costs of such research for RVs are high. High costs in a tough economic climate slow progress by making it difficult for companies to set sufficient research funding aside.

Including RVs among medium and heavy duty vehicles makes sense because of their similar size, weight, and power train. H.R. 3246 prioritizes making our vehicle fleet in the United States as fuel efficient as possible by developing and promoting new technologies, and our amendment clarifies that recreational vehicles should be part of these efforts, ensuring that the thousands of new RVs that drive onto America's roads each year are using the least amount of fuel possible.

I strongly support H.R. 3246 and believe this amendment to include RVs will make the program more successful in ensuring medium and heavy duty vehicles are more efficient energy users.

Mr. Chairman, I strongly support this bill, and I thank Chairman GORDON and Mr. PETERS for their work on this legislation to help make the vehicles on our roads more fuel efficient and our auto industry more competitive for the future. I would also like to thank my good friends and colleagues Mr. SOUDER and Mr. DEFAZIO for their support of this amendment.

I urge the House to support my amendment and also to support the underlying bill.

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

Mrs. BIGGERT. Mr. Chairman, I rise to claim time in opposition to the Donnelly amendment.

The Acting CHAIR. The gentlewoman from Illinois is recognized for 5 minutes.

Mrs. BIGGERT. Mr. Chairman, I have some real concerns with this amendment. I just wonder if this bill is really the proper place for this amendment that includes recreational vehicles in a title of the bill that is intended to provide research, development, demonstration, and commercial application on medium to heavy duty commercial and transit vehicles, and I'm afraid that this amendment would divert funds from an area of research that would be more beneficial to the population at large. And I would have a question to ask of the sponsor for clarification.

There is a definition of the recreational vehicle. Would this include not just a commercial truck or bus type of vehicle, but does this include all RVs that could be a pickup or a van that they would be attached to?

Mr. DONNELLY of Indiana. If the gentlewoman will yield, this includes bus-like vehicles. This does not include towables or pickups.

Mrs. BIGGERT. Reclaiming my time, so in other words, this would be the same kind of chassis that would be in one of the commercial trucks?

Mr. DONNELLY of Indiana. It would be very similar to those chassis, yes, to fit in with the spirit of this section.

Mrs. BIGGERT. Another concern is that this is for recreational vehicles and this is limited taxpayer money. Do you think that the American people would like to see this included as the type of research and development that we would be asking to designate——

Mr. DONNELLY of Indiana. Will the gentlewoman yield?

Mrs. BIGGERT. I yield.

Mr. DONNELLY of Indiana. I absolutely think the American taxpayers would be in support of this because it creates jobs and it creates opportunity. So, yes, I do.

Mrs. BIGGERT. Mr. Chairman, the RV is an optional purchase for a consumer, usually used for vacation purposes. We've been talking about recreational. And, again, I really have some concerns of spending taxpayer funds on research and development. If the gentleman could convince me that this would lower the fuel consumption so much that it would save—

Do you have any idea how many recreational vehicles there are that would benefit from this research?

Mr. DONNELLY of Indiana. Will the gentlewoman yield?

Mrs. BIGGERT. Yes, I yield to the gentleman.

Mr. DONNELLY of Indiana. We would have a lot more sold if we had better mileage. That's the attempt on this. We are trying to save millions of gallons of gasoline and of diesel each year and to create thousands and thousands of additional jobs and strengthen our economy, very much the same type of goals that we have had in the other programs that are part of this.

Mrs. BIGGERT. I thank the gentleman. And I'm afraid I must still stand in opposition to this amendment.

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

Mr. DONNELLY of Indiana. Mr. Chairman, I yield 30 seconds to the chairman, the gentleman from Tennessee (Mr. GORDON).

Mr. GORDON of Tennessee. I thank Mr. DONNELLY for yielding.

In this bipartisan amendment, my colleagues seek to recognize the unique requirements of the types of vehicles commonly known as recreational vehicles. They highlight an important industry within the medium to heavy duty truck sector, and I would point out that these are heavy users of fuel. If we can make them more fuel efficient, we certainly are going to make our country less dependent on foreign oil. I think that this is an excellent use of these research dollars, and I support the amendment.

Mr. DONNELLY of Indiana. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Indiana (Mr. DONNELLY).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mrs. BIGGERT. 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 Indiana will be postponed.

AMENDMENT NO. 11 OFFERED BY MR. ALTMIRE

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in House Report 111–255.

Mr. ALTMIRE. Mr. Chairman, I rise as the designee of Congressman SESTAK, the author of amendment No. 11.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. ALTMIRE:

Page 14, line 5, insert ''advanced battery'' after ''vehicle, engine,''.

Page 14, line 16, strike ''; and'' and insert a semicolon.

Page 14, line 17, redesignate paragraph (8) as paragraph (9).

Page 14, after line 16, insert the following new paragraph:

(8) improve the calendar life and cycle life of advanced batteries; and

The Acting CHAIR. Pursuant to House Resolution 745, the gentleman from Pennsylvania (Mr. ALTMIRE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. ALTMIRE. Mr. Chairman, the legislation before us would reauthorize the Department of Energy's Vehicle Technologies Program, which invests in advanced vehicle research and development. This program taps American ingenuity to create good-paying American jobs and, importantly, reduce our dependence on foreign oil.

The Advanced Vehicle Technology Act requires the Energy Secretary to research and develop advanced automobile battery manufacturing. Automotive batteries for plug-in hybrids and electric vehicles are promising, but they are not yet fully competitive in the market.

Congressman SESTAK's amendment would require the Secretary to consider two additional factors in bringing advanced batteries for plug-in vehicles and electric cars to market.

First, electric vehicle batteries are limited by the number of times they can be charged and depleted before the battery fails entirely. To extend battery life cycles, vehicle manufacturers oversize the batteries, often extending battery life but then sacrificing cost and efficiency in the process. The gentleman's amendment would require research and development of technology to efficiently increase battery life.

Second, vehicle battery manufacturing is an energy-and emissions-intensive process, which ultimately contributes to an electric vehicle's carbon footprint. Congressman SESTAK's amendment would require the Energy Secretary to research and develop new technologies to increase efficiency in the battery manufacturing process.

I thank Chairman GORDON, and I urge support for Mr. SESTAK's amendment.

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

Mrs. BIGGERT. Mr. Chairman, I rise to claim the time in opposition to the Sestak amendment even though I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentlewoman from Illinois is recognized for 5 minutes.

There was no objection.

Mrs. BIGGERT. Mr. Chairman, I rise in support of the Sestak amendment.

As we conduct research and development and produce and manufacture advanced batteries, it makes sense to, at the same time, look into ways to not only reduce waste streams, emissions, and energy intensity, but also to improve the calendar life and cycle life of these advanced batteries.

Mrs. BIGGERT. Mr. Chairman, I yield back the balance of my time.

Mr. ALTMIRE. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. ALTMIRE).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MR. MASSA

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 111–255.

Mr. MASSA. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. MASSA:

Page 11, lines 12 through 14, amend paragraph (4) to read as follows:

(4) give consideration to conversion of existing or former vehicle technology development or manufacturing facilities for the purposes of this Act, and support public-private partnerships dedicated to overcoming barriers in commercial application of transformational vehicle technologies that utilize such industry-led facilities; and

The Acting CHAIR. Pursuant to House Resolution 745, the gentleman from New York (Mr. MASSA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

□ 1430

Mr. MASSA. Mr. Chairman, I yield myself such time as I may consume.

The importance of this bill and the support for critical new vehicle technologies in the United States simply cannot be overstated. The future of the American automobile industry and its accompanying tens of thousands of American jobs rest on the ability of domestic car companies to research, develop and commercialize new, clean, efficient technologies that will be the backbone of a new U.S. vehicle market in the future and for future generations.

We have achieved many breakthroughs in advanced vehicle technologies; and I am certain with the continued support from Congress and the American people, this progress will continue. Taking these breakthroughs from research to reality, however, has been an ongoing challenge for American innovators. Facing many barriers that prevent breaking new technologies getting to the marketplace, automobile companies have always had challenges commercializing advanced vehicles to help reduce our Nation's dangerous, if not critically dangerous, dependence on foreign oil, should I say hostile foreign oil.

Much of the focus of the past efforts by the Federal Government has been on the research side. With this amendment, the equally important commercialization part will now receive attention.

My amendment will help change this emphasizing the importance of those barriers to commercialization and by supporting new ways to help our domestic car companies bring advanced vehicle technologies online. Beyond support for research and development, we must follow through completely on our obligations to the American people to develop real solutions to our growing energy crisis. We cannot be satisfied with abandoning new technologies every time they leave the laboratory. We must help our automobile makers carry these technologies across the finish line or face the alternative as we have in the past and seen time and time again where U.S. innovation and research is picked up and developed by foreign competitors. Thus, we lose our market share and advantage in the marketplace.

To support true, real change and to bring about a serious new change for new generations of advanced technology vehicles in the United States, we must focus on basic research and on public-private partnerships that utilize the expertise of industry to conquer the many impediments to commercializing these promising new technologies.

I reserve the balance of my time.

Mrs. BIGGERT. Mr. Chairman, I claim the time in opposition to the Massa amendment, and I am not necessarily in opposition to the amendment.

The Acting CHAIR. Without objection, the gentlewoman from Illinois is recognized for 5 minutes.

There was no objection.

Mrs. BIGGERT. Mr. Chairman, I do have some concerns about the gentleman's amendment. As I read the amendment, I note that Mr. MASSA is adding language that would support public-private partnerships dedicated to overcoming barriers in commercial application of transformational vehicle technologies that utilize such industry-led facilities.

Perhaps the gentleman could explain in a little more detail who would be able to take advantage of this change and what types of activities it would allow.

Mr. MASSA. Would the gentlelady yield?

Mrs. BIGGERT. I yield to the gentleman.

Mr. MASSA. I think your question cuts to the core of what public-private

partnerships can do to help American industry. First, this is targeted at the domestic American automobile industry. As we have seen over and over again as our competitors around the world do everything they can to lower barriers to business competition and business commercialization, I seek to give that opportunity to our industries as well.

You know, having spent some time in business running a factory line, I understand what it means to get to the finish line, have a great product and then face barrier upon barrier of unnecessary regulation when all I need is an open line of communication to be able to overcome these. This is the spirit in which this amendment is offered, to offer the maximum amount of opportunity to our domestic industry. I think that not only the American people but my colleagues and good friends across the aisle can join me in that spirit.

Mrs. BIGGERT. Reclaiming my time, can you give me an example of a barrier?

Mr. MASSA. Would the gentlelady yield?

Mrs. BIGGERT. I yield.

Mr. MASSA. As a specific opportunity, we all know that State and Federal governments have a tremendous amount of data capability to be able to do market research and understand how the marketplace operates. And yet many times, because a corporation or a company or a private manufacturer is private, they cannot readily access that information. That is a key example of the kinds of barriers to commercialization that we must remove. These are lessons that our good friends and allies across the world, who frankly are our economic competitors, have already realized and moved forward on. I seek to give our domestic manufacturers the exact same advantages.

Mrs. BIGGERT. Reclaiming my time, you said it would help the American manufacturers. Is it one specific manufacturer, or who would this benefit? I want to make sure that it is not just a specific manufacturer.

Mr. MASSA. Would the gentlelady yield?

Mrs. BIGGERT. I yield.

Mr. MASSA. Certainly the context of this amendment is offered with the specific focus of assisting domestic automobile manufacturers. But as I am sure the gentlelady would agree with me, automobile manufacturing is such a large and encompassing industrial activity, that this will not only go from the factory floor in Detroit but may in fact help the small mom-and-pop manufacturers that support that activity. So this will have a very broad benefit across a wide spectrum of economic activities, ultimately focused on helping advanced vehicle technologies.

Mrs. BIGGERT. Reclaiming my time, I just want to make sure that we all understand the intent so we can make an informed decision as to whether it is appropriate to this bill.

Could you give me a little more on who benefits from this and the barriers?

Mr. MASSA. Would the gentlelady yield?

Mrs. BIGGERT. I yield to the gentleman.

Mr. MASSA. I can certainly do that, perhaps with your concurrence, by offering a specific example.

As we face new technologies, be they hybrid, be they new fuel sources like second-generation ethanol or hydrogen, those technologies as they mature across a pilot production line will ultimately produce a vehicle that will be offered to the American people. The business model of going from the laboratory to the actual showroom floor is as complex as the research and development.

This amendment seeks to recognize that and lower those barriers. Visualize, if I might offer this: as the vehicle rolls out of the laboratory, and we have all raised children, I have a teenager. I know how to get that teenager through college. And by golly, that is what this concept does. It helps that vehicle stand on its own so it can be proudly purchased by Americans.

Mrs. BIGGERT. Reclaiming my time, I know you are talking about the commercialization, which is what we sometimes call the ''valley of death'' for companies to get out beyond the demonstration to the marketplace which is probably the hardest for so many companies. And you think that this will help a lot of different companies be able to do that?

Mr. MASSA. Would the gentlelady yield?

Mrs. BIGGERT. I yield.

Mr. MASSA. Based on my personal experience of having run production lines in factories, I am certain that this will help in the commercialization of American-made products and thus help the American manufacturing sector.

Mrs. BIGGERT. With that, I yield back the balance of my time.

Mr. MASSA. Mr. Chairman, I yield 1 minute to the Chair and the individual who is responsible for allowing me the honor of presenting this amendment, the gentleman from Tennessee (Mr. GORDON).

Mr. GORDON of Tennessee. Let me thank Mr. MASSA for bringing this excellent amendment to our attention. It makes a good bill better. I support it.

Let me conclude by saying that this bill moved relatively smoothly today. This is a very important bill, but it didn't happen by accident. I want to thank Mrs. BIGGERT and Mr. HALL for working with Mr. PETERS in really a collegial way to bring this important bill before us.

But as all Members of Congress know, if it wasn't for diligent, dedicated staff, we could not bring this type of important legislation before us. So I want to thank Chris King, who is the staff director for the Energy Subcommittee on the Science and Technology Committee, and for leading a good team of John Piazza, Hillary Cain, Elizabeth Chapel, and for working with Jonathan Smith from Mr. PETERS' office. Without your work, we could not have brought this bill, and I thank you for it.

Mr. MASSA. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. MASSA).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. MASSA. 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 New York 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 House Report 111–255 on which further proceedings were postponed, in the following order:

amendment No. 2 by Mr. HALL of Texas,

amendment No. 10 by Mr. DONNELLY of Indiana,

amendment No. 12 by Mr. MASSA of New York.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 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 vote was taken by electronic device, and there were—ayes 179, noes 253, not voting 7, as follows:

[Roll No. 705]

AYES—179

Aderholt	Broun (GA)	Cole
Adler (NJ)	Brown (SC)	Conaway
Akin	Brown-Waite, Ginny	Crenshaw
Alexander	Buchanan	Culberson
Altmire	Burgess	Davis (KY)
Bachmann	Burton (IN)	Deal (GA)
Bachus	Buyer	Dent
Barton (TX)	Calvert	Diaz-Balart, L.
Berry	Campbell	Diaz-Balart, M.
Biggert	Cantor	Doggett
Bilbray	Cao	Dreier
Bilirakis	Capito	Duncan
Bishop (UT)	Carney	Emerson
Blackburn	Carter	Fallin
Blunt	Cassidy	Flake
Boehner	Castle	Fleming
Bono Mack	Chaffetz	Forbes
Boozman	Childers	Fortenberry
Boustany	Coble	Foxx
Brady (TX)	Coffman (CO)	Franks (AZ)
Bright		Frelinghuysen

Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Himes
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McMahon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (NY)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—253

Abercrombie
Ackerman
Andrews
Arcuri
Austria
Baca
Baird
Baldwin
Barrow
Bartlett
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bonner
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Camp
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E.B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirk
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rogers (AL)
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
Shea-Porter
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—7

Barrett (SC)
Capps
Gohmert
McHugh
Schmidt
Sestak
Tanner

□ 1507

Messrs. WALZ, ROTHMAN of New Jersey, SALAZAR, DICKS, POLIS of Colorado, Ms. WOOLSEY, Messrs. BRALEY of Iowa, MCCOTTER, HOEKSTRA, MCDERMOTT, DAVIS of Tennessee, CAPUANO, Mrs. MCCARTHY of New York, Messrs. BONNER, LYNCH, FALEOMAVAEGA, MOLLOHAN, and Ms. TSONGAS changed their vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. BACA was allowed to speak out of order.)

ROLL CALL CUP

Mr. BACA. Mr. Chair, on Monday we had a match, which is the Roll Call Cup, between the Democrats and the Republicans, our Ryder Cup, and we've had a series of matches. In the past, the Republicans have won it 4 years in a row. This year the Democrats won it to make it 4 years in a row by winning the series 12–5.

I want to thank both of the team captains who have worked so hard on the Ryder Cup, and that's ZACH WAMP on the Republican side for doing a good job and JOHN TANNER, who has been the representative for us.

But the real winners here are First Tee and Roll Call because this really goes out to help many underprivileged kids here in Washington, D.C., with the ability to play golf.

So again, on behalf of the Democrats who retain the cup for the fourth year in a row, thank you very much.

At this time I would like to yield some time to ZACH WAMP.

Mr. WAMP. Mr. Chairman, I just would like to add that we want to thank Dan Tate, Sr. with the PGA. We want to thank the First Tee program, which is much more than golf, ladies and gentlemen. It is a leadership, development and training program for young people. They now have First Tee facilities compliments of, frankly, the Congress at military bases all across the country and in 19 foreign countries.

The only highlight of this year's loss was that our three freshmen, Mr. ROE of Tennessee, Mr. ROONEY of Florida and Mr. HUNTER of California, performed admirably. So there is hope for next year and for the future. With that, congratulations to the Democrats. It is now 4–4. We look forward to raising money for First Tee in the future. From this year and in previous years, this event in 7 years has raised well over $1 million for the First Tee program, and for that, we should all be grateful.

I yield back to the gentleman from California.

Mr. BACA. Thank you very much.

Mr. Chair, if I may thank the Democrats who participated, and that is JOHN YARMUTH, JOHN TANNER, CHET EDWARDS, JIM CLYBURN, ALBIO SIRES, JIM COOPER, MIKE DOYLE, BART STUPAK, CHRIS CARNEY and ED PERLMUTTER. I want to thank the Ryder Cup team for their participation.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Without objection, 5-minute voting will continue.

There was no objection.

AMENDMENT NO. 10 OFFERED BY MR. DONNELLY OF INDIANA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. DONNELLY) 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 will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 369, noes 62, not voting 8, as follows:

[Roll No. 706]

AYES—369

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cao
Capito
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castor (FL)
Chandler
Childers
Christensen
Chu
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw

Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Forbes
Foster
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McClintock
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 (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Pitts
Platts
Polis (CO)
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sutton
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—62

Bartlett
Barton (TX)
Biggert
Bishop (UT)
Boehner
Boustany
Broun (GA)
Burgess
Cantor
Carter
Castle
Chaffetz
Coble
Conaway
Dent
Doggett
Flake
Fleming
Fortenberry
Foxx
Gallegly
Gohmert
Granger
Graves
Hall (TX)
Hastings (WA)
Heinrich
Heller
Hensarling
Inglis
Issa
Johnson, Sam
Kingston
Lamborn
Linder
Lummis
Lungren, Daniel E.
Marchant
McCarthy (CA)
McCaul
Miller, Gary
Moran (KS)
Murphy, Tim
Neugebauer
Nunes
Paul
Petri
Poe (TX)
Pomeroy
Radanovich
Rohrabacher
Rooney
Royce
Ryan (WI)
Sensenbrenner
Sessions
Shadegg
Stark
Sullivan
Thornberry
Tiahrt
Tierney

NOT VOTING—8

Barrett (SC)
Capps
Clarke
Davis (IL)
McHugh
Schmidt
Sestak
Tanner

□ 1520

Messrs. ROHRABACHER, ISSA and McCARTHY of California changed their vote from ''aye'' to ''no.''

Ms. ZOE LOFGREN of California changed her vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. SHIMKUS was allowed to speak out of order.)

HOOPS FOR HOPE

Mr. SHIMKUS. I will be brief, my colleagues and friends.

You see the trophy here, it's in the middle of the Chamber because this is one of the events where it's a bipartisan game. Last night, the Members of Congress defeated a team from the American League of Lobbyists in the 11th annual Hoops for Hope charity basketball game.

After being pummeled last year, we came roaring back with a surprising 52–39 win. This could not have been possible without the assistance of my co-captain, BRAD ELLSWORTH, and Members JEFF FLAKE, FRANK KRATOVIL, TODD TIAHRT, MIKE ARCURI, JOHN BOCCIERI, and Member emeritus KENNY HULSHOF.

I want to thank Visitation High School in Georgetown for their support, winning coach John Thompson from Georgetown, Coach Karl Hobbs from George Washington, Dave Johnson, who is a radio play-by-play announcer from WTOP, and the American League of Lobbyists, especially Paul Miller and Dave Weingold.

Over the 11 years of this charity event, we have raised over $400,000 in money going to Horton's Kids, Servant Christian Community Foundation, St. Anthony's Scholarship Fund, Washington Jesuit Academy, and the Luke Tiahrt Foundation.

I want to thank my colleagues for their support.

LOBBYIST TEAM 1

Coach: Keith Urgo, Asst. Head Coach, Villanova University
Jess Peterson, Western Skies Strategies
Jack Kelly, American Trucking Assn.
Josh Brown, CBS
Paul Kanitra, Carfax
Stephanie Holland, Squadra Films
Antonio Payne, IOPFDA
Casey Dinges, ASCE
Ray Bucheger, Friedman, Beaubien, Bucheger Federal Relations
Brian Wagner, ATK
Chaka Burgess, Amgen
Jesse Kerns, Amgen
Melissa Shannon, Kountoupes Consulting

LOBBYIST TEAM 2

Jim Martin, 60 Plus
Brad Knox, AFLAC
Bill Johnson, ATK
Booth Jameson, HP
Dan Cohen, ?
Danny Leonard, The Leonard Group
Monte Ward, Advanced Capitol Consulting
Brian Pallasch, ASCE
Paxton Baker, BET J
Michael Meehan, Blue Line Strategic Communications

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Without objection, 5-minute voting will continue.

There was no objection.

AMENDMENT NO. 12 OFFERED BY MR. MASSA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. MASSA) 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 will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 416, noes 14, not voting 9, as follows:

[Roll No. 707]

AYES—416

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boccieri
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
Cao
Capito
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell

Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
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
Lungren, Daniel E.
Lynch
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
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)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
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
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—14

Blackburn
Boehner
Broun (GA)
Flake
Franks (AZ)
Johnson, Sam
King (IA)
Lummis
McClintock
Paul
Poe (TX)
Rooney
Ryan (WI)
Shadegg

NOT VOTING—9

Barrett (SC)
Burgess
Cantor
Capps
Mack
McHugh
Schmidt
Sestak
Tanner

□ 1531

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The Acting CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

□ 1530

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WEINER) having assumed the chair, Mr. SABLAN, 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. 3246) to provide for a program of research, development, demonstration and commercial application in vehicle technologies at the Department of Energy, pursuant to House Resolution 745, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. BROUN of Georgia. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BROUN of Georgia. In its current form, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Representative Broun moves to recommit the bill H.R. 3246 to the Committee on Science and Technology with instructions to report the same back to the House forthwith, with the following amendment:

Page 7, after line 8, insert the following new subsection:

(e) LIMITATION.—Notwithstanding subsections (a) through (d), this section shall take effect in the first fiscal year—

(1) with respect to which no other funding is authorized by law for the Department of Energy vehicle technologies research, development, demonstration, and commercial application purposes of this Act; and

(2) that follows any fiscal year in which the actual annual Federal budget deficit did not exceed $500,000,000,000.

Mr. BROUN of Georgia (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia is recognized for 5 minutes in support of his motion.

Mr. BROUN of Georgia. Mr. Speaker, my motion would seek to improve this legislation by allowing it to take effect at a time when our fiscal house is more in order and at a time when no other taxpayer dollars are being spent on the same activities that are authorized by this bill.

The motion specifies that no money may be spent for the activities authorized under this bill until such time as the funds which are already being spent for these same types of activities under authorizations, such as funds from the Energy Independence and Security Act and the American Recovery and Reinvestment Act, are expended.

Additionally, the legislation specifies that $2.83 billion authorized under this act is only authorized to be appropriated if we are able to reduce the current deficit to $500 billion.

Mr. Speaker, it is time to get our fiscal house in order. The American people deserve that. There are at least five major funding programs related to advanced vehicle technologies that the Department of Energy has announced just in the past 9 months. The Energy Independence and Security Act alone has three specific authorized programs that allocate taxpayer dollars in the form of grants or loans for advanced vehicle technologies.

Additionally, the stimulus bill passed earlier this year allocated to the Department of Energy hundreds of millions of dollars for fuel cell production as well as for the production of high-efficiency passenger vehicles and trucks.

Clearly, there is a lot of money out there for programs like this already. Maybe we should look now to take a step backward and remember that we really cannot afford to keep up this level of spending. The consequences for spending without heeding the consequences are staring us right in the face. By adopting this provision I've just laid out for this body, we will finally start to act seriously about bringing down our deficits and about addressing this country's long-term debt.

Mr. Speaker, everybody in this body agrees that energy independence is a key economic and strategic goal, but of even more vital interest to our economic and strategic prospects as a Nation is our ability to show fiscal discipline and to be the stewards of the

people's money that they elected us to be. These commonsense changes to this bill will allow us to exercise some fiscal constraint at a time when we have been literally mortgaging our children's and grandchildren's futures. Their futures depend upon our being fiscally responsible.

My motion to recommit will help move us in that direction. I urge my colleagues to support this commonsense motion to recommit.

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

Mr. GORDON of Tennessee. I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Tennessee is recognized for 5 minutes.

Mr. GORDON of Tennessee. Mr. Speaker, I share my friend Dr. BROUN's concerns about the deficit. That's the reason that I voted for a pay-as-you-go amendment, and we passed that here in this Congress. Dr. BROUN wasn't here back in the early 1990s.

To remind him, at that time, we had the world's largest deficit. In 1993, we passed a pay-as-you-go amendment, which helped turn that deficit into a surplus where we were actually paying down the deficit. So I hope when that pay-as-you-go bill comes back from the Senate that Dr. BROUN will help us pass that. I will do something about our deficit. Let me address a couple of specific issues.

Again, I share Dr. BROUN's concerns about duplicate programs, and that's the reason, in this bill, we make sure that would not occur.

Title I, section 101(e)—Coordination and Non-Duplication: ''In coordinating activities the Secretary shall ensure, to the maximum extent practicable, that activities do not duplicate those of other programs within the Department or other relevant research agencies.'' This was further laid out on page 17 of the report language. So, duplication, you don't have to worry about it.

This bill is an investment in our energy independence because another threat that this country faces is that of foreign energy cartels. Let me point out just a couple of things: for every 1 percent efficiency gain in the Nation's vehicle fleet, it translates into more than 2 billion gallons of fuel saved annually.

For that reason, this bill is supported and scored by the U.S. Chamber of Commerce and by the National Association of Manufacturers. It is also supported by General Motors, Ford Motor Company, Chrysler, the United Auto Workers, the Motor and Equipment Manufacturers Association, Daimler, Delphi, Caterpillar, the Engine Manufacturers Association, the Alliance of Automobile Manufacturers, the Natural Resources Defense Council, and the Sierra Club because this is a good bill.

Let me give you just one example of what we're trying to do here. There really isn't much research at all in heavy duty vehicles. This is an area in which we can make enormous savings. Again, one example: there are approximately 900 garbage trucks in the country, but their fuel consumption is equivalent to, roughly, 2.5 million passenger vehicles—90,000 garbage trucks to 2.5 million passenger vehicles. It's estimated that, if we can just put as little as 100 hybrid electric garbage trucks on the road, it will reduce diesel fuel consumption by 7.2 million gallons, which amounts to 1 billion barrels of oil.

So this bill is a bill for investment and energy independence, which is a threat to this country, and we have made sure that there are no efforts to duplicate research any other way.

With that, Mr. Speaker, I yield back my time, and I suggest that we vote down this motion to recommit and stand with the Chamber of Commerce, with the National Association of Manufacturers and with so many other companies in this town.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mr. BROUN of Georgia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 180, noes 245, not voting 8, as follows:

[Roll No. 708]

AYES—180

Aderholt
Adler (NJ)
Akin
Alexander
Bachmann
Bachus
Bartlett
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boccieri
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)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
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
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McMahon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Perriello
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
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—245

Abercrombie
Ackerman
Altmire
Andrews
Arcuri
Austria
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
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)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stupak

Sutton
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—8

Barrett (SC)
Capps
Clyburn
Ellison
McHugh
Schmidt
Sestak
Tanner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are less than 2 minutes left in this vote.

□ 1559

Mr. NYE changed his vote from ''no'' to ''aye.''

Mr. PAYNE changed his vote from ''aye'' to ''no.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 312, nays 114, not voting 7, as follows:

[Roll No. 709]

YEAS—312

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bonner
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Frelinghuysen
Fudge
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Inglis
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—114

Akin
Alexander
Bachmann
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Campbell
Cantor
Carter
Cassidy
Chaffetz
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Deal (GA)
Dreier
Duncan
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hunter
Issa
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Lamborn
Latham
Latta
Lewis (CA)
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Pence
Petri
Poe (TX)
Price (GA)
Radanovich
Rehberg
Roe (TN)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Simpson
Smith (TX)
Stearns
Sullivan
Teague
Thompson (PA)
Thornberry
Tiahrt
Walden
Westmoreland
Wilson (SC)
Wittman
Young (FL)

NOT VOTING—7

Barrett (SC)
Barton (TX)
Capps
Chandler
McHugh
Sestak
Tanner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are 2 minutes remaining in this vote.

□ 1606

Mrs. BONO MACK and Mr. COLE changed their vote from ''yea'' to ''nay.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BARTON of Texas. Mr. Speaker, on roll-call No. 709, I inadvertently missed the last vote. Had I been present, I would have voted "yea."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 648

Mr. WESTMORELAND. Madam Speaker, I ask unanimous consent that my name be removed as a cosponsor of H. Res. 648.

The SPEAKER pro tempore (Ms. JACKSON-LEE of Texas). Is there objection to the request of the gentleman from Georgia?

There was no objection.

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 today.

WES WATKINS AGRICULTURAL RESEARCH LAB AND POST OFFICE

Mr. ELLSWORTH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1713) to name the South Central Agricultural Research Laboratory of the Department of Agriculture in Lane, Oklahoma, and the facility of the United States Postal Service located at 310 North Perry Street in Bennington, Oklahoma, in honor of former Congressman Wesley ''Wes'' Watkins.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1713

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

SECTION 1. REDESIGNATION OF SOUTH CENTRAL AGRICULTURAL RESEARCH LABORATORY, LANE, OKLAHOMA.

(a) REDESIGNATION.—The South Central Agricultural Research Laboratory of the Department of Agriculture in Lane, Oklahoma,

shall be known and redesignated as the ''Wes Watkins Agricultural Research Laboratory''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the South Central Agricultural Research Laboratory shall be deemed to be a reference to the ''Wes Watkins Agricultural Research Laboratory''.

SEC. 2. DESIGNATION OF WES WATKINS POST OFFICE, BENNINGTON, OKLAHOMA.

(a) DESIGNATION.—The facility of the United States Postal Service located at 310 North Perry Street in Bennington, Oklahoma, shall be known and designated as the ''Wes Watkins Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Wes Watkins Post Office''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. ELLSWORTH) and the gentleman from Oklahoma (Mr. LUCAS) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

GENERAL LEAVE

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

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

There was no objection.

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

Madam Speaker, H.R. 1713 would name the U.S. Department of Agriculture's South Central Agricultural Research Laboratory in Lane, Oklahoma, as the facility of the U.S. Postal Service located at 310 North Perry Street in Bennington, Oklahoma, in honor of former Congressman Wesley Watkins.

After graduating with two degrees from Oklahoma State University in Stillwater, Congressman Watkins worked for the Agriculture Department and as an administrator at his alma mater before entering political life, first as a State senator and then as a Member of Congress. Mr. Watkins represented Oklahoma's Third Congressional District for a total of 20 years, both as a Democrat and as a Republican.

I am pleased the name of Congressman Watkins will be part of his former district's role in the important mission of scientific research in agricultural issues that affect all Americans every day, from the fields to our dinner tables.

This bill has the support of the Oklahoma delegation, and I encourage the rest of my House colleagues to support it here today.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I want to take a moment to discuss H.R. 1713, which would name the South Agricultural Research Laboratory of the Department of Agriculture in Lane, Oklahoma, and the United States Post Office facility in Bennington, Oklahoma, in honor of my friend and predecessor, Wes Watkins.

Wes has enjoyed a long and distinguished career in public service, first as a member of the Oklahoma State Senate and then as a United States Congressman from Oklahoma's Third District for 20 years. During his tenure, Wes had the honor of serving on three of the House's most prestigious committees, including Appropriations, Budget, and Ways and Means. Before Wes, no other Congressperson had ever served on all three of the House's major committees during their career.

Beyond his committee work, Wes was intimately attuned to the financial needs of the constituents back home in Oklahoma. Recognizing the hardships Oklahoma families had to endure on a daily basis, Wes used his committee assignments to steer resources back to the Third District of Oklahoma. As a part of his efforts to restore financial security to his constituents, Wes took a particularly strong interest in economic development issues, which no doubt changed the economic landscape of Oklahoma's Third District for the better.

Let there be no doubt, had it not been for Wes's dedication and strong leadership, Oklahoma's Third District would not have been what it is today.

On behalf of Wes Watkins and my constituents back home in Oklahoma, I urge all of my colleagues to support this bill.

Madam Speaker, I reserve the balance of my time.

Mr. ELLSWORTH. Madam Speaker, I yield 5 minutes to the gentleman from Oklahoma (Mr. BOREN).

Mr. BOREN. Madam Speaker, I rise today to honor one of Oklahoma's most distinguished public servants and a former Member of this legislative body, Congressman Wes Watkins.

Madam Speaker, the legislation that we have before us today, H.R. 1713, would name the USDA Lane Agricultural Research Laboratory in Lane, Oklahoma, and the United States Post Office in Bennington, Oklahoma, in honor of Congressman Wesley ''Wes'' Watkins.

Congressman Watkins' story is uniquely American. Born in De Queen, Arkansas, and raised and schooled in a working class Oklahoma agricultural family, Wes Watkins would grow and develop into one of Oklahoma's most prominent political figures.

Following his graduation from Bennington High School in the spring of 1956, a young Watkins would move to Stillwater, Oklahoma, and enroll in Oklahoma State University. Five year later, Watkins would earn a bachelor's and master's degree with honor and distinction.

After graduating from college, Wes Watkins did what many Oklahomans have done. He decided to serve his State and country by joining the Oklahoma Air National Guard. But in the summer of 1975, Wes Watkins felt he had a higher calling, and that was public service. That fall, he would successfully run for a seat in the Oklahoma State Senate, representing the same ''Little Dixie'' region that the former Speaker Carl Albert called home.

Two years later when Speaker Albert announced his retirement, State Senator Watkins decided he would run for the Speaker's former seat. After winning a competitive primary against the Speaker's former Chief of Staff, Wes went on to win the general election with more than 80 percent of the vote, and for the better part of four decades, Congressman Wes Watkins would represent eastern Oklahoma in the United States House of Representatives. As a Member of the House of Representatives, Congressman Watkins would go on to become the only Oklahoma Congressman to serve on all three major House financial committees.

Madam Speaker, I was fortunate enough to not only be represented by Wes Watkins in Congress, I was lucky to have the opportunity to serve on both his D.C. staff and his district staff, first as an intern in his Washington, D.C. office and then as a field representative in his eastern Oklahoma district. Without Congressman Watkins' guidance and his inspiration, I probably wouldn't be here today representing Oklahoma's Second Congressional District.

Wes Watkins' record serving the State of Oklahoma is one filled with leadership, compassion, and selfless service. The Lane Agricultural Research Laboratory and the United States Post Office that this legislation will name in his honor will serve as a permanent reminder of all that he has given to Oklahoma.

I ask that all my colleagues support this bill.

□ 1615

Mr. LUCAS. Madam Speaker, I yield such time as he may consume to a fellow member of the Oklahoma delegation, Congressman COLE.

Mr. COLE. Madam Speaker, it is a great privilege to be here with my colleagues and participate in honoring our former colleague in this Chamber, Wes Watkins. Usually when you come down to the floor on an occasion like this, you are armed with all sorts of wonderful prepared remarks, and you lay them out.

But I would rather talk about my friend, Wes Watkins, spontaneously and, frankly, from a rather unique perspective because I have run races against him, and I have run races for him. And I have to tell you, I never beat him when I ran a race against him, but I was a lot more successful working for him.

He is really an extraordinary political figure in his own right. As my friend, Congressman BOREN mentioned, he served as a State senator. He was a

Congressman. He ran for governor twice, frankly, nearly getting the Democratic nomination in 1990. Had he gotten that, he undoubtedly would have won the election and have been the Governor of our State. He ran again in 1994 as an Independent. Very unusual. By the way, his congressional district voted for him as a Democrat, voted for him as an Independent, and then later voted for him as a Republican. I have never seen a loyalty directed toward an individual that way.

In the course of his 1990 campaign, he got to be pretty good friends with my client, Frank Keating, who later went on to be Governor. Frank Keating thought so much of Wes Watkins, his opponent, that he offered him a job in his Cabinet as a Secretary for international trade because Wes was so passionate about bringing jobs and opportunity to the people of Oklahoma. That says a lot about you as an individual that one of your opponents thinks so highly of you that they want to move you over into their administration.

Unfortunately, some of Wes's colleagues in the State senate in Oklahoma decided that having run as an Independent instead of a Democrat, they were not inclined to do that. But a number of years later, an opportunity came up when the seat that he won came open again. Our good friend, Bill Brewster, decided to retire. And I remember, Wes was still registered as an Independent, and there was 17 days before the cutoff when you had to choose your party. The minute that Frank Keating, then Governor Keating, saw that congressional seat was open, he literally within 20 minutes called Wes Watkins and said, Wes, I want you to run for Congress. I don't care if you run as an Independent; I don't care if you run as a Democrat. I'm a Republican. I would like you to run as that. That doesn't matter. We are going to do everything we can. We need you back in the Congress of the United States. We need your passion and your commitment for economic development and to help the people of this State.

Wes honestly made, I would say, a tough political call because he would have won as a Democrat. He would have won as an Independent. He chose to become a Republican for a lot of reasons, but I think partly because he thought we were in the majority then, he thought he would be very effective in that role, and he was. He was an extraordinarily effective Congressman for his State.

Now, when I think about Wes, you can't think about Wes and not think about Lou Watkins, his partner, his only real political consultant and, quite frankly, now a regent at Oklahoma State University, one of the really fine public figures and one of the best classroom teachers I ever saw in my life. As a college political science professor, I used to occasionally go and deal with her students. And incredibly fair. Together, they have done so much good for our State. They are deep in the hearts of the people that they manage to serve.

I do want to tell one polling story and one media story about my friend, Wes Watkins. When he first decided to run as a Republican, the district was literally registered over 80 percent Democrat at that time. We did a survey. In the survey you ask what are called open-ended questions: What do you like most, what do you like least about this individual.

I never saw this before, 97 percent of the people could tell you something specific about Wes Watkins, all of it positive: he helped my father get a job; he helped bring this business to our community. It was the most incredibly impressive testimony for an individual's good deeds and using public office in an appropriate way to help people that I have ever seen in my life.

We sent the media consultant to travel with him around the district for 3 days. She came back and I asked, What did you think?

She said, In 3 days I only met one person who didn't call him Wes in every little town. She said it was actually a young lady, probably 16 or 17 years. She came up to say, Mr. Watkins, could I please shake your hand. Thank you for something you have done for my family. The consultant said he just threw his arms around her and said, Honey, just call me Wes.

He is just a remarkable human being. I want to thank both of my colleagues for this recognition, particularly my good friend, DAN BOREN, who worked with him. Wes Watkins has done as much for our State as anybody I have seen in my political lifetime. And continues to do it. And so does Lou. This is such a fitting and appropriate honor. I am happy to join my friends as a cosponsor and look forward to voting for this particular piece of legislation with a great deal of pleasure.

Mr. ELLSWORTH. Madam Speaker, we have no further speakers, but I will reserve the balance of my time.

Mr. LUCAS. Madam Speaker, we have no further speakers, and I yield myself the balance of my time.

Madam Speaker, as you've heard my colleagues in the Oklahoma delegation address today, Wes is a unique individual. He is a self-made man. In a world where the American ideal is coming from nothing to becoming something, which is the ideal goal, I think, of all of us, Wes represents that. Remember, he was born just across the line in Arkansas in 1938. He lived his life in Oklahoma. He was born in the Great Depression period, a time of economic challenges for all Oklahomans and all people in rural America. He came from a family that had tremendous challenges. But he and his mother and his brother overcame those. He put himself through university at Oklahoma State. He was southeast district FFA vice president. He was State president of what was then the Future Farmers of America. He made himself a homebuilder. He got himself elected to the State senate over tremendous opposition. He got himself elected to the United States Congress.

This individual that we know as Wes, and many Americans on the floor remember as our colleague, Congressman Watkins, is an amazing fellow from the absolute, most humble beginnings in a great little community called Bennington to accomplish for his friends and neighbors back home, because everyone was his friend and everyone was his neighbor, what he did is a testament. That is why I am so pleased and we are so pleased on this side of the aisle to name these two important facilities in the old 3rd Congressional District in his honor because he worked incredibly hard for the good folks of the 3rd District of Oklahoma and, by the actions he took, improved everything for all of us across America.

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

Mr. ELLSWORTH. Madam Speaker, if there is no objection, I yield 1 additional minute to Mr. BOREN from Oklahoma.

Mr. BOREN. Madam Speaker, I wanted to add a couple of things as a former staffer to Congressman Watkins—and Congressman COLE was very eloquent in his remarks, and so was my good friend, FRANK LUCAS.

There are so many of us, not just myself but there are many of us in congressional offices across Washington, D.C., people in State government in Oklahoma, a lot of folks involved in agriculture, who can trace back their start to Wes Watkins.

I can tell you when I was starting out and I was looking for a job, he is the first person who gave me an opportunity. There are so many countless people that could say the same thing. So his legacy isn't necessarily just his name on a building. It is also all of the people and all of the families that he has touched. And also I wanted to say, and TOM COLE brought this up, Lou Watkins. She has been his partner for so many years. She has been a State regent at Oklahoma State University and a constant mentor to all of us.

With that, I hope my colleagues would support this legislation.

Mr. ELLSWORTH. Madam Speaker, I did not know Congressman Watkins, but after this moving testimony, I would encourage all of our colleagues to pass H.R. 1713.

I yield back the balance of my time.

The SPEAKER pro tempore (Ms. CLARKE). The question is on the motion offered by the gentleman from Indiana (Mr. ELLSWORTH) that the House suspend the rules and pass the bill, H.R. 1713.

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.

GENERAL LEAVE

Mr. GEORGE MILLER of California. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 3221.

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

There was no objection.

STUDENT AID AND FISCAL RESPONSIBILITY ACT OF 2009

The SPEAKER pro tempore. Pursuant to House Resolution 746 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. 3221.

□ 1626

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. 3221) to amend the Higher Education Act of 1965, and for other purposes, with Ms. JACKSON-LEE of Texas 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 California (Mr. GEORGE MILLER) and the gentleman from Minnesota (Mr. KLINE) each will control 30 minutes.

The Chair recognizes the gentleman from California.

Mr. GEORGE MILLER of California. Madam Chair, I yield 4 minutes to the gentleman from Texas (Mr. HINOJOSA), the Chair of the Subcommittee on Higher Education.

Mr. HINOJOSA. Madam Chair, as chairman of the Subcommittee on Higher Education, Lifelong Learning and Competitiveness, I rise in support of H.R. 3221, the Student Aid and Fiscal Responsibility Act.

I congratulate Chairman GEORGE MILLER for his great leadership in bringing this historic legislation to the House floor. I also want to thank my colleagues from the Education and Labor Committee on both sides of the aisle for supporting the largest investment ever in higher education.

The bill embraces President Obama's educational priorities by helping us to reach the goal of producing the most college graduates in the world by 2020 and makes our workforce strong and competitive. This bill will provide much-needed relief to families who are struggling to pay tuition, as well as students and workers who seek to access high-skilled and family-sustaining jobs.

The legislation will increase affordability, accessibility, and college completion rates, particularly for first-generation college, low-income, minority, and middle class students.

H.R. 3221 invests $40 billion to increase the maximum annual Pell Grant scholarship to $5,550 in 2010, and by 2019 increase it to $6,900.

It also provides low-income and middle class families with reliable, affordable, high-quality direct Federal student loans, and simplifies the application process for financial aid.

H.R. 3221 strengthens our Nation's minority-serving institutions, MSIs, particularly in the STEM areas so students can stay in school, graduate and succeed in our global economy. It does this by investing $2.55 billion in our Nation's minority-serving institutions over a 10-year period. We estimate that this funding will reach at least 500 institutions of higher learning. These investments will expand educational opportunities in the STEM fields and support students in staying in school and graduating at our Nation's Historically Black Colleges and Universities; Hispanic-serving institutions; tribally controlled colleges and universities; predominantly black institutions; and Asian American and Native Pacific Islander-serving institutions.

These investments will create a new generation of minority workers in STEM fields, professionals that our country desperately needs to remain competitive in our world.

□ 1630

For decades, MSIs have provided educational opportunities for tens of thousands of minority, low-income, and first-generation college students due to their accessibility, affordability, and close proximity to the communities they serve. If we hope to reach President Obama's goals, we must make sure that more minority students are completing advanced college degrees.

This bill invests $10 billion in our Nation's community colleges to support President Obama's American Graduation Initiative and expands educational opportunities to millions of students who attend our Nation's community colleges.

These institutions serve young people who are just beginning their careers but need flexible schedules to work to pay their tuition and living expenses. They serve displaced workers who must upgrade their skills to pursue a new career and enter high-growth sectors of our economy.

They serve older students and adult learners who seek specialized training and are attending their local community college for the very first time. They serve veterans who are pursuing postsecondary education after having served in the military.

This bill includes $8 billion in investments in early childhood education to increase access to high-quality early education programs. And we know that children who have an early start by the time they enter kindergarten are more likely to go to college and succeed. There is proof that early reading and writing, from cradle to 5 years of age, equals success in school.

The CHAIR. The time of the gentleman has expired.

Mr. GEORGE MILLER of California. I yield the gentleman an additional 30 seconds.

Mr. HINOJOSA. This legislation is fiscally responsible and helps reduce the deficit. It complies with pay-as-you-go and directs $8 billion in savings back to the U.S. Treasury to help pay down the deficit.

Our competitiveness and innovation in the world depends on our ability to invest in human capital and train a workforce for the 21st century. I urge my colleagues to support this historic investment in higher education.

Mr. KLINE of Minnesota. Madam Chair, I rise in opposition to H.R. 3221, and yield myself such time as I may consume.

Government takeover. We have seen and heard a lot of those two words lately—in the credit markets, the banking sector, the automotive industry, and even the building of schools. Then there's health care—an industry that assumes one-sixth of America's gross domestic product. We're not talking about health care today, but perhaps we should be.

The vote we will take on student lending is a culmination of a plan set in motion more than a decade and a half ago—and one that bears an eerily strong resemblance to the health care debate that rages on today.

In 1993, Congress created a so-called government option for college loans. The idea of this Direct Loan Program was to introduce competition and hold down costs. Sound familiar? Just 16 years later, we're about to vote on a plan that would completely and permanently eliminate the private sector's role in originating and raising capital for Federal student loans. In its place will be a one-size-fits-all Federal loan model that requires the U.S. Treasury to directly lend tens of billions of dollars each year—tens of billions of dollars we don't have, and will be forced to borrow.

So why is Congress intervening to declare one program the winner? If it's truly about competition, the best program ought to win in the marketplace. In fact, one program has won—the public-private partnership of the Federal Family Education Loan Program, which is the choice of three-quarters of colleges and universities today.

By eliminating the FFEL program, we will lose the choice, the competition, and innovation of the private sector. That includes everything from technological innovations to loan discounts and borrower services. We will also lose jobs—an estimated 30,000 or more in congressional districts from coast to coast.

And what are we getting in return? My colleagues on the other side of the aisle tout this legislation as being fiscally responsible. Respectfully, I beg to differ.

The bill is awash with new entitlement programs, including a new early childhood program to develop and fund programs at the State level; a new program to build and renovate schools;

and a new program to bolster community colleges and involve the Federal Government in developing online curriculum.

Add to these new programs the cost of expanding Pell Grants, funding for Minority Serving Institutions and the Perkins Loan Program, and we have on our hands a massive entitlement spending spree. This spending is allegedly paid for by $87 billion in so-called savings from elimination of the FFEL program. Unfortunately, the numbers just don't add up.

CBO tells us the bill will require $13.5 billion in new discretionary spending—real money that simply isn't counted in the mandatory score. CBO also tells us that, using current figures, the Pell Grant expansion will cost $11.4 billion more than scorekeepers originally predicted—again, a cost not counted for in the ''official'' score. That means this bill will cost closer to $15 billion over the next 10 years—and when market risk is factored in, the cost spikes to nearly $50 billion more.

Madam Chair, there's a better way. Later in the debate, I will join the ranking member on the Higher Education Subcommittee, Mr. GUTHRIE, in offering an amendment to stabilize student lending by extending programs approved on a bipartisan basis last year.

With this plan, we can put $13 billion towards deficit reduction and, most importantly, we can convene a nonpartisan commission to study long-term structural changes to our student lending systems. In short, it's a thoughtful, reasonable approach to determine what's best for students, schools, and taxpayers alike.

I urge my colleagues to slow down, take a breath, and ask yourself whether another government takeover is what we need right now. I think the answer is a clear ''no.''

I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield myself 30 seconds. I appreciate that the gentleman wants to make this comparison between a public option and the private sector. Let's run down what happened over the last 10 years.

The private sector took $100 billion in subsidies, and as they became the most profitable sector of the American economy, they couldn't give back any of those subsidies. While they were getting the $100 billion in subsidies, they were engaged in price-fixing, anti-competitive practices, briberies, conflicts of interest, improper disclosure. And, at the end of that, they needed a bailout.

Sound familiar? Want to invest again?

The CHAIR. The time of the gentleman has expired.

Mr. GEORGE MILLER of California. I yield myself an additional 30 seconds. Or, you can look at the public option here. The public option offered a product of equal value, very low cost, easy to administer, attractive to the people who used it. Major universities have used it for years with any problems, very complimentary about it, and it is in fact saving the loan industry at this very time because the private system has collapsed.

I yield 4 minutes to a member of the committee, the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. I thank the chairman for yielding, and I thank him for his leadership in bringing this very important piece of legislation to the floor. I want to amplify what the chairman just said because I think it's important for all of us to understand how the FFEL program works right now.

The way it works right now is that the Federal Government is providing approximately 60 percent of the capital that the private lenders provide to needy students. We do so because of the lack of liquidity in private credit markets.

So what we are doing is, we are paying private lenders a subsidy so that they will have the privilege of lending federally-originated money to their borrowers. We guarantee repayment of that money to the tune of 97 percent of the amount outstanding and the private lenders reap whatever interest payments are paid by the borrowers.

This is a really, really good deal for private lenders. It is a deal that costs the American taxpayer approximately $8 billion to $9 billion a year that we don't need to spend in that fashion. We can provide—we, the Federal Government—can provide the loan capital that students need. In fact, we now provide approximately 30 percent of the schools in the country that participate in the Guaranteed Student Loan Program, participate in the Direct Loan Program.

I used to work at a school that participated in the Direct Loan Program. We made the transition from private lending to direct lending early on, and it was an absolutely seamless transition. We did not have to add a single staff person. Our students felt very advantaged by the change that we made. And we are now asking that all schools make that change, and we are doing so so that we can redirect that $8 billion or $9 billion that right now goes to pad the profit margins of the private lenders and direct that money primarily to needy students.

Let me put that in context. We right now rank sixth in the world in terms of the college-going rate for our population. We used to be first. Approximately only one out of every two students that enter college ever graduates. Those are two pretty daunting statistics if we are going to remain competitive in a very difficult global marketplace.

We need to have an educated workforce. We need to have a workforce that can be competitive. And the pathway to that is access to college—and not just access to college, but degree attainment.

This bill provides at least the financial mechanism for students to be able to achieve that goal. We dramatically expand the availability of the Pell Grant and increase the Pell Grant maximum in a way that it keeps pace with inflation so that it maintains its buying power.

We guarantee access to capital in the Guaranteed Student Loan Program, a subject I just talked about. We dramatically expand the availability of Perkins loans. Right now, students borrow $1.5 billion in Perkins loans. We would increase that amount to $6 billion a year, dramatically expanding both the number of students that can benefit and the number of schools that participate.

We also simplify the financial aid process. This is a process that has proven very daunting to many, many students. I used to administer that process. I recognize firsthand how difficult it can be. We simplify the financial aid process, particularly the administration of the so-called FAFSA form, and we remove that barrier, that roadblock that has prevented many students from pursuing their dreams. And we do all of this by not adding a dime to the bill that the taxpayers will be asked to carry. We redirect money, as I say, from the banks. And we do so in a fashion that helps needy students.

Mr. KLINE of Minnesota. At this time I'd like to yield 3 minutes to the ranking member on the Higher Education Subcommittee, the gentleman from Kentucky (Mr. GUTHRIE).

Mr. GUTHRIE. I rise in opposition to H.R. 3221 because I believe there's a better way to protect students, colleges, and taxpayers. The authors of this legislation will argue that the purpose of H.R. 3221 is to simply stabilize student lending. They claim the Federal Family Education Loan program, or the FFEL, is on ''life support'' and must be replaced with the government-run Direct Loan Program.

The FFEL program has been a stable, reliable source of private capital for student loans for more than 40 years. It provides a choice of loan providers—from large, national lenders to small, local nonprofits—and an array of benefits and services.

Colleges and universities overwhelmingly prefer the FFEL, with 70 to 80 percent of schools consistently opting for the public-private option.

Dr. Gary Ransdell, president of Western Kentucky University, has told me that the end of the FFEL program would, ''mean the loss of financial literacy programs, college access programs, default aversion programs, borrowing benefits, and other support services.''

Further, Dr. William Huston, president of St. Catharine College, a small, independent private college in my district, has shared his concerns about the impact the policy shift will have on schools of his size. He said the shift, ''would mean investing staff time and money to change systems and processes at a time where budgets have been cut to the core.''

Clearly, the rush to the Direct Loan Program will have a major impact on schools and students.

Now, it is true that the FFEL program was hit by the global market collapse that rocked our economy last year—and when that happened, student loan capital dried up, along with the capital across all sectors. And when stability was needed, Congress stepped in.

□ 1645

Last year, Congress passed the Ensuring Continued Access to Student Loans Act, or ECASLA, which provided a temporary Federal backstop to protect borrowers from loan disruption. This program has worked exceedingly well, and to my knowledge, not a single borrower has been left without a loan. The program is still in place today, and if our goal is simply to stabilize student lending, there is a simple solution: we should extend programs under ECASLA to retain the Federal backstop until the economy rebounds.

These programs are working today, which means there would be no confusion for schools and no uncertainty for borrowers if we were to simply extend this program while the market remains turbulent. In fact, Republicans had offered a plan that would exactly do that.

Later today I will join Ranking Member KLINE to offer an alternative to H.R. 3221. Our plan extends ECASLA through 2014, aligning it with other programs under the Higher Education Act. In the meantime, we are calling for a commission to study student loan programs and propose alternatives that will protect borrowers and taxpayers alike. Simply put, our plan is a way to slow down and take a more thoughtful, reasonable approach to long-term student loan reform. Instead, we're going to vote on a plan that will reshape the way students pay for college in this country and radically expand the Federal Government in the process. Proponents of this bill claim it saves $87 billion for taxpayers.

The CHAIR. The time of the gentleman from Kentucky has expired.

Mr. KLINE of Minnesota. I yield the gentleman 1 additional minute.

Mr. GUTHRIE. In reality, that $87 billion is a combination of savings and government earnings that come because the Federal Government charges students a higher interest rate than it costs to borrow, turning student loans into a profit-making venture for the government. And what do we do with this $87 billion? We are taking student money and spending much of it on an array of new government programs.

Students and schools will lose the value of choice, competition and innovation. Meanwhile, taxpayers will be on the hook for massive new entitlement spending and a huge expansion in government borrowing to finance loans that now need to be made directly from the Federal Treasury.

I urge my colleagues to join me in voting ''no.''

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentlewoman from Hawaii (Ms. HIRONO) who has put an awful lot of work into the early childhood education section of this legislation.

Ms. HIRONO. Madam Chair, as a member of the House Education and Labor Committee and as an original cosponsor of this bill, I rise in strong support of H.R. 3221, the Student Aid and Fiscal Responsibility Act. I thank Chairman MILLER for his leadership on this, as well as on so many other important measures.

While this bill includes many significant provisions, the part of the bill that I am especially excited about is the creation of the Early Learning Challenge Fund. Like the PRE-K Act I introduced in 2007 and again earlier this year, the Early Learning Challenge Fund would establish a competitive grant program to support, not supplant, States' efforts to improve the quality of their early education programs. Evidence shows that quality early education is the best foundational investment we can make in our children.

Last night I had the opportunity to meet with members of the philanthropic community who came together in recognition and support of quality early education. To quote these people, quality early education is ''the most powerful investment America can make.'' They not only understand the value of quality early learning, but they support successful programs all across the country, including in Hawaii. And they are not alone. Educators, economists, brain development researchers, police chiefs, Chambers of Commerce, retired military personnel all have emphasized the critical need for quality early education to prepare our children for success at school and in life. This bill is an important step in preparing our children for such success. I urge my colleagues to support this measure, a bill that makes important investments in education for all of our keiki—that's Hawaiian for children—from birth through college.

Mr. KLINE of Minnesota. Madam Chair, at this time I am pleased to yield 3 minutes to the distinguished gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. I thank our ranking member.

The loud sound you hear is the big gulp of the public option swallowing the private option. We hear all kinds of excuses why it's not the same, but here are some of the key business points to remember here: There has already been confusion in the quotes here on the floor about this 7 percent that the private sector has between revenues, which is the loan income that the banks receive, and their profits. There's also confusion between the net profit and the gross profit. The gross profit has all the expenses coming out, whereas the net profit is the bottom line, which is a relatively small number.

The reason this is important is that government, if they take this over and swallow the whole public sector into the public option, will have basically the same costs. Only when you compare cost to cost, the government can't deliver at the same price as the private sector. It never has, it never will in any category in the history of the United States.

Now in this expense question—and we've argued about this for years—one of the things that's clear is that the Federal Government doesn't depreciate. So fixed expenses, like buildings, aren't counted in their expenses that come off of the net profit, because that's a different budget. We do buildings in one appropriations bill, in one lump sum. It is not something that you would amortize over time.

Mixed expenses—for example, the expenses at the Department of Education, such as lighting in the building, even in many cases staff—aren't assigned to the student loans. They're assigned to the Department of Education. But even then when you ask the private sector to compete, even paying in that profit, 80 percent of the colleges chose the private sector because the service delivery was better. In fact, hopefully, the government is going to be wise enough here that they're going to contract out with the private sector at the end of the day to deliver much of these services because there is no capability in the Federal Government to deliver this.

Now the proposal, on the face of it, isn't even plausible that we're hearing about all these new funding programs when the net profit out of the private sector is minimalist compared to the new program. So where does this money come from? The best I've been able to determine is it's a different method of borrowing. Banks have to use the LIBOR rate, the interbank lending rate, whereas we are apparently going straight to the Fed and Treasury. That's merely a transfer of government funds that are off budget onto budget but still reduces the liquidity in the banking system, and it's being used to subsidize the new programs in the student loans.

Now why does this become important? Why won't the same grounds apply to SBA? Because if SBA goes directly into this same fund, there's no reason to use a bank. On what grounds do we use banks for farmers' loans? If they're going to borrow the money directly from the Treasury and the Fed, they can borrow it cheaper than any bank, and that we should eliminate any loans that are going through anywhere in the private sector where there is a government alternative.

The CHAIR. The time of the gentleman from Indiana has expired.

Mr. KLINE of Minnesota. I yield the gentleman an additional 30 seconds.

Mr. SOUDER. Thank you.

The key question here is, the constitutional authority of the Federal Government is to regulate interstate

commerce. Then we have the Federal Reserve System that was set up to provide a balance and stability in the funding of the United States. What we did not create is a national bank.

This bill is the beginning of the creation of a national bank, and that there is no logical reason why every other lending category won't become a national bank, too. That's the big gulp we are hearing here and in many other areas, a massive government takeover in category after category.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentlewoman from Nevada (Ms. TITUS).

Ms. TITUS. Thank you, Mr. Chairman.

I rise today in strong support of H.R. 3221. Nevada has been particularly hard hit by the economic downturn. We're facing record unemployment. The investments in this bill will help Nevada's students and dislocated workers obtain the education and training they need to compete in the workforce, and it will do so in a fiscally responsible way.

Specifically, this bill invests more than $60 million in Pell Grants for Nevada's Third Congressional District, making more than 13,000 students eligible for aid. It also provides $1 million a year for the next 5 years to bolster colleges' access and completion support programs for students in Nevada. It strengthens our community colleges by ensuring that Nevada receives nearly $19 million to help finance projects to renovate and construct state-of-the-art facilities; and finally, it invests in 21st century green high-performing public schools by providing Nevada's school districts with more than $25 million over the next 2 years for school modernization, renovation and repairs to create healthier, safer and more energy-efficient teaching and learning climates, the implementation of which will put Nevadans to work.

I am also pleased that this bill includes an amendment that I offered to establish an advisory council to the Secretary of Education on green high-performing schools. Quality education is the key to prosperity for individuals and for our country. I urge your support.

Mr. KLINE of Minnesota. Madam Chair, at this time I am very pleased to yield 3 minutes to the gentlelady from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding.

I rise in opposition to this bill. Sixty years ago, the only student loans available were private loans. Unfortunately, the system left out many students with either limited financial resources or poor or nonexistent credit. So in 1965, Congress created the Federal Family Education Loan Program which has successfully administered and regulated federally backed private student loans for the past 44 years.

But President Clinton decided that we could save money by creating a new federally run program to provide student loans at public option. At present, just under one-third of colleges have chosen the public option, also known as the Direct Loan Program. However, Democrats have decided that by leveraging the borrowing power of the Federal Government, which Congress has more aptly demonstrated, they can save money, as scored by CBO.

We all know that because of the Federal Government's size and ability to raise taxes at any time to pay off its debts, it can borrow money at a cheaper rate than private banks. By requiring all students that use Federal loans to borrow directly from the government, this bill allows the government to make a greater profit off students, count it as a ''cost savings,'' and then spend it on other educational priorities.

It is interesting that after the government's student loan ''public option'' failed to gain widespread acceptance, the other side of the aisle now proposes to eliminate all other choices so that students are forced into the public option. Even more interesting is that the other side of the aisle has proposed another ''public option'' that will supposedly save money by using the government's size to underpay doctors and hospitals, which forces private plan owners to make up the difference. I fear that in a few years, the public plan may soon be the only affordable option available to most Americans.

I don't want a single-payer health care system, and I don't want a single-payer student loan program. Just as 83 percent of Americans are satisfied with their current health care, over two-thirds of all colleges have elected to go with the privately administered FFEL program. We should let colleges continue to select the student loan program that works best for their students, not the one chosen by bureaucrats in Washington.

I urge all of my colleagues to join me in voting ''no'' on this bill to make sure that the student loan ''public option'' is not the only option.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentlewoman from California (Ms. CHU), the newest member of our committee.

Ms. CHU. Thank you, Chairman MILLER.

As a professor for over 20 years in the L.A. Community College District, I know firsthand how important community colleges are to helping hard-working Americans achieve their dreams. About one out of every two college students attends a community college, and they are some of the hardest workers I have ever met. My students came from all walks of life. They were immigrants, single moms and laid-off workers, and many of these students were the first in their families to go to college.

Community colleges are the backbone of our Nation's workforce, providing students with technical training to fill our Nation's most critical fields. They excel at meeting the needs of students from all backgrounds and circumstances. The investments in this bill truly reflect the role community colleges play in our economy. Seven billion dollars is provided to reinvigorate the community college experience, to improve instruction, initiate job placement counseling, and create non-traditional programs for students on the weekends, evenings or even online.

There is $2.5 billion in grants provided to renovate community college facilities. It will allow them to accommodate their growing enrollment and provide students with modern equipment and facilities so they are better prepared when they graduate.

In an increasingly competitive world economy, America's economic strength depends upon the education and skill of its workers. This bill will help us to meet that challenge.

Mr. KLINE of Minnesota. Madam Chair, could I inquire how much time is remaining, please?

The CHAIR. The gentleman from Minnesota has 16½ minutes, and the gentleman from California has 15½ minutes remaining.

□ 1700

Mr. KLINE of Minnesota. Madam Chair, at this time, I yield 3 minutes to the distinguished gentleman from California (Mr. MCCLINTOCK).

Mr. MCCLINTOCK. I thank the gentleman from Minnesota.

Madam Chairman, this really is a case study in how a public option ultimately becomes a public monopoly in a span of just a few years.

The gentleman from Minnesota is absolutely right, this Direct Loan Program was established in 1993 as a public option. It was designed to increase consumer choice; that's what we were told at the time. It had only one problem. The consumers never warmed to it.

At its peak, the government Direct Loan Program only attracted 34 percent of loan volume. Today, even with all of the financial difficulties in the private sector, it has earned only 27 percent of the market. The rest of that market is ably administered by 1,500 active lenders and servicers and guarantee agencies that employ more than 30,000 private sector workers. This bill literally shuts down 40 years of successful private sector involvement with student loans and hands the government monopoly control. As the bumper sticker warns, the government hates competition.

We're told this is going to save money. Well, pardon my skepticism, but I seriously doubt that the same government that runs FEMA is going to bring efficiency to the student loan program. In fact, it's precisely the fierce competition among loan providers that has produced lower prices for students and universities and that produces innovations in loan delivery and processing and servicing, not to mention broader benefits such as college planning services, financial literacy education, default aversion, and FAFSA assistance.

One of those providers is the California EdFund, near my district. Last year alone, the EdFund helped nearly 420,000 borrowers to avoid default. They saved taxpayers $4.2 billion in default claims; that's one provider, $4.2 billion in savings for American taxpayers.

Before the government took over our automobile manufacturers, Will and Ariel Durant asked this question: What makes Ford a good car? Chevrolet. Competition. That creative and innovative force is snuffed out by this bill for the student loan industry. And mark my words, if this bill becomes law, we are going to be back here in a few years to address growing cost overruns and inefficiencies in yet another failed government monopoly program.

Mr. GEORGE MILLER of California. I just want 10 seconds to say that I'm glad the gentleman mentioned the California EdFund. The EdFund supports this legislation.

I yield 2 minutes to the gentleman from Iowa (Mr. LOEBSACK), who was very involved in writing this legislation.

Mr. LOEBSACK. Madam Chair, I rise today in strong support of the Student Aid and Fiscal Responsibility Act. In particular, I want to thank Chairman MILLER and all of my committee colleagues for their great work on this legislation.

I am particularly pleased this bill contains legislation I worked on with Chairman MILLER, Congressman KILDEE and Congressman CHANDLER to help modernize, renovate, and repair our crumbling public schools with energy efficient and renewable resources.

Schools across America in every State are deteriorating. In my State alone, the GAO has found that 79 percent of all schools needed to repair or upgrade their buildings and facilities. Providing schools with funds to help leverage local dollars to modernize their schools in need of repair will also create good-paying local jobs in every State and will help improve the safety and the health of our students.

This legislation will provide much needed funds for school facility modernization projects over the next two fiscal years to help ensure our students have world-class, safe, healthy and energy-efficient environments in which to learn.

Given the increasingly global nature of our economy and the workplaces our students will be entering, it is more important than ever that we dedicate the resources necessary to ensure children will be able to compete. With the passage of this historic Student Aid and Fiscal Responsibility Act, we will indeed be making a historic commitment to the next generation through significantly improved educational opportunities, and I urge my colleagues to vote for this bill.

Mr. KLINE of Minnesota. Madam Chair, at this time, I yield 2 minutes to the gentleman from Indiana (Mr. BURTON).

(Mr. BURTON of Indiana asked and was given permission to revise and extend his remarks.)

Mr. BURTON of Indiana. If a government program is so great, why is it that the colleges and universities around the country—70 to 80 percent of them—are going with the Federal Family Education Loan Program? It's because it's better, it works better. They don't want to mess with the government bureaucracy.

You know, in 1993, and I think it's been stated already, and I don't want to be redundant, but the Clinton administration resurrected the idea of the Direct Lending Program and they pushed it through Congress. It didn't take long for the program's reputation to become synonymous with slow, inefficient, government bureaucracy service. And the Minority Views section of this bill, H.R. 3221, reminds us that in 1997 the program completely collapsed, as it probably will again, and was unable to make consolidation loans to borrowers. And in 1998, the Congress passed the Higher Education Amendments of 1998, which specifically blocked the Clinton administration from phasing out the FFEL Program because it did not make for sound public policy then, and it doesn't now.

And I think it's extremely important. We have unemployment right now that's at 9.7 percent. I'm sure it's going to go over 10 percent. More than 30,000 private sector jobs are directly affected by what you're going to do today. In the State of Indiana, it's 2,356 jobs. And right in the Fifth District, it's 1,500 jobs. And our unemployment rate in that State is 10.4 percent. I don't understand, at a time of economic difficulty, you want to do something that's going to put more people out of work, especially when you're talking about a program that didn't work before, it was junked, and now you're going to resurrect it.

I know you'll come up with a million ideas of why we ought to do this, but it's more government control, more government bureaucracy, something that hasn't worked, and the American people simply don't want it. We just passed the stimulus bill, and the stimulus bill obviously hasn't done a great deal to solve the problem.

The CHAIR. The time of the gentleman has expired.

Mr. KLINE of Minnesota. I yield the gentleman an additional 30 seconds.

Mr. BURTON of Indiana. Let me just say to my colleagues that we don't need more government right now; we need less government. We need competition in the private sector. We don't need to take over education like we did the automobile industry, the finance industry, and you're trying to do with the health industry. It doesn't work. Socialism doesn't work. Government control doesn't work.

So I urge my colleagues to reconsider and think. It didn't work before. It won't work now.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. The Chair reminds Members that they must address their remarks to the Chair.

Mr. GEORGE MILLER of California. Madam Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. TIERNEY), a member of the committee.

Mr. TIERNEY. You know, to listen to this debate, Madam Chairwoman, you would think that we were disallowing banks and private lenders from lending. That's not the case at all. If they want to make private student loans, they can. The fact of the matter is that without a subsidy and without a guarantee, they probably won't find themselves very competitive. Right now, the government is providing 60 percent of all the capital that goes in because that market didn't have the liquidity it required in order to keep up those loans.

What we are seeing is the option here for the taxpayers—the same people who are trying to send their kids to school—transferring their money over to private lenders, guaranteeing the loans, giving them subsidies so they can make a profit that will be money that can't be used for Pell Grant scholarships and for low-interest loans.

The people in my district, 100,000 residents in Massachusetts will get more Pell Grant scholarships because we take that money and, instead of giving it to the lenders, we give it to the families. One hundred thousand people in Massachusetts will get lower interest rate loans because we don't take that money and transfer their tax money to private lenders; we, in fact, keep it in the system. So when all that is said and done and we've improved education, as the President has called on us to do, we will put $10 billion back in to pay down our debt.

This is a sad tale when they think that the only way they can keep private lenders in business is if we give them subsidies and then we guarantee their loans. If they want to compete, let them compete. They can make their loans. They can go out any time they want.

But I think the American families are saying they're hard-pressed. Some of them are out of work. Some of them are making less. All of them have more bills to pay for college for their students. They want to be able to have access to those Pell Grant scholarships. They want to have lower interest rate loans so that their children have the opportunity to move forward. Better the opportunity for them than for the private lenders to pad their Wall Street investors' pockets. And that's why we have to move forward on this. That's what is going to improve this country and make us competitive as we move forward.

Mr. KLINE of Minnesota. Madam Chair, at this time, I yield 2½ minutes to the gentleman from Wisconsin (Mr. PETRI).

(Mr. PETRI asked and was given permission to revise and extend his remarks.)

Mr. PETRI. I thank my colleague from Minnesota.

Madam Chair, I rise in support of the Student Aid and Fiscal Responsibility Act, which eliminates the Federal Family Education Loan Program and moves origination of all Federal student loans to the Direct Loan Program.

For over two decades, I have championed direct loans as the most cost-effective way to provide student loans, but the defenders of the archaic FFEL guarantee loan program remain confused, so let me be clear.

Currently, we have two Federal student loan programs which provide the exact same loans to students. FFEL is a Federal program, not a private loan program. Private lenders make the loans with two separate subsidies from the Federal Government: a guaranteed interest rate that's determined through the political process, not the markets, and a guarantee against default losses. Thus, if a student defaults, the taxpayers are on the hook, not the private lender. The profits are private, but the losses are socialized. FFEL is not a free enterprise.

Over the years, FFEL has proven to be fraught with scandal and an unreliable source of funds, and it costs billions of dollars more for the taxpayers. A writer for a conservative columnist Bill Kristol's Weekly Standard Magazine aptly described the FFEL Program as ''a textbook example of crony capitalism.'' In contrast, the Direct Loan Program eliminates the middleman, lending directly from the Treasury, and all servicing and bill collection is handled by private companies operating through performance-based contracts.

Over the years, there has been unanimous agreement by budget experts under both the Clinton and Bush administrations on the excessive costs of FFEL. Earlier this year, an estimate by the CBO once again reiterated this conclusion when it reported that switching to 100 percent direct lending would result in nearly $87 billion in savings.

At this point, I would like to engage in a colloquy with Chairman MILLER.

Chairman MILLER, I support the grant program included in this bill that aims to strengthen community colleges. It's my understanding that public 2-year liberal arts colleges that offer associate degrees and certificate programs, such as the University of Wisconsin Colleges, will be eligible to compete for these funds.

Do you agree with that interpretation?

Mr. GEORGE MILLER of California. If the gentleman would yield, yes, I do agree with the intent of that language.

Mr. PETRI. I thank the gentleman for his assurance. And I thank my colleague for the time.

Mr. GEORGE MILLER of California. Madam Chair, I yield 2 minutes to the gentleman from Illinois (Mr. HARE), a vigorous member of the committee.

Mr. HARE. Madam Chair, I rise in strong support of the Student Aid and Fiscal Responsibility Act. I am particularly pleased with the investment that this bill makes in the Pell Grant, early childhood education, and our Nation's community colleges.

H.R. 3221 provides $76.1 million to increase the maximum Pell Grant in my congressional district to $6,900 by the year 2019. Additionally, over 16,700 Illinois students will now be eligible for Pell scholarships.

The legislation also includes my amendments to remove barriers to expanding access to early learning programs to disadvantaged children, and to encourage States to implement positive behavioral supports in their early childhood education system.

Finally, I added provisions to make west central Illinois's community colleges more competitive for college completion grants and to direct the Institute of Education Sciences to collect data on the location of grant recipients, ensuring that the most remote American communities are accessing funding opportunities.

Again, H.R. 3221 takes bold steps towards improving the accessibility of higher education, invests in our children, and focuses on the important role community colleges play in economic development.

I commend my chairman, Chairman MILLER, and President Obama for this visionary initiative, and I urge all my colleagues to support it.

Mr. KLINE of Minnesota. Madam Chair, at this time, I yield 4 minutes to the distinguished ranking member on the Budget Committee, the gentleman from Wisconsin (Mr. RYAN).

□ 1715

Mr. RYAN of Wisconsin. I thank the chairman.

Madam Chairman, I rise in opposition to this bill. Let me be clear: I support education. It's an indispensable component of America's prosperity. I don't find fault with Pell Grants or student loans. What I find fault with is the way that the math doesn't add up in this bill.

This bill includes a sleight of hand in so many ways that it either raises the deficit by $5.7 billion or by as much as $39 billion. It creates 10 new entitlement programs that will dramatically increase spending over the next 10 years, and it adds to our already alarming levels of borrowing. Let me try and explain what's going on with respect to how the budget gimmicks are employed here.

First off, the bill claims to reduce mandatory spending by $7.8 billion and dedicates that savings to deficit reduction; but through this budget gimmick, the bill shifts $13.5 billion in necessary program administrative costs over to the discretionary category where it cannot be counted by the Congressional Budget Office. With this gimmick removed, the bill actually increases the deficit by $5.7 billion. That's the smallest budget gimmick in this bill.

The second largest budget gimmick in this bill is the way that it is scored, not using the kind of scoring that we use for such things like when we scored Fannie and Freddie or the TARP, where we used risk-adjustment scoring under the credit reform rules. If you actually score it under the accurate rules that the CBO says it ought to be scored under, this bill would raise the deficit by $32 billion.

Beyond that, these 10 new entitlement programs that are being created have artificial sunset dates in the law. The most permanent thing in Washington is a temporary government program; and if you repeal these artificial sunset dates, that's $39 billion added to the deficit, which is according to the Congressional Budget Office.

This bill does not save money. This bill raises the deficit. This bill crowds out the private sector; it deprives students of choices; it uses enormous budget gimmicks, and it exploits the budget reconciliation system to try and say that it's saving money and reducing the deficit when, in actuality, using honest budgeting and honest accounting, it does nothing like that.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Madam Chair, I rise to engage in a colloquy with Mr. MILLER, the distinguished chairman of the Education and Labor Committee.

Chairman MILLER, I rise to discuss an issue that is of critical importance to my district.

We have a unique situation in North Dakota. As you know, the Bank of North Dakota was created by statute in 1919 to meet the needs of North Dakota citizens, and it is the only State-owned bank in the country.

By State statute, the Bank of North Dakota has administered both lending and loan guarantee functions to assist families, schools, and lenders in providing reliable student loans for over 42 years. It is the only bank in the country to perform the guaranteed lending and servicing functions for the Federal student loan program. Mr. Chairman, this important institution has served more than 150,000 borrowers at 20 post-secondary institutions in my State.

The Bank of North Dakota has provided one-to-one counseling and default prevention workshops for schools and lenders, providing techniques to use when counseling borrowers on their student loan debt. The result has been an extremely low default rate under the FFEL loans administered by the Bank of North Dakota.

For all of these reasons, I've been a huge supporter of this Bank of North Dakota student lending program. I commend the work that its 55 State employees have done to make college accessible for North Dakota students. I have received concerns about altering

the Bank of North Dakota's role in student lending programs, and I would like to address that issue.

Mr. GEORGE MILLER of California. Will the gentleman yield?

Mr. POMEROY. I yield to the gentleman.

Mr. GEORGE MILLER of California. I thank the gentleman for his attention to this issue. I recognize that the Bank of North Dakota is an important institution in North Dakota and is different from any other lending institution in the country.

Mr. POMEROY. I acknowledge that this legislation ensures a role for private lenders in the servicing of loans. Particularly, I thank the chairman for his inclusion of a provision that ensures nonprofit entities, such as the Bank of North Dakota, will be able to service student loans in their States.

Will you work with me, Mr. Chairman, as this legislation moves to conference, to ensure that the Bank of North Dakota can continue to participate in the Federal lending program?

Mr. GEORGE MILLER of California. If the gentleman will yield, yes, I will work with you, as this legislation moves to conference, to ensure that State banks have a continued role in the Federal student lending program.

Mr. POMEROY. I thank the Chair.

Mr. KLINE of Minnesota. Madam Chair, at this time, I am pleased to yield 2 minutes to the distinguished gentleman from Georgia, Dr. PRICE, a member of the committee.

Mr. PRICE of Georgia. Madam Chairman, here we are again—growing government. The Student Aid and Fiscal Responsibility Act, an Orwellian title to say the least, marks the culmination of a 44-year journey to finally end the private student lending system, but is doing so in the midst of the worst economic downturn in generations.

Now, perhaps my friends on the other side didn't notice this fact, but they must be ignoring that there are more than 14 million Americans unemployed on their watch. This legislation has real consequences for the economy, specifically in regard to job losses.

Based on an employment survey of private lending loan participants, conducted jointly by the Consumer Bankers Association, the Education Finance Council and the National Council of Higher Education Loan Programs, this plan targets and may eliminate up to 30,000 private-sector jobs. So nearly every State could expect to see job losses when the Democrats ''invest in education.''

Remember, this is in the midst of the worst economic downturn in generations. It really has reached a point where the question has got to be asked: Is there any sector of the economy that the Democrats aren't planning to have the government control and dominate? Taking over the entire student lending system is just the latest example after health care, the national energy tax, financial institutions, and auto bailouts. Madam Chair, you could go on and on and on.

The other side is clearly more committed to creating more bureaucracy than in preserving jobs, and more bureaucracy is exactly what happens when you have a public option in this or in any other arena.

The finances, as my friend from Wisconsin talked about, would be laughable if they weren't so serious. Ten new entitlement programs convert the Perkins Loan Program from a discretionary program to a mandatory program. They create a new college access and completion fund with four new programs, costing $3 billion.

The CHAIR. The time of the gentleman has expired.

Mr. KLINE of Minnesota. I yield the gentleman an additional 30 seconds.

Mr. PRICE of Georgia. It creates a new $4.9 billion mandatory fund program to modernize, renovate, and repair public elementary and secondary schools. That's right, Madam Chair. It's Federal money for building local schools. They create the 70th—get that, Madam Chair—the 70th program for early learning programs in this Nation at a cost of $8 billion. You'd think we could have relied on the previous 69. It's a bad idea, even after 44 years, whose time has not come.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from Oregon (Mr. WU), a member of the committee.

Mr. WU. Thank you, Mr. Chairman.

Madam Chair, what is truly Orwellian is the distortion of argument presented by the other side in this debate because—do you know what?—any bank that wants to make a student loan can continue to make a student loan. What will not happen anymore is making those student loans with a taxpayer subsidy, a subsidy where not only is there a guaranteed interest rate but where the deal is that the taxpayer keeps the bad loans and the private sector, the bank, gets to keep the good loans. That's not going to happen anymore. Who is going to benefit? Students.

I want to rise in support of this bill, not only because of the tremendous advances in student financial aid—in Pell Grants and in working toward a better loan rate for students—but also because of the assistance to local schools to build safer, more energy-efficient schools, which would be better learning environments. Also, it will return jobs, and it will be more energy efficient for local communities.

So many of our communities are in urgent need of renovated schools, and recent estimates show that America's schools need billions of dollars in retrofitting and repair just to have safe and healthy learning environments for our kids. The funds in this bill will also help our schools return money to our communities by saving energy and creating jobs.

I want to especially thank Chairman MILLER for working with me to add seismic retrofitting, better storm water runoff systems and additional clean energy sources as permissible uses under this bill for our local schools. In a place like Oregon, where better, sound science has found that we have a much higher earthquake risk than we originally thought—and that science has just come out in the last 10 or 15 years—we urgently need the seismic retrofits and other safety measures. So I want to commend the Chair for working with me on this.

I urge support for this legislation with all of its important components to create healthy and safe schools and also to financially assist college students through school.

Mr. KLINE of Minnesota. Madam Chair, may I inquire again as to the time remaining.

The CHAIR. The gentleman from Minnesota has 4 minutes. The gentleman from California has 6½ minutes.

Mr. KLINE of Minnesota. Madam Chair, at this time, I am pleased to yield 3 minutes to the gentleman from East Tennessee, Dr. ROE.

Mr. ROE of Tennessee. I thank the gentleman for yielding.

Madam Chair, I rise in opposition to H.R. 3221. What we are doing here today is using our country's financial crisis as an excuse to eliminate an industry that has proven to be more popular and at least as well run, if not more so, than its government counterpart. I might add that my son just used this program for his own education.

A unified Democratic majority of the House, Senate and White House created the Direct Loan Program in 1993. Back then, many Republicans were skeptical that the Democrats' intention was to simply ''introduce competition and keep private lenders honest.'' In what is literally their first opportunity since then with a unified majority, they are proving Republicans' suspicions correct. The comparisons to our health care debate are obvious and too strong to ignore.

In the debate we are having on health care, our friends on the other side of the aisle are making the case that we need the government and private industry to compete to provide consumers the best choice. So it's astonishing that we're considering a bill that eliminates the Federal Family Education Loan program, which consumers are choosing by a nearly 3–1 margin over its government-run Direct Loan Program alternative. So much for competition.

What's worse is this legislation may increase the deficit even more. If we use CBO's generous assumptions, this bill will save $13 billion over the first 5 years, but only $7 billion over the next 10 years. That means in the second 5 years of the bill's scope, the bill will actually cost taxpayers $6 billion in new funding. This does not even begin to address what happens in the second 10 years when the spending doesn't have to be offset. It's just so disingenuous to pass more debt on to future generations while calling our actions

''fiscally responsible.'' That's only if the assumptions are correct. The CBO has estimated that, if the default rates run higher than their estimates, this bill could cost taxpayers $33 billion more in 10 years.

The spending would be less troubling if it weren't mandatory spending, which means it goes on autopilot and is never reviewed by Congress for effectiveness, and it never has to comply with annual budgets.

The most disappointing aspect of this whole debate is that there is an obvious bipartisan alternative that achieved 388 votes in the last Congress. The Ensuring Continued Access to Student Loan Act, which ensures that private lenders can make it through a tough credit crisis, should be what we're considering today instead of this partisan approach.

Since passing in the last Congress, we should all be commending Chairman MILLER and members of the committee who were here last year for a job well done. Instead, the Democrats are, once again, trying to have the government take over private industry, which is providing a service the American people like.

Here is the bottom line in this debate: if you like multibillion dollar programs that have zero oversight from Congress and are on autopilot, vote for this bill. If you like to increase unemployment, you should vote for this bill. If you believe Washington bureaucrats will improve their performance and will find ways to become more efficient by eliminating their competition, you should definitely support this bill.

If you feel like we should be seeking common, bipartisan ground on the future of our children's education, please join me in voting ''no'' on this program and in voting ''yes'' on the Kline amendment.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentlewoman from New Hampshire (Ms. SHEA-PORTER).

Ms. SHEA-PORTER. I thank Chairman MILLER for yielding me time and for his leadership on this bill.

Madam Chair, as a member of the Committee on Education and Labor, I rise to express my support for the Student Aid and Fiscal Responsibility Act.

With this legislation, we are investing in our students. We are providing needed dollars to improve our early education programs and to rebuild our schools. We simplify the student aid application, the dreaded FAFSA. We invest $40 billion in Pell Grants. We do this, and we produce a savings of $10 billion over the next 10 years. I am pleased that we also recognize the important work done by the local nonprofits in our communities by ensuring them a continued role in the servicing of student loans.

In my home State of New Hampshire, we have one of these local nonprofits, the New Hampshire Higher Education Assistance Foundation. NHHEAF is a well-respected member of our community, and it provides many jobs. I am proud that, through our working committee, we were able to ensure that NHHEAF continues to provide services to our students and to their families through both loan servicing and new grant programs provided for in this legislation.

I am proud to be an original cosponsor, and I urge a ''yes'' vote so we can help American students and their families.

Mr. KLINE of Minnesota. Madam Chair, I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentlewoman from California (Ms. PELOSI), our Speaker.

□ 1730

Ms. PELOSI. Thank you to the chairman for giving me this opportunity to come to the floor in strong support of the Student Aid and Fiscal Responsibility Act. I do so because education is the best investment individuals can make in themselves, parents can make in their children, and a Nation can make in its citizens and in its future.

Today is possible because of the leadership of the distinguished chairman of the Education and Labor Committee, Congressman GEORGE MILLER. Students across America have no better advocate for affordable and accessible higher education. Thank you, Mr. MILLER.

I would also like to acknowledge the chairman of the Subcommittee on Higher Education, Lifelong Learning and Competitiveness—I love that trio of jurisdiction—and a national leader on college affordability, Congressman RUBEN HINOJOSA. To them and all of the members of the Education and Labor Committee, we are all in your debt.

We all know that for every additional year of higher education, an individual's earnings increase about 10 percent. We know that education is key to the prosperity of our Nation, the prosperity of the individual, the prosperity of the Nation.

But for far too many, a quality higher education has been simply unaffordable. I have heard of cases where parents have been hesitant to encourage their children to strive for college because they can't afford to send them. What sadder testimony could there be for prospects for that person.

Expanding access to higher education is essential to building America's way out of recession and keeping our Nation competitive. Innovation begins in the classroom. It is essential that we prepare our students for 21st century jobs by providing all Americans with the skills they need to compete.

When Democrats came to the majority in 2007, we passed in a bipartisan way the College Cost Reduction and Access Act. That was the single largest investment in education since the GI Bill in 1944, until today.

Today we will make the largest investment in making college more affordable in the history of our Nation. On the 100th day of President Obama's presidency, in the House and in the Senate, we passed the budget. The President had three pillars for turning the economy around, for creating jobs in that budget, to create jobs to give tax breaks to the middle class and to reduce the deficit. The three pillars for turning the economy around and creating jobs were investments in education, in health care, and in a new energy policy for good, green jobs for the future.

Today, we are passing legislation to support the education pillar of that budget. Again, education is essential to the fulfillment of individuals, the competitiveness of our Nation, and it is the foundation of our democracy.

This bill is a great bill, and I want to again reiterate what others have said. It invests $40 billion in Pell Grants and increases the maximum grant that can be awarded. That makes a big difference to our students. It invests more than $2.5 billion in Historically Black Colleges and Universities and Minority-Serving Institutions, a big issue for Mr. HINOJOSA and for many of us here. It strengthens the Perkins Loan Program that provides low-cost loans to students. It keeps interest rates low for those who have Federal student loans. This is very important.

This means that more students will enter college, that they will graduate with less debt, and that the Federal loan initiatives that they and their families depend upon are strengthened for decades to come. On top of all of that, taxpayers will save money.

Under Mr. MILLER's leadership, we are investing in our children without heaping mountains of debt upon them. This legislation is fiscally responsible, following the strict standards of the pay-as-you-go spending and saving for the taxpayer.

You heard all the things I said about Pell Grants and college investments and Perkins loans and low interest rates. With the $87 billion in taxpayer savings that this bill achieves, we are able to do all of that by switching to a Direct Loan Program. So it invests $77 billion back into the education of our people while reducing the Federal entitlement spending by $10 billion. That's billion with a ''B.''

This legislation seizes the opportunity to strengthen our Nation by making an historic commitment to our students and a landmark investment in our future. I urge my colleagues to join the distinguished chairman and members of the committee in a bipartisan way and vote ''aye.''

Mr. KLINE of Minnesota. Madam Chair, I will continue to reserve.

Mr. GEORGE MILLER of California. I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS), a member of the committee.

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Madam Chair, I thank our chairman for yielding, and I rise in strong support of this bill.

The issues before the House, tonight, Madam Chair, are these: Do you agree or disagree that the time has come to make college more affordable for men and women around this country, by making Pell Grant scholarships more available, student loans less expensive, more available. I think most people would say, Yes, we do agree with that.

The issue before the House tonight is, is it time for the country to make an investment in the youngest Americans, 3- and 4- and 5-year-olds who have yet to go to formal school so they get the highest level of achievement early in their lives. I think most people would say yes, the answer is yes.

The question before the House tonight is that at a time when many of our schools are inefficient, falling apart, badly in need of repair or replacement, is it time to put Americans back to work in repairing and rebuilding some of those schools? I think, Madam Chair, most people would say, yes, it is time to do that.

But they are worried about the fiscal crisis that this administration and this Congress inherited. So maybe we shouldn't do those things.

But if there is a way to reduce the deficit and achieve the things I just talked about, wouldn't it make sense to do that? And I think most would say, yes, it most certainly would, and that is precisely what the bill before us tonight does.

The Congressional Budget Office, a fair, nonpartisan arbiter of the facts, said the following: The status quo student loan program that takes taxpayer money and gives it to private lenders and then rewards them to take a risk, not with their money, but with ours, doesn't make any sense.

Let me say that again. The way the present program works is that private lenders get money from the taxpayers, take a risk with the taxpayers' money, and get paid a reward for taking that risk.

Now, it is fine to take a risk with your own money—and we should encourage that in this country. But when you are taking a risk with the taxpayers' money, you shouldn't be rewarded for it. This bill stops that practice, and the Congressional Budget Office says that yields $87 billion in savings over the next few years.

Here's what we do. We invest $77 billion of that in the education of the people in this country, the strongest engine of economic growth known to this country, educating men and women to be scientists and teachers and engineers and craftsmen and craftswomen, educate our young children, repair our schools that are in need of repair.

But then, the bill also takes $10 billion and reduces the deficit that we inherited. This is a chance to vote ''yes'' for college scholarships and loans. It's a chance to vote ''yes'' for educating the youngest Americans. It's a chance to vote ''yes'' to rebuild our crumbling schools and vote ''yes'' for deficit reduction.

I urge a ''yes'' vote.

Mr. KLINE of Minnesota. Madam Chair, can I inquire of the Chair the remaining time?

The CHAIR. The gentleman from California has 1 minute remaining and the gentleman from Minnesota has 1 minute remaining.

Mr. KLINE of Minnesota. Madam Chair, I yield myself the remainder of my time.

It is clear, Madam Chair, that there is some dispute over what this does to the deficit. But I would argue that looking at the latest information from, as my friend from New Jersey says, the fair, nonpartisan arbiter of the facts, the Congressional Budget Office, this legislation will add to the deficit somewhere between $15 billion and $50 billion, subject to debate.

What is absolutely clear is that forcing the public option is a government takeover. It does grow a government with more new programs, and it does force job losses. I think that's indisputable.

Madam Chair, this is bad policy, it's a bad bill, and I urge a ''no'' vote.

Madam Chair, I yield back the balance of my time.

Mr. GEORGE MILLER of California. Madam Chair, I believe that many of those facts just cited are in dispute but I just want to say this: We got off to a rather fast start this afternoon, and I want to take a moment just to thank all of the members of the committee who worked so hard on this legislation, and I want to thank the Rules Committee for making the rule in order.

I want to thank the minority. I know they don't agree with this legislation, but I appreciate the work that they have done with us on facilitating the markup of this legislation and bringing it to the floor. I just wanted to acknowledge that. We kind of just got right into the bill.

But I wanted to say that on behalf of all of the staffs that have worked together. Again, they don't agree on the outcome or the bill in this fashion, but we still have to work together to meet our obligations as a committee to this House, and I wanted to take time to thank everybody.

Mr. PLATTS. Madam Chair, today, we will be considering as part of the Manager's Amendment, an opportunity to provide 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. Based on the Children of Fallen Heroes Scholarship Act that Representative PATRICK MURPHY introduced—with myself as a lead cosponsor—a child of one of these fallen service men and women would become automatically eligible for the maximum Pell Grant amount. This benefit already exists for the children of military servicemembers who are killed in action.

This legislation is aimed at ensuring we do right by police officers, firefighters and other first responders who put their own lives at risk everyday to keep us safe. Making a college education more accessible to the children of these fallen heroes is an important expression of our Nation's gratitude. This legislation is a justified price for our Nation to pay to ensure that those serving on the front lines in our communities know that a higher education will be within their children's reach should the unthinkable happen.

Mr. MCKEON. Madam Chair, the Federal Family Education Loan Program has been in place since the 1960's and has successfully allowed millions of students to further their education. And yet the Majority, today, seeks to eliminate this program that works so well. It is innovative, creative, adaptive, and flexible, none of which the federally-run Direct Loan program can match.

In contrast, the federally-run Direct Loan program began in 1992. It was supposed to ''compete'' with the private option. Included in the program was a subsidy to schools that participated in the new program; an incentive. It didn't work. The highest percentage of the student loan market that Direct Loans ever commanded was 34 percent.

Despite the limitations of the federally-run Direct Loans, the Majority will vote today to shut the more successful FFEL program down and consolidate the entire federal student loan program into the Direct Loan program.

In the Federal Family Education Loan program, which features a public-private partnership, there are more than 4,000 participating institutions. Students attending these institutions have received approximately $66 billion this year.

In comparison, in the federally-run Direct Loan program, where the loans come directly from the government, there are roughly 1,700 institutions. Students attending these institutions have received approximately $22 billion this year.

This is clearly a case of schools ''voting with their feet.''

The Administration has argued that the FFEL program is ''on life support,'' and does not provide a stable source of capital. With all due respect, this is like arguing that the federal government should directly manufacture and sell cars because the Administration is now assisting Chrysler and GM.

For some reason, Democrats believe that with all of the different types of lenders out there—from mortgage lenders, to small business lenders, to consumer lenders—it is student lenders that are ripe for a federal monopoly.

So to those who claim the FFEL program does not work, I would only ask you to look back on the last 40+ years before the credit crisis that crippled our entire financial system. The private sector is and has been a stable source of capital—it's one that has served millions of students and families for decades. Instead of trying to keep private capital and innovation out of student lending permanently, perhaps we should be looking for ways to bring it back.

The Federal Government has its hands in the financial services industry, the insurance industry, the auto industry, and now wants to get its hands on the energy industry, medical industry, and the student loan industry. Not to mention a plethora of new Czars with no accountability to the American people. Saddling taxpayers with close to $50 billion in additional risk and stripping them of their freedom to

choose how to best fund their education is completely irresponsible.

And I find it truly remarkable that at a time when the federal government should be helping create a climate conducive to job growth that they would choose to eliminate an entire private industry that helps students, employs over 35,000 people, and is much more effective than a government run program.

I urge a strong ''no'' vote on this bill.

Ms. JACKSON-LEE of Texas. Madam Chair, I stand here today to express my support for H.R. 3221, The Student Aid and Fiscal Responsibility Act. With an emphasis on improving access to financial support for higher education, increasing educational opportunities and preparing students for 21st century jobs by providing the resources they need to compete, H.R. 3221 ensures that we will be able to effectively rise up out of the ashes of what has been categorized as the longest and deepest economic downturn since the Great Depression. The national economic crisis has begun to infiltrate every corner of this country, and my home state of Texas is no exception.

In the midst of this very difficult economic climate, there has never been a more important and relevant time for the passage of H.R. 3221, the Student Aid and Fiscal Responsibility Act, which provides access to affordable quality education opportunities. In accordance with President Obama's statement that the best investment in our economic future is an investment in our children's education, this important legislation helps to make college and post secondary education more affordable, and subsequently takes the necessary steps to invest in our country's economic future, all at no new cost to taxpayers.

By making college more affordable, H.R. 3221 will enable more American students to not only matriculate on to higher education, but it will enable them to have the financial capability to graduate. This legislation provides all federal student loan borrowers with upgraded and modernized customer service, by providing them access to a public-private partnership that will serve as a resource for loan support. H.R. 3221 prepares students and graduates for 21st century jobs by providing Americans with the requisite skills and cutting edge resources they need to compete in today's job market.

EARLY EDUCATION

This vital legislation ensures that the next generation of students enters kindergarten with the skills they need to succeed in school, by reforming state standards and practices for birth-to-five early learning programs. This will have an immediate and direct impact on low income children entering kindergarten with the school readiness skills needed to succeed at this critical stage in learning development.

It is important to note that H.R. 3221 creates an Early Learning Challenge Fund, which would award competitive grants to states that implement overall standards-based reform, thereby incentivizing each state to transform their early education standards and practices, to build an effective early childhood workforce, and improve the school readiness outcomes of young children from every demographic and every socio-economic background.

DIRECT LOAN PROGRAM

H.R. 3221 provides reliable, affordable high-quality Federal student loans for all families. By strengthening the Pell Grant System, and by converting all new federal student lending funds to the stable, effective and cost-efficient Direct Loan program, the proper lending infrastructure to ensure a solid lending program removed from the fluctuations of the economy will be in place. Beginning in July 2010, new federal student loans will be originated through the Direct Loan program, rather than through lenders who are subsidized by taxpayers in the federally-guaranteed student loan program. One of the major benefits of the Direct Loan program is that unlike lender-based programs, the Direct Loan program is insulated from market swings, will enable students to have access to low-cost federal college loans irrespective of the current state of the economy.

FISCAL RESPONSIBILITY AND FINANCIAL LITERACY

My concern for the importance of instilling a sense of fiscal responsibility in our youth runs deep. Recent studies have indicated that young people do not even know basic financial topics such as the impact of student loans on one's credit, how to balance a checkbook, and the impact of automobile loans on one's credit. Because of my concern that young people are not sufficiently informed about financial literacy, this year I introduced H.R. 1325, to require financial literacy counseling for borrowers, and for other purposes. H.R. 1325 is relevant in the discussion of financial aid and fiscal responsibility, because approximately two-thirds of students borrow to pay for college according to the Center for Economic and Policy Research. Moreover, one in ten of student borrowers have loans more than $35,000. This legislation was designed to ensure that our nation's college students will be more prepared when incurring student loan debt and help them to avoid default as student loans severely impact one's credit score.

Currently there is about $60 billion in defaulted student loan debt. Many students do not understand the reality of repaying student debt while taking out these loans. While most Americans have debt of some kind, student loan repayment is especially scary, as one cannot just declare bankruptcy and have their loans discharged. Due to the lack of financial literacy counseling for borrowers, student loan payments are often higher than expected. Recent graduates are unable to afford the monthly payments resulting in them living paycheck to paycheck, acquiring credit card debt and in extreme cases, grads leaving the country in order to avoid repayment and debt collectors.

Students and parents are not currently receiving the proper or any information of the burden that their student loans will have once they graduate. This is possibly a result of the relationship between student loan companies and universities, as some lenders offer universities incentives to steer borrowers their way.

College campuses are one place that young Americans are introduced to credit and the possibility of living beyond their means. With proper loan and credit counseling the burden of debt incurred in college could be greatly reduced. Especially in this time of recession, financial literacy is one of the most important tools that we can give to our students in order to ensure their success in the future.

My resolution was crafted to provide financial literacy training to students taking out Federal Student Loans and will require a minimum of 4 hours of counseling including entrance and exit counseling. Counseling will include the fundamentals of basic checking and savings accounts, budgeting, types of credit and their appropriate uses, the different forms of student financial aid, repayment options, credit scores and ratings, as well as investing.

INCREASING FUNDING FOR EDUCATION

Madam Chair, I also would like to address the relevance of this measure to our nation's Historically Black Colleges and Universities (HBCUs), and minority serving institutions, and to thank Chairman MILLER, other members of the Committee and the staff for taking bold and necessary steps to ensure the long-term and robust engagement of these institutions for many years to come. I have always been a proponent of increasing educational opportunities for students of every level, from every socioeconomic background throughout our nation will yield the greatest return on our investment. Providing access to educational opportunities is critical to the nation's long term prosperity. Most recently I advocated on behalf of the Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriations Act of 2010, H.R. 329, which sought to make the necessary investments to provide children with a 21st century education, will provide the resources to modernize our schools and colleges, and will provide funding to make college more affordable.

Just as I supported past legislation like H.R. 3081, the American Recovery and Reinvestment Act of 2009, which placed a premium on providing funding for and lending institutional support to our Historical Black Colleges and Universities (HBCUs) and Predominantly Black Institutions (PBIs), the Student Aid and Fiscal Responsibility Act invests $2.55 billion in HBCUs and Minority-Serving Institutions to provide students with the support they need to stay in school and graduate.

HBCUs and PBIs as defined in the Higher Education Act of 1965, as amended (HEA) as the following: A historically Black college or university is an institution of higher education established prior to 1964, whose principal mission was, and is, the education of Black Americans, and that is accredited by a nationally recognized accrediting agency or association determined by the Secretary to be a reliable authority as to the quality of training offered or is, according to such an agency or association, making reasonable progress toward accreditation. Historically Black colleges or universities also include any branch campus of a southern institution of higher education that prior to September 30, 1986, received a grant as an institution with special needs under HEA Section 321 and was formally recognized by the National Center for Education Statistics as a Historically Black College or University.

Predominantly Black Institutions are defined in HEA Section 318. These institutions meet basic eligibility under Title III, Section 312(b) and serve at least 40 percent Black American students. Basic eligibility under Title III, Section 312(b) of the HEA is met by institutions that:

have low educational and general expenditures (E&G) or seek a waiver by submitting evidence that is both persuasive and compelling to have this requirement waived;

have a requisite enrollment of needy students;

are legally authorized within their respective state to award bachelors degrees or are a community college; and

are accredited by a nationally or state recognized accrediting agency.

An institution is considered to have met the enrollment of needy students criterion if (1) at least 50 percent of its degree-seeking students receive financial assistance under one or more of the following programs: Federal Pell Grant Program, Federal Supplemental Educational Opportunity Grant Program, Federal Work-Study Program and/or the Federal Perkins Loan Program or (2) the percentage of its undergraduate degree-seeking students who were enrolled at least half-time and received a Federal Pell Grant met or exceeded the average for similar institutions.

We must invest in our nation's Historically Black Colleges and Universities (HBCUs) and other Minority Serving Institutions. A digital disparity between HBCU campuses and their counterparts currently exists. There is a significant need among HBCUs to update technological equipment and to develop advanced and cutting edge educational and technological opportunities for students. In the face of the adversity that outdated technology poses, HBCUs continue to generate thousands of African-American graduates who are prepared to compete in and contribute to our global economy. HBCUs represent nine of the top ten colleges that graduate the most African-Americans who go on to earn Ph.D.s. HBCUs and PBIs continue to provide opportunity and advancement to African-American students, and therefore are worthy of federal support.

Accordingly, my past legislative efforts have supported efforts to provide $653 million to strengthen the capacity of HBCUs and PBIs, Hispanic-serving Institutions, Tribal Colleges and Universities and Native American-serving Institutions, Asian Pacific Islander, and Native American Institutions. In the state of Texas, we have Tribal, Hispanic and African American populations that will benefit greatly from provisions that provide mandatory funding for the next 10 years. As the nation meets the demands associated with global competitiveness and changing demographics, resources provided in this measure very much are need to ensure our nation's long-term viability. The $85 million designated annually for HBCUs is particularly noteworthy, and will contribute greatly to helping these historic institutions in equipping students with the skills and exposure needed to drive globally relevant innovations and nationally relevant achievement.

Additionally, the measure provides unprecedented increases in student aid—particularly for the Pell Grant and Perkins Loan programs. Most notably, by ensuring that all new federal student loans will be processed through the Direct Student Loan program, the bill is expected to generate $87 billion in savings over the next ten years. These savings will be reinvested in other worthy projects benefiting community colleges and expanding the number of students who enroll and graduate from college.

As a Representative from the 18th Congressional District of Texas, I know firsthand that this will enable HBCUs like Texas Southern University in my district and Prairie View A&M University just outside of my district to thrive.

My past support of bills such as H.R. 3293 have advocated on behalf of an investment of $15.9 billion for Title I Education for the Disadvantaged Children Account, which will provide much needed support to underprivileged children in Grades K through 12, and will give hope to the low income families in my district in Houston, that their children will receive quality education. There is no greater investment in our country than an investment in our children's opportunity to obtain a quality education. I urge my colleagues today to pass this critical piece of legislation, as our nation's long-term prosperity hangs in the balance. Madam Chair, I support this legislation. I urge my colleagues to do the same.

Mr. GEORGE MILLER of California. Madam Chair, I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 3221

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 ''Student Aid and Fiscal Responsibility Act of 2009''.

SEC. 2. TABLE OF CONTENTS.

The table of contents is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.

TITLE I—INVESTING IN STUDENTS AND FAMILIES

Subtitle A—Increasing College Access and Completion

Sec. 101. Federal Pell Grants.
Sec. 102. College Access and Completion Innovation Fund.
Sec. 103. Investment in historically Black colleges and universities and other minority-serving institutions.
Sec. 104. Investment in cooperative education.
Sec. 105. Loan forgiveness for servicemembers activated for duty.
Sec. 106. Veterans Educational Equity Supplemental Grant Program.

Subtitle B—Student Financial Aid Form Simplification

Sec. 121. General effective date.
Sec. 122. Treatment of assets in need analysis.
Sec. 123. Changes to total income; aid eligibility.

TITLE II—STUDENT LOAN REFORM

Subtitle A—Stafford Loan Reform

Sec. 201. Federal Family Education Loan appropriations.
Sec. 202. Scope and duration of Federal loan insurance program.
Sec. 203. Applicable interest rates.
Sec. 204. Federal payments to reduce student interest costs.
Sec. 205. Federal PLUS Loans.
Sec. 206. Federal Consolidation Loan.
Sec. 207. Unsubsidized Stafford loans for middle-income borrowers.
Sec. 208. Loan repayment for civil legal assistance attorneys.
Sec. 209. Special allowances.
Sec. 210. Revised special allowance calculation.
Sec. 211. Origination of Direct Loans at institutions located outside the United States.
Sec. 212. Agreements with institutions.
Sec. 213. Terms and conditions of loans.
Sec. 214. Contracts.
Sec. 215. Interest rates.

Subtitle B—Perkins Loan Reform

Sec. 221. Federal Direct Perkins Loans terms and conditions.
Sec. 222. Authorization of appropriations.
Sec. 223. Allocation of funds.
Sec. 224. Federal Direct Perkins Loan allocation.
Sec. 225. Agreements with institutions of higher education.
Sec. 226. Student loan information by eligible institutions.
Sec. 227. Terms of loans.
Sec. 228. Distribution of assets from student loan funds.
Sec. 229. Implementation of non-title IV revenue requirement.
Sec. 230. Administrative expenses.

TITLE III—MODERNIZATION, RENOVATION, AND REPAIR

Subtitle A—Elementary and Secondary Education

Sec. 301. Definitions.

CHAPTER 1—GRANTS FOR MODERNIZATION, RENOVATION, OR REPAIR OF PUBLIC SCHOOL FACILITIES

Sec. 311. Purpose.
Sec. 312. Allocation of funds.
Sec. 313. Allowable uses of funds.
Sec. 314. Priority projects.

CHAPTER 2—SUPPLEMENTAL GRANTS FOR LOUISIANA, MISSISSIPPI, AND ALABAMA

Sec. 321. Purpose.
Sec. 322. Allocation to local educational agencies.
Sec. 323. Allowable uses of funds.

CHAPTER 3—GENERAL PROVISIONS

Sec. 331. Impermissible uses of funds.
Sec. 332. Supplement, not supplant.
Sec. 333. Prohibition regarding State aid.
Sec. 334. Maintenance of effort.
Sec. 335. Special rule on contracting.
Sec. 336. Use of American iron, steel, and manufactured goods.
Sec. 337. Labor standards.
Sec. 338. Charter schools.
Sec. 339. Green schools.
Sec. 340. Reporting.
Sec. 341. Special rules.
Sec. 342. Promotion of employment experiences.
Sec. 343. Advisory Council on Green, High-Performing Public School Facilities.
Sec. 344. Education regarding projects.
Sec. 345. Availability of funds.

Subtitle B—Higher Education

Sec. 351. Federal assistance for community college modernization and construction.

TITLE IV—EARLY LEARNING CHALLENGE FUND

Sec. 401. Purpose.
Sec. 402. Programs authorized.
Sec. 403. Quality pathways grants.
Sec. 404. Development grants.
Sec. 405. Research and evaluation.
Sec. 406. Reporting requirements.
Sec. 407. Construction.
Sec. 408. Definitions.
Sec. 409. Availability of funds.

TITLE V—AMERICAN GRADUATION INITIATIVE

Sec. 501. Authorization and appropriation.
Sec. 502. Definitions; grant priority.
Sec. 503. Grants to eligible entities for community college reform.
Sec. 504. Grants to eligible States for community college programs.
Sec. 505. National activities.

SEC. 3. REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

TITLE I—INVESTING IN STUDENTS AND FAMILIES

Subtitle A—Increasing College Access and Completion

SEC. 101. FEDERAL PELL GRANTS.

(a) AMOUNT OF GRANTS.—Section 401(b) (20 U.S.C. 1070a(b)) is amended—

(1) by amending paragraph (2)(A) to read as follows:

''(A) The amount of the Federal Pell Grant for a student eligible under this part shall be—

''(i) the maximum Federal Pell Grant, as specified in the last enacted appropriation Act applicable to that award year, plus

''(ii) the amount of the increase calculated under paragraph (8)(B) for that year, less

''(iii) an amount equal to the amount determined to be the expected family contribution with respect to that student for that year.''; and

(2) by amending paragraph (8), as amended by the Higher Education Opportunity Act (Public Law 110–315), to read as follows:

''(8) ADDITIONAL FUNDS.—

''(A) IN GENERAL.—There are authorized to be appropriated, and there are appropriated, to carry out subparagraph (B) of this paragraph (in addition to any other amounts appropriated to carry out this section and out of any money in the Treasury not otherwise appropriated) the following amounts—

''(i) $2,030,000,000 for fiscal year 2008;

''(ii) $2,733,000,000 for fiscal year 2009; and

''(iii) such sums as may be necessary for fiscal year 2010 and each subsequent fiscal year to provide the amount of increase of the maximum Federal Pell Grant required by clauses (ii) and (iii) of subparagraph (B).

''(B) INCREASE IN FEDERAL PELL GRANTS.—The amounts made available pursuant to subparagraph (A) shall be used to increase the amount of the maximum Federal Pell Grant for which a student shall be eligible during an award year, as specified in the last enacted appropriation Act applicable to that award year, by—

''(i) $490 for each of the award years 2008–2009 and 2009–2010;

''(ii) $690 for the award year 2010–2011; and

''(iii) the amount determined under subparagraph (C) for each succeeding award year.

''(C) INFLATION-ADJUSTED AMOUNTS.—

''(i) AWARD YEAR 2011–2012.—For award year 2011–2012, the amount determined under this subparagraph for purposes of subparagraph (B)(iii) shall be equal to—

''(I) $5,550 or the total maximum Federal Pell Grant for the preceding award year (as determined under clause (iv)(II)), whichever is greater, increased by a percentage equal to the annual adjustment percentage for award year 2011–2012; reduced by

''(II) $4,860 or the maximum Federal Pell Grant for which a student was eligible for the preceding award year, as specified in the last enacted appropriation Act applicable to that year, whichever is greater; and

''(III) rounded to the nearest $5.

''(ii) SUBSEQUENT AWARD YEARS.—For award year 2012–2013 and each of the subsequent award years, the amount determined under this subparagraph for purposes of subparagraph (B)(iii) shall be equal to—

''(I) the total maximum Federal Pell Grant for the preceding award year (as determined under clause (iv)(II)), increased by a percentage equal to the annual adjustment percentage for the award year for which the amount under this subparagraph is being determined; reduced by

''(II) $4,860 or the maximum Federal Pell Grant for which a student was eligible for the preceding award year, as specified in the last enacted appropriation Act applicable to that year, whichever is greater; and

''(III) rounded to the nearest $5.

''(iii) LIMITATION ON DECREASES.—Notwithstanding clauses (i) and (ii), if the amount determined under clause (i) or (ii) for an award year is less than the amount determined under this paragraph for the preceding award year, the amount determined under such clause for such award year shall be the amount determined under this paragraph for the preceding award year.

''(iv) DEFINITIONS.—For purposes of this subparagraph—

''(I) the term 'annual adjustment percentage' as it applies to an award year is equal to the sum of—

''(aa) the estimated percentage change in the Consumer Price Index (as determined by the Secretary, using the definition in section 478(f)) for the most recent calendar year ending prior to the beginning of that award year; and

''(bb) one percentage point; and

''(II) the term 'total maximum Federal Pell Grant' as it applies to a preceding award year is equal to the sum of—

''(aa) the maximum Federal Pell Grant for which a student is eligible during an award year, as specified in the last enacted appropriation Act applicable to that preceding award year; and

''(bb) the amount of the increase in the maximum Federal Pell Grant required by this paragraph for that preceding award year.

''(D) PROGRAM REQUIREMENTS AND OPERATIONS OTHERWISE UNAFFECTED.—Except as provided in subparagraphs (B) and (C), nothing in this paragraph shall be construed to alter the requirements and operations of the Federal Pell Grant Program as authorized under this section, or to authorize the imposition of additional requirements or operations for the determination and allocation of Federal Pell Grants under this section.

''(E) AVAILABILITY OF FUNDS.—The amounts made available by subparagraph (A) for any fiscal year shall be available beginning on October 1 of that fiscal year, and shall remain available through September 30 of the succeeding fiscal year.''.

(b) CONFORMING AMENDMENTS.—Title IV (20 U.S.C. 1070 et seq.) is further amended—

(1) in section 401(b)(6), as amended by the Higher Education Opportunity Act (Public Law 110–315), by striking ''the grant level specified in the appropriate Appropriation Act for this subpart for such year'' and inserting ''the Federal Pell Grant amount, determined under paragraph (2)(A), for which a student is eligible during such award year'';

(2) in section 402D(d)(1), by striking ''exceed the maximum appropriated Pell Grant'' and inserting ''exceed the Federal Pell Grant amount, determined under section 401(b)(2)(A), for which a student is eligible'';

(3) in section 435(a)(5)(A)(i)(I), by striking ''one-half the maximum Federal Pell Grant award for which a student would be eligible'' and inserting ''one-half the Federal Pell Grant amount, determined under section 401(b)(2)(A), for which a student would be eligible'';

(4) in section 483(e)(3)(ii), by striking ''based on the maximum Federal Pell Grant award at the time of application'' and inserting ''based on the Federal Pell Grant amount, determined under section 401(b)(2)(A), for which a student is eligible at the time of application'';

(5) in section 485E(b)(1)(A), by striking ''of such students' potential eligibility for a maximum Federal Pell Grant under subpart 1 of part A'' and inserting ''of such students' potential eligibility for the Federal Pell Grant amount, determined under section 401(b)(2)(A), for which the student would be eligible''; and

(6) in section 894(f)(2)(C)(ii)(I), by striking ''the maximum Federal Pell Grant for each award year'' and inserting ''the Federal Pell Grant amount, determined under section 401(b)(2)(A), for which a student may be eligible for each award year''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) of this section shall take effect on July 1, 2010.

SEC. 102. COLLEGE ACCESS AND COMPLETION INNOVATION FUND.

(a) HEADER.—Part E of title VII (20 U.S.C. 1141 et seq.) is amended by striking the header of such part and inserting the following:

''PART E—COLLEGE ACCESS AND COMPLETION INNOVATION FUND''.

(b) PURPOSE.—Part E of title VII (20 U.S.C. 1141 et seq.) is further amended by inserting before section 781 the following:

''SEC. 780. PURPOSES.

''The purposes of this part are—

''(1) to promote innovation in postsecondary education practices and policies by institutions of higher education, States, and nonprofit organizations to improve student success, completion, and post-completion employment, particularly for students from groups that are underrepresented in postsecondary education; and

''(2) to assist States in developing longitudinal data systems, common metrics, and reporting systems to enhance the quality and availability of information about student success, completion, and post-completion employment.''.

(c) AUTHORIZATION AND APPROPRIATION.—Section 781(a) (20 U.S.C. 1141(a)) is amended to read as follows:

''(a) AUTHORIZATION AND APPROPRIATION.—

''(1) IN GENERAL.—There are authorized to be appropriated, and there are appropriated, to carry out this part (in addition to any other amounts appropriated to carry out this part and out of any money in the Treasury not otherwise appropriated), $600,000,000 for each of the fiscal years 2010 through 2014.

''(2) ALLOCATIONS.—Of the amount appropriated for any fiscal year under paragraph (1)—

''(A) 25 percent shall be made available to carry out section 781;

''(B) 50 percent shall be made available to carry out section 782;

''(C) 23 percent shall be made available to carry out section 783; and

''(D) 2 percent shall be made available to carry out section 784.''.

(d) STATE GRANTS AND GRANTS TO ELIGIBLE ENTITIES.—Part E of title VII (20 U.S.C. 1141 et seq.) is further amended by adding at the end the following:

''SEC. 782. STATE INNOVATION COMPLETION GRANTS.

''(a) PROGRAM AUTHORIZATION.—From the amount appropriated under section 781(a)(2)(B) to carry out this section, the Secretary shall award grants to States on a competitive basis to promote student persistence in, and completion of, postsecondary education.

''(b) FEDERAL SHARE; NON-FEDERAL SHARE.—

''(1) FEDERAL SHARE.—The amount of the Federal share under this section for a fiscal year shall be equal to ⅔ of the costs of the activities and services described in subsection (d)(1) that are carried out under the grant.

''(2) NON-FEDERAL SHARE.—The amount of the non-Federal share under this section shall be equal to ⅓ of the costs of the activities and services described in subsection (d)(1). The non-Federal share may be in cash or in kind, and may be provided from State resources, contributions from private organizations, or both.

''(3) SUPPLEMENT, NOT SUPPLANT.—The Federal and non-Federal shares required by this paragraph shall be used to supplement, and not supplant, State and private resources that would otherwise be expended to carry out activities and services to promote student persistence in and completion of postsecondary education.

''(c) APPLICATION AND SELECTION.—

''(1) APPLICATION REQUIREMENTS.—For each fiscal year for which a State desires to receive a grant under this section, the State agency with jurisdiction over higher education, or another agency designated by the Governor or chief executive of the State to administer the grant program under this section, shall submit an application to the Secretary at such time, in such

manner, and containing such information as the Secretary may require. Such application shall include—

''(A) a description of the State's capacity to administer the grant under this section;

''(B) a description of the State's plans for using the grant funds for activities described in subsection (d)(1), including plans for how the State will make special efforts to provide benefits to students in the State who are from groups that are underrepresented in postsecondary education;

''(C) a description of how the State will provide for the non-Federal share from State resources, private contributions, or both;

''(D) a description of—

''(i) the administrative system that the State has in place to administer the activities and services described in subsection (d)(1); or

''(ii) the plan to develop such administrative system;

''(E) a description of the data system the State has or will have in place to measure the performance and progress toward the State's goals included in the Access and Completion Plan submitted, or that will be submitted, under paragraph (2)(A); and

''(F) the assurances under paragraph (2).

''(2) STATE ASSURANCES.—The assurances required in paragraph (1)(F) shall include an assurance of each of the following:

''(A) That the State will submit, not later than July 1, 2011, an Access and Completion Plan to increase the State's rate of persistence in and completion of postsecondary education. Such plan shall include—

''(i) the State's annual and long-term quantifiable goals with respect to—

''(I) the rates of postsecondary enrollment, persistence, and completion, disaggregated by income, race, ethnicity, sex, disability, and age of students;

''(II) closing gaps in enrollment, persistence, and completion rates for students from groups that are underrepresented in postsecondary education;

''(III) targeting education and training programs to address labor market needs in the State, as such needs are determined by the State, or the State in coordination with the State public employment service, the State workforce investment board, or industry or sector partnerships in the State; and

''(IV) improving coordination between two-year and four-year institutions of higher education in the State, including supporting comprehensive articulation agreements between such institutions; and

''(ii) the State's plan to develop an interoperable statewide longitudinal data system that—

''(I) can be linked to other data systems, as applicable, including elementary and secondary education and workforce data systems;

''(II) will collect, maintain, disaggregate (by institution, income, race, ethnicity, sex, disability, and age of students), and analyze postsecondary education and workforce information, including—

''(aa) postsecondary education enrollment, persistence, and completion information;

''(bb) post-completion employment outcomes of students who enrolled in postsecondary programs and training programs offered by eligible training providers under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.);

''(cc) postsecondary education and employment outcomes of students who move out of the State; and

''(dd) postsecondary instructional workforce information; and

''(III) makes the information described in subclause (I) available to the general public in a manner that is transparent and user-friendly.

''(B) That the State has a comprehensive planning or policy formulation process with respect to increasing postsecondary enrollment, persistence, and completion that—

''(i) encourages coordination between the State administration of grants under this section and similar State programs;

''(ii) encourages State policies that are designed to improve rates of enrollment and persistence in, and completion of, postsecondary education for all categories of institutions of higher education described in section 132(d) in the State;

''(iii) considers the postsecondary education needs of students from groups that are underrepresented in postsecondary education;

''(iv) considers the resources of public and private institutions of higher education, organizations, and agencies within the State that are capable of providing access to postsecondary education opportunities within the State; and

''(v) provides for direct, equitable, and active participation in the comprehensive planning or policy formulation process or processes, through membership on State planning commissions, State advisory councils, or other State entities established by the State and consistent with State law, by representatives of—

''(I) institutions of higher education, including at least one member from a junior or community college (as defined in section 312(f));

''(II) students;

''(III) other providers of postsecondary education services (including organizations providing access to such services);

''(IV) the general public in the State; and

''(V) postsecondary education faculty members, including at least one faculty member whose primary responsibilities are teaching and scholarship.

''(C) That the State will incorporate policies and practices that, through the activities funded under this section, are determined to be effective in improving rates of postsecondary education enrollment, persistence, and completion into the future postsecondary education policies and practices of the State to ensure that the benefits achieved through the activities funded under this section continue beyond the period of the grant.

''(D) That the State will participate in the evaluation required under section 784.

''(3) SUBGRANTS TO NONPROFIT ORGANIZATIONS.—A State receiving a payment under this section may elect to make a subgrant to one or more nonprofit organizations in the State, including agencies with agreements with the Secretary under subsections (b) and (c) of section 428 on the date of the enactment of the Student Aid and Fiscal Responsibility Act of 2009, or a partnership of such organizations, to carry out activities and services described in subsection (d)(1), if the nonprofit organization or partnership—

''(A) was in existence on the day before the date of the enactment of the Student Aid and Fiscal Responsibility Act of 2009; and

''(B) as of such day, was participating in activities and services related to promoting persistence in, and completion of, postsecondary education, such as the activities and services described in subsection (d)(1).

''(4) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to States that enter into a partnership with one of the following entities to carry out the activities and services described in subsection (d)(1):

''(A) A philanthropic organization, as such term is defined in section 781(i)(1).

''(B) An agency with an agreement with the Secretary under subsections (b) and (c) of section 428 on the date of the enactment of Student Aid and Fiscal Responsibility Act of 2009.

''(d) USES OF FUNDS.—

''(1) AUTHORIZED USES.—A State receiving a grant under this section shall use the grant funds to—

''(A) provide programs in such State that increase persistence in, and completion of, postsecondary education, which may include—

''(i) assisting institutions of higher education in providing financial literacy, education, and counseling to enrolled students;

''(ii) assisting students enrolled in an institution of higher education to reduce the amount of loan debt incurred by such students;

''(iii) providing grants to students described in section 415A(a)(1), in accordance with the terms of that section; and

''(iv) carrying out the activities described in section 415E(a); and

''(B) support the development and implementation of a statewide longitudinal data system, as described in subsection (c)(2)(A)(ii).

''(2) PROHIBITED USES.—Funds made available under this section shall not be used to promote any lender's loans.

''(3) RESTRICTIONS ON USE OF FUNDS.—A State—

''(A) shall use not less than ⅓ of the sum of the Federal and non-Federal share used for paragraph (1)(A) on activities that benefit students enrolled in junior or community colleges (as defined in section 312(f)), two-year public institutions, or two-year programs of instruction at four-year public institutions;

''(B) may use not more than 10 percent of the sum of the Federal and non-Federal share under this section for activities described in paragraph (1)(B); and

''(C) may use not more than 6 percent of the sum of the Federal and non-Federal share under this section for administrative purposes relating to the grant under this section.

''(e) ANNUAL REPORT.—Each State receiving a grant under this section shall submit to the Secretary an annual report on—

''(1) the activities and services described in subsection (d)(1) that are carried out with such grant;

''(2) the effectiveness of such activities and services in increasing postsecondary persistence and completion, as determined by measurable progress in achieving the State's goals for persistence and completion described in the Access and Completion Plan submitted by the State under subsection (c)(2)(A), if such plan has been submitted; and

''(3) any other information or assessments the Secretary may require.

''(f) DEFINITIONS.—In this section:

''(1) INDUSTRY OR SECTOR PARTNERSHIP.—The term 'industry or sector partnership' means a workforce collaborative that organizes key stakeholders in a targeted industry cluster into a working group that focuses on the human capital needs of a targeted industry cluster and that includes, at the appropriate stage of development of the partnership—

''(A) representatives of multiple firms or employers (including workers) in a targeted industry cluster, including small- and medium-sized employers when practicable;

''(B) 1 or more representatives of State labor organizations, central labor coalitions, or other labor organizations;

''(C) 1 or more representatives of local workforce investment boards;

''(D) 1 or more representatives of postsecondary educational institutions or other training providers; and

''(E) 1 or more representatives of State workforce agencies or other entities providing employment services.

''(2) STATE PUBLIC EMPLOYMENT SERVICE.—The term 'State public employment service' has the meaning given such term in section 502(a)(9) of the Student Aid and Fiscal Responsibility Act of 2009.

''(3) STATE WORKFORCE INVESTMENT BOARD; LOCAL WORKFORCE INVESTMENT BOARD.—The terms 'State workforce investment board' and 'local workforce investment board' have the meanings given such terms in section 502(a)(10) of the Student Aid and Fiscal Responsibility Act of 2009.

"SEC. 783. INNOVATION IN COLLEGE ACCESS AND COMPLETION NATIONAL ACTIVITIES.

''(a) PROGRAMS AUTHORIZED.—From the amount appropriated under section 781(a)(2)(C) to carry out this section, the Secretary shall award grants, on a competitive basis, to eligible

entities in accordance with this section to conduct innovative programs that advance knowledge about, and adoption of, policies and practices that increase the number of individuals with postsecondary degrees or certificates.

''(b) ELIGIBLE ENTITIES.—The Secretary is authorized to award grants under subsection (a) to—

''(1) institutions of higher education;

''(2) States;

''(3) nonprofit organizations with demonstrated experience in the operation of programs to increase postsecondary completion;

''(4) philanthropic organizations (as such term is defined in section 781(i)(1));

''(5) entities receiving a grant under chapter 1 of subpart 2 of part A of title IV; and

''(6) consortia of any of the entities described in paragraphs (1) through (5).

''(c) INNOVATION GRANTS.—

''(1) MINIMUM AWARD.—A grant awarded under subsection (a) shall be not less than $1,000,000.

''(2) GRANTS USES.—The Secretary's authority to award grants under subsection (a) includes—

''(A) the authority to award to an eligible entity a grant in an amount equal to all or part of the amount of funds received by such entity from philanthropic organizations (as such term is defined in section 781(i)(1)) to conduct innovative programs that advance knowledge about, and adoption of, policies and practices that increase the number of individuals with postsecondary degrees or certificates; and

''(B) the authority to award an eligible entity a grant to develop 2-year programs that provide supplemental grant or loan benefits to students that—

''(i) are designed to improve student outcomes, including degree completion, graduation without student loan debt, and post-completion employment;

''(ii) are in addition to the student financial aid available under title IV of this Act; and

''(iii) do not result in the reduction of the amount of that aid or any other student financial aid for which a student is otherwise eligible under Federal law.

''(3) APPLICATION.—To be eligible to receive a grant under subsection (a), an eligible entity shall submit an application at such time, in such manner, and containing such information as the Secretary shall require.

''(4) PRIORITIES.—In awarding grants under subsection (a), the Secretary shall give priority to applications that—

''(A) are from an eligible entity with demonstrated experience in serving students from groups that are underrepresented in postsecondary education, including institutions of higher education that are eligible for assistance under title III or V, or are from a consortium that includes an eligible entity with such experience;

''(B) are from an eligible entity that is a public institution of higher education that does not predominantly provide an educational program for which it awards a bachelor's degree (or an equivalent degree), or from a consortium that includes at least one such institution;

''(C) include activities to increase degree or certificate completion in the fields of science, technology, engineering, and mathematics, including preparation for, or entry into, postbaccaluareate study, especially for women and other groups of students who are underrepresented in such fields;

''(D) are from an eligible entity that is a philanthropic organization with the primary purpose of providing scholarships and support services to students from groups that are underrepresented in postsecondary education, or are from a consortium that includes such an organization; or

''(E) are from an eligible entity that encourages partnerships between institutions of higher education with high degree-completion rates and institutions of higher education with low degree-completion rates from the same category of institutions described in section 132(d) to facilitate the sharing of information relating to, and the implementation of, best practices for increasing postsecondary completion.

''(5) TECHNICAL ASSISTANCE.—The Secretary may reserve up to $5,000,000 per year to award grants and contracts to provide technical assistance to eligible entities receiving a grant under subsection (a), including technical assistance on the evaluation conducted in accordance with section 784 and establishing networks of eligible entities receiving grants under such subsection.

''(d) REPORTS.—

''(1) ANNUAL REPORTS BY ENTITIES.—Each eligible entity receiving a grant under subsection (a) shall submit to the Secretary an annual report on—

''(A) the effectiveness of the program carried out with such grant in increasing postsecondary completion, as determined by measurable progress in achieving the goals of the program, as described in the application for such grant; and

''(B) any other information or assessments the Secretary may require.

''(2) ANNUAL REPORT TO CONGRESS.—The Secretary shall submit to the authorizing committees an annual report on grants awarded under subsection (a), including—

''(A) the amount awarded to each eligible entity receiving a grant under such subsection; and

''(B) a description of the activities conducted by each such eligible entity.

''SEC. 784. EVALUATION.

''From the amount appropriated under section 781(a)(2)(D), the Director of the Institute of Education Sciences shall evaluate the programs funded under this part. Not later than January 30, 2016, the Director shall issue a final report on such evaluation to the authorizing committees and the Secretary, and shall make such report available to the public.

''SEC. 785. VETERANS RESOURCE OFFICER GRANTS.

''(a) PROGRAM AUTHORIZED.—The Secretary shall award grants, on a competitive basis, to eligible institutions of higher education to hire a Veterans Resource Officer to increase the college completion rates for veterans enrolled at such institutions.

''(b) DEFINITIONS.—In this section:

''(1) ELIGIBLE INSTITUTION OF HIGHER EDUCATION.—The term 'eligible institution of higher education' means an institution of higher education that has an enrollment of at least 100 full-time equivalent students who are veterans.

''(2) FULL-TIME EQUIVALENT STUDENTS.—The term 'full-time equivalent students' has the meaning given such term in section 312(e).

''(3) VETERAN.—The term 'veteran' has the meaning give such term in section 480(c).

''(c) APPLICATION.—To be eligible to receive a grant under this section, an eligible institution of higher education shall submit an application at such time, in such manner, and containing such information as the Secretary shall require.

''(d) USES OF FUNDS.—

''(1) IN GENERAL.—An eligible institution of higher education receiving a grant under this section shall use such grant to hire 1 or 2 Veterans Resource Officers (in the case of an institution that has an enrollment of at least 200 full-time equivalent students who are veterans) to serve in the office of campus programs, or a similar office, at such institution and carry out the activities described in paragraph (2).

''(2) ACTIVITIES.—A Veterans Resource Officer shall carry out activities at an eligible institution of higher education to help increase the completion rates for veterans enrolled at such institution, which shall include the following activities:

''(A) Serving as a link between student veterans and the staff of the institution.

''(B) Serving as a link between student veterans and local facilities of the Department of Veterans Affairs.

''(C) Organizing and advising student veterans organization.

''(D) Organizing veterans oriented group functions and events.

''(E) Maintaining newsletters and listserves to distribute news and information to all student veterans.

''(F) Organizing new student veterans campus orientation.

''(G) Ensuring that the Department of Veterans Affairs certifying official at such institution is properly trained.

''(3) PRIORITY.—To the extent practicable, each institution described in paragraph (1) shall give priority to hiring a veteran to serve as a Veterans Resource Officer.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2010 and each succeeding fiscal year.''.

SEC. 103. INVESTMENT IN HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND OTHER MINORITY-SERVING INSTITUTIONS.

Section 371 (20 U.S.C. 1067q) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''section 502'' and inserting ''section 502(a)'';

(B) in paragraph (3), by striking ''section 316'' and inserting ''section 316(b)'';

(C) in paragraph (5), by striking ''in subsection (c)'' and inserting ''in section 318(b)'';

(D) in paragraph (6), by striking ''in subsection (c)'' and inserting ''in section 320(b)''; and

(E) in paragraph (7), by striking ''in subsection (c)'' and inserting ''in section 319(b)'';

(2) in subsection (b)—

(A) in paragraph (1)(A), by striking ''$255,000,000'' and all that follows and inserting ''$255,000,000 for each of the fiscal years 2008 through 2019.''; and

(B) by amending paragraph (2)(B) to read as follows:

''(B) STEM AND ARTICULATION PROGRAMS.—From the amount made available for allocation under this subparagraph by subparagraph (A)(i) for any fiscal year—

''(i) 90 percent shall be available for Hispanic-serving institutions for activities described in sections 503 and 513, with a priority given to applications that propose—

''(I) to increase the number of Hispanic and other low-income students attaining degrees in the fields of science, technology, engineering, or mathematics; and

''(II) to develop model transfer and articulation agreements between 2-year Hispanic-serving institutions and 4-year institutions in such fields; and

''(ii) 10 percent shall be available for grants under section 355.'';

(C) in paragraph (2)(C)(ii), by striking ''and shall be available for a competitive'' and all that follows and inserting ''and shall be made available as grants under section 318 and allotted among such institutions under section 318(e), treating such amount, plus the amount appropriated for such fiscal year in a regular or supplemental appropriation Act to carry out section 318, as the amount appropriated to carry out section 318 for purposes of allotments under section 318(e)''; and

(D) in paragraph (2)(D)—

(i) in clause (iii), by striking ''for activities described in section 311(c)'' and inserting ''and shall be made available as grants under section 320, treating such $5,000,000 as part of the amount appropriated for such fiscal year in a regular or supplemental appropriation Act to carry out such section and using such $5,000,000 for purposes described in subsection (c) of such section''; and

(ii) in clause (iv), by striking ''described in subsection (a)(7)—'' and all that follows and inserting ''and shall be made available as grants under section 319, treating such $5,000,000 as

part of the amount appropriated for such fiscal year in a regular or supplemental appropriation Act to carry out such section and using such $5,000,000 for purposes described in subsection (c) of such section''; and

(3) by striking subsection (c).

SEC. 104. INVESTMENT IN COOPERATIVE EDUCATION.

There are authorized to be appropriated, and there are appropriated, to carry out part N of title VIII of the Higher Education Act of 1965 (20 U.S.C. 1161n) (in addition to any other amounts appropriated to carry out such part and out of any money in the Treasury not otherwise appropriated), $10,000,000 for fiscal year 2010.

SEC. 105. LOAN FORGIVENESS FOR SERVICEMEMBERS ACTIVATED FOR DUTY.

(a) IN GENERAL.—Section 484B(b)(2) (20 U.S.C. 1091b(b)(2)) is amended by adding at the end the following:

''(F) TUITION RELIEF FOR STUDENTS CALLED TO MILITARY SERVICE.—

''(i) WAIVER OF REPAYMENT BY STUDENTS CALLED TO MILITARY SERVICE.—In addition to the waivers authorized by subparagraphs (D) and (E), the Secretary shall waive the amounts that students are required to return under this section if the withdrawals on which the returns are based are withdrawals necessitated by reason of service in the uniformed services.

''(ii) LOAN FORGIVENESS AUTHORIZED.—Whenever a student's withdrawal from an institution of higher education is necessitated by reason of service in the uniformed services, the Secretary shall, with respect to the payment period or period of enrollment for which such student did not receive academic credit as a result of such withdrawal, carry out a program—

''(I) through the holder of the loan, to assume the obligation to repay—

''(aa) the outstanding principal and accrued interest on any loan assistance awarded to the student under part B (including to a parent on behalf of the student under section 428B) for such payment period or period of enrollment; minus

''(bb) any amount of such loan assistance returned by the institution in accordance with paragraph (1) of this subsection for such payment period or period of enrollment; and

''(II) to cancel—

''(aa) the outstanding principal and accrued interest on the loan assistance awarded to the student under part D or E (including a Federal Direct PLUS loan awarded to a parent on behalf of the student) for such payment period or period of enrollment; minus

''(bb) any amount of such loan assistance returned by the institution in accordance with paragraph (1) of this subsection for such payment period or period of enrollment.

''(iii) REIMBURSEMENT FOR CANCELLATION OF PERKINS LOANS.—The Secretary shall pay to each institution for each fiscal year an amount equal to the aggregate of the amounts of Federal Perkins loans in such institutions's student loan fund which are cancelled pursuant to clause (iii)(II) for such fiscal year, minus an amount equal to the aggregate of the amounts of any such loans so canceled which were made from Federal capital contributions to its student loan fund provided by the Secretary under section 468. None of the funds appropriated pursuant to section 461(b) shall be available for payments pursuant to this paragraph. To the extent feasible, the Secretary shall pay the amounts for which any institution qualifies under this paragraph not later than 3 months after the institution files an institutional application for campus-based funds.

''(iv) LOAN ELIGIBILITY AND LIMITS FOR STUDENTS.—Any amounts that are returned by an institution in accordance with paragraph (1), or forgiven or waived by the Secretary under this subparagraph, with respect to a payment period or period of enrollment for which a student did not receive academic credit as a result of withdrawal necessitated by reason of service in the uniformed services, shall not be included in the calculation of the student's annual or aggregate loan limits for assistance under this title, or otherwise affect the student's eligibility for grants or loans under this title.

''(v) DEFINITION.—In this subparagraph, the term 'service in the uniformed services' has the meaning given such term in section 484C(a).''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect for periods of service in the uniformed services beginning after the date of the enactment of this Act.

(2) DEFINITION.—In this paragraph, the term ''period of service in the uniformed services'' means the period beginning 30 days prior to the date a student is required to report to service in the uniformed services (as defined in section 484C(a) of the Higher Education Act of 1965 (20 U.S.C. 1091c(a)) and ending when such student returns from such service.

SEC. 106. VETERANS EDUCATIONAL EQUITY SUPPLEMENTAL GRANT PROGRAM.

(a) VETERANS EDUCATIONAL EQUITY SUPPLEMENTAL GRANT PROGRAM.—Subpart 1 of part A of title IV (20 U.S.C. 1070a et seq.) is amended by adding at the end the following:

''SEC. 401B. VETERANS EDUCATIONAL EQUITY SUPPLEMENTAL GRANT PROGRAM.

''(a) VETERANS EDUCATIONAL EQUITY SUPPLEMENTAL GRANTS AUTHORIZED.—The Secretary shall award a grant to each eligible student, in an amount determined in accordance with subsection (c), to assist such student with paying the cost of tuition incurred by the student for a program of education at an institution of higher education.

''(b) DEFINITIONS.—In this section—

''(1) ELIGIBLE STUDENT.—The term 'eligible student' means a student who—

''(A) is a covered individual, as such term is defined in section 3311(b) of title 38, United States Code;

''(B) is enrolled at an institution of higher education that—

''(i) is not a public institution of higher education; and

''(ii) is located in a State with a zero, or very low, maximum tuition charge per credit hour compared to the maximum tuition charge per credit hour in all other States, as determined by the Secretary of Veterans Affairs (based on the determinations of maximum tuition charged per credit hour in each State for the purposes of chapter 33 of title 38, United States Code); and

''(C) is eligible for educational assistance for an academic year, and will receive an amount of such assistance for such year for fees charged the individual that is less than the maximum amount of such assistance available for fees charged for such year in such State.

''(2) EDUCATIONAL ASSISTANCE.—The term 'educational assistance' means the amount of educational assistance from the Secretary of Veterans Affairs an eligible student receives or will receive under section 3313(c)(1)(A) of title 38, United States Code, or a similar amount of such assistance under paragraphs (2) through (7) of such section 3313(c).

''(c) GRANT AMOUNT.—A grant to an eligible student under this section be equal to an amount that is—

''(1) the maximum amount of educational assistance for fees charged that the eligible student would receive, in accordance with section 3313(c) of title 38, United States Code, if such student attended the public institution of higher education in the State in which the eligible student is enrolled that has the highest fees charged to an individual for a year in such State (as determined by the Secretary of Veterans Affairs for the purposes of chapter 33 of such title 38), less

''(2) the educational assistance the eligible student will receive, in accordance with such section, for fees charged to the student for such year at the institution of higher education at which the student is enrolled.

''(d) USES OF FUNDS.—An eligible student who receives a grant under this section shall use such grant to pay tuition incurred by the student for a program of education at an institution of higher education.

''(e) NOTIFICATION.—The Secretary, in coordination with Secretary of Veterans Affairs, shall establish a system of notification to ensure the timely delivery to each eligible student of—

''(1) educational assistance received by the student; and

''(2) grants awarded to the student under this section.

''(f) AUTHORIZATION AND APPROPRIATION.—There are authorized to be appropriated, and there are appropriated, such sums as may be necessary to carry out this section (in addition to any other amounts appropriated to carry out this section and out of any money in the Treasury not otherwise appropriated).''.

*(b) CONFORMING AMENDMENT.—The header for subpart 1 of part A of title IV (20 U.S.C. 1070a et seq.) is amended by inserting ''**; Veterans Educational Equity Supplemental Grants**'' after ''**Pell Grants**''.*

Subtitle B—Student Financial Aid Form Simplification

SEC. 121. GENERAL EFFECTIVE DATE.

Except as otherwise provided in this subtitle, amendments made by this subtitle shall be effective with respect to determinations of need for assistance under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) for award years beginning on or after July 1, 2011.

SEC. 122. TREATMENT OF ASSETS IN NEED ANALYSIS.

(a) AMOUNT OF NEED.—Section 471 (20 U.S.C. 1087kk) is amended—

(1) by striking ''Except'' and inserting the following:

''(a) IN GENERAL.—Except'';

(2) by inserting ''and subject to subsection (b)'' after ''therein''; and

(3) by adding at the end the following:

''(b) ASSET CAP FOR NEED-BASED AID.—Notwithstanding any other provision of this title, a student shall not be eligible to receive a Federal Pell Grant, a Federal Direct Stafford Loan, or work assistance under this title if—

''(1) in the case of a dependent student, the combined net assets of the student and the student's parents are equal to an amount greater than $150,000 (or a successor amount prescribed by the Secretary under section 478(c)); or

''(2) in the case of an independent student, the net assets of the student (and the student's spouse, if applicable) are equal to an amount greater than $150,000 (or a successor amount prescribed by the Secretary under section 478(c)).''.

(b) DATA ELEMENTS.—Section 474(b) (20 U.S.C. 1087nn(b)) is amended—

(1) by striking paragraph (4); and

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

(c) DEPENDENT STUDENTS.—Section 475 (20 U.S.C. 1087oo) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''adjusted''; and

(ii) by inserting ''and'' after the semicolon;

(B) in paragraph (2), by striking ''; and'' and inserting a period; and

(C) by striking paragraph (3);

(2) in subsection (b)—

(A) in the header, by striking ''ADJUSTED'';

(B) in the matter preceding paragraph (1), by striking ''adjusted'';

(C) by striking paragraph (1);

(D) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(E) in paragraph (1) (as redesignated by subparagraph (D) of this paragraph), by striking ''adjusted''; and

(F) in paragraph (2) (as redesignated by subparagraph (D) of this paragraph), by striking ''paragraph (2)'' and inserting ''paragraph (1)'';

(3) by repealing subsection (d);

(4) in subsection (e)—

(A) by striking ''The adjusted available'' and inserting ''The available'';

(B) by striking ''to as 'AAI')'' and inserting ''to as 'AI')'';

(C) by striking ''From Adjusted Available Income (AAI)'' and inserting ''From Available Income (AI)''; and

(D) in the table—

(i) by striking ''If AAI'' and inserting ''If AI''; and

(ii) by striking ''of AAI'' each place it appears and inserting ''of AI'';

(5) in subsection (f)—

(A) by striking ''and assets'' each place it appears;

(B) in paragraph (2)(B), by striking ''or assets''; and

(C) in paragraph (3)—

(i) by striking ''are taken into'' and inserting ''is taken into''; and

(ii) by striking ''adjusted'';

(6) in subsection (g)(6), by striking ''exceeds the sum of'' and all that follows and inserting ''exceeds the parents' total income (as defined in section 480)'';

(7) by repealing subsection (h); and

(8) in subsection (i), by striking ''adjusted'' each place it appears.

(d) FAMILY CONTRIBUTION FOR INDEPENDENT STUDENTS WITHOUT DEPENDENTS OTHER THAN A SPOUSE.—Section 476 (20 U.S.C. 1087pp) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(C) in paragraph (1) (as redesignated by subparagraph (B)), by striking ''the sum resulting under paragraph (1)'' and inserting ''the family's contribution from available income (determined in accordance with subsection (b))''; and

(D) in paragraph (2)(A) (as redesignated by subparagraph (B)), by striking ''paragraph (2)'' and inserting ''paragraph (1)'';

(2) by repealing subsection (c); and

(3) in subsection (d)—

(A) by striking ''and assets''; and

(B) by striking ''or assets''.

(e) FAMILY CONTRIBUTION FOR INDEPENDENT STUDENTS WITH DEPENDENTS OTHER THAN A SPOUSE.—Section 477 (20 U.S.C. 1087qq) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively;

(C) in paragraph (1) (as redesignated by subparagraph (B)), by striking ''such adjusted available income'' and inserting ''the family's available income (determined in accordance with subsection (b))'';

(D) in paragraph (2) (as redesignated by subparagraph (B)), by striking ''paragraph (2)'' and inserting ''paragraph (1)''; and

(E) in paragraph (3)(A) (as redesignated by subparagraph (B)), by striking ''paragraph (3)'' and inserting ''paragraph (2)'';

(2) by repealing subsection (c); and

(3) in subsection (d)—

(A) by striking ''The adjusted available'' and inserting ''The available'';

(B) by striking ''to as 'AAI')'' and inserting ''to as 'AI')'';

(C) by striking ''From Adjusted Available Income (AAI)'' and inserting ''From Available Income (AI)''; and

(D) in the table—

(i) by striking ''If AAI'' and inserting ''If AI''; and

(ii) by striking ''of AAI'' each place it appears and inserting ''of AI''; and

(E) in subsection (e)—

(i) by striking ''and assets''; and

(ii) by striking ''or assets''.

(f) REGULATIONS; UPDATED TABLES.—Section 478 (20 U.S.C. 1087rr) is amended—

(1) in subsection (a), by inserting ''or amounts, as the case may be,'' after ''tables'' each place the term appears;

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

''(c) ASSET CAP FOR NEED-BASED AID.—For each award year after award year 2011–2012, the Secretary shall publish in the Federal Register a revised net asset cap for the purposes of section 471(b). Such revised cap shall be determined by increasing the dollar amount in such section by a percentage equal to the estimated percentage change in the Consumer Price Index (as determined by the Secretary) between December 2010 and the December preceding the beginning of such award year, and rounding the result to the nearest $5.'';

(3) by repealing subsection (d); and

(4) in subsection (e), by striking ''adjusted'' both places it appears.

SEC. 123. CHANGES TO TOTAL INCOME; AID ELIGIBILITY.

(a) DEFINITION OF UNTAXED INCOME AND BENEFITS.—Section 480(b)(1) (20 U.S.C. 1087vv(b)(1)), as amended by the Higher Education Opportunity Act (Public Law 110–315), is amended—

(1) by striking subparagraphs (A), (B), (C), (E), (F), and (I);

(2) by redesignating subparagraphs (D), (G), and (H) as subparagraphs (A), (B), and (C), respectively;

(3) in subparagraph (B) (as redesignated by paragraph (2)), by inserting ''and'' after the semicolon; and

(4) in subparagraph (C) (as redesignated by paragraph (2)), by striking ''; and'' and inserting a period.

(b) DEFINITION OF ASSETS.—Section 480(f)(2) (20 U.S.C. 1087vv(f)(2)) is amended—

(1) by striking ''or'' at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting ''; or''; and

(3) by adding at the end the following:

''(D) an employee pension benefit plan (as defined in section 3(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(2))).''.

(c) FINANCIAL ADMINISTRATOR DISCRETION.—Section 479A(b) (20 U.S.C. 1087tt) is amended in the subsection heading, by striking ''TO ASSETS''.

(d) SUSPENSION OF ELIGIBILITY FOR DRUG-RELATED OFFENSES.—Section 484(r)(1) (20 U.S.C. 1091(r)(1)) is amended to read as follows:

''(1) IN GENERAL.—A student who is convicted of any offense under any Federal or State law involving the sale of a controlled substance for conduct that occurred during a period of enrollment for which the student was receiving any grant, loan, or work assistance under this title shall not be eligible to receive any grant, loan, or work assistance under this title from the date of that conviction for the period of time specified in the following subparagraphs:

''(A) For a first offense, the period of ineligibility shall be 2 years.

''(B) For a second offense, the period of ineligibility shall be indefinite.''.

TITLE II—STUDENT LOAN REFORM

Subtitle A—Stafford Loan Reform

SEC. 201. FEDERAL FAMILY EDUCATION LOAN APPROPRIATIONS.

Section 421 (20 U.S.C. 1071) is amended—

(1) in subsection (b), in the matter following paragraph (6), by inserting '', except that no sums may be expended after June 30, 2010, with respect to loans under this part for which the first disbursement would be made after such date'' after ''expended''; and

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

''(d) TERMINATION OF AUTHORITY TO MAKE OR INSURE NEW LOANS.—Notwithstanding paragraphs (1) through (6) of subsection (b) or any other provision of law—

''(1) no new loans (including consolidation loans) may be made or insured under this part after June 30, 2010; and

''(2) no funds are authorized to be appropriated, or may be expended, under this Act or any other Act to make or insure loans under this part (including consolidation loans) for which the first disbursement would be made after June 30, 2010,

except as expressly authorized by an Act of Congress enacted after the date of enactment of Student Aid and Fiscal Responsibility Act of 2009.''.

SEC. 202. SCOPE AND DURATION OF FEDERAL LOAN INSURANCE PROGRAM.

Section 424(a) (20 U.S.C. 1074(a)) is amended by striking ''September 30, 1976,'' and all that follows and inserting ''September 30, 1976, for each of the succeeding fiscal years ending prior to October 1, 2009, and for the period from October 1, 2009, to June 30, 2010, for loans first disbursed on or before June 30, 2010.''.

SEC. 203. APPLICABLE INTEREST RATES.

Section 427A(l) (20 U.S.C. 1077a(l)) is amended—

(1) in paragraph (1), by inserting ''and before July 1, 2010,'' after ''July 1, 2006,'';

(2) in paragraph (2), by inserting ''and before July 1, 2010,'' after ''July 1, 2006,'';

(3) in paragraph (3), by inserting ''and that was disbursed before July 1, 2010,'' after ''July 1, 2006,''; and

(4) in paragraph (4)—

(A) in the matter preceding subparagraph (A), by striking ''July 1, 2012'' and inserting ''July 1, 2010''; and

(B) by repealing subparagraphs (D) and (E).

SEC. 204. FEDERAL PAYMENTS TO REDUCE STUDENT INTEREST COSTS.

(a) HIGHER EDUCATION ACT OF 1965.—Section 428 (20 U.S.C. 1078) is amended—

(1) in subsection (a)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by inserting ''for which the first disbursement is made before July 1, 2010, and'' after ''eligible institution''; and

(B) in paragraph (5), by striking ''September 30, 2014,'' and all that follows through the period and inserting ''June 30, 2010.'';

(2) in subsection (b)(1)—

(A) in subparagraph (G)(ii), by inserting ''and before July 1, 2010,'' after ''July 1, 2006,''; and

(B) in subparagraph (H)(ii), by inserting ''and that are first disbursed before July 1, 2010,'' after ''July 1, 2006,'';

(3) in subsection (f)(1)(A)(ii)—

(A) by striking ''during fiscal years beginning''; and

(B) by inserting ''and first disbursed before July 1, 2010,'' after ''October 1, 2003,''; and

(4) in subsection (j)(1), by inserting '', before July 1, 2010,'' after ''section 435(d)(1)(D) of this Act shall''.

(b) COLLEGE COST REDUCTION AND ACCESS ACT.—Section 303 of the College Cost Reduction and Access Act (Public Law 110–84) is repealed.

SEC. 205. FEDERAL PLUS LOANS.

Section 428B(a)(1) (20 U.S.C. 1078–2(a)(1)) is amended by striking ''A graduate'' and inserting ''Prior to July 1, 2010, a graduate''.

SEC. 206. FEDERAL CONSOLIDATION LOAN.

(a) AMENDMENTS.—Section 428C (20 U.S.C. 1078–3) is amended—

(1) in subsection (a)—

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

''(V) an individual who has a consolidation loan under this section and does not have a consolidation loan under section 455(g) may obtain a subsequent consolidation loan under section 455(g).''; and

(B) in paragraph (4)(A), by inserting '', and first disbursed before July 1, 2010'' after ''under this part'';

(2) in subsection (b)—

(A) in paragraph (1)(E), by inserting before the semicolon '', and before July 1, 2010''; and

(B) in paragraph (5), by striking ''In the event that'' and inserting ''If, before July 1, 2010,'';

(3) in subsection (c)(1)—

(A) in subparagraph (A)(ii), by inserting ''and that is disbursed before July 1, 2010,'' after ''2006,''; and

(B) in subparagraph (C), by inserting ''and first disbursed before July 1, 2010,'' after ''1994,''; and

(4) in subsection (e), by striking ''September 30, 2014.'' and inserting ''June 30, 2010. No loan may be made under this section for which the first disbursement would be on or after July 1, 2010.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a)(1)(A) shall be effective at the close of June 30, 2010.

SEC. 207. UNSUBSIDIZED STAFFORD LOANS FOR MIDDLE-INCOME BORROWERS.

Section 428H (20 U.S.C. 1078–8) is amended—

(1) in subsection (a), by inserting ''that are first disbursed before July 1, 2010,'' after ''under this part'';

(2) in subsection (b)—

(A) by striking ''Any student'' and inserting ''Prior to July 1, 2010, any student''; and

(B) by inserting ''for which the first disbursement is made before such date'' after ''unsubsidized Federal Stafford Loan''; and

(3) in subsection (h), by inserting ''and that are first disbursed before July 1, 2010,'' after ''July 1, 2006,''.

SEC. 208. LOAN REPAYMENT FOR CIVIL LEGAL ASSISTANCE ATTORNEYS.

Section 428L(b)(2)(A) (20 U.S.C. 1078–12(b)(2)(A)) is amended—

(1) by amending clause (i) to read as follows:

''(i) subject to clause (ii)—

''(I) a loan made, insured, or guaranteed under this part, and that is first disbursed before July 1, 2010; or

''(II) a loan made under part D or part E; and''; and

(2) in clause (ii)—

(A) by striking ''428C or 455(g)'' and inserting ''428C, that is disbursed before July 1, 2010, or section 455(g)''; and

(B) in subclause (II), by inserting ''for which the first disbursement is made before July 1, 2010,'' after ''or 428H''.

SEC. 209. SPECIAL ALLOWANCES.

Section 438 (20 U.S.C. 1087–1) is amended—

(1) in subsection (b)(2)(I)—

(A) in the header, by inserting '', AND BEFORE JULY 1, 2010'' after ''2000'';

(B) in clause (i), by inserting ''and before July 1, 2010,'' after ''2000,'';

(C) in clause (ii)(II), by inserting ''and before July 1, 2010,'' after ''2006,'';

(D) in clause (iii), by inserting ''and before July 1, 2010,'' after ''2000,'';

(E) in clause (iv), by inserting ''and that is disbursed before July 1, 2010,'' after ''2000,'';

(F) in clause (v)(I), by inserting ''and before July 1, 2010,'' after ''2006,''; and

(G) in clause (vi)—

(i) in the header, by inserting '', AND BEFORE JULY 1, 2010'' after ''2007''; and

(ii) in the matter preceding subclause (I), by inserting ''and before July 1, 2010,'' after ''2007,'';

(2) in subsection (c)—

(A) in paragraph (2)(B)—

(i) in clause (iii), by inserting ''and'' after the semicolon;

(ii) in clause (iv), by striking ''; and'' and inserting a period; and

(iii) by striking clause (v); and

(B) in paragraph (6), by inserting ''and first disbursed before July 1, 2010,'' after ''1992,''; and

(3) in subsection (d)(2)(B), by inserting '', and before July 1, 2010'' after ''2007''.

SEC. 210. REVISED SPECIAL ALLOWANCE CALCULATION.

(a) REVISED CALCULATION RULE.—Section 438(b)(2)(I) of the Higher Education Act of 1965 (20 U.S.C. 1087–1(b)(2)(I)) is amended by adding at the end the following new clause:

''(vii) REVISED CALCULATION RULE TO REFLECT FINANCIAL MARKET CONDITIONS.—

''(I) CALCULATION BASED ON LIBOR.—For the calendar quarter beginning on October 1, 2009, and each subsequent calendar quarter, in computing the special allowance paid pursuant to this subsection with respect to loans described in subclause (II), clause (i)(I) of this subparagraph shall be applied by substituting 'of the 1-month London Inter Bank Offered Rate (LIBOR) for United States dollars in effect for each of the days in such quarter as compiled and released by the British Bankers Association' for 'of the quotes of the 3-month commercial paper (financial) rates in effect for each of the days in such quarter as reported by the Federal Reserve in Publication H–15 (or its successor) for such 3-month period'.

''(II) LOANS ELIGIBLE FOR LIBOR-BASED CALCULATION.—The special allowance paid pursuant to this subsection shall be calculated as described in subclause (I) with respect to special allowance payments for the 3-month period ending December 31, 2009, and each succeeding 3-month period, on loans for which the first disbursement is made—

''(aa) on or after the date of enactment of the Student Aid and Fiscal Responsibility Act of 2009, and before July 1, 2010; and

''(bb) on or after January 1, 2000, and before the date of enactment of the Student Aid and Fiscal Responsibility Act of 2009, if, not later than the last day of the second full fiscal quarter after the date of enactment of such Act, the holder of the loan affirmatively and permanently waives all contractual, statutory or other legal rights to a special allowance paid pursuant to this subsection that is calculated using the formula in effect at the time the loans were first disbursed.

''(III) TERMS OF WAIVER.—A waiver pursuant to subclause (II)(bb) shall—

''(aa) be applicable to all loans described in such subclause that are held under any lender identification number associated with the holder (pursuant to section 487B); and

''(bb) apply with respect to all future calculations of the special allowance on loans described in such subclause that are held on the date of such waiver or that are acquired by the holder after such date.

''(IV) PARTICIPANT'S YIELD.—For the calendar quarter beginning on October 1, 2009, and each subsequent calendar quarter, the Secretary's participant yield in any loan for which the first disbursement is made on or after January 1, 2000, and before October 1, 2009, and that is held by a lender that has sold any participation interest in such loan to the Secretary shall be determined by using the LIBOR-based rate described in subclause (I) as the substitute rate (for the commercial paper rate) referred to in the participation agreement between the Secretary and such lender.'';

(b) CONFORMING AMENDMENT.—Section 438(b)(2)(I) (20 U.S.C. 1087–1(b)(2)(I)) is further amended—

(1) in clause (i)(II), by striking ''such average bond equivalent rate'' and inserting ''the rate determined under subclause (I)''; and

(2) in clause (v)(III) by striking ''(iv), and (vi)'' and inserting ''(iv), (vi), and (vii)''.

SEC. 211. ORIGINATION OF DIRECT LOANS AT INSTITUTIONS LOCATED OUTSIDE THE UNITED STATES.

(a) LOANS FOR STUDENTS ATTENDING INSTITUTIONS LOCATED OUTSIDE THE UNITED STATES.—Section 452 (20 U.S.C. 1087b) is amended by adding at the end the following:

''(d) INSTITUTIONS LOCATED OUTSIDE THE UNITED STATES.—Loan funds for students (and parents of students) attending institutions located outside the United States shall be disbursed through a financial institution located in the United States and designated by the Secretary to serve as the agent of such institutions with respect to the receipt of the disbursements of such loan funds and the transfer of such funds to such institutions. To be eligible to receive funds under this part, an otherwise eligible institution located outside the United States shall make arrangements, subject to regulations by the Secretary, with the agent designated by the Secretary under this subsection to receive funds under this part.''.

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS.—Section 102 (20 U.S.C. 1002), as amended by section 102 of the Higher Education Opportunity Act (Public Law 110–315) and section 101 of Public Law 111–39, is amended—

(A) by striking ''part B'' each place it appears and inserting ''part D'';

(B) in subsection (a)(1)(C), by inserting '', consistent with the requirements of section 452(d)'' before the period at the end; and

(C) in subsection (a)(2)(A)—

(i) in the matter preceding clause (i), by striking ''made, insured, or guaranteed'' and inserting ''made''; and

(ii) in clause (iii)—

(I) in subclause (III), by striking ''only Federal Stafford'' and all that follows through ''section 428B'' and inserting ''only Federal Direct Stafford Loans under section 455(a)(2)(A), Federal Direct Unsubsidized Stafford Loans under section 455(a)(2)(D), or Federal Direct PLUS Loans under section 455(a)(2)(B)''; and

(II) in subclause (V), by striking ''a Federal Stafford'' and all that follows through ''section 428B'' and inserting ''a Federal Direct Stafford Loan under section 455(a)(2)(A), a Federal Direct Unsubsidized Stafford Loan under section 455(a)(2)(D), or a Federal Direct PLUS Loan under section 455(a)(2)(B)''.

(2) EFFECTIVE DATE.—The amendments made by subparagraph (C) of paragraph (1) shall be effective on July 1, 2010, as if enacted as part of section 102(a)(1) of the Higher Education Opportunity Act (Public Law 110–315).

SEC. 212. AGREEMENTS WITH INSTITUTIONS.

Section 454 (20 U.S.C. 1087d) is amended—

(1) in subsection (a), by striking paragraph (4) and redesignating the succeeding paragraphs accordingly; and

(2) in subsection (b)(2), by striking ''(5), (6), and (7)'' and inserting ''(5), and (6)''.

SEC. 213. TERMS AND CONDITIONS OF LOANS.

(a) AMENDMENTS.—Section 455 (20 U.S.C. 1087e) is amended—

(1) in subsection (a)(1), by inserting '', and first disbursed on June 30, 2010,'' before ''under sections 428''; and

(2) in subsection (g)—

(A) by inserting '', including any loan made under part B and first disbursed before July 1, 2010'' after ''section 428C(a)(4)''; and

(B) by striking the third sentence.

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(1) shall apply with respect to loans first disbursed under part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.) on or after July 1, 2010.

SEC. 214. CONTRACTS.

Section 456 (20 U.S.C. 1087f) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the header, by striking ''IN GENERAL'' and inserting ''AWARDING OF CONTRACTS'';

(ii) by striking ''The Secretary'' and inserting the following:

''(A) IN GENERAL.—The Secretary''; and

(iii) by adding at the end the following:

''(B) AWARDING CONTRACTS FOR SERVICING LOANS.—The Secretary shall, if practicable, award multiple contracts, through a competitive bidding process, to entities, including eligible not-for-profit servicers, to service loans originated under this part. The competitive bidding process shall take into account price, servicing capacity, and capability, and may take into account the capacity and capability to provide default aversion activities and outreach services.

''(C) JOB RETENTION INCENTIVE PAYMENT.—(i) In a contract with an entity under subparagraph (B) for the servicing of loans, the Secretary shall provide a job retention incentive payment, in an amount and manner determined by the Secretary, if such entity agrees to give priority for hiring for positions created as a result of such a contract to those geographical locations at which the entity performed student loan origination or servicing activities under the Federal Family Education Loan Program as of the date of enactment of the Student Aid and Fiscal Responsibility Act of 2009.

''(ii) In determining the allocation of loans to be serviced by an entity awarded such a contract, the Secretary shall consider the retention of highly qualified employees of such entity a positive factor in determining such allocation.'';

(B) in paragraph (2)—

(i) in the first sentence, by inserting '', including eligible not-for-profit servicers,'' after ''The entities'';

(ii) by amending the third sentence to read as follows: ''The entities with which the Secretary may enter into such contracts shall include, where practicable, agencies with agreements with the Secretary under sections 428(b) and (c) on the date of the enactment of the Student Aid and Fiscal Responsibility Act of 2009, and eligible not-for-profit servicers, if such agencies or servicers meet the qualifications as determined by the Secretary under this subsection and if those agencies or servicers have such experience and demonstrated effectiveness.''; and

(iii) by striking the last sentence and inserting the following: ''In awarding contracts to such State agencies, and such eligible not-for-profit servicers, the Secretary shall, to the extent practicable and consistent with the purposes of this part, give special consideration to State agencies and such servicers with a history of high quality performance and demonstrated integrity in conducting operations with institutions of higher education and the Secretary.'';

(C) by redesignating paragraph (3) as paragraph (4), and by inserting in such paragraph '', or of any eligible not-for-profit servicer to enter into an agreement for the purposes of this section as a member of a consortium of such entities'' before the period at the end; and

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

''(3) SERVICING BY ELIGIBLE NOT-FOR-PROFIT SERVICERS.—

''(A) IN GENERAL.—Notwithstanding any other provision of this section, in each State where one or more eligible not-for-profit servicer has its principal place of business, the Secretary shall contract with each such servicer to service loans originated under this part on behalf of borrowers attending institutions located within such State, provided that the servicer demonstrates that it meets the standards for servicing Federal assets and providing quality service and agrees to service the loans at a competitive market rate, as determined by the Secretary. In determining such a competitive market rate, the Secretary may take into account the volume of loans serviced by the servicer. Contracts awarded under this paragraph shall be subject to the same requirements for quality, performance, and accountability as contracts awarded under paragraph (2) for similar activities.

''(B) ALLOCATIONS.—(i) ONE SERVICER.—In the case of a State with only one eligible not-for-profit servicer with a contract described in subparagraph (A), the Secretary shall, at a minimum, allocate to such servicer, on an annual basis and subject to such contract, the servicing rights for the lesser of—

''(I) the loans of 100,000 borrowers (including borrowers who borrowed loans in a prior year that were serviced by the servicer) attending institutions located within the State; or

''(II) the loans of all the borrowers attending institutions located within the State.

''(ii) MULTIPLE SERVICERS.—In the case of a State with more than one eligible not-for-profit servicer with a contract described in subparagraph (A), the Secretary shall, at a minimum, allocate to each such servicer, on an annual basis and subject to such contract, the servicing rights for the lesser of—

''(I) the loans of 100,000 borrowers (including borrowers who borrowed loans in a prior year that were serviced by the servicer) attending institutions located within the State; or

''(II) an equal share of the loans of all borrowers attending institutions located within the State, except the Secretary shall adjust such shares as necessary to ensure that the loans of any single borrower remain with a single servicer.

''(iii) ADDITIONAL ALLOCATION.—The Secretary may allocate additional servicing rights to an eligible not-for-profit servicer based on the performance of such servicer, as determined by the Secretary, including performance in the areas of customer service and default aversion.

''(C) MULTIPLE LOANS.—Notwithstanding the allocations required by subparagraph (B), the Secretary may transfer loans among servicers who are awarded contracts to service loans pursuant to this section to ensure that the loans of any single borrower remain with a single servicer.''; and

(2) by adding at the end the following:

''(c) REPORT TO CONGRESS.—Not later than 3 years after the date of the enactment of the Student Aid and Fiscal Responsibility Act of 2009, the Secretary shall prepare and submit to the authorizing committees, a report evaluating the performance of all eligible not-for-profit servicers awarded a contract under this section to service loans originated under this part. Such report shall give consideration to—

''(1) customer satisfaction of borrowers and institutions with respect to the loan servicing provided by the servicers;

''(2) compliance with applicable regulations by the servicers; and

''(3) the effectiveness of default aversion activities, and outreach services (if any), provided by the servicers.

''(d) DEFINITIONS.—In this section:

''(1) DEFAULT AVERSION ACTIVITIES.—The term 'default aversion activities' means activities that are directly related to providing collection assistance to the Secretary on a delinquent loan, prior to the loan being legally in a default status, including due diligence activities required pursuant to regulations.

''(2) ELIGIBLE NOT-FOR-PROFIT SERVICER.—

''(A) IN GENERAL.—The term 'eligible not-for-profit servicer' means an entity that, on the date of enactment of the Student Aid and Fiscal Responsibility Act of 2009—

''(i) meets the definition of an eligible not-for-profit holder under section 435(p), except that such term does not include eligible lenders described in paragraph (1)(D) of such section;

''(ii) notwithstanding clause (i), is the sole beneficial owner of a loan for which the special allowance rate is calculated under section 438(b)(2)(I)(vi)(II) because the loan is held by an eligible lender trustee that is an eligible not-for-profit holder as defined under section 435(p)(1)(D); or

''(iii) is an affiliated entity of an eligible not-for-profit servicer described in clause (i) or (ii) that—

''(I) directly employs, or will directly employ (on or before the date the entity begins servicing loans under a contract awarded by the Secretary pursuant to subsection (a)(3)(A)), the majority of individuals who perform student loan servicing functions; and

''(II) on such date of enactment, was performing, or had entered into a contract with a third party servicer (as such term is defined in section 481(c)) who was performing, student loan servicing functions for loans made under part B of this title.

''(B) AFFILIATED ENTITY.—For the purposes of subparagraph (A), the term 'affiliated entity' means an entity contracted to perform services for an eligible not-for-profit servicer that—

''(i) is a nonprofit entity or is wholly owned by a nonprofit entity; and

''(ii) is not owned or controlled, in whole or in part, by—

''(I) a for-profit entity; or

''(II) an entity having its principal place of business in another State.

''(3) OUTREACH SERVICES.—The term 'outreach services' means programs offered to students and families, including programs delivered in coordination with institutions of higher education that—

''(A) encourage—

''(i) students to attend and complete a degree or certification program at an institution of higher education; and

''(ii) students and families to obtain financial aid, but minimize the borrowing of education loans; and

''(B) deliver financial literacy and counseling tools.''.

SEC. 215. INTEREST RATES.

Section 455(b)(7) (20 U.S.C. 1087e(b)(7)) is amended by adding at the end the following new subparagraph:

''(E) REDUCED RATES FOR UNDERGRADUATE FDSL ON AND AFTER JULY 1, 2012.—Notwithstanding the preceding paragraphs of this subsection and subparagraph (A) of this paragraph, for Federal Direct Stafford Loans made to undergraduate students for which the first disbursement is made on or after July 1, 2012, the applicable rate of interest shall, during any 12-month period beginning on July 1 and ending on June 30, be determined on the preceding June 1 and be equal to—

''(i) the bond equivalent rate of 91-day Treasury bills auctioned at the final auction held prior to such June 1; plus

''(ii) 2.5 percent,

except that such rate shall not exceed 6.8 percent.''.

Subtitle B—Perkins Loan Reform

SEC. 221. FEDERAL DIRECT PERKINS LOANS TERMS AND CONDITIONS.

Part D of title IV (20 U.S.C. 1087a et seq.) is amended by inserting after section 455 the following new section:

''SEC. 455A. FEDERAL DIRECT PERKINS LOANS.

''(a) DESIGNATION OF LOANS.—Loans made to borrowers under this section shall be known as 'Federal Direct Perkins Loans'.

''(b) IN GENERAL.—It is the purpose of this section to authorize loans to be awarded by institutions of higher education through agreements established under section 463(f). Unless otherwise specified in this section, all terms and conditions and other requirements applicable to Federal Direct Unsubsidized Stafford loans established under section 455(a)(2)(D) shall apply to loans made pursuant to this section.

''(c) ELIGIBLE BORROWERS.—Any student meeting the requirements for student eligibility under section 464(b) (including graduate and professional students as defined in regulations promulgated by the Secretary) shall be eligible to borrow a Federal Direct Perkins Loan, provided the student attends an eligible institution with an agreement with the Secretary under section 463(f), and the institution uses its authority under that agreement to award the student a loan.

''(d) LOAN LIMITS.—The annual and aggregate limits for loans under this section shall be the same as those established under section 464, and aggregate limits shall include loans made by institutions under agreements under section 463(a).

''(e) APPLICABLE RATES OF INTEREST.—Loans made pursuant to this section shall bear interest, on the unpaid balance of the loan, at the rate of 5 percent per year.''.

SEC. 222. AUTHORIZATION OF APPROPRIATIONS.

Section 461 (20 U.S.C. 1087aa) is amended—

(1) in subsection (a), by inserting '', before July 1, 2010,'' after ''The Secretary shall'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''(1) For the purpose'' and inserting ''For the purpose''; and

(ii) by striking ''and for each of the five succeeding fiscal years''; and

(B) by striking paragraph (2); and

(3) by striking subsection (c).

SEC. 223. ALLOCATION OF FUNDS.

Section 462 (20 U.S.C. 1087bb) is amended—

(1) in subsection (a)(1), by striking ''From'' and inserting ''For any fiscal year before fiscal year 2010, from''; and

(2) in subsection (i)(1), by striking ''for any fiscal year,'' and inserting ''for any fiscal year before fiscal year 2010,''.

SEC. 224. FEDERAL DIRECT PERKINS LOAN ALLOCATION.

Part E of title IV is further amended by inserting after section 462 (20 U.S.C. 1087bb) the following:

''SEC. 462A. FEDERAL DIRECT PERKINS LOAN ALLOCATION.

''(a) PURPOSES.—The purposes of this section are—

''(1) to allocate, among eligible and participating institutions (as such terms are defined in this section), the authority to make Federal Direct Perkins Loans under section 455A with a portion of the annual loan authority described in subsection (b); and

''(2) to make funds available, in accordance with section 452, to each participating institution from a portion of the annual loan authority described in subsection (b), in an amount not to exceed the sum of an institution's allocation of funds under subparagraphs (A), (B), and (C) of subsection (b)(1) to enable each such institution to make Federal Direct Perkins Loans to eligible students at the institution.

''(b) AVAILABLE DIRECT PERKINS ANNUAL LOAN AUTHORITY.—

''(1) AVAILABILITY AND ALLOCATIONS.—There are hereby made available, from funds made available for loans made under part D, not to exceed $6,000,000,000 of annual loan authority for award year 2010–2011 and each succeeding award year, to be allocated as follows:

''(A) The Secretary shall allocate not more than ½ of such funds for each award year by allocating to each participating institution an amount equal to the adjusted self-help need amount of the institution, as determined in accordance with subsection (c) for such award year.

''(B) The Secretary shall allocate not more than ¼ of such funds for each award year by allocating to each participating institution an amount equal to the low tuition incentive amount of the institution, as determined in accordance with subsection (d).

''(C) The Secretary shall allocate not more than ¼ of such funds for each award year by allocating to each participating institution an amount which bears the same ratio to the funds allocated under this subparagraph as the ratio determined in accordance with subsection (e) for the calculation of the Federal Pell Grant and degree recipient amount of the institution.

''(2) NO FUNDS TO NON-PARTICIPATING INSTITUTIONS.—The Secretary shall not make funds available under this subsection to any eligible institution that is not a participating institution. The adjusted self-help need amount (determined in accordance with subsection (c)) of an eligible institution that is not a participating institution shall not be made available to any other institution.

''(c) ADJUSTED SELF-HELP NEED AMOUNT.—For the purposes of subsection (b)(1)(A), the Secretary shall calculate the adjusted self-help need amount of each eligible institution for an award year as follows:

''(1) USE OF BASE SELF-HELP NEED AMOUNTS.—

''(A) IN GENERAL.—Except as provided in paragraphs (2), (3), and (4), the adjusted self-help need amount of each eligible institution shall be the institution's base self-help need amount, which is the sum of—

''(i) the self-help need of the institution's eligible undergraduate students for such award year; and

''(ii) the self-help need of the institution's eligible graduate and professional students for such award year.

''(B) UNDERGRADUATE STUDENT SELF-HELP NEED.—To determine the self-help need of an institution's eligible undergraduate students, the Secretary shall determine the sum of each eligible undergraduate student's average cost of attendance for the second preceding award year less each such student's expected family contribution (computed in accordance with part F) for the second preceding award year, except that, for each such eligible undergraduate student, the amount computed by such subtraction shall not be less than zero or more than the lesser of—

''(i) 25 percent of the average cost of attendance with respect to such eligible student; or

''(ii) $5,500.

''(C) GRADUATE AND PROFESSIONAL STUDENT SELF-HELP NEED.—To determine the self-help need of an institution's eligible graduate and professional students, the Secretary shall determine the sum of each eligible graduate and professional student's average cost of attendance for the second preceding award year less each such student's expected family contribution (computed in accordance with part F) for such second preceding award year, except that, for each such eligible graduate and professional student, the amount computed by such subtraction shall not be less than zero or more than $8,000.

''(2) RATABLE REDUCTION ADJUSTMENTS.—If the sum of the base self-help need amounts of all eligible institutions for an award year as determined under paragraph (1) exceeds ½ of the annual loan authority under subsection (b) for such award year, the Secretary shall ratably reduce the base self-help need amounts of all eligible institutions until the sum of such amounts is equal to the amount that is ½ of the annual loan authority under subsection (b).

''(3) REQUIRED MINIMUM AMOUNT.—Notwithstanding paragraph (2), the adjusted self-help need amount of each eligible institution shall not be less than the average of the institution's total principal amount of loans made under this part for each of the 5 most recent award years.

''(4) ADDITIONAL ADJUSTMENTS.—If the Secretary determines that a ratable reduction under paragraph (2) results in the adjusted self-help need amount of any eligible institution being reduced below the minimum amount required under paragraph (3), the Secretary shall—

''(A) for each institution for which the minimum amount under paragraph (3) is not satisfied, increase the adjusted self-help need amount to the amount of the required minimum under such subparagraph; and

''(B) ratably reduce the adjusted self-help need amounts of all eligible institutions not described in subparagraph (A) until the sum of the adjusted self-help need amounts of all eligible institutions is equal to the amount that is ½ of the annual loan authority under subsection (b).

''(d) LOW TUITION INCENTIVE AMOUNT.—

''(1) IN GENERAL.—For purposes of subsection (b)(1)(B), the Secretary shall determine the low tuition incentive amount for each participating institution for each award year, by calculating for each such institution the sum of—

''(A) the total amount, if any (but not less than zero), by which—

''(i) the average tuition and required fees for the institution's sector for the second preceding award year; exceeds

''(ii) the tuition and required fees for the second preceding award year for each undergraduate and graduate student attending the institution who had financial need (as determined under part F); plus

''(B) the total amount, if any (but not less than zero), by which—

''(i) the total amount for the second preceding award year of non-Federal grant aid provided to meet the financial need of all undergraduate students attending the institution (as determined without regard to financial aid not received under this title); exceeds

''(ii) the total amount for the second preceding award year, if any, by which—

''(I) the tuition and required fees of each such student with such financial need; exceeds

''(II) the average tuition and required fees for the institution's sector.

''(2) RATABLE REDUCTION.—If the sum of the low tuition incentive amounts of all participating institutions for an award year as determined under paragraph (1) exceeds ¼ of the annual loan authority under subsection (b) for such award year, the Secretary shall ratably reduce the low tuition incentive amounts of all participating institutions until the sum of such amounts is equal to the amount that is ¼ of the annual loan authority under subsection (b).

''(e) FEDERAL PELL GRANT AND DEGREE RECIPIENT AMOUNT.—For purposes of subsection (b)(1)(C), the Secretary shall determine the Federal Pell Grant and degree recipient amount for each participating institution for each award year, by calculating for each such institution the ratio of—

''(1) the number of students who, during the most recent year for which data are available, obtained an associate's degree or other postsecondary degree from such participating institution and, prior to obtaining such degree, received a Federal Pell Grant for attendance at any institution of higher education; to

''(2) the sum of the number of students who, during the most recent year for which data are available, obtained an associate's degree or other postsecondary degree from each participating institution and, prior to obtaining such degree, received a Federal Pell Grant for attendance at any institution of higher education.

''(f) DEFINITIONS.—As used in this section:

''(1) ANNUAL LOAN AUTHORITY.—The term 'annual loan authority' means the total original principal amount of loans that may be allocated and made available for an award year to make Federal Direct Perkins Loans under section 455A.

''(2) AVERAGE COST OF ATTENDANCE.—

''(A) IN GENERAL.—The term 'average cost of attendance' means the average of the attendance costs for undergraduate students and for graduate and professional students, respectively, for the second preceding award year which shall include—

''(i) tuition and required fees determined in accordance with subparagraph (B);

''(ii) standard living expenses determined in accordance with subparagraph (C); and

''(iii) books and supplies determined in accordance with subparagraph (D).

''(B) TUITION AND REQUIRED FEES.—The average undergraduate and graduate and professional tuition and required fees described in subparagraph (A)(i) shall be computed on the basis of information reported by the institution to the Secretary, which shall include—

''(i) total revenue received by the institution from undergraduate and graduate and professional students, respectively, for tuition and required fees for the second preceding award year; and

''(ii) the institution's full-time equivalent enrollment of undergraduate and graduate and professional students, respectively, for such second preceding award year.

''(C) STANDARD LIVING EXPENSES.—The standard living expense described in subparagraph (A)(ii) is equal to the allowance, determined by an institution, for room and board costs incurred by a student, as computed in accordance with part F for the second preceding award year.

''(D) BOOKS AND SUPPLIES.—The allowance for books and supplies described in subparagraph (A)(iii) is equal to the allowance, determined by an institution, for books, supplies,

transportation, and miscellaneous personal expenses, including a reasonable allowance for the documented rental or purchase of a personal computer, as computed in accordance with part F for the second preceding award year.

''(3) AVERAGE TUITION AND REQUIRED FEES FOR THE INSTITUTION'S SECTOR.—The term 'average tuition and required fees for the institution's sector' shall be determined by the Secretary for each of the categories described in section 132(d).

''(4) ELIGIBLE INSTITUTION.—The term 'eligible institution' means an institution of higher education that participates in the Federal Direct Stafford Loan Program.

''(5) PARTICIPATING INSTITUTION.—The term 'participating institution' means an institution of higher education that has an agreement under section 463(f).

''(6) SECTOR.—The term 'sector' means each of the categories described in section 132(d).''.

SEC. 225. AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION.

(a) AMENDMENTS.—Section 463 (20 U.S.C. 1087cc) is amended—

(1) in subsection (a)—

(A) in the heading, by inserting ''FOR LOANS MADE BEFORE JULY 1, 2010'' after ''AGREEMENTS'';

(B) in paragraph (3)(A), by inserting ''before July 1, 2010'' after ''students'';

(C) in paragraph (4), by striking ''thereon—'' and all that follows and inserting ''thereon, if the institution has failed to maintain an acceptable collection record with respect to such loan, as determined by the Secretary in accordance with criteria established by regulation, the Secretary may require the institution to assign such note or agreement to the Secretary, without recompense;''; and

(D) in paragraph (5), by striking ''and the Secretary shall apportion'' and all that follows through ''in accordance with section 462'' and inserting ''and the Secretary shall return a portion of funds from loan repayments to the institution as specified in section 466(b)'';

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

''(b) ADMINISTRATIVE EXPENSES.—An institution that has entered into an agreement under subsection (a) shall be entitled, for each fiscal year during which it services student loans from a student loan fund established under such agreement, to a payment in lieu of reimbursement for its expenses in servicing student loans made before July 1, 2010. Such payment shall be equal to 0.50 percent of the outstanding principal and interest balance of such loans being serviced by the institution as of September 30 of each fiscal year.''; and

(3) by adding at the end the following:

''(f) CONTENTS OF AGREEMENTS FOR LOANS MADE ON OR AFTER JULY 1, 2010.—An agreement with any institution of higher education that elects to participate in the Federal Direct Perkins Loan program under section 455A shall provide—

''(1) for the establishment and maintenance of a Direct Perkins Loan program at the institution under which the institution shall use loan authority allocated under section 462A to make loans to eligible students attending the institution;

''(2) that the institution, unless otherwise specified in this subsection, shall operate the program consistent with the requirements of agreements established under section 454;

''(3) that the institution will pay matching funds, quarterly, in an amount agreed to by the institution and the Secretary, to an escrow account approved by the Secretary, for the purpose of providing loan benefits to borrowers;

''(4) that if the institution fails to meet the requirements of paragraph (3), the Secretary shall suspend or terminate the institution's eligibility to make Federal Direct Perkins Loans under section 455A until such time as the Secretary determines, in accordance with section 498, that the institution has met the requirements of such paragraph; and

''(5) that if the institution ceases to be an eligible institution within the meaning of section 435(a) by reason of having a cohort default rate that exceeds the threshold percentage specified paragraph (2) of such section, the Secretary shall suspend or terminate the institution's eligibility to make Federal Direct Perkins Loans under section 455A unless and until the institution would qualify for a resumption of eligible institution status under such section.''.

(b) EFFECTIVE DATE.—The amendments made by paragraph (2) of subsection (a) shall take effect on October 1, 2010.

SEC. 226. STUDENT LOAN INFORMATION BY ELIGIBLE INSTITUTIONS.

Section 463A (20 U.S.C. 1087cc–1) is amended—

(1) in subsection (a), by striking ''Each institution'' and inserting ''For loans made before July 1, 2010, each institution''; and

(2) in subsection (b), by striking ''Each institution'' and inserting ''For loans made before July 1, 2010, each institution''.

SEC. 227. TERMS OF LOANS.

(a) Section 464 (20 U.S.C. 1087dd) is amended—

(1) in subsection (a)(1), by striking ''section 463'' and inserting ''section 463(a)'';

(2) in subsection (b)(1), by inserting ''made before July 1, 2010,'' after ''A loan'';

(3) in subsection (c)—

(A) in paragraph (1), by inserting ''made before July 1, 2010,'' after ''a loan'';

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting ''made before July 1, 2010,'' after ''any loan''; and

(ii) in subparagraph (B), by inserting ''made before July 1, 2010,'' after ''any loan'';

(C) in paragraph (3)(B), by inserting ''for a loan made before July 1, 2010,'' after ''during the repayment period'';

(D) in paragraph (4), by inserting ''before July 1, 2010,'' after ''for a loan made'';

(E) in paragraph (5), by striking ''The institution'' and inserting ''For loans made before July 1, 2010, the institution''; and

(F) in paragraph (6), by inserting ''made before July 1, 2010,'' after ''of loans'';

(4) in subsection (d), by inserting ''made before July 1, 2010,'' before ''from the student loan fund'';

(5) in subsection (e), by inserting ''with respect to loans made before July 1, 2010, and'' before ''as documented in accordance with paragraph (2),'';

(6) by repealing subsection (f);

(7) in subsection (g)(1), by inserting ''and before July 1, 2010,'' after ''January 1, 1986,'';

(8) in subsection (h)—

(A) in paragraph (1)(A) by inserting ''before July 1, 2010,'' after ''made under this part''; and

(B) in paragraph (2), by inserting ''before July 1, 2010,'' after ''under this part''; and

(9) in subsection (j)(1), by inserting ''before July 1, 2010,'' after ''under this part''.

SEC. 228. DISTRIBUTION OF ASSETS FROM STUDENT LOAN FUNDS.

(a) Section 465 (20 U.S.C. 1087ee) is amended—

(1) in subsection (a), by inserting ''and before July 1, 2010,'' after ''June 30, 1972,''; and

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

''(b) REIMBURSEMENT FOR CANCELLATIONS.—

''(1) ASSIGNED LOANS.—In the case of loans made under this part before July 1, 2010, and that are assigned to the Secretary, the Secretary shall, from amounts repaid each quarter on assigned Perkins Loans made before July 1, 2010, pay to each institution for each quarter an amount equal to—

''(A) the aggregate of the amounts of loans from its student loan fund that are canceled pursuant to this section for such quarter, minus

''(B) an amount equal to the aggregate of the amounts of any such loans so canceled that were made from Federal capital contributions to its student loan fund.

''(2) RETAINED LOANS.—In the case of loans made under this part before July 1, 2010, and that are retained by the institution for servicing, the institution shall deduct from loan repayments owed to the Secretary under section 466, an amount equal to—

''(A) the aggregate of the amounts of loans from its student loan fund that are canceled pursuant to this section for such quarter, minus

''(B) an amount equal to the aggregate of the amounts of any such loans so canceled that were made from Federal capital contributions to its student loan fund.''.

(b) Section 466 (20 U.S.C. 1087ff) is amended to read as follows:

''SEC. 466. DISTRIBUTION OF ASSETS FROM STUDENT LOAN FUNDS.

''(a) CAPITAL DISTRIBUTION.—Beginning July 1, 2010, there shall be a capital distribution of the balance of the student loan fund established under this part by each institution of higher education as follows:

''(1) For the quarter beginning July 1, 2010, the Secretary shall first be paid, no later than September 30, 2010, an amount that bears the same ratio to the cash balance in such fund at the close of June 30, 2010, as the total amount of the Federal capital contributions to such fund by the Secretary under this part bears to—

''(A) the sum of such Federal contributions and the institution's capital contributions to such fund, less

''(B) an amount equal to—

''(i) the institution's outstanding administrative costs as calculated under section 463(b),

''(ii) outstanding charges assessed under section 464(c)(1)(H), and

''(iii) outstanding loan cancellation costs incurred under section 465.

''(2) At the end of each quarter subsequent to the quarter ending September 30, 2010, the Secretary shall first be paid an amount that bears the same ratio to the cash balance in such fund at the close of the preceding quarter, as the total amount of the Federal capital contributions to such fund by the Secretary under this part bears to—

''(A) the sum of such Federal contributions and the institution's capital contributions to such fund, less

''(B) an amount equal to—

''(i) the institution's administrative costs incurred for that quarter as calculated under section 463(b),

''(ii) charges assessed for that quarter under section 464(c)(1)(H), and

''(iii) loan cancellation costs incurred for that quarter under section 465.

''(3)(A) The Secretary shall calculate the amounts due to the Secretary under paragraph (1) (adjusted in accordance with subparagraph (B), as appropriate) and paragraph (2) and shall promptly inform the institution of such calculated amounts.

''(B) In the event that, prior to the date of enactment of the Student Aid and Fiscal Responsibility Act of 2009, an institution made a short-term, interest-free loan to the institution's student loan fund established under this part in anticipation of collections or receipt of Federal capital contributions, and the institution demonstrates to the Secretary, on or before June 30, 2010, that such loan will still be outstanding after June 30, 2010, the Secretary shall subtract the amount of such outstanding loan from the cash balance of the institution's student loan fund that is used to calculate the amount due to the Secretary under paragraph (1). An adjustment of an amount due to the Secretary under this subparagraph shall be made by the Secretary on a case-by-case basis.

''(4) Any remaining balance at the end of a quarter after a payment under paragraph (1) or (2) shall be retained by the institution for use at its discretion. Any balance so retained shall be withdrawn from the student loan fund and shall not be counted in calculating amounts owed to the Secretary for subsequent quarters.

''(5) Each institution shall make the quarterly payments to the Secretary described in paragraph (2) until all outstanding Federal Perkins Loans at that institution have been assigned to the Secretary and there are no funds remaining in the institution's student loan fund.

''(6) In the event that the institution's administrative costs, charges, and cancellation costs described in paragraph (2) for a quarter exceed the amount owed to the Secretary under paragraphs (1) and (2) for that quarter, no payment shall be due to the Secretary from the institution for that quarter and the Secretary shall pay the institution, from funds realized from the collection of assigned Federal Perkins Loans made before July 1, 2010, an amount that, when combined with the amount retained by the institution under paragraphs (1) and (2), equals the full amount of such administrative costs, charges, and cancellation costs.

''(b) ASSIGNMENT OF OUTSTANDING LOANS.—Beginning July 1, 2010, an institution of higher education may assign all outstanding loans made under this part before July 1, 2010, to the Secretary, consistent with the requirements of section 463(a)(5). In collecting loans so assigned, the Secretary shall pay an institution an amount that constitutes the same fraction of such collections as the fraction of the cash balance that the institution retains under subsection (a)(2), but determining such fraction without regard to subparagraph (B)(i) of such subsection.''.

SEC. 229. IMPLEMENTATION OF NON-TITLE IV REVENUE REQUIREMENT.

(a) AMENDMENTS.—Section 487(d) (20 U.S.C. 1094(d)) is amended—

(1) in paragraph (1)(E), by striking ''July 1, 2011'' and inserting ''July 1, 2012'';

(2) in paragraph (1)(F)—

(A) by redesignating clauses (iii), (iv), and (v) as clauses (iv), (v), and (vi), respectively; and

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

''(iii) for the period beginning July 1, 2010, and ending July 1, 2012, the amount of funds the institution received from loans disbursed under section 455A;'';.

(3) in paragraph (2)(A), by striking ''two consecutive'' and inserting ''three consecutive''; and

(4) in paragraph (2)(B)—

(A) by striking ''any institutional fiscal year'' and inserting ''two consecutive institutional fiscal years'';

(B) by striking ''the two institutional fiscal years after the institutional fiscal year'' and inserting ''the institutional fiscal year after the second consecutive institutional fiscal year''; and

(C) by striking ''two consecutive'' in clause (ii) of such paragraph and inserting ''three consecutive''.

(b) TEMPORARY EFFECT.—The amendments made by paragraphs (3) and (4) of subsection (a)—

(1) shall take effect on the date of enactment of this Act; and

(2) shall cease to be effective on July 1, 2012.

SEC. 230. ADMINISTRATIVE EXPENSES.

Section 489(a) (20 U.S.C. 1096(a)) is amended—

(1) in the second sentence, by striking ''or under part E of this title''; and

(2) in the third sentence—

(A) by inserting ''and'' after ''subpart 3 of part A,''; and

(B) by striking ''compensation of students,'' and all that follows through the period and inserting ''compensation of students.''.

TITLE III—MODERNIZATION, RENOVATION, AND REPAIR

Subtitle A—Elementary and Secondary Education

SEC. 301. DEFINITIONS.

In this subtitle:

(1) The term ''Bureau-funded school'' has the meaning given such term in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021).

(2) The term ''charter school'' has the meaning given such term in section 5210 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221i).

(3) The term ''CHPS Criteria'' means the green building rating program developed by the Collaborative for High Performance Schools.

(4) The term ''Energy Star'' means the Energy Star program of the United States Department of Energy and the United States Environmental Protection Agency.

(5) The term ''Green Globes'' means the Green Building Initiative environmental design and rating system referred to as Green Globes.

(6) The term ''LEED Green Building Rating System'' means the United States Green Building Council Leadership in Energy and Environmental Design green building rating standard referred to as LEED Green Building Rating System.

(7) The term ''local educational agency''—

(A) has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801);

(B) includes any public charter school that constitutes a local educational agency under State law; and

(C) includes the Recovery School District of Louisiana.

(8) The term ''outlying area''—

(A) means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands; and

(B) includes the Republic of Palau.

(9) The term ''public school facilities'' means existing public elementary or secondary school facilities, including public charter school facilities and other existing facilities planned for adaptive reuse as public charter school facilities.

(10) The term ''Secretary'' means the Secretary of Education.

(11) The term ''State'' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

CHAPTER 1—GRANTS FOR MODERNIZATION, RENOVATION, OR REPAIR OF PUBLIC SCHOOL FACILITIES

SEC. 311. PURPOSE.

Grants under this chapter shall be for the purpose of modernizing, renovating, or repairing public school facilities (including early learning facilities, as appropriate), based on the need of the facilities for such improvements, to ensure that public school facilities are safe, healthy, high-performing, and technologically up-to-date.

SEC. 312. ALLOCATION OF FUNDS.

(a) RESERVATION.—

(1) IN GENERAL.—From the amount appropriated to carry out this chapter for each fiscal year pursuant to section 345(a), the Secretary shall reserve 2 percent of such amount, consistent with the purpose described in section 311—

(A) to provide assistance to the outlying areas; and

(B) for payments to the Secretary of the Interior to provide assistance to Bureau-funded schools.

(2) USE OF RESERVED FUNDS.—In each fiscal year, the amount reserved under paragraph (1) shall be divided between the uses described in subparagraphs (A) and (B) of such paragraph in the same proportion as the amount reserved under section 1121(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6331(a)) is divided between the uses described in paragraphs (1) and (2) of such section 1121(a) in such fiscal year.

(3) DISTRESSED AREAS AND NATURAL DISASTERS.—From the amount appropriated to carry out this chapter for each fiscal year pursuant to section 345(a), the Secretary shall reserve 5 percent of such amount for grants to—

(A) local educational agencies serving geographic areas with significant economic distress, to be used consistent with the purpose described in section 311 and the allowable uses of funds described in section 313; and

(B) local educational agencies serving geographic areas recovering from a natural disaster, to be used consistent with the purpose described in section 321 and the allowable uses of funds described in section 323.

(b) ALLOCATION TO STATES.—

(1) STATE-BY-STATE ALLOCATION.—Of the amount appropriated to carry out this chapter for each fiscal year pursuant to section 345(a), and not reserved under subsection (a), each State shall be allocated an amount in proportion to the amount received by all local educational agencies in the State under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for the previous fiscal year relative to the total amount received by all local educational agencies in every State under such part for such fiscal year.

(2) STATE ADMINISTRATION.—A State may reserve up to 1 percent of its allocation under paragraph (1) to carry out its responsibilities under this chapter, which include—

(A) providing technical assistance to local educational agencies;

(B) developing an online, publicly searchable database that includes an inventory of public school facilities in the State, including for each such facility, its design, condition, modernization, renovation and repair needs, utilization, energy use, and carbon footprint; and

(C) creating voluntary guidelines for high-performing school buildings, including guidelines concerning the following:

(i) Site location, storm water management, outdoor surfaces, outdoor lighting, and transportation, including public transit and pedestrian and bicycle accessability.

(ii) Outdoor water systems, landscaping to minimize water use, including elimination of irrigation systems for landscaping, and indoor water use reduction.

(iii) Energy efficiency (including minimum and superior standards, such as for heating, ventilation, and air conditioning systems), use of alternative energy sources, commissioning, and training.

(iv) Use of durable, sustainable materials and waste reduction.

(v) Indoor environmental quality, such as day lighting in classrooms, lighting quality, indoor air quality (including with reference to reducing the incidence and effects of asthma and other respiratory illnesses), acoustics, and thermal comfort.

(vi) Operations and management, such as use of energy-efficient equipment, indoor environmental management plan, maintenance plan, and pest management.

(3) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—From the amount allocated to a State under paragraph (1), each eligible local educational agency in the State shall receive an amount in proportion to the amount received by such local educational agency under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for the previous fiscal year relative to the total amount received by all local educational agencies in the State under such part for such fiscal year, except that no local educational agency that received funds under such part for such fiscal year shall receive a grant of less than $5,000 in any fiscal year under this chapter.

(4) SPECIAL RULE.—Section 1122(c)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6332(c)(3)) shall not apply to paragraph (1) or (3).

(c) SPECIAL RULES.—

(1) DISTRIBUTIONS BY SECRETARY.—The Secretary shall make and distribute the reservations and allocations described in subsections (a) and (b) not later than 120 days after an appropriation of funds for this chapter is made.

(2) DISTRIBUTIONS BY STATES.—A State shall make and distribute the allocations described in

subsection (b)(3) within 90 days of receiving such funds from the Secretary.

SEC. 313. ALLOWABLE USES OF FUNDS.

A local educational agency receiving a grant under this chapter shall use the grant for modernization, renovation, or repair of public school facilities (including early learning facilities, as appropriate), including—

(1) repair, replacement, or installation of roofs, including extensive, intensive or semi-intensive green roofs, electrical wiring, water supply and plumbing systems, sewage systems, storm water runoff systems, lighting systems, building envelope, windows, ceilings, flooring, or doors, including security doors;

(2) repair, replacement, or installation of heating, ventilation, or air conditioning systems, including insulation, and conducting indoor air quality assessments;

(3) compliance with fire, health, seismic, and safety codes, including professional installation of fire and life safety alarms, and modernizations, renovations, and repairs that ensure that schools are prepared for emergencies, such as improving building infrastructure to accommodate security measures and installing or upgrading technology to ensure that schools are able to respond to emergencies such as acts of terrorism, campus violence, and natural disasters;

(4) retrofitting necessary to increase the energy efficiency and water efficiency of public school facilities;

(5) modifications necessary to make facilities accessible in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794);

(6) abatement, removal, or interim controls of asbestos, polychlorinated biphenyls, mold, mildew, lead-based hazards, including lead-based paint hazards, or a proven carcinogen;

(7) measures designed to reduce or eliminate human exposure to classroom noise and environmental noise pollution;

(8) modernization, renovation, or repair necessary to reduce the consumption of coal, electricity, land, natural gas, oil, or water;

(9) installation or upgrading of educational technology infrastructure;

(10) modernization, renovation, or repair of science and engineering laboratories, libraries, and career and technical education facilities, and improvements to building infrastructure to accommodate bicycle and pedestrian access;

(11) installation or upgrading of renewable energy generation and heating systems, including solar, photovoltaic, wind, biomass (including wood pellet and woody biomass), waste-to-energy, and solar-thermal and geothermal systems, and for energy audits;

(12) measures designed to reduce or eliminate human exposure to airborne particles such as dust, sand, and pollens;

(13) creating greenhouses, gardens (including trees), and other facilities for environmental, scientific, or other educational purposes, or to produce energy savings;

(14) modernizing, renovating, or repairing physical education facilities for students, including upgrading or installing recreational structures made from post-consumer recovered materials in accordance with the comprehensive procurement guidelines prepared by the Administrator of the Environmental Protection Agency under section 6002(e) of the Solid Waste Disposal Act (42 U.S.C. 6962(e));

(15) other modernization, renovation, or repair of public school facilities to—

(A) improve teachers' ability to teach and students' ability to learn;

(B) ensure the health and safety of students and staff;

(C) make them more energy efficient; or

(D) reduce class size; and

(16) required environmental remediation related to modernization, renovation, or repair described in paragraphs (1) through (15).

SEC. 314. PRIORITY PROJECTS.

In selecting a project under section 313, a local educational agency may give priority to projects involving the abatement, removal, or interim controls of asbestos, polychlorinated biphenyls, mold, mildew, lead-based hazards, including lead-based paint hazards, or a proven carcinogen.

CHAPTER 2—SUPPLEMENTAL GRANTS FOR LOUISIANA, MISSISSIPPI, AND ALABAMA

SEC. 321. PURPOSE.

Grants under this chapter shall be for the purpose of modernizing, renovating, repairing, or constructing public school facilities, including, where applicable, early learning facilities, based on the need for such improvements or construction, to ensure that public school facilities are safe, healthy, high-performing, and technologically up-to-date.

SEC. 322. ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.

(a) IN GENERAL.—Of the amount appropriated to carry out this chapter for each fiscal year pursuant to section 345(b), the Secretary shall allocate to local educational agencies in Louisiana, Mississippi, and Alabama an amount equal to the infrastructure damage inflicted on public school facilities in each such district by Hurricane Katrina or Hurricane Rita in 2005 relative to the total of such infrastructure damage so inflicted in all such districts, combined.

(b) DISTRIBUTION BY SECRETARY.—The Secretary shall determine and distribute the allocations described in subsection (a) not later than 120 days after an appropriation of funds for this chapter is made.

SEC. 323. ALLOWABLE USES OF FUNDS.

A local educational agency receiving a grant under this chapter shall use the grant for one or more of the activities described in section 313, except that an agency receiving a grant under this chapter also may use the grant for the construction of new public school facilities.

CHAPTER 3—GENERAL PROVISIONS

SEC. 331. IMPERMISSIBLE USES OF FUNDS.

No funds received under this subtitle may be used for—

(1) payment of maintenance costs, including routine repairs classified as current expenditures under State or local law;

(2) stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public;

(3) improvement or construction of facilities the purpose of which is not the education of children, including central office administration or operations or logistical support facilities; or

(4) purchasing carbon offsets.

SEC. 332. SUPPLEMENT, NOT SUPPLANT.

A local educational agency receiving a grant under this subtitle shall use such Federal funds only to supplement and not supplant the amount of funds that would, in the absence of such Federal funds, be available for modernization, renovation, repair, and construction of public school facilities.

SEC. 333. PROHIBITION REGARDING STATE AID.

A State shall not take into consideration payments under this subtitle in determining the eligibility of any local educational agency in that State for State aid, or the amount of State aid, with respect to free public education of children.

SEC. 334. MAINTENANCE OF EFFORT.

(a) IN GENERAL.—A local educational agency may receive a grant under this subtitle for any fiscal year only if either the combined fiscal effort per student or the aggregate expenditures of the agency and the State involved with respect to the provision of free public education by the agency for the preceding fiscal year was not less than 90 percent of the combined fiscal effort or aggregate expenditures for the second preceding fiscal year.

(b) REDUCTION IN CASE OF FAILURE TO MEET MAINTENANCE OF EFFORT REQUIREMENT.—

(1) IN GENERAL.—The State educational agency shall reduce the amount of a local educational agency's grant in any fiscal year in the exact proportion by which a local educational agency fails to meet the requirement of subsection (a) by falling below 90 percent of both the combined fiscal effort per student and aggregate expenditures (using the measure most favorable to the local agency).

(2) SPECIAL RULE.—No such lesser amount shall be used for computing the effort required under subsection (a) for subsequent years.

(c) WAIVER.—The Secretary shall waive the requirements of this section if the Secretary determines that a waiver would be equitable due to—

(1) exceptional or uncontrollable circumstances, such as a natural disaster; or

(2) a precipitous decline in the financial resources of the local educational agency.

SEC. 335. SPECIAL RULE ON CONTRACTING.

Each local educational agency receiving a grant under this subtitle shall ensure that, if the agency carries out modernization, renovation, repair, or construction through a contract, the process for any such contract ensures the maximum number of qualified bidders, including local, small, minority, and women- and veteran-owned businesses, through full and open competition.

SEC. 336. USE OF AMERICAN IRON, STEEL, AND MANUFACTURED GOODS.

(a) IN GENERAL.—None of the funds appropriated or otherwise made available by this subtitle may be used for a project for the modernization, renovation, repair, or construction of a public school facility unless all of the iron, steel, and manufactured goods used in the project are produced in the United States.

(b) EXCEPTIONS.—Subsection (a) shall not apply in any case or category of cases in which the Secretary finds that—

(1) applying subsection (a) would be inconsistent with the public interest;

(2) iron, steel, and the relevant manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(3) inclusion of iron, steel, and manufactured goods produced in the United States will increase the cost of the overall project by more than 25 percent.

(c) PUBLICATION OF JUSTIFICATION.—If the Secretary determines that it is necessary to waive the application of subsection (a) based on a finding under subsection (b), the Secretary shall publish in the Federal Register a detailed written justification of the determination.

(d) CONSTRUCTION.—This section shall be applied in a manner consistent with United States obligations under international agreements.

SEC. 337. LABOR STANDARDS.

The grant programs under this subtitle are applicable programs (as that term is defined in section 400 of the General Education Provisions Act (20 U.S.C. 1221)) subject to section 439 of such Act (20 U.S.C. 1232b).

SEC. 338. CHARTER SCHOOLS.

(a) IN GENERAL.—A local educational agency receiving an allocation under this subtitle shall reserve an amount of that allocation for charter schools within its jurisdiction for modernization, renovation, repair, and construction of charter school facilities.

(b) DETERMINATION OF RESERVED AMOUNT.—The amount to be reserved by a local educational agency under subsection (a) shall be determined based on the combined percentage of students counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(5)) in the schools of the agency who—

(1) are enrolled in charter schools; and

(2) the local educational agency, in consultation with the authorized public chartering agency, expects to be enrolled, during the year with

respect to which the reservation is made, in charter schools that are scheduled to commence operation during such year.

(c) SCHOOL SHARE.—Individual charter schools shall receive a share of the amount reserved under subsection (a) based on the need of each school for modernization, renovation, repair, or construction, as determined by the local educational agency in consultation with charter school administrators.

(d) EXCESS FUNDS.—After the consultation described in subsection (c), if the local educational agency determines that the amount of funds reserved under subsection (a) exceeds the modernization, renovation, repair, and construction needs of charter schools within the local educational agency's jurisdiction, the agency may use the excess funds for other public school facility modernization, renovation, repair, or construction consistent with this subtitle and is not required to carry over such funds to the following fiscal year for use for charter schools.

SEC. 339. GREEN SCHOOLS.

(a) IN GENERAL.—Of the funds appropriated for a given fiscal year and made available to a local educational agency to carry out this subtitle, the local educational agency shall use not less than the applicable percentage (described in subsection (b)) of such funds for public school modernization, renovation, repair, or construction that are certified, verified, or consistent with any applicable provisions of—

(1) the LEED Green Building Rating System;

(2) Energy Star;

(3) the CHPS Criteria;

(4) Green Globes; or

(5) an equivalent program adopted by the State, or another jurisdiction with authority over the local educational agency, that includes a verifiable method to demonstrate compliance with such program.

(b) APPLICABLE PERCENTAGES.—The applicable percentage described in subsection (a) is—

(1) for funds appropriated in fiscal year 2010, 50 percent; and

(2) for funds appropriated in fiscal year 2011, 75 percent.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit a local educational agency from using sustainable, domestic hardwood lumber as ascertained through the forest inventory and analysis program of the Forest Service of the Department of Agriculture under the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1641 et seq.) for public school modernization, renovation, repairs, or construction.

(d) TECHNICAL ASSISTANCE.—The Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall provide outreach and technical assistance to States and local educational agencies concerning the best practices in school modernization, renovation, repair, and construction, including those related to student academic achievement, student and staff health, energy efficiency, and environmental protection.

SEC. 340. REPORTING.

(a) REPORTS BY LOCAL EDUCATIONAL AGENCIES.—Local educational agencies receiving a grant under this subtitle shall annually compile a report describing the projects for which such funds were used, including—

(1) the number and identity of public schools in the agency, including the number of charter schools, and for each school, the total number of students, and the number of students counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(5));

(2) the total amount of funds received by the local educational agency under this subtitle, and for each public school in the agency, including each charter school, the amount of such funds expended, and the types of modernization, renovation, repair, or construction projects for which such funds were used;

(3) the number of students impacted by such projects, including the number of students so impacted who are counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(5));

(4) the number of public schools in the agency with a metro-centric locale code of 41, 42, or 43 as determined by the National Center for Education Statistics and the percentage of funds received by the agency under chapter 1 or chapter 2 of this subtitle that were used for projects at such schools;

(5) the number of public schools in the agency that are eligible for schoolwide programs under section 1114 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6314) and the percentage of funds received by the agency under chapter 1 or chapter 2 of this subtitle that were used for projects at such schools;

(6) for each project—

(A) the cost;

(B) the standard described in section 339(a) with which the use of the funds complied or, if the use of funds did not comply with a standard described in section 339(a), the reason such funds were not able to be used in compliance with such standards and the agency's efforts to use such funds in an environmentally sound manner; and

(C) any demonstrable or expected benefits as a result of the project (such as energy savings, improved indoor environmental quality, student and staff health, including the reduction of the incidence and effects of asthma and other respiratory illnesses, and improved climate for teaching and learning); and

(7) the total number and amount of contracts awarded, and the number and amount of contracts awarded to local, small, minority, women, and veteran-owned businesses.

(b) AVAILABILITY OF REPORTS.—A local educational agency shall—

(1) submit the report described in subsection (a) to the State educational agency, which shall compile such information and report it annually to the Secretary; and

(2) make the report described in subsection (a) publicly available, including on the agency's website.

(c) REPORTS BY SECRETARY.—Not later than March 31 of each fiscal year, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate, and make available on the Department of Education's website, a report on grants made under this subtitle, including the information from the reports described in subsection (b)(1).

SEC. 341. SPECIAL RULES.

Notwithstanding any other provision of this subtitle, none of the funds authorized by this subtitle may be—

(1) used to employ workers in violation of section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a); or

(2) distributed to a local educational agency that does not have a policy that requires a criminal background check on all employees of the agency.

SEC. 342. PROMOTION OF EMPLOYMENT EXPERIENCES.

The Secretary of Education, in consultation with the Secretary of Labor, shall work with recipients of funds under this subtitle to promote appropriate opportunities to gain employment experience working on modernization, renovation, repair, and construction projects funded under this subtitle for—

(1) participants in a YouthBuild program (as defined in section 173A of the Workforce Investment Act of 1998 (29 U.S.C. 2918a));

(2) individuals enrolled in the Job Corps program carried out under subtitle C of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2881 et seq.);

(3) individuals enrolled in a junior or community college (as defined in section 312(f) of the Higher Education Act of 1965 (20 U.S.C. 1088(f))) certificate or degree program relating to projects described in section 339(a); and

(4) participants in preapprenticeship programs that have direct linkages with apprenticeship programs that are registered with the Department of Labor or a State Apprenticeship Agency under the National Apprenticeship Act of 1937 (29 U.S.C. 50 et seq.).

SEC. 343. ADVISORY COUNCIL ON GREEN, HIGH-PERFORMING PUBLIC SCHOOL FACILITIES.

(a) ESTABLISHMENT OF ADVISORY COUNCIL.—The Secretary shall establish an advisory council to be known as the ''Advisory Council on Green, High-Performing Public School Facilities'' (in this section referred to as the ''Advisory Council'') which shall be composed of—

(1) appropriate officials from the Department of Education;

(2) representatives of the academic, architectural, business, education, engineering, environmental, labor, and scientific communities; and

(3) such other representatives as the Secretary deems appropriate.

(b) DUTIES OF ADVISORY COUNCIL.—

(1) ADVISORY DUTIES.—The Advisory Council shall advise the Secretary on the impact of green, high-performing schools, on—

(A) teaching and learning;

(B) health;

(C) energy costs;

(D) environmental impact; and

(E) other areas that the Secretary and the Advisory Council deem appropriate.

(2) OTHER DUTIES.—The Advisory Council shall assist the Secretary in—

(A) making recommendations on Federal policies to increase the number of green, high-performing schools;

(B) identifying Federal policies that are barriers to helping States and local educational agencies make green, high-performing schools;

(C) providing technical assistance and outreach to States and local educational agencies under section 339(d); and

(D) providing the Secretary such other assistance as the Secretary deems appropriate.

(c) CONSULTATION.—In carrying out its duties under subsection (b), the Advisory Council shall consult with the Chair of the Council on Environmental Quality and the heads of appropriate Federal agencies, including the Secretary of Commerce, the Secretary of Energy, the Secretary of Health and Human Services, the Secretary of Labor, the Administrator of the Environmental Protection Agency, and the Administrator of the General Services Administration (through the Office of Federal High-Performance Green Buildings).

SEC. 344. EDUCATION REGARDING PROJECTS.

A local educational agency receiving funds under this subtitle may encourage schools at which projects are undertaken with such funds to educate students about the project, including, as appropriate, the functioning of the project and its environmental, energy, sustainability, and other benefits.

SEC. 345. AVAILABILITY OF FUNDS.

(a) CHAPTER 1.—There are authorized to be appropriated, and there are appropriated, to carry out chapter 1 of this subtitle (in addition to any other amounts appropriated to carry out such chapter and out of any money in the Treasury not otherwise appropriated), $2,020,000,000 for each of fiscal years 2010 and 2011.

(b) CHAPTER 2.—There are authorized to be appropriated, and there are appropriated, to carry out chapter 2 of this subtitle (in addition to any other amounts appropriated to carry out such chapter and out of any money in the Treasury not otherwise appropriated), $30,000,000 for each of fiscal years 2010 and 2011.

(c) PROHIBITION ON EARMARKS.—None of the funds appropriated under this section may be used for a Congressional earmark as defined in

clause 9(d) of rule XXI of the Rules of the House of Representatives.

Subtitle B—Higher Education

SEC. 351. FEDERAL ASSISTANCE FOR COMMUNITY COLLEGE MODERNIZATION AND CONSTRUCTION.

(a) IN GENERAL.—

(1) GRANT PROGRAM.—From the amounts made available under subsection (i), the Secretary shall award grants to States for the purposes of constructing new community college facilities and modernizing, renovating, and repairing existing community college facilities. Grants awarded under this section shall be used by a State for one or more of the following:

(A) To reduce financing costs of loans for new construction, modernization, renovation, or repair projects at community colleges (such as paying interest or points on such loans).

(B) To provide matching funds for a community college capital campaign to attract private donations of funds for new construction, modernization, renovation, or repair projects at the community college.

(C) To capitalize a revolving loan fund to finance new construction, modernization, renovation, and repair projects at community colleges.

(2) ALLOCATION.—

(A) DETERMINATION OF AVAILABLE AMOUNT.—The Secretary shall determine the amount available for allocation to each State by determining the amount equal to the total number of students in the State who are enrolled in community colleges and who are pursuing a degree or certificate that is not a bachelor's, master's, professional, or other advanced degree, relative to the total number of such students in all States, combined.

(B) ALLOCATION.—The Secretary shall allocate to each State selected by the Secretary to receive a grant under this section an amount equal to the amount determined to be available for allocation to such State under subparagraph (A), less any portion of that amount that is subject to a limitation under paragraph (3).

(C) REALLOCATION.—Amounts not allocated under this section to a State because—

(i) the State did not submit an application under subsection (b);

(ii) the State submitted an application that the Secretary determined did not meet the requirements of such subsection; or

(iii) the State is subject to a limitation under paragraph (3) that prevents the State from using a portion of the allocation,

shall be proportionately reallocated under this paragraph to the States that are not described in clause (i), (ii), or (iii) of this subparagraph.

(3) GRANT AMOUNT LIMITATIONS.—A grant awarded to a State under this section—

(A) to reduce financing costs of loans for new construction, modernization, renovation, or repair projects at community colleges under paragraph (1)(A) shall be for an amount that is not more than 25 percent of the total principal amount of the loans for which financing costs are being reduced; and

(B) to provide matching funds for a community college capital campaign under paragraph (1)(B) shall be for an amount that is not more than 25 percent of the total amount of the private donations of funds raised through such campaign over the duration of such campaign, as such duration is determined by the State in the application submitted under subsection (b).

(4) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to construct new community college facilities or modernize, renovate, or repair existing community college facilities.

(b) APPLICATION.—A State that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require. Such application shall include a certification by the State that the funds provided under this section for the construction of new community college facilities and the modernization, renovation, and repair of existing community college facilities will improve instruction at such colleges and will improve the ability of such colleges to educate and train students to meet the workforce needs of employers in the State.

(c) USE OF FUNDS BY COMMUNITY COLLEGES.—

(1) PERMISSIBLE USES OF FUNDS.—Funds made available to community colleges through a loan described in subsection (a)(1)(A), a capital campaign described in subsection (a)(1)(B), or a loan from a revolving loan fund described in subsection (a)(1)(C) shall be used only for the construction, modernization, renovation, or repair of community college facilities that are primarily used for instruction, research, or student housing, which may include any of the following:

(A) Repair, replacement, or installation of roofs, including extensive, intensive, or semi-intensive green roofs, electrical wiring, water supply and plumbing systems, sewage systems, storm water runoff systems, lighting systems, building envelope, windows, ceilings, flooring, or doors, including security doors.

(B) Repair, replacement, or installation of heating, ventilation, or air conditioning systems, including insulation, and conducting indoor air quality assessments.

(C) Compliance with fire, health, seismic, and safety codes, including professional installation of fire and life safety alarms, and modernizations, renovations, and repairs that ensure that the community college's facilities are prepared for emergencies, such as improving building infrastructure to accommodate security measures and installing or upgrading technology to ensure that the community college is able to respond to emergencies such as acts of terrorism, campus violence, and natural disasters.

(D) Retrofitting necessary to increase the energy efficiency of the community college's facilities.

(E) Modifications necessary to make facilities accessible in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

(F) Abatement, removal, or interim controls of asbestos, polychlorinated biphenyls, mold, mildew, or lead-based hazards, including lead-based paint hazards from the community college's facilities.

(G) Modernization, renovation, or repair necessary to reduce the consumption of coal, electricity, land, natural gas, oil, or water.

(H) Modernization, renovation, and repair relating to improving science and engineering laboratories, libraries, or instructional facilities.

(I) Installation or upgrading of educational technology infrastructure.

(J) Installation or upgrading of renewable energy generation and heating systems, including solar, photovoltaic, wind, biomass (including wood pellet and woody biomass), waste-to-energy, solar-thermal and geothermal systems, and energy audits.

(K) Other modernization, renovation, or repair projects that are primarily for instruction, research, or student housing.

(L) Required environmental remediation related to modernization, renovation, or repair described in subparagraphs (A) through (K).

(2) GREEN SCHOOL REQUIREMENT.—A community college receiving assistance through a loan described in subsection (a)(1)(A), a capital campaign described in subsection (a)(1)(B), or a loan from a revolving loan fund described in subsection (a)(1)(C) shall use not less than 50 percent of such assistance to carry out projects for construction, modernization, renovation, or repair that are certified, verified, or consistent with the applicable provisions of—

(A) the LEED Green Building Rating System;

(B) Energy Star;

(C) the CHPS Criteria, as applicable;

(D) Green Globes; or

(E) an equivalent program adopted by the State or the State higher education agency that includes a verifiable method to demonstrate compliance with such program.

(3) PROHIBITED USES OF FUNDS.—

(A) IN GENERAL.—No funds awarded under this section may be used for—

(i) payment of maintenance costs;

(ii) construction, modernization, renovation, or repair of stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public; or

(iii) construction, modernization, renovation, or repair of facilities—

(I) used for sectarian instruction, religious worship, or a school or department of divinity; or

(II) in which a substantial portion of the functions of the facilities are subsumed in a religious mission.

(B) FOUR-YEAR INSTITUTIONS.—No funds awarded to a four-year public institution of higher education under this section may be used for any facility, service, or program of the institution that is not available to students who are pursuing a degree or certificate that is not a bachelor's, master's, professional, or other advanced degree.

(d) APPLICATION OF GEPA.—The grant program authorized in this section is an applicable program (as that term is defined in section 400 of the General Education Provisions Act (20 U.S.C. 1221)) subject to section 439 of such Act (20 U.S.C. 1232b). The Secretary shall, notwithstanding section 437 of such Act (20 U.S.C. 1232) and section 553 of title 5, United States Code, establish such program rules as may be necessary to implement such grant program by notice in the Federal Register.

(e) CONCURRENT FUNDING.—Funds made available under this section shall not be used to assist any community college that receives funding for the construction, modernization, renovation, and repair of facilities under any other program under this Act, the Higher Education Act of 1965, or the American Recovery and Reinvestment Act of 2009.

(f) REPORTS BY THE STATES.—Each State that receives a grant under this section shall, not later than September 30, 2012, and annually thereafter for each fiscal year in which the State expends funds received under this section, submit to the Secretary a report that includes—

(1) a description the projects for which the grant funding was, or will be, used;

(2) a list of the community colleges that have received, or will receive, assistance from the grant through a loan described in subsection (a)(1)(A), a capital campaign described in subsection (a)(1)(B), or a loan from a revolving loan fund described in subsection (a)(1)(C); and

(3) a description of the amount and nature of the assistance provided to each such college.

(g) REPORT BY THE SECRETARY.—The Secretary shall submit to the authorizing committees (as defined in section 103 of the Higher Education Act of 1965) an annual report on the grants made under this section, including the information described in subsection (f).

(h) DEFINITIONS.—

(1) COMMUNITY COLLEGE.—As used in this section, the term ''community college'' means—

(A) a junior or community college, as such term is defined in section 312(f) of the Higher Education Act of 1965 (20 U.S.C. 1085(f)); or

(B) a four-year public institution of higher education (as defined in section 101 of the Higher Education Act of 1965) that awards a significant number of degrees and certificates that are not—

(i) bachelor's degrees (or an equivalent); or

(ii) master's, professional, or other advanced degrees.

(2) CHPS CRITERIA.—The term ''CHPS Criteria'' means the green building rating program

developed by the Collaborative for High Performance Schools.

(3) ENERGY STAR.—The term ''Energy Star'' means the Energy Star program of the United States Department of Energy and the United States Environmental Protection Agency.

(4) GREEN GLOBES.—The term ''Green Globes'' means the Green Building Initiative environmental design and rating system referred to as Green Globes.

(5) LEED GREEN BUILDING RATING SYSTEM.—The term ''LEED Green Building Rating System'' means the United States Green Building Council Leadership in Energy and Environmental Design green building rating standard referred to as the LEED Green Building Rating System.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(7) STATE.—The term ''State'' has the meaning given such term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

(i) AVAILABILITY OF FUNDS.—There are authorized to be appropriated, and there are appropriated, to carry out this section (in addition to any other amounts appropriated to carry out this section and out of any money in the Treasury not otherwise appropriated), $2,500,000,000 for fiscal year 2011, which shall remain available until expended.

TITLE IV—EARLY LEARNING CHALLENGE FUND

SEC. 401. PURPOSE.

The purpose of this title is to provide grants on a competitive basis to States for the following:

(1) To promote standards reform of State early learning programs serving children from birth through age 5 in order to support the healthy development and improve the school readiness outcomes of young children.

(2) To establish a high standard of quality in early learning programs that integrates appropriate early learning and development standards across early learning settings.

(3) To fund and implement quality initiatives that improve the skills and effectiveness of early learning providers, and improve the quality of existing early learning programs, in order to increase the number of disadvantaged children who participate in comprehensive and high-quality early learning programs.

(4) To ensure that a greater number of disadvantaged children enter kindergarten with the cognitive, social, emotional, and physical skills and abilities needed to be successful in school.

(5) To increase parents' abilities to access comprehensive and high quality early learning programs across settings for their children.

SEC. 402. PROGRAMS AUTHORIZED.

(a) QUALITY PATHWAYS GRANTS.—The Secretary shall use funds made available to carry out this title for a fiscal year to award grants on a competitive basis to States in accordance with section 403.

(b) DEVELOPMENT GRANTS.—The Secretary shall use funds made available to carry out this title for a fiscal year to award grants in accordance with section 404 on a competitive basis to States that demonstrate a commitment to establishing a system of early learning that will include the components described in section 403(c)(3) but are not—

(1) eligible to be awarded a grant under subsection (a); or

(2) are not awarded such a grant after application.

(c) RESERVATIONS OF FEDERAL FUNDS.—

(1) RESEARCH, EVALUATION, AND ADMINISTRATION.—From the amount made available to carry out this title for a fiscal year, the Secretary—

(A) shall reserve up to 2 percent jointly to administer this title with the Secretary of Health and Human Services; and

(B) shall reserve up to 3 percent to carry out activities under section 405.

(2) TRIBAL SCHOOL READINESS PLANNING DEMONSTRATION.—After making the reservations under paragraph (1), the Secretary shall reserve 0.25 percent for a competitive grant program for Indian tribes to develop and implement school readiness plans that—

(A) are coordinated with local educational agencies serving children who are members of the tribe; and

(B) include American Indian and Alaska Native Head Start and Early Head Start programs, tribal child care programs, Indian Health Service programs, and other tribal programs serving children.

(3) QUALITY PATHWAYS GRANTS.—

(A) IN GENERAL.—From the amount made available to carry out this title for a fiscal year and not reserved under paragraph (1) or (2), the Secretary shall reserve a percent (which shall be not greater than 65 percent for fiscal years 2010 through 2012 and not greater than 85 percent for fiscal year 2013 and each succeeding fiscal year) determined under subparagraph (B) to carry out subsection (a).

(B) DETERMINATION OF AMOUNT.—In determining the amount to reserve under subparagraph (A), the Secretary, consistent with section 403(e), shall take into account the following:

(i) The total number of States determined by the Secretary to qualify for receipt of a grant under this title for the year.

(ii) The number of children under age 5 from low-income families in each State with an approved application under section 403 for the year.

(C) REALLOCATION.—For fiscal year 2013 and subsequent fiscal years, the Secretary may reallocate funds allocated for development grants under subsection (b) for the purpose of providing additional grants under subsection (a), if the Secretary determines that there is an insufficient number of applications that meet the requirements for a grant under subsection (b).

(d) STATE APPLICATIONS.—In applying for a grant under this title, a State—

(1) shall designate a State-level entity for administration of the grant;

(2) shall coordinate proposed activities with the State Advisory Council on Early Childhood Education and Care (established pursuant to section 642B(b)(1)(A) of the Head Start Act (42 U.S.C. 9837b(b)(1)(A))) and shall incorporate plans and recommendations from such Council in the application, where applicable; and

(3) otherwise shall submit the application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(e) PRIORITY IN AWARDING GRANTS.—In awarding grants under this title, the Secretary shall give priority to States—

(1) whose applications contain assurances that the State will use, in part, funds reserved under section 658G of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858e) for activities described in section 403(f);

(2) that will commit to dedicating a significant increase, in comparison to recent fiscal years, in State expenditures on early learning programs and services; and

(3) that demonstrate efforts to build public-private partnerships designed to accomplish the purposes of this title.

(f) MAINTENANCE OF EFFORT.—

(1) IN GENERAL.—With respect to each period for which a State is awarded a grant under this title, the aggregate expenditures by the State and its political subdivisions on early learning programs and services shall be not less than the level of the expenditures for such programs and services by the State and its political subdivisions for fiscal year 2006.

(2) STATE EXPENDITURES.—For purposes of paragraph (1), expenditures by the State on early learning programs and services shall include, at a minimum, the following:

(A) State matching and maintenance of effort funds for the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.).

(B) State matching funds for the State Advisory Council on Early Childhood Education and Care (established pursuant to section 642B(b)(1)(A) of the Head Start Act (42 U.S.C. 9837b(b)(1)(A))).

(C) State expenditures on public pre-kindergarten, Head Start (including Early Head Start), and other State early learning programs and services dedicated to children (including State expenditures under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.)).

(g) PROHIBITIONS ON USE OF FUNDS.—Funds under this title may not be used for any of the following:

(1) Assessments that provide rewards or sanctions for individual children or teachers.

(2) A single assessment used as the primary or sole method for assessing program effectiveness.

(3) Evaluating children other than for—

(A) improving instruction or classroom environment;

(B) targeting professional development;

(C) determining the need for health, mental health, disability, or family support services;

(D) informing the quality improvement process at the State level;

(E) program evaluation for the purposes of program improvement and parent information; or

(F) research conducted as part of the national evaluation required by section 405(2).

(h) FEDERAL ADMINISTRATION.—

(1) IN GENERAL.—With respect to this title, the Secretary shall bear responsibility for obligating and disbursing funds and ensuring compliance with applicable laws and administrative requirements, subject to paragraph (2).

(2) INTERAGENCY AGREEMENT.—The Secretary of Education and the Secretary of Health and Human Services shall jointly administer this title on such terms as such secretaries shall set forth in an interagency agreement.

SEC. 403. QUALITY PATHWAYS GRANTS.

(a) GRANT PERIOD.—Grants under section 402(a)—

(1) may be awarded for a period not to exceed 5 years; and

(2) may be renewed, subject to approval by the Secretary, and based on the State's progress in—

(A) increasing the percentage of disadvantaged children in each age group (infants, toddlers, and preschoolers) who participate in high-quality early learning programs;

(B) increasing the number of high-quality early learning programs in low-income communities;

(C) implementing an early learning system that includes the components described in subsection (c)(3); and

(D) incorporating the findings and recommendations reported by the commission established under section 405(1) into the State system of early learning.

(b) MATCHING REQUIREMENT.—

(1) IN GENERAL.—Subject to subsection (g), to be eligible to receive a grant under section 402(a), a State shall contribute to the activities assisted under the grant non-Federal matching funds in an amount equal to not less than the applicable percent of the amount of the grant.

(2) APPLICABLE PERCENT.—For purposes of paragraph (1), the applicable percent means—

(A) 10 percent in the first fiscal year of the grant;

(B) 10 percent in the second fiscal year of the grant;

(C) 15 percent in the third fiscal year of the grant; and

(D) 20 percent in the fourth fiscal year of the grant and subsequent fiscal years.

(3) NON-FEDERAL FUNDS.—A State may use the following to satisfy the requirement of paragraph (1):

(A) Cash.

(B) In-kind contributions for the acquisition, construction, or improvement of early learning

program facilities serving disadvantaged children.

(C) Technical assistance related to subparagraph (B).

(4) PRIVATE CONTRIBUTIONS.—Private contributions made as part of public-private partnerships to increase the number of low-income children in high-quality early learning programs in a State may be used by the State to satisfy the requirement of paragraph (1).

(5) FINANCIAL HARDSHIP WAIVER.—The Secretary may waive or reduce the non-Federal share of a State that has submitted an application for a grant under section 402(a) if the State demonstrates a need for such waiver or reduction due to extreme financial hardship, as defined by the Secretary by regulation.

(c) STATE APPLICATIONS.—In order to be considered for a grant under section 402(a), a State's application under section 402(d) shall include the following:

(1) A description of how the State will use the grant to implement quality initiatives to improve early learning programs serving disadvantaged children from birth to age 5 to lead to a greater percentage of such children participating in higher quality early learning programs.

(2) A description of the goals and benchmarks the State will establish to lead to a greater percentage of disadvantaged children participating in higher quality early learning programs to improve school readiness outcomes, including an established baseline of the number of disadvantaged children in high-quality early learning programs.

(3) A description of how the State will implement a governance structure and a system of early learning programs and services that includes the following components:

(A) Not later than 12 months after receiving notice of an award of the grant, complete State early learning and development standards that include social and emotional, cognitive, and physical development domains, and approaches to learning that are developmentally appropriate (including culturally and linguistically appropriate) for all children.

(B) A process to ensure that State early learning and development standards are integrated into the instructional and programmatic practices of early learning programs and services, including services provided to children under section 619 and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.).

(C) A program rating system that builds on licensing requirements, as appropriate, and other State regulatory standards and that—

(i) is designed to improve quality and effectiveness across different types of early learning settings;

(ii) integrates evidence-based program quality standards that reflect standard levels of quality and has progressively higher levels of program quality;

(iii) integrates the State's early learning and development standards for the purpose of improving instructional and programmatic practices;

(iv) addresses quality and effective inclusion of children with disabilities or developmental delays across different types of early learning settings;

(v) addresses staff qualifications and professional development;

(vi) provides financial incentives and other supports to help programs meet and sustain higher levels of quality;

(vii) includes mechanisms for evaluating how programs are meeting those standards and progressively higher levels of quality; and

(viii) includes a mechanism for public awareness and understanding of the program rating system, including rating levels of individual programs.

(D) A system of program review and monitoring that is designed to rate providers using the system described in subparagraph (C) and to assess and improve programmatic practices, instructional practices, and classroom environment.

(E) A process to support early learning programs integrating instructional and programmatic practices that—

(i) include developmentally appropriate (including culturally and linguistically appropriate), ongoing, classroom-based instructional assessments for each domain of child development and learning (including social and emotional, cognitive, and physical development domains and approaches to learning) to guide and improve instructional practice, professional development of staff, and services; and

(ii) are aligned with the curricula used in the early learning program and with the State early learning and development standards or the Head Start Child Outcomes Framework (as described in the Head Start Act), as applicable.

(F) Minimum preservice early childhood development and education training requirements for providers in early learning programs.

(G) A comprehensive plan for supporting the professional preparation and the ongoing professional development of an effective, well-compensated early learning workforce, which plan includes training and education that is sustained, intensive, and classroom-focused and leads toward a credential or degree and is tied to improved compensation.

(H) An outreach strategy to promote understanding by parents and families of—

(i) how to support their child's early development and learning;

(ii) the State's program rating system, as described in subparagraph (C); and

(iii) the rating of the program in which their child is enrolled.

(I) A coordinated system to facilitate screening, referral, and provision of services related to health, mental health, disability, and family support for children participating in early learning programs.

(J) A process for evaluating school readiness in children that reflects all of the major domains of development, and that is used to guide practice and improve early learning programs.

(K) A coordinated data infrastructure that facilitates—

(i) uniform data collection about the quality of early learning programs, essential information about the children and families that participate in such programs, and the qualifications and compensation of the early learning workforce in such programs; and

(ii) alignment and interoperability between the data system for early learning programs for children and data systems for elementary and secondary education.

(4) A description of how the funds provided under the grant will be targeted to prioritize increasing the number and percentage of low-income children in high-quality early learning programs, including children—

(A) in each age group (infants, toddlers, and preschoolers);

(B) with developmental delays and disabilities;

(C) with limited English proficiency; and

(D) living in rural areas.

(5) An assurance that the grant will be used to improve the quality of early learning programs across a range of types of settings and providers of such programs.

(6) A description of the steps the State will take to make progress toward including all center-based child care programs, family child care programs, State-funded prekindergarten, Head Start programs, and other early learning programs, such as those funded under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) or receiving funds under section 619 or part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.) in the State program rating system described in paragraph (3)(C).

(7) An assurance that the State, not later than 18 months after receiving notice of an award of the grant, will conduct an analysis of the alignment of the State's early learning and development standards with—

(A) appropriate academic content standards for grades kindergarten through 3; and

(B) elements of program quality standards for early learning programs.

(8) An assurance that the grant will be used only to supplement, and not to supplant, Federal, State, and local funds otherwise available to support existing early learning programs and services.

(9) A description of any disparity by age group (infants, toddlers, and preschoolers) of available high-quality early learning programs in low-income communities and the steps the State will take to decrease such disparity, if applicable.

(10) A description of how the State early learning and development standards will address the needs of children with limited English proficiency, including by incorporating benchmarks related to English language development.

(11) A description of how the State's professional development plan will prepare the early learning workforce to support the early learning needs of children with limited English proficiency.

(12) A description of how the State will improve interagency collaboration and coordinate the purposes of this title with the activities funded under—

(A) section 658G of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858e);

(B) section 619 and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.);

(C) title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

(D) State-funded pre-kindergarten programs (where applicable);

(E) Head Start programs; and

(F) other early childhood programs and services.

(13) A description of how the State's early learning policies, including child care policies, facilitate access to high-quality early learning programs for children from low-income families.

(14) An assurance that the State will continue to participate in part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.) for the duration of the grant.

(d) CRITERIA USED IN AWARDING GRANTS.—In awarding grants under section 402(a), the Secretary shall evaluate the applications, and award grants under such section on a competitive basis, based on—

(1) the quality of the application submitted pursuant to section 402(d);

(2) the priority factors described in section 402(e);

(3) evidence of significant progress in establishing a system of early learning for children that includes the components described in subsection (c)(3); and

(4) the State's capacity to fully complete implementation of such a system.

(e) CRITERION USED IN DETERMINING AMOUNT OF AWARD.—In determining the amount to award a State under section 402(a), the Secretary shall take into account—

(1) the proportion of children under age 5 from low-income families in the State relative to such proportion in other States; and

(2) the State plan and capacity to implement the criteria described in paragraphs (3) and (4) of subsection (d).

(f) STATE USES OF FUNDS.—

(1) IN GENERAL.—A State receiving a grant under section 402(a) shall use the grant as follows:

(A) Not less than 65 percent of the grant amount shall be used for two or more of the following activities to improve the quality of early learning programs serving disadvantaged children:

(i) Initiatives that improve the credentials of early learning providers and are tied to increased compensation.

(ii) Initiatives that help early learning programs meet and sustain higher program quality standards, such as—

(I) improving the ratio of early learning provider to children in early learning settings;

(II) reducing group size;

(III) improving the qualifications of early learning providers; and

(IV) supporting effective education and training for early learning providers.

(iii) Implementing classroom observation assessments and data-driven decisions (which may include implementation of a research-based prevention and intervention framework designed to build social competence and prevent challenging behaviors) tied to activities that improve instructional practices, programmatic practices, or classroom environment and promote school readiness.

(iv) Providing financial incentives to early learning programs—

(I) for undertaking quality improvements that promote healthy development and school readiness; and

(II) maintaining quality improvements that promote healthy development and school readiness.

(v) Integrating State early learning and development standards into instructional and programmatic practices in early learning programs.

(vi) Providing high-quality, sustained, intensive, and classroom-focused professional development that improves the knowledge and skills of early learning providers, including professional development related to meeting the needs of diverse populations.

(vii) Building the capacity of early learning programs and communities to promote the understanding of parents and families of the State's early learning system and the rating of the program in which their child is enrolled and to encourage the active involvement and engagement of parents and families in the learning and development of their children.

(viii) Building the capacity of early learning programs and communities to facilitate screening, referral, and provision of services related to health, mental health, disability, and family support for children participating in early learning programs.

(ix) Other innovative activities, proposed by the State and approved in advance by the Secretary that are—

(I) based on successful practices;

(II) designed to improve the quality of early learning programs and services; and

(III) advance the system components described in subsection (c)(3).

(B) The remainder of the grant amount may be used for one or more of the following:

(i) Implementation or enhancement of the State's data system described in subsection (c)(3)(K), including interoperability across agencies serving children, and unique child and program identifiers.

(ii) Enhancement of the State's oversight system for early learning programs, including the implementation of a program rating system.

(iii) The development and implementation of measures of school readiness of children that reflect all of the major domains of child development and that inform the quality improvement process.

(2) PRIORITY.—A State receiving a grant under section 402(a) shall use the grant so as to prioritize improving the quality of early learning programs serving children from low-income families.

(g) SPECIAL RULE.—

(1) IN GENERAL.—Beginning with the second fiscal year of a grant under section 402(a), a State with respect to which the Secretary certifies that the State has made sufficient progress in implementing the requirements of the grant may apply to the Secretary to reserve up to 25 percent of the amount of the grant to expand access for children from low-income families to the highest quality early learning programs that offer full-day services, except that the State must agree to contribute for such purpose non-Federal matching funds in an amount equal to not less than 20 percent of the amount reserved under this subsection. One-half of such non-Federal matching funds may be provided by a private entity.

(2) NON-FEDERAL FUNDS.—A State may use the following to satisfy the matching requirement of paragraph (1):

(A) Cash.

(B) In-kind contributions for the acquisition, construction, or improvement of early learning program facilities serving disadvantaged children.

(C) Technical assistance related to subparagraph (B).

(3) FINANCIAL HARDSHIP WAIVER.—The Secretary may waive or reduce the non-Federal share of a State under paragraph (1) if the State demonstrates a need for such waiver or reduction due to extreme financial hardship, as defined by the Secretary by regulation.

(h) IMPROVEMENT PLAN.—If the Secretary determines that a State receiving a grant under section 402(a) is encountering barriers to reaching goals described in subsection (c)(2), the State shall develop a plan for improvement in consultation with, and subject to approval by, the Secretary.

SEC. 404. DEVELOPMENT GRANTS.

(a) GRANT PERIOD.—Grants under section 402(b) may be awarded for a period not to exceed 3 years, and may not be renewed.

(b) STATE USES OF FUNDS.—

(1) IN GENERAL.—A State receiving a grant under section 402(b) shall use the grant to undertake activities to develop the early learning system components described in section 403(c)(3) and that will allow a State to become eligible and competitive for a grant described in section 402(a).

(2) PRIORITY.—A State receiving a grant under section 402(b) shall use the grant so as to prioritize improving the quality of early learning programs serving low-income children.

(c) MATCHING REQUIREMENT.—

(1) IN GENERAL.—To be eligible to receive a grant under section 402(b), a State shall contribute to the activities assisted under the grant non-Federal matching funds in an amount equal to not less than the applicable percent of the amount of the grant.

(2) APPLICABLE PERCENT.—For purposes of paragraph (1), the applicable percent means—

(A) 20 percent in the first fiscal year of the grant;

(B) 25 percent in the second fiscal year of the grant; and

(C) 30 percent in the third fiscal year of the grant.

(3) NON-FEDERAL FUNDS.—A State may use the following to satisfy the requirement of paragraph (1):

(A) Cash.

(B) In-kind contributions for the acquisition, construction, or improvement of early learning program facilities serving disadvantaged children.

(C) Technical assistance related to subparagraph (B).

(4) PRIVATE CONTRIBUTIONS.—Private contributions made as part of public-private partnerships to increase the number of low-income children in high-quality early learning programs in a State may be used by the State to satisfy the requirement of paragraph (1).

(5) FINANCIAL HARDSHIP WAIVER.—The Secretary may waive or reduce the non-Federal share of a State that has submitted an application for a grant under section 402(b) if the State demonstrates a need for such waiver or reduction due to extreme financial hardship, as defined by the Secretary by regulation.

SEC. 405. RESEARCH AND EVALUATION.

From funds reserved under section 402(c)(1), the Secretary of Education and the Secretary of Health and Human Services, acting jointly, shall carry out the following activities:

(1) Establishing a national commission whose duties shall include—

(A) reviewing the status of State and Federal early learning program quality standards and early learning and development standards;

(B) recommending benchmarks for program quality standards and early learning and development standards, including taking into consideration the school readiness needs of children with limited English proficiency; and

(C) reporting to the Secretaries of Education and Health and Human Services not later than 2 years after the date of the enactment of this Act on the commission's findings and recommendations.

(2) Conducting a national evaluation of the grants made under this title through the Institute of Education Science in collaboration with the appropriate research divisions within the Department of Health and Human Services.

(3) Supporting a research collaborative among the Institute of Education Sciences, the National Institute of Child Health and Human Development, the Office of Planning, Research, and Evaluation within the Administration for Children and Families in the Department of Health and Human Services, and, as appropriate, other Federal entities to support research on early learning that can inform improved State and other standards and licensing requirements and improved child outcomes, which collaborative shall—

(A) biennially prepare and publish for public comment a detailed research plan;

(B) support early learning research activities that could include determining—

(i) the characteristics of early learning programs that produce positive developmental outcomes for children;

(ii) the effects of program quality standards on child outcomes;

(iii) the relationships between specific interventions and types of child and family outcomes;

(iv) the effectiveness of early learning provider training in raising program quality and improving child outcomes;

(v) the effectiveness of professional development strategies in raising program quality and improving child outcomes; and

(vi) how to improve the school readiness outcomes of children with limited English proficiency, special needs, and homeless children, including evaluation of professional development programs for working with such children; and

(C) disseminate relevant research findings and best practices.

(4) Evaluating barriers to improving the quality of early learning programs serving low-income children, including evaluating barriers to successful interagency collaboration and coordination, by conducting a review of the statewide strategic reports developed by the State Advisory Councils on Early Care and Education and other relevant reports, reporting the findings of such review to Congress, and disseminating relevant research findings and best practices.

SEC. 406. REPORTING REQUIREMENTS.

(a) REPORTS TO CONGRESS.—For each year in which funding is provided under this title, the Secretary shall submit an annual report to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate on the activities carried out under this title, including, at a minimum, information on the following:

(1) The activities undertaken by States to increase the availability of high-quality early learning programs.

(2) The number of children in high-quality early learning programs, and the change from the prior year, disaggregated by State, age, and race.

(3) The number of early learning providers enrolled, with assistance from funds under this title, in a program to obtain a credential or degree in early childhood education and the settings in which such providers work.

(4) A summary of State progress in implementing a system of early learning with the components described in section 403(c)(3).

(5) A summary of the research activities being conducted under section 405 and the findings of such research.

(b) REPORTS TO SECRETARY.—Each State that receives a grant under this title shall submit to the Secretary an annual report that includes, at a minimum, information on the activities carried out by the State under this title, including the following:

(1) The progress on fully implementing and integrating into a system of early learning each of the components described in section 403(c)(3).

(2) The State's progress in meeting its goals for increasing the number of disadvantaged children participating in high-quality early learning programs, disaggregated by child age.

(3) The number and percentage of disadvantaged children participating in early learning programs at each level of quality, disaggregated by race, family income, child age, disability, and limited English proficiency status.

(4) The number of providers participating in the State quality rating system, disaggregated by setting, rating, and the number of high-quality providers available in low-income communities.

(5) Information on how the funds provided under this title were used to increase the availability of high-quality early learning programs for each age group, disaggregated by race and limited English proficient status, to the maximum extent practicable.

(6) Information on professional development and training expenditures, including—

(A) the number of early learning providers engaged in such activities; and

(B) the number of early learning providers enrolled in programs to obtain a credential or degree in early childhood education, disaggregated by the type of credential and degree.

(7) The change in the number and percentage of early learning providers with appropriate credentials or degrees in early childhood education, including the change in compensation given to such providers, in comparison to the prior fiscal year, disaggregated by early learning setting and the type of credential or degree.

(8) In the case of a State receiving a grant under section 402(a), the percentage of children receiving assistance under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) who participate in the highest quality early learning programs, disaggregated by program setting and child age.

(9) Barriers to expanding access to high-quality early learning programs for disadvantaged children.

SEC. 407. CONSTRUCTION.

Nothing in this title—

(1) shall be construed to require a child to participate in an early learning program; or

(2) shall be used to deny entry to kindergarten for any individual if the individual is legally eligible, as defined by State or local law.

SEC. 408. DEFINITIONS.

For purposes of this title:

(1) CHILD.—The term ''child'' refers to an individual from birth through the day the individual enters kindergarten.

(2) DISADVANTAGED.—The term ''disadvantaged'', when used with respect to a child, means a child whose family income is described in section 658P(4)(B) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n(4)(B)).

(3) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given such term in section 637 of the Head Start Act (42 U.S.C. 9832).

(4) LIMITED ENGLISH PROFICIENT.—The term ''limited English proficient'' has the meaning given such term in section 637 of the Head Start Act (42 U.S.C. 9832).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(6) STATE.—The term ''State'' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

SEC. 409. AVAILABILITY OF FUNDS.

There are authorized to be appropriated, and there are appropriated, to carry out this title (in addition to any other amounts appropriated to carry out this title and out of any money in the Treasury not otherwise appropriated) $1,000,000,000 for each of fiscal years 2010 through 2017.

TITLE V—AMERICAN GRADUATION INITIATIVE

SEC. 501. AUTHORIZATION AND APPROPRIATION.

(a) AUTHORIZATION AND APPROPRIATION.—There are authorized to be appropriated, and there are appropriated, to carry out this title (in addition to any other amounts appropriated to carry out this title and out of any money in the Treasury not otherwise appropriated), $730,000,000 for each of the fiscal years 2010 through 2013, and $680,000,000 for each of the fiscal years 2014 through 2019.

(b) ALLOCATIONS.—Of the amount appropriated under subsection (a)—

(1) $630,000,000 shall be made available for each of the fiscal years 2010 through 2013 to carry out section 503;

(2) $630,000,000 shall be made available for each of the fiscal years 2014 through 2019 to carry out section 504;

(3) $50,000,000 shall be made available for each of the fiscal years 2010 through 2019 to carry out subsection (a) of section 505; and

(4) $50,000,000 shall be made available for each of the fiscal years 2010 through 2013 to carry out subsections (b) and (c) of section 505.

(c) RESPONSIBILITY.—

(1) IN GENERAL.—With respect to sections 503 and 504, the Secretary of Education shall bear the responsibility for obligating and disbursing funds under such sections and ensuring compliance with applicable law and administrative requirements, subject to paragraph (2).

(2) INTERAGENCY AGREEMENT.—The Secretary of Education and the Secretary of Labor shall jointly administer sections 503 and 504 on such terms as such Secretaries shall set forth in an interagency agreement.

SEC. 502. DEFINITIONS; GRANT PRIORITY.

(a) DEFINITIONS.—In this title:

(1) AREA CAREER AND TECHNICAL EDUCATION SCHOOL.—The term ''area career and technical education school'' has the meaning given such term in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).

(2) COMMUNITY COLLEGE.—The term ''community college'' means a public institution of higher education at which the highest degree that is predominantly awarded to students is an associate's degree.

(3) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a community college or community college district;

(B) an area career and technical education school;

(C) a public four-year institution of higher education that—

(i) offers two-year degrees;

(ii) will use funds provided under this section for activities at the certificate and associate degree levels; and

(iii) is not reasonably close, as determined by the Secretary, to a community college;

(D) a public four-year institution of higher education that is in partnership with an eligible entity described in subparagraph (A), (B), or (C);

(E) a State that—

(i) is in compliance with section 137 of the Higher Education Act of 1965 (20 U.S.C. 1015f);

(ii) has an articulation agreement pursuant to section 486A of such Act (20 U.S.C. 1093a); and

(iii) is in partnership with an eligible entity described in subparagraph (A), (B), (C), or (D); or

(F) a consortium of at least 2 entities described in subparagraphs (A) through (E).

(4) INDUSTRY OR SECTOR PARTNERSHIP.—The term ''industry or sector partnership'' has the meaning given such term in section 782(f) of the Higher Education Act of 1965.

(5) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(6) PHILANTHROPIC ORGANIZATION.—The term ''philanthropic organization'' has the meaning given such term in section 781(i) of the Higher Education Act of 1965 (20 U.S.C. 1141(i)).

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(8) STATE.—The term ''State'' has the meaning given such term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

(9) STATE PUBLIC EMPLOYMENT SERVICE.—The term ''State public employment service'' refers to a State public employment service established under the Wagner-Peyser Act (29 U.S.C. 49 et seq.).

(10) STATE WORKFORCE INVESTMENT BOARD; LOCAL WORKFORCE INVESTMENT BOARD.—The terms ''State workforce investment board'' and ''local workforce investment board'' refer to a State workforce investment board established under section 111 of the Workforce Investment Act (29 U.S.C. 2821) and a local workforce investment board established under section 117 of such Act (29 U.S.C. 2832), respectively.

(11) SUPPORTIVE SERVICES.—The term ''supportive services'' has the meaning given such term in section 101(46) of the Workforce Investment Act of 1998 (29 U.S.C. 2801(46)).

(b) GRANT PRIORITY.—In addition to any grant priorities established under any other provision of this title, the Secretary, in awarding grants under this title, shall give priority to applications focused on serving low-income, nontraditional students who do not have a bachelor's degree, and who have one or more of the following characteristics:

(1) Are the first generation in their family to attend college.

(2) Have delayed enrollment in college.

(3) Have dependents.

(4) Are independent students.

(5) Work at least 25 hours per week.

(6) Are out-of-school youth without a high school diploma.

SEC. 503. GRANTS TO ELIGIBLE ENTITIES FOR COMMUNITY COLLEGE REFORM.

(a) PROGRAM AUTHORIZATION.—

(1) GRANTS AUTHORIZED.—

(A) IN GENERAL.—Subject to paragraph (2), from the amount appropriated to carry out this section, the Secretary, in coordination with the Secretary of Labor, shall award grants to eligible entities, on a competitive basis, to establish and support programs described in subparagraph (B) at eligible entities described in subparagraphs (A) through (D) of section 502(a)(3).

(B) PROGRAMS.—The programs to be established and supported with grants under subparagraph (A) (and carried out through activities described in subsection (f)) shall be programs—

(i) that are—

(I) innovative programs; or

(II) programs of demonstrated effectiveness, based on the evaluations of similar programs funded by the Department of Education or the Department of Labor, or other research of similar programs; and

(ii) that lead to the completion of a postsecondary degree, certificate, or industry-recognized credential leading to a skilled occupation in a high-demand industry.

(2) LIMITATION.—For each fiscal year for which funds are appropriated to carry out this

section, the aggregate amount of the grants awarded to eligible entities that are States, or consortia that include a State, shall be not more than 50 percent of the total amount appropriated under section 501(b)(1) for such fiscal year.

(3) PROHIBITION.—The Secretary shall not award a grant to an eligible entity for the same activities that are being supported by other Federal funds.

(b) GRANT DURATION AND AMOUNT.—

(1) DURATION.—A grant under this section shall be awarded to an eligible entity for a 4-year period, except that if the Secretary determines that the eligible entity has not made demonstrable progress in achieving the benchmarks developed pursuant to subsection (g) by the end of the third year of such grant period, no further grant funds shall be made available to the entity after the date of such determination.

(2) AMOUNT.—The minimum amount of a total grant award under this section over the 4-year period of the award shall be $750,000.

(c) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to eligible entities that—

(1) enter into partnerships with—

(A) philanthropic or research organizations with expertise in meeting the goals of this section;

(B) businesses or industry or sector partnerships that—

(i) design and implement programs described in subsection (a)(1)(B);

(ii) pay a portion of the costs of such programs; and

(iii) agree to collaborate with one or more eligible entities to hire individuals who have completed a particular postsecondary degree, certificate, or credential program; or

(C) labor organizations that provide technical expertise for occupationally specific education necessary for an industry-recognized credential leading to a skilled occupation in a high-demand industry; or

(2) are institutions of higher education eligible for assistance under title III or V of the Higher Education Act of 1965, or consortia that include such an institution.

(d) FEDERAL AND NON-FEDERAL SHARE; SUPPLEMENT, NOT SUPPLANT.—

(1) FEDERAL SHARE.—The amount of the Federal share under this section for a fiscal year shall be not greater than ½ of the costs of the programs, services, and policies described in subsection (f) that are carried out under the grant.

(2) NON-FEDERAL SHARE.—

(A) IN GENERAL.—The amount of the non-Federal share under this section for a fiscal year shall be not less than ½ of the costs of the programs, services, and policies described in subsection (f) that are carried out under the grant. The non-Federal share may be in cash or in kind, and may be provided from State resources, local resources, contributions from private organizations, or a combination thereof.

(B) FINANCIAL HARDSHIP WAIVER.—The Secretary may waive or reduce the non-Federal share of an eligible entity that has submitted an application under this section if the entity demonstrates a need for such waiver or reduction due to extreme financial hardship, as defined by the Secretary by regulation.

(3) SUPPLEMENT, NOT SUPPLANT.—The Federal and non-Federal shares required by this section shall be used to supplement, and not supplant, State and private resources that would otherwise be expended to establish and support programs described in subsection (a)(1)(B) at eligible entities.

(e) APPLICATION.—An eligible entity seeking to receive a grant under this section shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require. Such application shall describe the programs under subsection (a)(1)(B) that the eligible entity will carry out using the grant funds, (including the programs, services, and policies under subsection (f)), including—

(1) the goals of such programs, services, and policies;

(2) how the eligible entity will allocate grant funds for such programs, services, and policies;

(3) how such programs, services, and policies, and the resources of the eligible entity, will enable the eligible entity to meet the benchmarks developed pursuant to subsection (g), and how the eligible entity will track and report the entity's progress in reaching such benchmarks;

(4) how the eligible entity will use such programs, services, and policies to establish quantifiable targets for improving graduation rates and employment-related outcomes;

(5) how the eligible entity will serve high-need populations through such programs, services, and policies;

(6) how the eligible entity will partner with industry or sector partnerships in the State, the State public employment service, and State or local workforce investment boards in carrying out such programs, services, and policies;

(7) an assurance that the eligible entity will share information with the Learning and Earning Research Center established under section 505(b), once such Center is established;

(8) an assurance that the eligible entity will participate in the evaluation of such programs, services, and policies under subsection (i); and

(9) the potential for such programs, services, and policies to be replicated at other institutions of higher education.

(f) USES OF FUNDS.—An eligible entity receiving a grant under this section shall use the grant funds to carry out the programs described in subsection (a)(1)(B), which shall include at least 2 of the following activities:

(1) Developing and implementing policies and programs to expand opportunities for students at eligible entities described in subparagraphs (A) through (D) of section 502(a)(3) to earn bachelor's degrees by—

(A) facilitating the transfer of academic credits between institutions of higher education, including the transfer of academic credits for courses in the same field of study; and

(B) expanding articulation agreements and guaranteed transfer agreements between such institutions, including through common course numbering and general core curriculum.

(2) Expanding, enhancing, or creating academic programs or training programs, which shall be carried out with industry or sector partnerships or in partnership with employers and may include other relevant partners, that provide relevant job-skill training (including apprenticeships and worksite learning and training opportunities) for skilled occupations in high-demand industries.

(3) Providing student support services, including—

(A) intensive career and academic advising;

(B) labor market information and job counseling; and

(C) transitional job support, supportive services, or assistance in connecting students with community resources.

(4) Creating workforce programs that provide a sequence of education and occupational training that leads to industry-recognized credentials, including programs that—

(A) blend basic skills and occupational training that lead to industry-recognized credentials;

(B) integrate developmental education curricula and instruction with for-credit coursework toward degree or certificate pathways; or

(C) advance individuals on a career path toward high-wage occupations in high-demand industries.

(5) Building or enhancing linkages, including the development of dual enrollment programs and early college high schools, between—

(A) secondary education or adult education programs (including programs established under the Carl D. Perkins Career and Technical Education Act of 2006 and title II of the Workforce Investment Act of 1998 (29 U.S.C. 9201 et seq.)); and

(B) eligible entities described in subparagraphs (A) through (D) of section 502(a)(3).

(6) Implementing other innovative programs, services, and policies designed to—

(A) increase postsecondary degree, certificate, and industry-recognized credential completion rates, particularly with respect to groups underrepresented in higher education, at eligible entities described in subparagraphs (A) through (D) of section 502(a)(3); and

(B) increase the provision of training for students to enter skilled occupations in high-demand industries.

(7) Improving the timeliness of the process for creating degree, certificate, and industry-recognized credential programs at eligible entities described in subparagraphs (A) through (D) of section 502(a)(3) that—

(A) reflect and respond to regional labor market developments and trends;

(B) effectively address the workforce needs of employers in the State; and

(C) are designed in consultation with such employers.

(g) BENCHMARKS.—

(1) IN GENERAL.—Each eligible entity receiving a grant under this section shall develop quantifiable benchmarks on the following indicators (where applicable), to be approved by the Secretary:

(A) Closing gaps in enrollment and completion rates for—

(i) groups underrepresented in higher education; and

(ii) groups of students enrolled at the eligible entity (or at an institution of higher education under the jurisdiction of the eligible entity, in the case of an entity that is not an institution) who have the lowest enrollment and completion rates.

(B) Addressing local and regional workforce needs.

(C) Establishing articulation agreements between two-year and four-year public institutions of higher education within a State.

(D) Improving comprehensive employment and educational outcomes for postsecondary education and training programs, including—

(i) student persistence from one academic year to the following academic year;

(ii) the number of credits students earn toward a certificate or an associate's degree;

(iii) the number of students in developmental education courses who subsequently enroll in credit bearing coursework;

(iv) transfer of general education credits between institutions of higher education, as applicable;

(v) completion of industry-recognized credentials or associate's degrees to work in skilled occupations in high-demand industries;

(vi) transfers to four-year institutions of higher education; and

(vii) job placement related to skills training or associate's degree completion.

(2) REPORT.—The eligible entity receiving such a grant shall annually measure and report to the Secretary the progress of the entity in achieving the benchmarks developed pursuant to paragraph (1).

(h) PROVISION OF TRANSFER OF CREDIT INFORMATION IN COMMUNITY COLLEGE COURSE SCHEDULES.—To the maximum extent practicable, each community college receiving a grant under this section shall include in each electronic and printed publication of the college's course schedule, in a manner of the college's choosing, for each course listed in the college's course schedule, whether such course is transferable for credit toward the completion of a 4-year baccalaureate degree at a public institution of higher education in the State in which the college is located.

(i) EVALUATION.—The Secretary shall allocate not more than two percent of the funds appropriated under section 501(b)(1) to the Institute of

Education Sciences to conduct evaluations, ending not later than January 30, 2014, that—

(1) assess the effectiveness of the grant programs carried out by each eligible entity receiving such a grant in—

(A) improving postsecondary education completion rates (disaggregated by age, race, ethnicity, sex, income, and disability);

(B) improving employment-related outcomes for students served by such programs;

(C) serving high-need populations; and

(D) building or enhancing working partnerships with the State public employment service or State or local workforce investment boards; and

(2) include any other information or assessments the Secretary may require.

(j) REPORT.—The Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives an annual report on grants awarded under this section, including—

(1) the amount awarded to each eligible entity under this section;

(2) a description of the activities conducted by each eligible entity receiving a grant under this section; and

(3) a summary of the results of the evaluations submitted to the Secretary under subsection (i) and the progress each eligible entity made toward achieving the benchmarks developed under subsection (g).

SEC. 504. GRANTS TO ELIGIBLE STATES FOR COMMUNITY COLLEGE PROGRAMS.

(a) PROGRAM AUTHORIZATION.—From the amount appropriated to carry out this section, the Secretary, in coordination with the Secretary of Labor, shall award grants to eligible States, on a competitive basis, to implement the systematic reform of community colleges located in the State by carrying out programs, services, and policies that demonstrated effectiveness under the evaluation described in section 503(i).

(b) ELIGIBLE STATE.—In this section, the term ''eligible State'' means a State that demonstrates to the Secretary in the application submitted pursuant to subsection (e) that the State—

(1) has a plan under section 782 of the Higher Education Act of 1965 to increase the State's rate of persistence in and completion of postsecondary education that takes into consideration and involves community colleges located in such State;

(2) has a statewide longitudinal data system that includes data with respect to community colleges;

(3) has an articulation agreement pursuant to section 486A of the Higher Education Act of 1965 (20 U.S.C. 1093a);

(4) is in compliance with section 137 of such Act (20 U.S.C. 1015f); and

(5) meets any other requirements the Secretary may require.

(c) GRANT DURATION; RENEWAL.—A grant awarded under this section shall be awarded to an eligible State for a 6-year period, except that if the Secretary determines that the eligible State has not made demonstrable progress in achieving the benchmarks developed pursuant to subsection (g) by the end of the third year of the grant period, no further grant funds shall be made available to the entity after the date of such determination.

(d) FEDERAL AND NON-FEDERAL SHARE; SUPPLEMENT, NOT SUPPLANT.—

(1) FEDERAL SHARE.—The amount of the Federal share under this section for a fiscal year shall be not greater than ½ of the costs of the reform described in subsection (f) that is carried out with the grant.

(2) NON-FEDERAL SHARE.—

(A) IN GENERAL.—The amount of the Non-Federal share under this section for a fiscal year shall be not less than ½ of the costs of the reform described in subsection (f) that is carried out with the grant. The non-Federal share may be in cash or in kind, and may be provided from State resources, local resources, contributions from private organizations, or a combination thereof.

(B) FINANCIAL HARDSHIP WAIVER.—The Secretary may waive or reduce the non-Federal share of an eligible State that has submitted an application under this section if the State demonstrates a need for such waiver or reduction due to extreme financial hardship, as defined by the Secretary by regulation.

(3) SUPPLEMENT, NOT SUPPLANT.—The Federal and non-Federal share required by this section shall be used to supplement, and not supplant, State and private resources that would otherwise be expended to carry out the systematic reform of community colleges in a State.

(e) APPLICATION.—An eligible State desiring to receive a grant under this section shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require. Such application shall describe the programs, service, and policies to be used by the State to achieve the systematic reform described in subsection (f), including—

(1) the goals of such programs, services, and policies;

(2) how the State will allocate grant funds to carry out such programs, services, and policies, including identifying any State or private entity that will administer such programs, services, and policies;

(3) how such programs, services, and policies will enable the State to—

(A) meet the benchmarks developed pursuant to subsection (g), and how the State will track and report the State's progress in reaching such benchmarks; and

(B) benefit students attending all community colleges within the State;

(4) how the State will use such programs, services, and policies to establish quantifiable targets for improving graduation rates and employment-related outcomes;

(5) how the State will serve high-need populations through such programs, services, and policies;

(6) how the State will partner with the State public employment service and State or local workforce investment boards in carrying out such programs, services, and policies;

(7) how the State will evaluate such programs, services, and policies, which may include participation in national evaluations; and

(8) how the State will involve community colleges and community college faculty in the planning, implementation, and evaluation of such programs, services, and policies.

(f) USES OF FUNDS.—An eligible State receiving a grant under this section shall use the grant funds to implement the systematic reform of community colleges located in the State by carrying out programs, services, and policies that the Secretary has determined to have demonstrated effectiveness based on the results of the evaluation described in section 503(i). States shall allocate not less than 90 percent of such grant funds to community colleges within the State.

(g) BENCHMARKS.—

(1) IN GENERAL.—Each eligible State receiving a grant under this section shall, in consultation with the Secretary, develop quantifiable benchmarks on the indicators identified in section 503(f)(1).

(2) PROGRESS.—An eligible State receiving such a grant shall annually measure and report to the Secretary progress in achieving the benchmarks developed pursuant to paragraph (1).

(h) REPORT.—

(1) REPORTS TO THE SECRETARY.—Each eligible State receiving a grant under this section shall annually submit to the Secretary and the Secretary of Labor a report on such grant, including—

(A) a description of the systematic reform carried out by the State using such grant; and

(B) the outcome of such reform, including the State's progress in achieving the benchmarks developed under subsection (g).

(2) REPORTS TO CONGRESS.—Not later than 6 months after the end of the grant period, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives a summary of the reports submitted under paragraph (1) with respect to such grant period.

(i) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) community colleges play an important role in preparing and training students seeking to enter the workforce;

(2) it is vital that all States have access to the resources and assistance needed to compete for grants authorized under this section; and

(3) in executing the grant program authorized under this section, the Secretary will make available any and all assistance, guidance, and support to States seeking to compete for grants authorized under this section and will work to ensure that such grants are distributed in a fair and equitable manner.

SEC. 505. NATIONAL ACTIVITIES.

(a) OPEN ONLINE EDUCATION.—From the amount appropriated to carry out this section, the Secretary is authorized to make competitive grants to, or enter into contracts with, institutions of higher education, philanthropic organizations, and other appropriate entities to develop, evaluate, and disseminate freely-available high-quality online training, high school courses, and postsecondary education courses. Entities receiving funds under this subsection shall ensure that electronic and information technology activities meet the access standards established under section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d).

(b) LEARNING AND EARNING RESEARCH CENTER.—

(1) IN GENERAL.—From the amount appropriated to carry out this section, the Director of the Institute of Education Sciences is authorized to award a grant to, or enter into a contract with, an organization with demonstrated expertise in the research and evaluation of community colleges to establish and operate the Learning and Earning Research Center (in this section referred to as the ''Center'').

(2) GRANT TERM.—The grant or contract awarded under this section shall be awarded for a period of not more than 4 years.

(3) BOARD.—The Center shall have an independent advisory board of 9 individuals who—

(A) are appointed by the Secretary, based on recommendations from the organization receiving the grant or contract under this section; and

(B) who have demonstrated expertise in—

(i) data collection;

(ii) data analysis; and

(iii) econometrics, postsecondary education, and workforce development research.

(4) CENTER ACTIVITIES.—The Center shall—

(A) develop—

(i) peer-reviewed metrics to help consumers make sound education and training choices, and to help students, workers, schools, businesses, researchers, and policymakers assess the effectiveness of community colleges, and courses of study at such colleges, in meeting education and employment objectives and serving groups that are underrepresented in postsecondary education;

(ii) common metrics and data elements to measure the education and employment outcomes of students attending community colleges;

(B) coordinate with the Institute of Education Sciences and States receiving a grant under subsection (c) to develop—

(i) standardized data elements, definitions, and data-sharing protocols to make it possible for data systems related to postsecondary education to be linked and interoperable, and for best practices to be shared among States;

(ii) standards and processes for facilitating sharing of data in a manner that safeguards student privacy; and

(C) develop and make widely available materials analyzing best practices and research on successful postsecondary education and training efforts;

(D) make the data and metrics developed pursuant to subparagraph (A) available to the public in a transparent, user-friendly format that is accessible to individuals with disabilities; and

(E) consult with representatives from States with respect to the activities of the Center.

(c) STATE SYSTEMS.—

(1) IN GENERAL.—From the amount appropriated to carry out this section, the Secretary is authorized to award grants to States or consortia of States to establish cooperative agreements to develop, implement, and expand interoperable statewide longitudinal data systems that—

(A) collect, maintain, disaggregate (by institution, income, race, ethnicity, sex, disability, and age), and analyze student data from community colleges, including data on the programs of study and education and employment outcomes for particular students, tracked over time; and

(B) can be linked to other data systems, as applicable, including elementary and secondary education and workforce data systems.

(2) SUPPLEMENT, NOT SUPPLANT.—Funds appropriated to carry out this subsection shall be used to supplement, and not supplant, other Federal and State resources that would otherwise be expended to carry out statewide longitudinal data systems, including funding appropriated for State Longitudinal Data Systems in the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 115).

(3) PRIVACY AND ACCESS TO DATA.—

(A) IN GENERAL.—Each State or consortia that receives a grant under this subsection or any other provision of this Act shall implement measures to—

(i) ensure that the statewide longitudinal data system under this subsection and any other data system the State or consortia is operating for the purposes of this Act meet the requirements of section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly known as the ''Family Educational Rights and Privacy Act of 1974'');

(ii) limit the use of information in any such data system by governmental agencies in the State, including State agencies, State educational authorities, local educational agencies, community colleges, and institutions of higher education, to education and workforce related activities under this Act or education and workforce related activities otherwise permitted by Federal or State law;

(iii) prohibit the disclosure of personally identifiable information except as permitted under section 444 of the General Education Provisions Act and any additional limitations set forth in State law;

(iv) keep an accurate accounting of the date, nature, and purpose of each disclosure of personally identifiable information in any such data system, a description of the information disclosed, and the name and address of the person, agency, institution, or entity to whom the disclosure is made, which accounting shall be made available on request to parents of any student whose information has been disclosed;

(v) notwithstanding section 444 of the General Education Provisions Act, require any non-governmental party obtaining personally identifiable information to sign a data use agreement prior to disclosure that—

(I) prohibits the party from further disclosing the information;

(II) prohibits the party from using the information for any purpose other than the purpose specified in the agreement; and

(III) requires the party to destroy the information when the purpose for which the disclosure was made is accomplished;

(vi) maintain adequate security measures to ensure the confidentiality and integrity of any such data system, such as protecting a student record from identification by a unique identifier;

(vii) where rights are provided to parents under this clause, provide those rights to the student instead of the parent if the student has reached the age of 18 or is enrolled in a postsecondary educational institution; and

(viii) ensure adequate enforcement of the requirements of this paragraph.

(B) USE OF UNIQUE IDENTIFIERS.—It shall be unlawful for any Federal, State, or local governmental agency to—

(i) use the unique identifiers employed in such data systems for any purpose other than as authorized by Federal or State law; or

(ii) deny any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose the individual's unique identifier.

(d) REPORT.—The Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives an annual report on the amounts awarded to entities receiving grants or contracts under this section, and the activities carried out by such entities under such grants and contracts.

The CHAIR. No amendment to the committee amendment is in order except those printed in House Report 111–256. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111–256.

Mr. GEORGE MILLER of California. I have a manager's 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. GEORGE MILLER of California:

Page 11, after line 21, insert the following new subsection (and redesignate the succeeding subsection accordingly):

(b) MULTIPLE PELL GRANT AWARDS.—Section 401(b)(5) (20 U.S.C. 1070a(b)(5)) is amended—

(1) in subparagraph (A)—

(A) by inserting ''who is making satisfactory academic progress according to the institution's standards'' after ''award a student''; and

(B) by striking ''to permit such student to accelerate the student's progress toward a degree or certificate'' and inserting ''to permit such student to accelerate the student's graduation date, whether making full- or part-time progress toward a degree or certificate,''; and

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

''(C) A student may not receive a combination of first and second scheduled award funds under this paragraph that exceeds the amount the student would otherwise be eligible to receive for the payment period.''.

Page 11, line 22, redesignate subsection (b) as subsection (c).

Page 13, line 10, redesignate subsection (c) as subsection (d).

Page 13, line 11, strike ''(a) and (b)'' and insert ''(a) and (c)''.

Page 12, line 17, strike ''483(e)(3)(ii)'' and insert ''483(e)(3)(A)(ii)''.

Page 15, line 8, strike the quotation marks and the second period.

Page 15, after line 8, insert the following:

''(3) EXPIRATION OF AUTHORITY.—The authority to award grants under this part shall expire at the end of fiscal year 2014.''.

Page 19, line 6, strike ''two-year and four-year'' and insert ''public two-year and public four-year''.

Page 19, line 10, insert ''in consultation with faculty from participating institutions'' after ''institutions''.

Page 21, line 4, strike ''polices'' and insert ''practices''.

Page 21, lines 7 through 9, strike ''for all categories'' and all that follows through ''in the State''.

Page 21, line 13, insert ''and'' after the semicolon.

Page 21, beginning on line 14, strike clause (iv).

Page 21, line 20, strike ''(v)'' and insert ''(iv)''.

Page 23, beginning on line 5, strike paragraph (3) and insert the following:

''(3) SUBGRANTS TO NONPROFIT ORGANIZATIONS.—

''(A) IN GENERAL.—A State receiving a payment under this section may elect to make a subgrant to one or more nonprofit organizations in the State, or a partnership of such organizations, to carry out activities and services described in subsection (d)(1), if the nonprofit organization or partnership—

''(i) was in existence on the day before the date of the enactment of the Student Aid and Fiscal Responsibility Act of 2009; and

''(ii) as of such day, was participating in activities and services related to promoting persistence in, and completion of, postsecondary education, such as the activities and services described in subsection (d)(1).

''(B) NONPROFIT ORGANIZATIONS.—For the purposes of this section, nonprofit organizations in a State include—

''(i) agencies with agreements with the Secretary under subsections (b) and (c) of section 428 on the date of the enactment of the Student Aid and Fiscal Responsibility Act of 2009;

''(ii) nonprofit subsidiaries of agencies described in clause (i), if such subsidiaries were established, pursuant to the law of such State, on or before January 1, 1998; and

''(iii) eligible not-for-profit servicers, as defined in section 456(d), with an agreement with the Secretary under subsection (a)(3) of section 456, except that such a servicer shall only be eligible for a subgrant from the State for which the servicer is receiving an allocation under such agreement.

Page 24, after line 9, insert the following:

''(C) A nonprofit subsidiary of agencies described in subparagraph (B), if such subsidiary was established, pursuant to the law of such State, on or before January 1, 1998.

Page 25, line 3, strike ''and''.

Page 25, after line 5, insert the following:

''(vi) assisting institutions of higher education institute programs of persistence focused on students at risk of not completing; and

Page 25, line 5, before the semicolon insert '', in accordance with such section''.

Page 27, beginning on line 1, strike '', at the appropriate stage of development of the partnership''.

Page 27, line 8, strike ''central labor coalitions'' and insert ''trade unions or consortia of trade unions''.

Page 28, beginning on line 17, strike paragraph (3) and insert the following:

''(3) nonprofit organizations with demonstrated experience in the support, improvement, or operation of programs to increase postsecondary completion, including—

''(A) agencies with agreements with the Secretary under subsections (b) and (c) of section 428 on the date of the enactment of the Student Aid and Fiscal Responsibility Act of 2009;

''(B) nonprofit subsidiaries of agencies described in subparagraph (A), if such subsidiaries were established, pursuant to State law, on or before January 1, 1998; and

''(C) eligible not-for-profit servicers, as defined in section 456(d), with an agreement with the Secretary under subsection (a)(3) of section 456, except that such a servicer shall only be eligible for a subgrant from the State for which the servicer is receiving an allocation under such agreement;

Page 33, beginning on line 14, strike section 785 and insert the following:

''SEC. 785. PARTICIPATION OF PRIVATE, NONPROFIT INSTITUTIONS OF HIGHER EDUCATION.

''(a) VOLUNTARY PARTICIPATION.—A private, nonprofit institution of higher education may voluntarily elect to participate in a State's efforts under this part to increase postsecondary enrollment, persistence, and completion. A State—

''(1) shall not require any private, nonprofit institution to participate in such efforts; and

''(2) may require such an institution that voluntarily elects to participate in such efforts to provide appropriate information to allow the State to assess the institution's progress towards the goals described in subclauses (I) and (II) of section 782(c)(2)(A)(i).

''(b) RULE OF CONSTRUCTION.—Nothing in this part, including voluntary participation described in subsection (a), shall be construed to—

''(1) authorize the Secretary, a State, or an officer or employee of the Department or of a State to exercise any direction, supervision, or control other than that is currently granted over a private, nonprofit institution of higher education, including control over curriculum, program of instruction, administration, governance, personnel, articulation, the awarding of credit, graduation or degree requirements, or admissions;

''(2) authorize the Secretary, a State, or an officer or employee of the Department or of a State to require a private, nonprofit institution of higher education to participate in a longitudinal data system; or

''(3) limit the application of the General Education Provisions Act.

''(c) ENFORCEMENT.—If any State fails or refuses to comply with any provision of this section, the State shall no longer be eligible for assistance under this part.''.

Page 36, line 21, strike ''2019.'' and insert ''2019. The authority to award grants under this section shall expire at the end of fiscal year 2019.''.

Page 38, line 4, insert a period after ''318(e)''.

Page 38, line 25, insert a period after ''such section''.

Page 39, line 8, after the period insert ''The authority to award grants under part N of title VIII of such Act shall expire at the end of fiscal year 2010.''.

Page 40, beginning on line 13, strike ''awarded to the student under'' and insert ''first disbursed to the student before July 1, 2010, under''.

Page 41, line 3, strike ''awarded'' and insert ''disbursed''.

Page 41, strike lines 4 through 9 and insert ''student under part D (including a Federal Direct PLUS loan disbursed to a parent on behalf of the student), or first disbursed to the student under part E before July 1, 2010, for such payment period or period of enrollment; minus''.

Page 43, line 16, strike ''when such student returns from such service'' and insert ''upon termination of the deployment of such student for such service''.

Page 43, beginning on line 17, amend section 106 to read as follows:

SEC. 106. VETERANS RESOURCE OFFICER GRANTS.

Section 873 (20 U.S.C. 1161t) is amended—

(1) by amending the header to read as follows: ''**MODEL PROGRAMS FOR CENTERS OF EXCELLENCE FOR VETERAN STUDENT SUCCESS; VETERANS RESOURCE OFFICERS**'';

(2) in subsection (a), by inserting '', or the hiring of Veterans Resource Officers,'' after ''model programs'';

(3) by amending subsection (b) to read as follows:

''(b) GRANT AUTHORIZED.—

''(1) IN GENERAL.—Subject to the availability of appropriations under subsection (f), the Secretary shall award grants to institutions of higher education to—

''(A) develop model programs to support veteran student success in postsecondary education; or

''(B) hire a Veterans Resource Officer to increase the college completion rates for veteran students enrolled at such institutions of higher education.

''(2) GRANT PERIOD.—A grant awarded under this section shall be awarded for a period of 3 years.''; and

(4) in subsection (c)—

(A) in paragraph (1)—

(i) by amending the header to read as follows: ''MODEL PROGRAM REQUIRED ACTIVITIES''; and

(ii) in the matter preceding subparagraph (A), by striking ''under this section'' and inserting ''for the purpose described in subsection (b)(1)(A)'';

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

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

''(2) VETERANS RESOURCE OFFICER REQUIRED ACTIVITIES.—An institution of higher education receiving a grant for the purpose described in subsection (b)(1)(B) shall use such grant to hire a Veterans Resource Officer whose duties shall include—

''(A) serving as a liaison between—

''(i) veteran students;

''(ii) the faculty and staff of the institution; and

''(iii) local facilities of the Department of Veterans Affairs;

''(B) organizing and advising veteran student organizations and hosting veterans-oriented group functions on campus;

''(C) distributing news and information to all veteran students, including through maintaining newsletters and listserves; and

''(D) assisting in the training of Department of Veterans Affairs certifying officials, when applicable.''.

Page 47, after line 6, insert the following new sections:

SEC. 107. OFFICER DANIEL FAULKNER CHILDREN OF FALLEN HEROES SCHOLARSHIP.

(a) SHORT TITLE.—This section may be cited as the ''Officer Daniel Faulkner Children of Fallen Heroes Scholarship Act of 2009''.

(b) CALCULATION OF ELIGIBILITY.—Section 473(b) (20 U.S.C. 1087mm(b)(2)) 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 2010–2011 (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, a financial aid administrator shall adjust the expected family contribution in accordance with this subsection for each student who meets the requirements of subparagraphs (A), (B)(ii), and (C) of paragraph (2).''; 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 subparagraph (A), 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. 108. TEACHER EXCELLENCE.

(a) ESTABLISHMENT.—The Secretary of Education may make grants to local educational agencies for the purpose of improving teacher excellence in public elementary and secondary schools.

(b) USE OF FUNDS.—Grants under this section shall be used for the establishment, expansion, or improvement of—

(1) professional development activities that are aligned to the curriculum and student academic needs;

(2) mentoring and induction programs for new teachers and principals; or

(3) career ladders that allow teachers to take on new professional roles, such as career teachers, mentor teachers, and master teachers.

(c) APPLICATION.—A local educational agency desiring a grant under this section shall submit to the Secretary of Education an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2010 and each of the 5 succeeding fiscal years.

Page 48, lines 1 and 2, strike ''Grant, a Federal Direct Stafford Loan, or work assistance under'' and insert ''Grant or a Federal Direct Stafford Loan under''.

Page 50, line 20, insert a period after ''section 480)''.

Page 57, line 2, insert ''the'' after ''enactment of''.

Page 59, line 16, through page 60, line 3, strike paragraph (1) and insert the following:

(1) in subsection (a)(4)(A), by inserting '', and first disbursed before July 1, 2010'' after ''under this part'';

Page 62, line 7, strike the comma after ''2010''.

Page 62, line 3, strike the comma after ''428C''.

Page 65, line 7, strike ''; and'' and insert ''; or''.

Page 65, line 15, after ''loan'' insert ''(or, if the holder acts as eligible lender trustee for the beneficial owner of the loan, the beneficial owner of the loan),''.

Page 65, line 23, through page 66, line 13, strike subclause (III) and insert the following:

''(III) TERMS OF WAIVER.—

''(aa) IN GENERAL.—A waiver pursuant to subclause (II)(bb) shall be in a form (printed or electronic) prescribed by the Secretary, and shall be applicable to—

''(AA) all loans described in such subclause that the lender holds solely in its own right under any lender identification number associated with the holder (pursuant to section 487B);

''(BB) all loans described in such subclause for which the beneficial owner has the authority to make an election of a waiver under such subclause, regardless of the lender identification number associated with the loan or the lender that holds the loan as eligible lender trustee on behalf of such beneficial owner; and

''(CC) all future calculations of the special allowance on loans that, on the date of such waiver, are loans described in subitem (AA) or (BB), or that, after such date, become loans described in subitem (AA) or (BB).

''(bb) EXCEPTIONS.—Any waiver pursuant to subclause (II)(bb) that is elected for loans described in subitem (AA) or (BB) of item (aa) shall not apply to any loan described in such subitem for which the lender or beneficial owner of the loan demonstrates to the satisfaction of the Secretary that—

''(AA) in accordance with an agreement entered into before the date of enactment of the Student Aid and Fiscal Responsibility Act of 2009 by which such lender or owner is governed and that applies to such loans, such lender or owner is not legally permitted to make an election of such waiver with respect to such loans without the approval of one or more third parties with an interest in the loans, and that the lender or owner followed all available options under such agreement to obtain such approval, and was unable to do so; or

''(BB) such lender or beneficial owner presented the proposal of electing such a waiver applicable to such loans associated with an obligation rated by a nationally recognized statistical rating organization (as defined in section 3(a)(62) of the Securities Exchange Act of 1934), and such rating organization provided a written opinion that the agency would downgrade the rating applicable to such obligation if the lender or owner elected such a waiver.''.

Page 66, line 18, after ''any loan'' insert ''in which the Secretary has purchased a participation interest and''.

Page 66, beginning on line 21, strike ''and that is held'' and all that follows through ''the Secretary'' on line 23.

Page 69, beginning on line 15, strike paragraph (2) and insert the following:

(2) EFFECTIVE DATE.—The amendments made by subparagraph (C) of paragraph (1) shall be effective as if enacted as part of section 102(a)(1) of the Higher Education Opportunity Act, in accordance with section 102(e) of such Act, as amended by section 101(a)(2) of Public Law 111–39.

Page 71, line 24, insert ''located in the United States'' before ''at which''.

Page 72, line 7, insert ''(employed in the United States)'' after ''employees''.

Page 72, line 20, after ''2009,'' insert ''nonprofit subsidiaries of such an agency,''.

Page 72, line 21, after ''agencies'' insert '', subsidiaries,''.

Page 72, line 24, after ''agencies'' insert '', subsidiaries,''.

Page 73, line 5, strike ''State agencies, and'' and insert ''agencies, subsidiaries, and''.

Page 73, line 9, strike ''State agencies and'' and insert ''such agencies, subsidiaries, and''.

Page 73, line 10, strike ''such''.

Page 74, line 1, strike ''one or more'' and insert ''at least one''.

Page 74, strike ''may take'' on line 12 through ''the servicer.'' on line 13, and insert ''shall set such rate so that (i) the rate is commercially reasonable in relation to the volume of loans being serviced by the eligible not-for-profit servicers, and (ii) in the Secretary's judgment, the eligible not-for-profit servicers can reasonably provide any additional services, such as default aversion or outreach, provided for in the contracts awarded under this paragraph.''.

Page 74, beginning on line 22, strike ''on an annual basis'' and insert ''each year''.

Page 75, line 13, strike ''on an annual basis'' and insert ''each year''.

Page 76, beginning on line 9, strike subparagraph (C) and insert the following:

''(C) LOAN SERVICING RETENTION.—

''(i) IN GENERAL.—In addition to any new loans allocated to a servicers under subparagraph (B)(ii), an eligible not-for-profit servicer shall retain the servicing of loans allocated to such servicer in previous years, except as provided in clause (ii), or as otherwise provided for in accordance with the terms of a contract under this paragraph.

''(ii) TRANSFERS FOR MULTIPLE LOANS.—Notwithstanding clause (i) and the allocations required by subparagraph (B), the Secretary may transfer loans among servicers who are awarded contracts to service loans pursuant to this section to ensure that the loans of any single borrower remain with a single servicer.

Page 76, line 17, strike ''3 years'' and insert ''5 years''.

Page 77, beginning on line 14, strike '', including due diligence activities required pursuant to regulations''.

Page 77, beginning on line 16, strike paragraph (2) and insert the following:

''(2) ELIGIBLE NOT-FOR-PROFIT SERVICER.—

''(A) IN GENERAL.—The term 'eligible not-for-profit servicer' means an entity—

''(i) that is not owned or controlled in whole or in part by—

''(I) a for profit entity; or

''(II) a nonprofit entity having its principal place of business in another State; and

''(ii) that—

''(I) as of July 1, 2009—

''(aa) meets the definition of an eligible not-for-profit holder under section 435(p), except that such term does not include eligible lenders described in paragraph (1)(D) of such section; and

''(bb) was performing, or had entered into a contract with a third party servicer (as such term is defined in section 481(c)) who was performing, student loan servicing functions for loans made under part B of this title;

''(II) notwithstanding subclause (I), as of July 1, 2009—

''(aa) is the sole beneficial owner of a loan for which the special allowance rate is calculated under section 438(b)(2)(I)(vi)(II) because the loan is held by an eligible lender trustee that is an eligible not-for-profit holder as defined under section 435(p)(1)(D); and

''(bb) was performing, or had entered into a contract with a third party servicer (as such term is defined in section 481(c)) who was performing, student loan servicing functions for loans made under part B of this title; or

''(III) is an affiliated entity of an eligible not-for-profit servicer described in subclause (I) or (II) that—

''(aa) directly employs, or will directly employ (on or before the date the entity begins servicing loans under a contract awarded by the Secretary pursuant to subsection (a)(3)(A)), the majority of individuals who perform borrower-specific student loan servicing functions; and

''(bb) as of July 1, 2009, was performing, or had entered into a contract with a third party servicer (as such term is defined in section 481(c)) who was performing, student loan servicing functions for loans made under part B of this title.

''(B) AFFILIATED ENTITY.—For the purposes of subparagraph (A), the term 'affiliated entity'—

''(i) means an entity contracted to perform services for an eligible not-for-profit servicer that—

''(I) is a nonprofit entity or is wholly owned by a nonprofit entity; and

''(II) is not owned or controlled, in whole or in part, by—

''(aa) a for-profit entity; or

''(bb) an entity having its principal place of business in another State; and

''(ii) may include an affiliated entity that is established by an eligible not-for-profit servicer after the date of enactment of the Student Aid and Fiscal Responsibility Act of 2009, if such affiliated entity is otherwise described in subparagraph (A)(ii)(III) and clause (i) of this subparagraph.

Page 80, after line 22, insert the following new section:

SEC. 216. TECHNICAL ASSISTANCE TO INSTITUTIONS OF HIGHER EDUCATION.

Section 458(a) (20 U.S.C. 1087h(a)) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

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

''(5) TECHNICAL ASSISTANCE TO INSTITUTIONS OF HIGHER EDUCATION.—

''(A) PROVISION OF ASSISTANCE.—The Secretary shall provide institutions of higher education participating, or seeking to participate, in the loan programs under this part with technical assistance in establishing and administering such programs, including assistance for an institution of higher education during such institution's transition into such programs. Such assistance may include technical support, training for personnel, customized assistance to individual institutions of higher education, development of informational materials, and

other services the Secretary determines to be appropriate.

''(B) FUNDS.—There are—

''(i) authorized to be appropriated, and there are appropriated, to carry out this paragraph (in addition to any other amounts appropriated to carry out this subparagraph and out of any money in the Treasury not otherwise appropriated), $50,000,000 for fiscal year 2010; and

''(ii) authorized to be appropriated such sums as may be necessary to carry out this paragraph for fiscal years 2011 through 2014.''.

Page 84, line 8, insert ''(except as provided in paragraphs (3) and (4))'' after ''as follows''.

Page 85, after line 12, insert the following new paragraphs:

''(3) REQUIRED MINIMUM AMOUNT.—Notwithstanding paragraph (1), in no case shall the sum of a participating institution's allocation of loan authority computed under subsections (c), (d), and (e) be less than the average of the institution's total principal amount of loans made under this part for each of the academic years 2003–2004 through 2007–2008.

''(4) ADDITIONAL ADJUSTMENTS.—If the Secretary determines that the sum of a participating institution's allocation of loan authority under subsections (c), (d), and (e) is below the minimum amount required under paragraph (3), the Secretary shall—

''(A) for each institution for which the minimum amount under paragraph (3) is not satisfied, increase the amount of such sum to the amount of the required minimum under such paragraph; and

''(B) ratably reduce the amount of the sum of such loan authority of all participating institutions not described in subparagraph (A).

Page 87, beginning on line 20, strike paragraph (3).

Page 88, beginning on line 1, strike paragraph (4).

Page 96, line 14, insert ''in'' after ''specified''.

Page 97, line 8, strike ''(a)''.

Page 105, line 2, strike the period after the second semicolon and insert ''and''.

Page 105, strike lines 3 through 20, and insert the following:

(3) in paragraph (2), by adding at the end the following new subparagraph:

''(C) EXCEPTION.—Notwithstanding subparagraphs (A) and (B), an institution that fails to meet the requirements of subsection (a)(24) for two consecutive institutional fiscal years, and the second such institutional fiscal year ends after July 1, 2008, and before July 1, 2011, shall not be determined ineligible in accordance with subparagraph (A) unless the institution fails to meet the requirements of subsection (a)(24) for a third consecutive institutional fiscal year.''.

Page 111, line 22, insert '', including lifecycle cost effectiveness,'' before ''and waste''.

Page 117, beginning on line 7 strike ''including, where applicable, early learning facilities, based'' and insert ''(including early learning facilities, as appropriate), based''.

Page 122, line 11, insert ''(including early learning facilities, as appropriate)'' after ''facilities''.

Page 131, after line 7, insert the following:

(d) TERMINATION.—The authority to establish and maintain the Advisory Council under this section shall expire at the close of September 30, 2011.

Page 132, after line 6, insert the following:

(d) SUNSET.—The authority to award grants under this subtitle shall expire at the end of fiscal year 2011.

Page 138, after line 8, insert the following:

''(K) Expansion or building of computer lab facilities, including facilities used to provide information technology training to students and members of the public.''.

Page 138, line 9, redesignate subparagraph (K) as subparagraph (L).

Page 138, line 12, redesignate subparagraph (L) as subparagraph (M).

Page 141, line 1, strike ''(f)'' and insert ''(e)''.

Page 141, line 16, strike ''(g)'' and insert ''(f)''.

Page 141, line 21, strike ''(h)'' and insert ''(g)''.

Page 143, line 10, strike ''(i)'' and insert ''(h)''.

Page 143, strike line 15, and insert the following: ''year 2010, which shall remain available until expended. The authority to award grants under this section shall expire at the end of fiscal year 2010.''.

Page 144, line 7, strike '', and improve'' and insert ''and''.

Page 146, line 8, after ''children'' insert '', including programs receiving funds under section 611(h)(4) and 643(b) of the Individuals with Disabilities Education Act (20 U.S.C. 1411(h)(4); 1443(b))''.

Page 146, beginning on line 23, strike ''determined by the Secretary to qualify for receipt of'' and insert ''with an approved application for''.

Page 148, line 10, after the semicolon, insert ''and''.

Page 148, strike lines 11 through 14.

Page 148, line 15, strike ''(3)'' and insert ''(2)''.

Page 151, line 18, strike ''and'' at the end.

Page 151, line 22, strike the period at the end and insert ''; and''.

Page 151, after line 22, insert the following:

(E) committing State resources for supporting early learning programs and services.

Page 154, line 24, strike '', as appropriate,''.

Page 154, line 25, after ''standards'' insert '', as appropriate,''.

Page 156, line 3, after ''including'' insert ''the''.

Page 156, line 6, strike ''providers'' and insert ''early learning programs''.

Page 157, line 22, before ''program'' insert ''early learning''.

Page 158, line 1, before ''disability,'' insert ''dental, developmental delay and''.

Page 161, after line 20, insert the following:

(14) A description of how the State will implement a process for improving the quality of early learning services to better meet the needs of children who have experienced abuse or neglect, been exposed to violence, toxic stress, parental substance abuse, mental illness, or homelessness, or have had early behavioral and peer relationship problems, including addressing appropriate professional development, programmatic practices, classroom environment, and outreach and support to meet the needs of such children.

Page 161, line 21, redesignate paragraph (14) as paragraph (15).

Page 165, line 5, insert ''early learning'' before ''program''.

Page 165, line 13, before ''disability,'' insert ''dental, developmental delay and''.

Page 167, line 5, strike ''services,'' and insert ''services (or, if the State can demonstrate that it is already meeting the needs of such children in such manner, the State may apply to expand access for disadvantaged children in such manner and the State's application may not be adversely treated due to such request),''.

Page 168, line 16, strike ''to'' and insert ''that''.

Page 168, line 18, strike ''allow a State to become eligible and competitive'' and insert ''improve a State's competitiveness''.

Page 171, line 24, strike ''could include determining'' and insert ''may include''.

Page 172, line 1, after ''(i)'' insert ''examining''.

Page 172, line 4, after ''(ii)'' insert ''examining''.

Page 172, line 6, after ''(iii)'' insert ''examining''.

Page 172, line 9, after ''(iv)'' insert ''examining''.

Page 172, line 12, after ''(v)'' insert ''examining''.

Page 172, line 14, strike ''and'' at the end.

Page 172, line 15, after ''(vi)'' insert ''examining''.

Page 172, after line 20, insert the following:

(vii) Supporting the development of valid and reliable assessments of young children and program quality, including in domains including language, literacy, mathematics, science, social and emotional development, and approaches to learning, with particular attention to development of assessments of domains for which there are few appropriate assessments, that are—

(I) developmentally, linguistically, and culturally appropriate for the population served, including children with disabilities and children with limited English proficiency;

(II) consistent with relevant, nationally recognized professional and technical standards related to the assessment of young children;

(III) consistent with the guidelines on assessment for improved practice and for accountability in the National Research Council Committee on Developmental Outcomes and Assessments for Young Children; and

Beginning on page 172, strike line 23 through page 173, line 6, and insert the following:

(4) Not later than 18 months after the date of the enactment of this Act, conducting a review of the statewide strategic reports developed by the State Advisory Councils on Early Care and Education (established pursuant to section 642B(b)(1)(A) of the Head Start Act (42 U.S.C. 9837b(b)(1)(A))) and other relevant information (including information reported by States under section 406(b)(9)) to evaluate barriers to increasing access to high-quality early learning programs for low-income children, reporting on the findings of such review, and disseminating relevant findings and best practices.

Page 174, line 12, before ''progress'' insert ''State's''.

Page 174, line 24, strike ''providers'' and insert ''early learning programs''.

Page 175, line 1, strike ''providers'' and insert ''early learning programs''.

Page 175, line 7, strike ''proficient'' and insert ''proficiency''.

Page 175, line 10, after ''providers'' insert ''and early learning programs''.

Page 175, line 18, strike ''appropriate''.

Page 177, line 19, after ''2017.'' insert ''The authority to award grants under this title shall expire at the end of fiscal year 2017.''.

Page 178, line 4, after ''2019.'' insert ''The authority to award grants under this title shall expire at the end of fiscal year 2019.''.

Page 179, strike line 7, and insert ''In this title:''.

Page 179, line 20, insert ''that has at least one articulation agreement with a 4-year institution of higher education'' after ''district''.

Page 179, line 22, insert ''that has at least one articulation agreement with an institution of higher education'' after ''school''.

Page 180, after line 6, insert the following:

(D) a Tribal College or University;

Page 180, line 7, strike ''(D)'' and insert ''(E)''.

Page 180, lines 9 and 10, strike ''or (C)'' and insert ''(C), or (D)''.

Page 180, line 11, strike ''(E)'' and insert ''(F)''.

Page 180, beginning on line 15, strike clause (ii) and insert the following:

(ii) has established and implemented a comprehensive articulation agreement between or among public institutions of higher education in the State that includes outlining the acceptability of community college courses in transfer for credit at public 4-year institutions in the State; and

Page 180, line 20, strike ''or (D); or'' and insert ''(D), or (E);''.

Page 180, line 21, strike ''(F)'' and insert ''(G)''

Page 180, line 22, strike ''(E).'' and insert ''(F); or''.

Page 180, after line 22, insert the following:

(H) at the discretion of the Secretary, a private, not-for-profit, 2-year institution of higher education in Puerto Rico, the District of Columbia, Guam, the United States Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau.

Page 182, after line 6, insert the following:

(12) TRIBAL COLLEGE OR UNIVERSITY.—The term ''Tribal College or University'' has the meaning given such term in section 316 of the Higher Education Act of 1965 (20 U.S.C. 1059c).

Page 182, beginning on line 7, strike subsection (b).

Page 183, line 8, strike ''(D)'' and insert ''(E)''.

Page 184, line 9, after ''same'' insert ''specific''.

Page 184, line 10, after ''Federal'' insert ''grant''.

Page 185, line 20, strike ''or''.

Page 185, line 24, strike the period and insert ''; or''.

Page 185, after line 24, insert the following:

(3) are focused on serving low-income, nontraditional students (as defined in section 803(j) of the Higher Education Act of 1965 (20 U.S.C. 1161c(j))), who do not have a bachelor's degree.

Page 187, after line 6, insert the following:

(4) EXCEPTION.—This subsection shall not apply to Tribal Colleges and Universities.

Page 188, line 19, strike ''and'' after the semicolon.

Page 188, line 22, strike the period and insert ''; and''.

Page 188, after line 22, insert the following:

(10) how the eligible entity will incorporate and support faculty and staff of the institution in meeting the goals of such programs, services, and policies.

Page 189, line 6, strike ''(D)'' and insert ''(E)''.

Page 190, line 3, strike ''and''.

Page 190, line 6, strike the period and insert ''; and''.

Page 190, after line 6, insert the following:

(D) library services, including information literacy activities, to—

(i) help increase postsecondary degree, certificate, and industry-recognized credential completion rates, particularly with respect to groups underrepresented in higher education; and

(ii) assist individuals with obtaining and retaining employment.

Page 190, line 11, insert '', information literacy,'' after ''skills''.

Page 191, line 5, strike ''(D)'' and insert ''(E)''.

Page 191, line 13, strike ''(D)'' and insert ''(E)''.

Page 191, beginning on line 17, strike ''Improving the timeliness of the process for creating'' and insert ''Creating, in a timely and efficient manner,''.

Page 191, line 20, strike ''(D)'' and insert ''(E)''.

Page 192, after line 2, insert the following:

''(8) Providing information technology training for students and members of the public seeking to improve their computer literacy and information technology skills through public accessibility to—

''(A) community college computer labs; and

''(B) information technology training provided on weeknights and weekends by an employee of a community college who is capable of basic computer instruction.''.

Page 192, lines 6 and 7, strike ''applicable)'' and insert ''applicable to the institution's use of funds provided under this section)''.

Page 196, line 5, strike ''subsection (e)'' and insert ''subsection (f)''.

Page 196, beginning on line 25, strike ''subsection (g)'' and insert ''subsection (h)''.

Page 197, after line 3, insert the following:

(d) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to applications focused on serving low-income, nontraditional students (as defined in section 803(j) of the Higher Education Act of 1965 (20 U.S.C. 1161c(j))), who do not have a bachelor's degree.

Page 197, line 4, redesignate subsection (d) as subsection (e).

Page 197, line 9, strike ''subsection (f)'' and insert ''subsection (g)''.

Page 197, line 14, strike ''subsection (f)'' and insert ''subsection (g)''.

Page 198, line 7, redesignate subsection (e) as subsection (f).

Page 198, line 13, strike ''subsection (f)'' and insert ''subsection (g)''.

Page 198, line 23, strike ''subsection (g)'' and insert ''subsection (h)''.

Page 199, line 20, redesignate subsection (f) as subsection (g).

Page 200, line 4, redesignate subsection (g) as subsection (h).

Page 200, line 8, strike ''section 503(f)(1)'' and insert ''section 503(g)(1)''.

Page 200, line 13, redesignate subsection (h) as subsection (i).

Page 200, line 22, strike ''subsection (g)'' and insert ''subsection (h)''.

Page 201, line 6, redesignate subsection (i) as subsection (k).

Page 201, line 15, strike ''will'' and insert ''should''.

Page 201, line 18, strike ''will'' and insert ''should''.

Page 202, beginning on line 2, strike ''training, high school courses, and postsecondary education courses'' and insert ''courses, including instructional materials, for training and postsecondary education readiness and success''.

Page 203, line 9, insert ''faculty,'' after ''students,''.

Page 209, after line 2, insert the following:

(d) EVALUATION.—From the amounts appropriated to carry out this section, the Secretary shall, not later than 30 days after the date of the enactment of this Act, allocate not less than $1,000,000 for the contract with, and report by, the National Research Council required under section 1107(c)(2) of the Higher Education Opportunity Act (Public Law 110–315).

(e) MODEL TO DETERMINE CREDIT TRANSFERABILITY.—From the amounts appropriated to carry out this section, the Secretary may develop a model, which leverages existing technologies if appropriate, of a service that enables students to determine the transferability of credits between institutions of higher education voluntarily participating in such service.

Page 209, line 3, redesignate subsection (d) as subsection (f).

Conform the Table of Contents accordingly.

The CHAIR. Pursuant to House Resolution 746, the gentleman from California (Mr. GEORGE MILLER) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from California.

Mr. GEORGE MILLER of California. Madam Chair, I yield 2 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

(Mr. FALEOMAVAEGA asked and was given permission to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Madam Chair, I rise today in strong support of H.R. 3221, the Student Aid and Fiscal Responsibility Act of 2009. I especially want to thank Chairman MILLER; the ranking member, Mr. KLINE; and members of the House Education and Labor Committee for producing this important bill to reform the student loan program, provide modernization, renovation and repair of public school facilities, enhance early learning and strengthen our Nation's community colleges.

I also want to commend the chairman of the Higher Education Subcommittee, the gentleman from Texas, Mr. RUBÉN HINOJOSA, for his leadership and efforts in bringing this legislation to the floor.

Madam Chair, this bill provides many benefits to our schools and families across the United States. Especially in these dire economic times, H.R. 3221 provides much-needed assistance, not only to make education more affordable and accessible, but also assist us to increase the number of degrees and certificate completion rates.

Madam Chair, I want to thank the authors and sponsors, especially for recognizing the value of community colleges throughout our Nation. This legislation gives authorization to the Secretary of Education to award grants to States and territories for the construction of new community college facilities and for the modernization, renovation and improvement of existing facilities.

This is a fantastic bill, and I urge my colleagues to support this legislation.

Mr. KLINE of Minnesota. Madam Chair, I rise in opposition to the amendment.

The CHAIR. The gentleman from Minnesota is recognized for 10 minutes.

Mr. KLINE of Minnesota. Madam Chair, I have got to admit that this manager's amendment does make some helpful changes, and I appreciate that. However, it fails to address the fundamental flaws with the underlying bill, and for that reason I must oppose it.

I do appreciate Chairman MILLER's willingness to incorporate some modest bipartisan changes. For example, Mr. PLATTS' amendment to assist the children of fallen public safety officers.

And despite these improvements, the bill still imposes a heavy cost on Americans today and in the future. It will cost students and schools the benefits of choice, competition and innovation. It will cost our workforce tens of thousands of jobs, including over 600 jobs in my home State of Minnesota and over 1,000 jobs in Chairman MILLER's home State of California.

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It could cost taxpayers billions of dollars and increased deficit spending.

So, despite the important improvements that the manager's amendment makes, I am still unable to support this amendment.

Madam Chair, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Chair, I yield 2 minutes to the gentleman from Connecticut (Mr. LARSON), the distinguished Caucus Chair.

Mr. LARSON of Connecticut. I thank Chairman MILLER for yielding.

Madam Chair, expanding access to an affordable college education and job training is one of the surest ways we can build a stronger and more competitive American economy for years to come.

The Student Aid and Fiscal Responsibility Act of 2009 is the single largest investment, the single largest investment, in aid to help students and families to pay for college in the history of this country.

I commend Chairman MILLER, the ranking member, and the entire committee, especially in these severe and dire economic times and when there's so much stress on working families, to provide this opportunity to have America resume the preeminent position that it occupies economically, socially, culturally, and militarily in society. This means for Connecticut, as JOE COURTNEY, a member of the committee, reminds us, over 277 million additional dollars in funding for Pell Grants to thousands of Connecticut students.

This bill also includes legislation that I've worked on, and I thank the chairman and the members for including it, the notion of expanding opportunity to our community colleges, to expand their mission, an opportunity to reach out in these economic times for people who seek to retrain themselves and utilize the opportunities that our community colleges represent.

Community colleges reach every corner of this country with over 1,100 in urban, rural, and suburban settings. This is vitally important in this economy and as we face additional global challenges that we are able to retrain our workforce in a manner that allows them to matriculate into the job networks that will be created from the community college effort combining with the entrepreneurial and private sector to create the jobs that we need.

I commend Chairman MILLER for this effort and urge support of this bill.

Mr. KLINE of Minnesota. Madam Chair, at this time, I yield such time as he may consume to the ranking member on the Higher Education Subcommittee, the gentleman from Kentucky (Mr. GUTHRIE).

Mr. GUTHRIE. Madam Chairman, this amendment may do a number of positive things to improve the bill, but at its heart I still have significant concerns.

Specifically, I have concerns about the impact of this bill on the deficit and jobs all across the country. We have heard from the Congressional Budget Office since the introduction of this bill, since the bill was originally scored, that there are a number of hidden costs included. No matter how we look at it, this bill will not save $10 billion over 10 years. In fact, we believe that the cost of this bill is at least $15 billion, a $15 billion cost that will go towards the deficit, not towards deficit reduction.

Finally, I am very concerned about the implication on the unemployment rate in my State. We are federalizing one more private sector program and eliminating all the good work being done throughout the country by the private sector. This could mean as many as 30,000 jobs being lost nationwide, approximately 500 in my State, the Commonwealth of Kentucky, all because we decided to kill this program rather than figure out a viable solution.

The services being provided by guarantee agencies and lenders will not be continued at nearly the same level when these entities are required to enter into contracts with the Federal Government. We have already seen the impact of these contracts. Earlier this year, the Department of Education contracted out the servicing function of the Direct Loan Program for four servicers. The low contract price ensured that most of these servicers will only be able to provide bare-bones compliance with the law, not the robust services that were previously provided by the private sector.

In short, I am very concerned about the true impact of this bill. Unfortunately, we will not recognize the impact until this bill has been implemented, and then it may be too late.

I urge my colleagues to oppose the amendment.

Mr. GEORGE MILLER of California. Madam Chair, I yield 1 minute to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY. Madam Chair, as we know from legislation that this committee worked on many years ago called the Foundations for Learning program as part of the Elementary and Secondary Education Act, social and emotional development are as important as anything in the early part of a child's life. Importantly, in this piece of legislation, we recognize these same important facts, and in this legislation we reflect these findings by acknowledging the importance of intervening early in a child's life who has had domestic violence exposure, has had homelessness exposure, has had their parents exposed to mental illness. Intervention in these children's lives makes an enormous difference in their social/emotional development and in their educational abilities later on in life. For these reasons, I think this is an important piece of legislation that needs to be adopted.

I appreciate the chairman for acknowledging these facts and incorporating this legislation into the body of his bill.

Mr. KLINE of Minnesota. Madam Chair, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Chair, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY), a member of the committee.

Ms. WOOLSEY. Madam Chair, I rise in strong support of H.R. 3221, the Student Aid and Fiscal Responsibility Act of 2009, because it invests in the future of our Nation, making college a reality for more students by investing in Pell Grants and programs that will ensure improved graduation rates and the renewed investment of our Nation's future.

Creating the American Graduation Initiative was one of the most important parts because it will help community colleges find innovative ways to improve the developmental education and job skills training that so many students and workers need.

In the end, we are investing in our future. Twenty-five percent of our population are the young people of this Nation. One hundred percent of our future is made up of those individuals. With H.R. 3221, we are ensuring that we will have a better future because they will have a better future.

I request that every Member of this Congress vote for our kids and our future.

Mr. KLINE of Minnesota. I continue to reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Chair, I yield 1 minute to the gentlewoman from Ohio (Ms. SUTTON).

Ms. SUTTON. Madam Chair, I rise in strong support of the Student Aid and Fiscal Responsibility Act, and I want to commend my friend, the chairman, GEORGE MILLER, for his great work and leadership on this and so many issues.

Investing in education is one of the most important things we can do to grow and strengthen our workforce and secure our well-being as a Nation. This bill makes historic investments in our economic future by improving early education opportunities and making college more affordable and all at no taxpayer expense.

The economic downturn has made a growing college affordability crisis worse for America's students and families, but this bill will help our neediest students and their families by increasing the maximum annual Pell Grant scholarship, and it targets $6.8 billion to community colleges, like Lorain County Community College in my district. And this bill transforms the way our student loan programs operate, guaranteeing our students access to low-cost loans irrespective of market fluctuations.

By cutting out the middleman, this legislation will save taxpayers $87 billion over 10 years. It pays for itself with $77 billion and returns $10 billion to deficit reduction.

Mr. KLINE of Minnesota. I continue to reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Chair, I yield myself the balance of my time.

Madam Chair, just to quickly run through the manager's amendment, in addition to the technical changes, my amendment would also refine provisions regarding grants authorized under title I of the bill. It ensures that services for veterans are coordinated with those existing under current law, and it provides educational financial assistance for children of public safety officers and other first responders killed in the line of duty. It creates a program to promote teacher excellence, and it requires the Secretary to consider a State's financial commitment to early learning when evaluating certain grant renewals and specifies that Tribal Colleges and Universities are eligible to receive American Graduation Initiative grants.

I would urge all the Members to support the manager's amendment.

I would also like to draw attention to one part of this legislation, and that is really the unprecedented $10 billion investment to make community colleges part of our economy's recovery.

For years, business leaders have told us that there weren't enough workers with the knowledge and the expertise for their specific industries. Community colleges do and can play an even more significant role in addressing this shortage. This bill will help us build a 21st century workforce by strengthening partnerships among community colleges, businesses, and job training programs that will align community college curricula with the needs of high-wage, high-demand industries.

It will help provide community colleges with the tools to replicate programs that are successfully educating and training students and workers for these skilled jobs. And it will fulfill an important priority for the business community, which has continually understood the value community colleges have in training highly skilled workers and meeting local employment needs as economies change and move from one kind of economy to another. That's why this historic initiative has strong support from the business community, including the Business Roundtable.

The Business Roundtable recently wrote to me and to the members of the committee, ''On behalf of the Business Roundtable, I want to commend you for inclusion of the Community College Initiative in H.R. 3221. This Community College Initiative and the President's American Graduation Initiative reflect the fact that community colleges have emerged as important institutions where acquiring skills for new jobs and new careers will take place . . . That is why the Community College Initiative is so important. For community colleges to reach their potential and become more effective, they need to increase graduation rates, adopt innovations to help them better serve their customers, and develop partnerships and closer cooperation with the private sector.''

For that reason, they support that provision of the bill, and I'm delighted we worked long and hard on both sides of this committee with the business community to try to develop a program to strengthen our community colleges.

Madam Chair, I yield back the balance of my time.

Mr. KLINE of Minnesota. Madam Chair, I want to thank Chairman MILLER for the improvements that his manager's amendment has made to the bill.

As I stated earlier, the fundamental flaws with this legislation still remain, even though there are parts, which as he correctly stated, that some members of the community certainly support, some members of the business community. Many of us support, for example, Mr. PLATTS' amendment to assist the children of fallen public safety officers, and I'm glad those are included in the manager's amendment. But it doesn't change the fact that the underlying bill is still flawed public policy.

We have heard again and again from speakers tonight that this is going to put money back into the Treasury and reduce the deficit, and yet we have provided information from the Congressional Budget Office that shows that's not the case. This is going to increase the deficit; it's going to increase the debt.

I was staggered the other day, Madam Chair, to look and see that we are now projecting, with the latest numbers from the White House, that within the next 10 years, the national debt will have grown to $21 trillion. And this bill, the underlying bill, adds new programs, programs that will be chronically underfunded, will nevertheless compete for money, will grow that deficit spending. So while I appreciate the improvements that the manager's amendment has made, I still must oppose this.

Madam Chair, I yield back the balance of my time.

□ 1800

The CHAIR. The question is on the amendment offered by the gentleman from California (Mr. GEORGE MILLER).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. HOEKSTRA

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111–256.

Mr. HOEKSTRA. 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. 2 offered by Mr. HOEKSTRA:

Strike title III of the Bill, and redesignate titles IV and V as titles III and IV, respectively.

Redesignate sections 401 through 409 as sections 301 through 309, respectively.

Redesignate sections 501 through 505 as sections 401 through 405, respectively.

Page 144, line 23, strike ''section 403'' and insert ''section 303''.

Page 145, line 1, strike ''section 404'' and insert ''section 304''.

Page 145, line 4, and page 174, lines 3 and 14, strike ''section 403(c)(3)'' and insert ''section 303(c)(3)''.

Page 145, line 17, and page 174, line 5, strike ''section 405'' and insert ''section 305''.

Page 147, line 4, strike ''404'' and insert ''304''.

Page 148, line 10, strike ''section 403(f)'' and insert ''section 303(f)''.

Page 150, line 15, strike ''section 405(2)'' and insert ''section 305(f)''.

Page 151, lines 4 and 25, page 153, lines 8 and 12, page 162, lines 2 and 17, page 163, line 1, page 166, lines 18 and 23, page 168, lines 4 and 19, and page 175, line 25, strike ''section 402(a)'' and insert ''section 302(a)''.

Page 151, line 21, strike ''section 405(1)'' and insert ''section 305(1)''.

Page 153, line 13, and page 162, line 6, strike ''section 402(d)'' and insert ''section 302(d)''.

Page 168, lines 10, 15, and 21, page 169, line 2, and page 170, line 7, strike ''section 402(b)'' and insert ''section 302(b)''.

Page 168, line 17, strike ''section 402(c)(3)'' and insert ''section 302(c)(3)''.

Page 170, line 11, strike ''section 402(c)(1)'' and insert ''section 302(c)(1)''.

Page 178, line 9, strike ''503'' and insert ''403''.

Page 178, line 12, strike ''504'' and insert ''404''.

Page 178, lines 15 and 18, strike ''section 505'' and insert ''section 405''.

Page 178, beginning on line 20, strike ''sections 503 and 504'' and insert ''sections 403 and 404''.

Page 179, line 3, strike ''sections 503 and 504'' and insert ''sections 403 and 404''.

Page 183, line 8, strike ''section 502(a)(3)'' and insert ''section 402(a)(3)''.

Page 184, line 6, and page 194, line 10, strike ''section 501(b)(1)'' and insert ''section 401(b)(1)''.

Page 188, line 15, strike ''section 505(b)'' and insert ''section 405(b)''.

Page 189, line 6, and page 191, lines 5, 13, and 20, strike ''section 502(a)(3)'' and insert ''section 402(a)(3)''.

Page 196, line 2, and page 200, line 1, strike ''503(i)'' and insert ''403(i)''.

Page 200, line 8, strike ''section 503(f)(1)'' and insert ''section 403(f)(1)''.

Conform the table of contents accordingly.

The CHAIR. Pursuant to House Resolution 746, the gentleman from Michigan (Mr. HOEKSTRA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. HOEKSTRA. Madam Chair, the Student Aid Fiscal Responsibility Act that is in front us today will authorize $6.6 billion in new mandatory taxpayer dollars to create three Federal school construction programs for elementary and secondary schools.

What my amendment will do is strike these new government programs that would nationalize the school construction industry and direct the savings toward deficit reduction.

You know, in the years I have been in Congress, one of the things that we continue to see over the years is the continued expansion of the role of the Federal Government in K–12 education. We saw the most massive expansion in 2001, the passage of No Child Left Behind. No Child Left Behind has left a tremendous number of mandates, increased costs, and little improvement in schools, in children's performance around the country.

Now, rather than giving back and yielding control for our kids' education back to parents, back to local schools and back to States, again, we are having another massive expansion of the Federal Government's involvement in K–12 education, this time in school construction.

I am sure the arguments will be: but we need to help the schools. We need to help the States. We need to build them and give them the money to build new schools.

Excuse me, where does this money come from? Well, some of this money, if not all of it, will be deficit spending which States can't do. But in reality, if it is deficit spending, it is our kids and grandkids that will be paying for it. And if it is money that we collect in taxes, it is going to be money that comes from the States, comes from individuals in our local communities, comes to Washington, and then we will tell them how they can spend it. There are 27, at last count 27, directives as to how States and local school districts will be able to spend their own money.

School districts must ensure that a certain percentage of the school construction materials meet green standards. School districts must compile a report describing the projects funded under the bill and seven other reporting requirements. School districts should educate students about the school construction being constructed at their school. I am assuming if they are going to have to be required to teach their students, there is going to have to be some reporting requirement saying I educated my kids at my school about what this project is about, and they are going to fill it out and send it to the State and send it to Washington.

Meaning that for every construction dollar that we spend, maybe 60–65 cents of it will actually be spent on construction. The other 35 to 40 cents of that dollar will be spent on reporting requirements, applying for it, meeting Federal requirements, and those types of things

This is a bad idea. We will not end up building more schools. We will not end up having more construction; we will have less construction because Federal bureaucracy and Federal bureaucrats will end up siphoning a lot of this money for their purposes to make sure that the local school districts do what Washington bureaucrats want them to do and not what needs to be done in their local school districts.

This is a bad idea. I encourage my colleagues to support this amendment and reduce the deficit, take some of the burden off our kids and grandkids in the future.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. I rise in opposition to the amendment.

The Acting CHAIR (Mr. KISSELL). The gentleman from California is recognized for 5 minutes.

Mr. GEORGE MILLER of California. I yield myself 2 minutes.

What this amendment would do, while the author has talked about a lot of other things he doesn't like in the bill, this amendment would strike the school construction money that is in this legislation for elementary, secondary, and for the community colleges. I think this is a very important part of this legislation. Many, many Members have supported the efforts that we have had before to try to have the Federal Government help local communities address school construction needs.

When we see now that the community colleges are under tremendous pressure because of the economic dislocation from the recession that has taken place and continues to take place in so many communities and so many families, as people are going back to the schools, we recognize the shortage of facilities that are there and what we are saying is this time we will lend a hand to those community colleges and to those K–12, elementary and secondary school districts so that they can modernize their school facilities and make the investments that will save them money.

As we see reports of schools making investments in solar and insulation and energy-efficient buildings, what we see is a dramatic drop in the ongoing operating costs of those schools in terms of the utility bills that are really quite dramatic. We ought to do what we can to facilitate. We have the opportunity with this legislation to help facilitate local school districts meeting that demand.

This also comes at an important time for these local school districts because, as you know, they are under siege from the loss of revenues in many local districts because of the economic downturn. In some cases they have had to postpone these projects even though they are desperately needed. They have had to postpone these modernizations that are desperately needed. And we know the fact that when children have the availability of a clean, well-lit place, modern facilities, they in fact do better in school. It is a statement of values and also a statement about their community and their children. I would hope we would vote against this amendment.

I reserve the balance of my time.

Mr. HOEKSTRA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, Washington has helped enough. My local school districts are saying: Stop, we don't need more of Washington's help. You gave us No Child Left Behind with great fanfare, promises of all of this money, and all we got were rules and regulations which are taking valuable time and resources away from educating our kids and putting it into bureaucracy and trying to follow ill-advised guidelines, mandates, and directives from Washington, D.C.

They say: Stop, we don't need any more of this Washington help where you come into our school districts, where you come into our communities. And if you are going to pay for these bills, which most likely will not be paid for, but if they were, you come into our communities and you extract $6 billion out, and then you force us to apply to get that money back knowing that the money will be appropriated or allocated by who has power in Washington, D.C. and who has the quote/unquote ''most influence'' and it will be distributed unfairly.

They don't need that kind of help anymore where we take their money, allocate it back to them after they have applied for it, tie all sorts of mandates and restrictions to it so we shrink the purchasing power of that dollar. And then we have the Federal Government come in, this wonderful Department of Education come in, and they will audit us to make sure that we spend the money exactly the way they told us to spend it.

That kind of help is no longer helping our kids. It never did help our kids. We are failing our kids with this legislation. We are shrinking the purchasing power of education dollars, not enhancing it. This kind of Washington help needs to stop.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself 15 seconds.

We should not punish local school districts or schoolchildren because a Republican President, George Bush, broke his promise to this country, to families, and to students and teachers when he failed to deliver on his promise of 77 billion additional dollars that school districts had to make up while living under No Child Left Behind. Let's not punish our kids today because a President could not keep his promise.

I yield the balance of my time to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. I rise in opposition to the amendment. Let me make a couple of points.

First, the section that the amendment seeks to strike is essentially a bill passed by the House earlier this year with broad bipartisan support, the 21st Century Green High-Performing Public Schools Facilities Act. It passed with very good bipartisan support. We are seeking simply to fund that bill in part.

It is estimated that the backlog of unmet needs for K–12 educational facilities amounts to some $255 billion. This is a very modest effort on the part of the Federal Government to help local school districts deal with that need.

I was frankly surprised to hear the gentleman from Michigan say that his school districts and his school superintendents are saying enough. I have had the exact opposite experience. I would say that rarely does a week go by that some school superintendent or some school board members do not come to my office seeking Federal help with their facility's needs. Their budgets are strained, particularly in these

tough economic times. They have real bricks-and-mortar needs. They are unable to address them without hurting their academic programs, and they are seeking the help of the Federal Government, quite the contrary to the experience that the gentleman from Michigan has had.

So I urge we reject this amendment, and I would urge that we support the facilities needs of K–12 education as well as our community colleges.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. HOEKSTRA).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. HOEKSTRA. 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 Michigan will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. CARDOZA

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111–256.

Mr. CARDOZA. 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. 3 offered by Mr. CARDOZA:

Page 185, line 20, strike ''or''; on line 24, strike the period and insert ''; or''; and after line 24, insert the following new paragraph:

(3) are community colleges located in areas with high unemployment rates.

The Acting CHAIR. Pursuant to House Resolution 746, the gentleman from California (Mr. CARDOZA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CARDOZA. Mr. Chairman, I yield myself such time as I may consume.

California community colleges recently announced that their enrollment for the 2008–2009 academic year increased at the system's 110 colleges in California by more than 135,000 students. Extremely high unemployment rates and restrictive admissions at the State's 4-year college systems have led to record numbers of students seeking degrees and certificates. This trend in increasing enrollments is being mirrored across our Nation during these tough economic times. While increased enrollments in higher education programs is to be applauded, there is also some concern about our State's ability to manage the impact of enrolling so many new students.

California's community colleges are dealing with nearly $1 billion in cuts as a result of the State's budget crisis this year. The shortfall in funding is placing stress on a system that is already stretched to capacity. H.R. 3221 will provide critical funding opportunities for those very community colleges to better serve their students, filling a funding gap most States are currently unable to meet.

Providing access to affordable higher education, especially at the community college level, is going to be essential to the recovery of congressional districts like mine that have extremely high unemployment rates. As I have said many times, this economic crisis has hit my district particularly hard. In July, the Bureau of Labor Statistics ranked the metropolitan area of Merced, California, with the fourth highest unemployment rate in the Nation at 17.6 percent. Two other metropolitan areas in my district, Modesto and Stockton, had unemployment rates of 16.3 and 16.0 respectively. All three areas are well over the national average unemployment rate of 9.7.

My amendment to H.R. 3221 simply provides community colleges serving in areas with high unemployment rates, higher than the national average like my district, have priority consideration when applying for this grant money. Investing in our community college system, especially the ones in high unemployment areas above the national average, is a critical part of any economic recovery plan; and it will allow our Nation to emerge from this downturn empowered with both the education and workforce skills needed to succeed in the 21st century.

I ask my colleagues on both sides of the aisle to support this commonsense amendment.

□ 1815

I yield to the chairman.

Mr. GEORGE MILLER of California. I thank the gentleman for yielding. I rise in support of his amendment. I think he makes a very important point in terms of the priority that we have to give to those areas that have really received very harsh treatment in this economic dislocation.

We know and we believe and the President has made it clear that community colleges are one of the engines to change those outcomes and to reinvigorate those local economies.

So I strongly support the gentleman's amendment and thank him for offering it.

Mr. CARDOZA. Resuming, Mr. Chair, I would thank the chairman for his work on this bill. It's a fine piece of legislation, and I thank him for supporting my amendment.

Mr. Chairman, as Merced College, Modesto Junior College, and San Joaquin Delta College work hard to retain our workforce and educate the next generation of Americans, they're building a new foundation for hope and prosperity across the country. Investing in these schools and other institutions in these areas suffering from high unemployment rates is critical to the future success of our country. Again, I urge the adoption of my amendment.

I yield back the balance of my time.

Mr. KLINE of Minnesota. Mr. Chairman, I claim time in opposition to the amendment, although I don't oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. KLINE of Minnesota. Thank you, Mr. Chairman. I just wanted to take a moment, reflecting on the debate that we just had with Mr. HOEKSTRA's amendment, because it strikes to the underlying bill. And that's the problem here: Not this amendment—the underlying bill.

The chairman of the committee, the distinguished chairman, pointed out that there was a broken promise. And I'm sad to say it was entirely predictable that President Bush would be blamed for breaking a promise. But I would point out that we have had Presidents going back for years and Congresses going back for years and this Congress today that is failing to live up to a promise made many years ago, and that's to provide its share, its full funding of special education under IDEA.

And so whether we're talking about green, high-performing schools as a new program or many of the new programs introduced in this legislation, it seems to me we ought to fulfill that promise first rather than starting new programs which will be chronically underfunded and will be competing for that essential funding under IDEA.

So, again, the problem here is not this amendment. I'm going to support this amendment. It's the underlying bill.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. CARDOZA).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MRS. MCMORRIS RODGERS

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111–256.

Mrs. MCMORRIS RODGERS. I have an amendment made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mrs. MCMORRIS RODGERS:

Page 118, beginning on line 8, strike section 331 and insert the following:

SEC. 331. IMPERMISSIBLE USES OF FUNDS AND CONCURRENT FUNDING.

(a) IN GENERAL.—No funds received under this subtitle may be used for—

(1) payment of maintenance costs, including routine repairs classified as current expenditures under State or local law;

(2) stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public;

(3) improvement or construction of facilities the purpose of which is not the education of children, including central office administration or operations or logistical support facilities; or

(4) purchasing carbon offsets.

(b) FUNDING UNDER OTHER ACTS.—Funds made available under this title shall not be used to assist any local educational agency that receives funding for the construction, modernization, renovation, and repair of facilities under the American Recovery and Reinvestment Act of 2009.

Conform the table of contents accordingly.

The Acting CHAIR. Pursuant to House Resolution 746, the gentlewoman from Washington (Mrs. MCMORRIS RODGERS) and a Member opposed each will each control 5 minutes.

The Chair recognizes the gentlewoman from Washington.

Mrs. MCMORRIS RODGERS. I yield myself such time as I may consume. The amendment that I'm offering today is all about good, responsible government practices—it ensures that Federal resources, limited as they are, are directed to those areas that have the greatest need for construction funds.

This last February, we approved the stimulus package, $787 billion. More than $53 billion went to the State Fiscal Stabilization Fund, which funds States and localities to use the funds for any activity under ESEA, IDEA, the Carl Perkins Career and Technical Education Act, the Adult and Family Literacy Act, or for modernization, renovation, or repair of public school facilities.

I was one of a number of Members concerned about the prospect of creating a nationalized school construction fund, particularly in light of reports indicating the lack of academic achievement made over the last decade by our middle and high school students. For example, the 2006 Program for International Assessment puts United States 15-year-olds in the bottom quarter of participating OCED nations in math literacy and in the bottom third in science literacy.

This is unacceptable. These reports demonstrate that there's more to be done to improve and strengthen the education that our students are receiving, especially as it relates to the Nation's future competitiveness in the global market.

I do not believe that a federalized school construction program, one with limited transparency and accountability, is the solution to the problem.

Let me be clear. There's no doubt that certain schools are in dire need of renovation and repair. We can assist them in making the necessary repairs in order to create safe and secure learning environments. However, once secure funds have been directed to one area for construction and repair, responsible governance tells us that any remaining funds should go to those areas that have not yet received the funding but have a demonstrated need.

My amendment accomplishes this by restricting areas that have already received construction funds through the stimulus package from receiving funds authorized by this bill for construction. H.R. 3221 already provides a limitation on construction funding for community colleges that have received the stimulus dollars. It should be no different for elementary and secondary schools—sending a much needed message that learning should be a priority, especially in the formative years of a child's education.

I urge my colleagues to recognize the need for responsible governance by supporting this amendment.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. GEORGE MILLER of California. I yield myself 1 minute.

This is really sort of a redo of where we were with the previous amendment to strike the construction funds that would be available—in this case, the K–12. The gentlewoman's amendment, as it's drafted, would, if they receive those funds under the Recovery Act, of which one of the allowable costs originally started out with the line item for construction, it became an allowable cost—if they received any of those funds, they would be ineligible to receive these construction funds.

The fact of the matter is the record is starting to develop that very few if any of the school districts were able to use those funds for construction because of the fact of the cuts that took place in almost every State across the country where those funds have been used to try to mitigate the firing of teachers, to continue to try to develop a reasonable class size, and all of the other costs that were going as local school districts were really very hard hit in this economic recovery from the downturn in local revenues, in State revenues. And that's why this amendment is necessary.

The opposition to this amendment is important so that these school districts can receive these funds to build clean, modern, and energy-efficient facilities.

I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the distinguished chairman and I thank him for his stellar leadership and an overwhelming change in the way we think about education.

I rise to oppose the present amendment, but support the underlying bill. This is a response to the competitiveness of the world. Each and every district that is represented here in this body, rural and urban, large and small, clamors for more education, particularly secondary education, higher education.

In my own district alone, as it relates to Pell Grants, 23,084 students will be impacted, with as much as $110 million in new Pell dollars that will help not only the Nation's colleges but, in my instance, the 18th Congressional District.

I happen to have a district that has any number of colleges, both private and public, large and small, research and nonresearch, students coming from all economic backgrounds, and I can assure you the importance of Pell Grants is without comparison.

Then I also represent an area that was hit by Hurricane Ike 1 year to the date last week, still suffering from the lack of infrastructure, schools that have been destroyed. And the $359 million that will come in construction dollars to Texas, K–12, is going to be a remarkable change for the people of Galveston or the people on the gulf who are impacted by this devastating hurricane.

In addition, I think it's important to note a full $87 billion in savings. Competition in place. Anyone who wants to provide a student loan—private bank, State bank—can provide it. But we are providing for the hardworking, taxpaying families additional dollars and a fair, even playing field. That's something to celebrate.

We're investing $3 billion to bolster college access and completion support. Crucial issues. I happen to have a very large community college system. I'm gratified that language is in here specifically to enhance community college.

Our community college system is growing with 60,000 students-plus. This is the first step. Go to a community college, be you someone who is working, someone who is raising children, someone who is going back to school, a military person who is retired or has just gotten out of the service, working with the GI Bill—you now have an opportunity to be able to go to a college that has reinforced dollars.

This is a bill that cuts at America's competitiveness. The world is getting smaller. People know science and math. They are looking to be inventive. And that means in order to create an economic engine for this country, we have got to educate our population.

People are clamoring for education. As I indicated, all walks of life, retirees, people who are changing jobs, people who have been laid off and fired. This is a new step.

So let me just say I want to applaud what we are doing here today, not because Members are doing it, but because we're changing lives. I ask my colleagues to support this legislation.

Mrs. MCMORRIS RODGERS. This amendment is about responsibility and recognizing that we have limited dollars. We just passed $53 billion in the stimulus package that includes funding made available for school construction.

There are a lot of priorities within our education system. I, too, am very concerned about competitiveness—about America's competitiveness, about our future, what's happening in our schools. And in Congress we need to make sure that we're getting the resources where they are needed so that our kids can compete, so that our students can succeed. That's not happening. Our students are not competing effectively in the world, in the global environment right now, in the global economy, and we're falling behind. I quoted the numbers for math and science.

What this is doing is just saying that the money that will be made available will be made available to school districts that didn't receive the school

construction money in the stimulus package. In my mind, it prevents double dipping. It will allow more schools to possibly access the school construction dollars, and it will protect other dollars to be used for other priority projects within our education system.

I yield back the balance of my time.

Mr. GEORGE MILLER of California. I yield myself the balance of my time.

It's a very clever amendment. What it says is, if you got money from the stimulus package, you cannot get money for school construction. Mind you, the money in the stimulus package did not provide for school construction. It provided it as an allowable expense. But whether you used it or didn't, under this legislation you wouldn't get it because it was an allowable expense under that legislation.

The fact of the matter is that we have far too many children in this country and every region of this country going to antiquated, outdated, unsafe schools. And the backlog for school modernization, for energy modernization, for trying to clean schools up and repair them and renovate them is as long as the road from here to the West Coast.

And the fact of the matter is that this government has the ability to help those schools to do that. So that those children that you're worried about learning, we know that they learn better if they're in a clean, well lit, warm place to learn, as opposed to a place where the rain is coming through, the lavatories don't work, the windows are broken. That sounds like that's extreme. No, that's the case in far too many schools all across this country in all different settings.

We should reject this amendment. I would urge my colleagues to vote ''no.''

□ 1830

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Washington (Mrs. MCMORRIS RODGERS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. KLINE of Minnesota. 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 gentlewoman from Washington will be postponed.

AMENDMENT NO. 5 OFFERED BY MS. PINGREE OF MAINE

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 111–256.

Ms. PINGREE of Maine. 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. 5 offered by Ms. PINGREE of Maine:

Page 109, line 24, strike ''and''.

Page 110, line 5, strike the period at the end and insert ''; and''.

Page 110, after line 5, insert the following:

''(C) local educational agencies serving geographic areas that contain a military installation selected for closure under the base closure and realignment process pursuant to the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).''.

The Acting CHAIR. Pursuant to House Resolution 746, the gentlewoman from Maine (Ms. PINGREE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Maine.

Ms. PINGREE of Maine. Thank you very much, Mr. Chair.

In addition to making landmark investments in higher education and student financial aid, H.R. 3221 provides over $4 billion in funding for K–12 public schools. This funding is critical to ensure that students grow up and learn in healthy, safe environments that maximize their chances to receive a quality education and graduate from high school. This is particularly challenging for areas that are facing extraordinary economic hardship. Public schools in these areas need additional attention and support to make sure these students have every opportunity to succeed.

H.R. 3221 currently sets aside $200 million in reserve funding for K–12 schools that are located in areas suffering from a natural disaster or severe economic distress. However, it does not recognize areas affected by the closure of a military base due to Base Realignment and Closure, the BRAC process, as eligible for this emergency educational funding. A base closure, such as the closure of the Brunswick Naval Air Station in my district, is a devastating event in a community. Schools in these communities need special attention, because unlike areas hit by economic recession, the closure of a base means the overnight disruption of the local economy. With a dramatic loss of taxpayers and Federal Impact Aid funding, which disappears 1 year after the students leave, BRAC communities are left without a dependable source of funding for critical school repairs.

In Brunswick, Maine, in my district, the closure of the once vibrant Brunswick Naval Air Station will result in an estimated 7,000 total jobs lost, a reduction in 10 percent of the public school population, and millions of dollars in lost economic activity, including $1 million in school funding that will be lost.

And my district is not alone. The closure of the Naval Air Station in Corpus Christi, Texas, will result in over 7,000 military and civilian jobs lost from that area. In fact, the 2005 BRAC resulted in the closure of major Army, Navy and Air Force bases in States across the country, including Maine, Georgia, New Jersey, New York, Virginia, Pennsylvania and Texas. Mr. Chair, schools in communities affected by these closures would all be eligible to benefit from much-needed funding under this amendment. We need to help communities like Brunswick recover from the loss of a military base, and we need to give them the resources they need to maintain a high-quality school system.

These investments in education are critical to putting these communities on a path to economic growth and redevelopment. The need for emergency educational funding in areas affected by the base closures is clear. My amendment helps public schools in BRAC communities recover from the devastating impact of losing hundreds of students and millions of dollars in taxpayer support.

I urge you to support the schools, teachers and students in BRAC communities by voting ''yes'' on this amendment.

I reserve the balance of my time.

Mr. GUTHRIE. Mr. Chair, I rise to claim the time in opposition even though I do not oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from Kentucky is recognized for 5 minutes.

There was no objection.

Mr. GUTHRIE. Mr. Chairman, supporting our men and women in uniform is important, and so too is it important to support the communities where the military has left an imprint. I think this is a reasonable way of targeting funding, and I will not oppose the amendment.

As we try to do what's best for communities, including those impacted by a base closure, we should consider job losses that would come as a result of this underlying bill.

I reserve my time.

Ms. PINGREE of Maine. I yield such time as he may consume to the gentleman from California (Mr. MILLER).

Mr. GEORGE MILLER of California. I want to thank the gentlewoman for offering this amendment. I know how hard she has worked on this problem and the impact that a BRAC closure can bring to all of our communities. Many of us have experienced that in the past and even again currently. I want to thank her for this amendment, and I would hope that we would accept it. We plan to accept the amendment on this side, and apparently the Republicans will accept it on their side. Thank you so much for offering this.

Ms. PINGREE of Maine. Thank you for your thoughts. I just want to, once again, urge my colleagues to support this amendment, the schools and the teachers in those communities that are affected by the BRAC.

I yield back the balance of my time.

Mr. GUTHRIE. Mr. Chairman, I do think it is a good way to target this funding to assist communities that are affected by Federal decisions in the Base Realignment and Closure, be they positive or negative for those communities.

I yield back my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Maine (Ms. PINGREE).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MS. PINGREE OF MAINE

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 111–256.

Ms. PINGREE of Maine. 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. 6 offered by Ms. PINGREE of Maine:

Page 140, beginning on line 18, strike subsection (e) and insert the following:

''(e) CONCURRENT FUNDING.—Funds made available under this section shall not be used to assist any community college that receives funding for the construction, modernization, renovation, and repair of facilities under any other program under this Act''.

The Acting CHAIR. Pursuant to House Resolution 746, the gentlewoman from Maine (Ms. PINGREE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Maine.

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

H.R. 3221 makes a remarkable investment in higher education at a time when our country needs it the most. But during these tough economic times, students need to be able to access an affordable education.

In my home State of Maine, we have one of the highest high school graduation rates in the country but one of the lowest rates for entry into college. Far too often, qualified, hardworking students in my State don't go to college because their families just can't afford it.

President Obama set a goal that by 2020, America will once again have the highest proportion of college graduates in the world. Investment in our community colleges is essential to achieving this goal in Maine and across the country. Community colleges are a critical resource for new and returning students who want to further their education and enhance their job skills. They provide a wide variety of innovative educational programs at affordable rates, and American families recognize the value of community colleges. In my State and many others, there are waiting lists because the community colleges can't handle the demand. That is why we must ensure that these schools have the funding they need to construct new facilities as well as the ability to renovate and repair existing facilities to create safe, energy-efficient, effective learning environments.

The need is high. The American Association of Community Colleges estimates that it would take roughly $100 billion to fully fund the construction and renovation of community colleges across the country. This far exceeds the $2.5 billion that we have set aside under this bill. Unfortunately, when this bill was originally drafted, it included a provision to prohibit any community college that received Recovery Act funding from receiving grants for construction or repair. That's why I'm offering this critically important amendment.

The intent of the recovery package was to provide a temporary injection of money into our economy and to create jobs and support our States, schools and local communities who were struggling during an economic downturn. States were encouraged to use this money for facility improvements and modernization. In Maine, every community college except one accepted this funding. They had no way of knowing that using these funds would interfere with their ability to access additional support. These schools should not be penalized for accepting this help.

It is also important to note that this amendment would also permit Historically Black Colleges and Universities to receive assistance under this bill, even if they also received assistance under the Higher Education Act of 1965. These institutions play an important role in our educational system and should not be excluded from the benefits provided by this bill. As President Obama declared, It's time to reform our community colleges so that they provide Americans of all ages a chance to learn the skills and knowledge necessary to compete for the jobs of the future. This amendment and the underlying bill will help do just that.

I urge a ''yes'' vote on this amendment, and I reserve the balance of my time.

Mrs. MCMORRIS RODGERS. Mr. Chair, I rise to claim time in opposition.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Mrs. MCMORRIS RODGERS. Mr. Chair, I rise in opposition to this amendment. My opposition is an attempt to put this Congress on a path to fiscal responsibility. I'm a big supporter of the community colleges and the important opportunities that they offer students across this country. But as I described just a few minutes ago, last February this body approved $53 billion in spending for schools, including higher education facilities, for activities including construction. I expressed concern then, as I am now, that this federalized school construction fund is not the answer to improving our Nation's education system. In fact, the Higher Education Act already includes a program by which community colleges can receive funding for construction and repairs.

If this amendment passes, there will be three Federal construction funding sources for community colleges to choose from—the stimulus package, the Higher Education Act and H.R. 3221, the underlying bill.

When I talk to community colleges, and when I talk to schools in my district, what they want is more flexibility, more local control, not more programs with more strings attached to them, particularly at a time when this Nation is running record deficits, we're losing thousands of jobs, and families are struggling to make ends meet. It seems to me that once funds have been obtained by a community college for construction, any remaining funds should be directed toward job training or teaching displaced workers new job skills.

To me, this amendment makes the statement that we are not concerned about the Nation's fiscal status. Well, I am concerned, and I urge my colleagues to be concerned as well by opposing this amendment.

I reserve the balance of my time.

Ms. PINGREE of Maine. Mr. Chair, I rise again to support the amendment and to talk about the importance of community college modernization, about the ability for our community colleges to rebuild and restructure these important institutions. In this time of such dire economic need, I find that so many of my constituents are contacting me and saying, You know, at this moment in time, I plan to go back to college and get an education; I want to do everything I can to make sure that as the economy improves, I am ready and prepared with the skills for this new century.

People want to have green jobs. They want to be prepared for the new technology. They want an education. And as young people grow up in my State—particularly my State, 38th in per capita income—many, many families struggling in this economy, the one thing we hear over and over again is that those young people in our State who graduate from high school at such high rates want to go on to college, they want to make sure they can get a college education. But over and over I hear from young people, You know, we couldn't afford it; I had to take a year off. And we hear from the community colleges, We can't expand fast enough; we can't make sure that we have the space available for the young people who want to attend college in our State.

In this time of dire economic need, when our State is turning to the Federal Government and saying, Do what you can to help us with education, I can't imagine any reason not to support our community colleges, not to make sure that they are able to take advantage of every possible opportunity for educational funding.

I come from a State that has really struggled to balance the budget, like so many other States across the country. Our State has made cuts everywhere they could to local education, places that we never wanted to go in the State Government to make those cuts. And you know what I hear all the time from my State legislators, from my former colleagues in the State legislature? They say, Please make sure that the Federal Government puts all the money it can into education, particularly higher education.

That's what this amendment does. It makes sure that no community college is penalized for taking advantage earlier. It makes sure that every community college is available to be there for our young people. I continue to support this amendment. I think it's so important in my State and so many other States. I encourage my colleagues to vote ''yes'' on this amendment.

I yield back the balance of my time.

Mrs. MCMORRIS RODGERS. Mr. Chair, it is really about fiscal responsibility. And instead of starting a new program with the limited dollars that we have, let's direct those dollars to our community colleges, but let's direct it to the programs that will actually offer job retraining, job skills and offer more programs that we need all across this country rather than another school construction program to complement two funding sources that already exist.

With that, I stand in opposition.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Maine (Ms. PINGREE).

The amendment was agreed to.

□ 1845

AMENDMENT NO. 7 OFFERED BY MS. FOXX

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 111–256.

Ms. FOXX. I have an amendment at the desk, Mr. Chairman.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Ms. FOXX:

Page 27, beginning on line 20, strike ''has the meaning given'' and all that follows through ''2009'' and insert ''refers to a State public employment service established under the Wagner-Peyser Act (29 U.S.C. 49 et seq.)''.

Page 27, line 25, strike ''have the meanings given'' and all that follows through page 28, line 2, and insert ''refer to a State workforce investment board established under section 111 of the Workforce Investment Act (29 U.S.C. 2821) and a local workforce investment board established under section 117 of such Act (29 U.S.C. 2832), respectively.''

Amend title V of the Bill to read as follows:

TITLE V—PRIVACY AND ACCESS TO DATA

SEC. 501. PRIVACY AND ACCESS TO DATA.

(a) IN GENERAL.—Each State or consortia that receives a grant under any provision of this Act shall implement measures to—

(1) ensure that the statewide longitudinal data system under this subsection and any other data system the State or consortia is operating for the purposes of this Act meet the requirements of section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly known as the ''Family Educational Rights and Privacy Act of 1974'');

(2) limit the use of information in any such data system by governmental agencies in the State, including State agencies, State educational authorities, local educational agencies, community colleges, and institutions of higher education, to education and workforce related activities under this Act or education and workforce related activities otherwise permitted by Federal or State law;

(3) prohibit the disclosure of personally identifiable information except as permitted under section 444 of the General Education Provisions Act and any additional limitations set forth in State law;

(4) keep an accurate accounting of the date, nature, and purpose of each disclosure of personally identifiable information in any such data system, a description of the information disclosed, and the name and address of the person, agency, institution, or entity to whom the disclosure is made, which accounting shall be made available on request to parents of any student whose information has been disclosed;

(5) notwithstanding section 444 of the General Education Provisions Act, require any non-governmental party obtaining personally identifiable information to sign a data use agreement prior to disclosure that—

(A) prohibits the party from further disclosing the information;

(B) prohibits the party from using the information for any purpose other than the purpose specified in the agreement; and

(C) requires the party to destroy the information when the purpose for which the disclosure was made is accomplished;

(6) maintain adequate security measures to ensure the confidentiality and integrity of any such data system, such as protecting a student record from identification by a unique identifier;

(7) where rights are provided to parents under this clause, provide those rights to the student instead of the parent if the student has reached the age of 18 or is enrolled in a postsecondary educational institution; and

(8) ensure adequate enforcement of the requirements of this paragraph.

(b) USE OF UNIQUE IDENTIFIERS.—It shall be unlawful for any Federal, State, or local governmental agency to—

(1) use the unique identifiers employed in such data systems for any purpose other than as authorized by Federal or State law; or

(2) deny any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose the individual's unique identifier.

Conform the table of contents accordingly.

The Acting CHAIR. Pursuant to House Resolution 746, the gentlewoman from North Carolina (Ms. FOXX) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from North Carolina.

Ms. FOXX. Mr. Chairman, I want to thank the Rules Committee for making my amendment in order and am glad to be here to speak on this bill.

First I want to say that my whole life was spent in education. I was president of a community college. I spent 12 years on a school board. I taught and was an assistant dean at Appalachian State University, so I was an administrator there. I was the director of a TRIO program at Appalachian. So I have been very much involved with education all my life. I am the product of a public school system and give credit to the success that I've had in life to the fact that I had great teachers and administrators who cared a lot about me and gave me some direction, although I came from extreme poverty and from a family where no one had ever graduated from high school.

I'm a very strong supporter of community colleges because I believe community colleges have been terrific in our country, particularly in North Carolina. I think we have an excellent system of community colleges, and so I am very proud of having been associated with them. They were created to be able to serve the community in which they are located, and they're able to pivot very quickly to offer the kinds of programs that the community needs, particularly in the area of workforce development.

So I want to say that while I'm here to strike a part of this bill that would be spending money on new educational programs, it isn't because I have any animus toward education programs at all—and I have great experience in that area. But my amendment strikes the entire American Graduation Initiative created by title V of the bill while maintaining the privacy provisions that apply to the whole act. These privacy provisions are very important because they ensure that student information is protected from individuals not authorized to view it and that students can't be identified by any unique identifier. This is also an area that I have been very much concerned about.

Title V authorizes and appropriates a total of $730 million between FY 2010 and FY 2030 and $680 million between FY 2014 and 2019. The savings from my amendment would be put towards deficit reduction.

My objections to this section come from several different areas. Number one, this is duplicative of programs already authorized under the Higher Education Act and the Workforce Investment Act. The new open online education provision gives authorization grants from the Federal Government to develop curricula that will be used in online courses. In my opinion, this is a step towards Federal curriculum for schools and colleges. It also severely interferes with the authority of States and localities to determine the curriculum that schools provide. This provision also wastes taxpayer money to federally fund an online course initiative that's already being provided by 1,000 colleges and universities across the country.

I am also concerned about a provision in that section which says, ''The Secretary is authorized to make grants to other appropriate entities.'' Is it possible that ACORN could receive funding through this broad statement? Can the majority promise me on the record that $1 is not now nor will it go to ACORN after passage of this bill? Again, the way this section reads, it can go to other appropriate entities. And we have seen how the folks on the other side have found every excuse in the world to fund that program.

We also aren't getting any sense of responsibility from the kind of legislation that's being passed here that we're hearing so much about from the President and my colleagues on the other side. We've heard so much about how the States don't have the money to do what they need to do. This is then a welfare program for the States and the community colleges within the States.

The community colleges already have programs where they evaluate what they're doing. They have to justify their programs, and the State should be setting priorities and funding those things that are most needed in the State. With unemployment as high as it is, I know that all the community colleges in North Carolina are setting priorities to work with people who need to get the education they need to get jobs, but there is so much taxpayer money wasted here on administration and bureaucracy and very little lack of accountability, despite what my colleagues have said.

The Acting CHAIR. The time of the gentlewoman has expired.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS), a member of the committee.

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Chairman, I rise in opposition to this amendment.

This amendment does not pose a choice between those who support bureaucracy and those who support education. It poses a choice between those who wish to see economic growth by investing in the most important aspect of economic growth, our workforce, and those who would prevent such a thing.

I would not rely on this argument on, frankly, my colleagues here in the House, although I commend them for putting this in the bill. I would rely instead upon this statement from the Business Roundtable, which is the association of chief executive officers of leading U.S. companies with more than $5 trillion in annual revenues and 10 million employees. So this is not the community colleges speaking. This is not those of us on the majority side speaking. It is the CEOs of the leading companies in America, and here is what they said:

''On behalf of the Business Roundtable, I want to commend you''—it's addressed to Chairman MILLER—''for inclusion of the Community College Initiative in H.R. 3221. This Community College Initiative and the President's American Graduation Initiative reflect the fact that community colleges have emerged as important institutions where acquiring skills for new jobs and new careers will take place.''

The United States cannot compete without the most highly skilled and motivated workers in the world, and I dare say that our odds of achieving that goal in the workforce are severely compromised if our community college sector is not strengthened.

The community colleges that I represent are overwhelmed with new applicants. They're overwhelmed attempting to find facilities and resources to deal with the education of those new applicants. That's why my colleges would agree with the CEOs of the biggest companies in this country who say that the Community College Initiative is so important for community colleges to reach their potential.

Let us not unduly constrict these fine institutions. Let us not listen to Republicans or Democrats. Let's listen to the leaders of corporate America who say, vote ''yes'' and oppose this amendment.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from North Carolina (Mr. MILLER).

Mr. MILLER of North Carolina. Mr. Chairman, it's astonishing that when unemployment in many parts of North Carolina is more than 13 percent that I have to defend an investment in community colleges.

Community colleges give students a chance to learn the skills that they will need to support themselves and support their families, and community college students move heaven and Earth to take advantage of that chance. Community college students often work full time, go to school full time, and for many, you can put on top of that, taking care of their children.

In North Carolina, about one adult in six is enrolled in the community college each year. All manner of workers depend on our community colleges for the skills they need for their livelihood: construction workers, law enforcement and other first responders, biotech workers, all manner of health care workers, and on and on. Talk to community college students and you will learn what industries are laying off and what industries are hiring.

North Carolina, like much of the Nation, was already going through a tough economic transition even before the recession, and millions of families depend on a community college education to make it through. And tough economic times have only made community colleges more important. Enrollment in North Carolina's community colleges increased by 8 percent just last year, and preliminary data shows that enrollment is increasing even more this year.

I welcome the Obama administration's recognition of the importance of community colleges to working families, to breadwinners willing to work hard to learn new skills. It is long overdue. And North Carolina's community college leaders welcome that, too, and strongly support this program.

I have a letter dated just yesterday from the President of North Carolina's Community Colleges strongly supporting this program. Help parents who will make any sacrifice to support their families. Vote for working families. Defeat this amendment.

Mr. GEORGE MILLER of California. Mr. Chairman and Members of the House, this amendment should be overwhelmingly rejected. Not only does it destroy the Obama administration's initiative on community colleges, but it destroys what almost every Member knows, that as much as the community colleges are doing today, as many students as they help, they're being asked to do even more. And the fact of the matter is we need them to do more, and we need them to do a better job.

We still have too many students who are starting community colleges but are not successfully completing it, either with a certificate for a career or an AA degree or transition to a 4-year school, whatever path they take. We have got to strengthen those pathways that those students take. We have got to strengthen the ability of the community colleges to make sure that they can provide that kind of opportunity. They are becoming the catalyst for economic innovation, economic change, economic revitalization and flexibility in all of our communities.

And what the Obama administration is suggesting with this initiative is that we should help them do that because we're vitally in need of their success so that people can change the careers as we move from one economy to another. As energy becomes modern and innovative and new, we need a different type of energy worker.

We must defeat this Foxx amendment. We must stick by this initiative and support the community colleges.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from North Carolina (Ms. FOXX).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. GEORGE MILLER of California. 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 gentlewoman from North Carolina will be postponed.

Mr. GEORGE MILLER of California. 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. ANDREWS) having assumed the chair, Mr. KISSELL, 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. 3221) to amend the Higher Education Act of 1965, and for other purposes, had come to no resolution thereon.

□ 1900

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. KISSELL). 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.)

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.)

IN MEMORY OF 1ST LT. MICHAEL E. JOHNSON, USMC

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. NYE) is recognized for 5 minutes.

Mr. NYE. Mr. Speaker, I rise today to honor the service and sacrifice but, most importantly, the life of First Lieutenant Michael E. Johnson of the United States Marine Corps, who gave his life to defend our Nation.

Mike Johnson grew up in the sand and surf of Virginia Beach, along with his twin brother Dan and his younger brother Steve. At Hickory High School in Chesapeake, he was an accomplished athlete and a member of the crew team. From an early age, he always talked of following in his grandfather's footsteps and becoming a marine.

Mike loved the outdoors, and after visiting relatives in Oregon, he decided to attend college at Oregon State. In college, he met his soul mate, Durinda, and in 2007 they were married in her hometown of Keizer, Oregon.

Mike told his friends that, one day, he hoped to become a park ranger, bringing together his love of the outdoors with his commitment to public service; but for Mike, duty came first, and with our country at war, Mike decided that his own dreams would have to wait.

He joined the Marines. After training at Quantico, Mike and Durinda moved to Okinawa, Japan where, First Lieutenant Johnson was assigned to the Seventh Communications Battalion, Third Marine Headquarters Group, III Marine Expeditionary Force.

Two months ago, Mike was deployed to Afghanistan where he was assigned as part of an embedded team that was training the Afghan Army. On September 8, his unit was attacked by insurgent fighters as they approached a village in eastern Afghanistan. In a firefight that lasted over 8 hours, Mike and three other Americans were killed.

As a husband, a son, a brother, and a friend, Mike was a positive influence on everyone around him. He loved his family and his friends, and he cherished every moment he had with them.

Mr. Speaker, across Virginia today, flags are flying at half-staff in honor of Lieutenant Johnson and his memory; but for those lucky enough to have known him, he will always be remembered for the smile that never left his face and by the words he lived by: carpe diem and Semper Fi.

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.)

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 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 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 gentleman from New York (Mr. MAFFEI) is recognized for 5 minutes.

(Mr. MAFFEI addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

(Mr. WOLF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GRAYSON) is recognized for 5 minutes.

(Mr. GRAYSON 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 Texas (Mr. NEUGEBAUER) is recognized for 5 minutes.

(Mr. NEUGEBAUER 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 American Samoa (Mr. FALEOMAVAEGA) is recognized for 5 minutes.

(Mr. FALEOMAVAEGA 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 Utah (Mr. BISHOP) is recognized for 5 minutes.

(Mr. BISHOP of Utah 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 Georgia (Mr. DEAL) is recognized for 5 minutes.

(Mr. DEAL of Georgia addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. FORBES) is recognized for 5 minutes.

(Mr. FORBES addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TORT REFORM

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

Mr. COFFMAN of Colorado. Mr. Speaker, the President's mention of a tort reform demonstration project in his speech to Congress last week was a red herring. By putting Secretary Sebelius in charge of evaluating a tort reform demonstration project, the President has left tort reform to the former executive director and chief lobbyist for the Kansas Trial Lawyers Association. The President may have well just said, ''We need to protect the hen house, so I'm appointing the fox to evaluate security.''

Democrats deride the status quo in health care, waving their fingers and blaming special interests, but their rhetoric fails to meet reality. In a moment of extreme candor, Howard Dean, the former DNC chairman, said, The reason why tort reform is not in the bill is because the people who wrote it did not want to take on the trial lawyers, and that is the plain and simple truth.

Talk about beholding the special interests.

Mr. Speaker, if Democrats were serious about reducing costs and about making health care more affordable without bankrupting our country, they would embrace tort reform. The fact is they just aren't.

HEALTH CARE

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, it's a treat to be able to join you, Members of Congress, and those listening in tonight on a topic that has absorbed the attentions of our country, the topic of health care.

This week, the President delivered a major address to the House, to the Senate and to the public about his health

care plans. It was really a big debate. There was a lot of discussion, actually some heated kinds of words, some concerns about facts, and what was opinion and what was fact. All of these things have probably been inescapably in the news for many of us to observe. The big debate on the facts calls forth that old quip that everybody is entitled to their opinions, but there's one set of facts.

What we're going to try to take a look at this evening are some of these different controversial areas and how you straighten this thing out and why there is controversy and why there is debate over what the facts are, even though people have their own opinions.

So when we take a look at this—I apologize. Being an engineer, I may tend to make things a little complicated here. This is a chart of the Democrats' health care plan. If it seems like it's a little complicated, it's because it is a little bit complicated; and something as complicated as this, obviously, is going to make it a little difficult for people to sort out.

What exactly are the facts? That's what we're going to be working on.

I'm hoping to be joined by some of my colleagues who are experts in certain areas here of the health care plan, but I think just to start with: sometimes a picture is worth 1,000 words. This is a fairly complicated proposal by the House Democrats in their bill. Essentially, it is going to try to take over 18 percent of the U.S. economy, which is the entire health care sector, and put it under government management. Now, it doesn't do that immediately, but that's its net effect over a period of time. So, if there are some debates over facts and questions, it may not be surprising.

Now, perhaps, when you take a look at a big government takeover of something in any particular area of our government, one of the things that you worry about is that it may become expensive and that your quality may go downhill. There have been complaints sometimes about the Federal Emergency Act and about the FEMA people. There were concerns about their performance during Katrina. There were concerns about the performance of the post office relative to how much it cost. There were concerns about the CIA, about the kinds of numbers they gave us on Iraq before Gulf War I and Gulf War II. They got it wrong both times.

I do yield to my good friend from Minnesota (Mr. KLINE).

Mr. KLINE of Minnesota. I thank the gentleman for yielding, and I very much appreciate his leadership and his taking the time to do this.

I wonder if the gentleman would mind putting up that first chart, because it strikes me that it's a pretty complicated chart, as the gentleman said. I found that, when I was back in my home State of Minnesota and when I was traveling around, talking to groups, I used that chart a number of times.

I want to point out that it was, indeed, prepared by the Republican staff, but there is nothing on that chart that isn't in the bill. That is a best-effort depiction to describe what this bill does.

Mr. AKIN. If the gentleman would yield, if you're talking about a 1,000-plus-page bill and if you're trying to put it on one chart, it's going to look a little complicated.

I yield.

Mr. KLINE of Minnesota. Exactly. Exactly. It is over a 1,000-page bill, and it is complicated. The reason I asked the gentleman to put it back up is that I've been struck by a number of proponents, the supporters of this bill, including, frankly, the President of the United States, who've said, Well, the public option is just a little slice. It's not everything. It's a little slice of this reform.

So, one time, I tried to look at that and ask, Well, where is that little slice? Can I take the public option out of this, off that chart? Can I find that little slice?

It turns out that you cannot find that. It is interwoven. There is a Bureau of Health Information; there is a Health Choices Administration and a Health Choices Commissioner. You can't just go and remove one of those little squares and say, Well, that's the public option, and we're left with a simpler bill of reform without this government-run option. It's an integral, woven part of that whole 1,100-page package.

Mr. AKIN. It's like, if you had a rug and you took out all the threads going one way, the whole thing wouldn't make any sense almost.

Mr. KLINE of Minnesota. Well said.

Let me make one more point before you move on. I think you made another very important point.

You said this is the Democrats' health plan.

Mr. AKIN. Yes.

Mr. KLINE of Minnesota. That's really too bad. There is not a drop of Republican ink on the 1,100-page bill. That bill moved through three committees in this body, in this House, and Republicans tried repeatedly to make amendments but without success. The amendments failed largely on a party-line vote. So we have a Democrats' bill.

Mr. AKIN. Gentleman, I can't help but interrupt you there for a minute because I've heard it said repeatedly, and particularly by the President, that the Republicans don't have any alternatives or options. The fact is there are dozens of Republican bills, and none of them were put into any of this.

Mr. KLINE of Minnesota. I thank the gentleman. That's an excellent point.

It seems to me that we should not be at a point where we are competing the Democrats' 1,100-page bill with, presumably, the Republicans' 800-page bill, 900-page bill or 1,000-page bill. What we should do to get a bipartisan solution is take that whole 1,100 pages and push it off. We should set aside the bills that have been introduced, and we should sit down and see where Republicans and Democrats could actually agree on something.

A Republican proposal we've discussed many times is allowing young people to stay on their parents' insurance until they're 25 years old. If you just did that one thing, if we sat down, Republicans and Democrats, and said we're going to push all this aside and we're going to push a reset button and we're going to agree on this one thing, you would take 7 million of the uninsured and they'd be insured. There are many things we could agree on, but not dealing with that.

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Mr. AKIN. What you are suggesting, Gentleman, it's almost too commonsense for us to do. One of the ways that when we do create good legislation, usually there is a good consensus, and the minority and majority parties work together, they put stuff together and say, Well, this is the stuff we can agree to, this is the stuff other people can agree to, but together let's take a piece of the problem and solve it.

Instead, what this is is an attempt to take—what is it, one-fifth of our economy—and federalize it. And that's a pretty ambitious step, even if everybody agreed, this will be an ambitious step. And in this case, not one Republican agrees and agrees in the House or Senate, from what I know. Even if they did, this would be very ambitious to try to rewrite 18 percent of the U.S. economy and federalize the whole thing. That's a pretty ambitious thing to do.

Mr. KLINE of Minnesota. Well, let me pick up on this point of a bipartisan effort.

I serve also on the Armed Services Committee, as the gentleman knows. You will recall that earlier this year, the chairman of the Armed Services Committee, the distinguished gentleman from Missouri (Mr. SKELTON) and the then-ranking Republican member, the gentleman from New York (Mr. MCHUGH) said we ought to see if we can do something about the defense acquisitions system.

Everybody knows that it is a mess. Hundreds of dollars for hammers, huge cost overruns. We need to fix that system.

And, if you will recall, the approach was to get some Republicans and some Democrats to sit down. And our friend from New Jersey, ROB ANDREWS, was chosen to represent the Democrats and our friend, MIKE CONAWAY, from Texas was chosen. They sat down together and they wrote legislation.

Mr. AKIN. Actually solved some problems.

Mr. KLINE of Minnesota. It actually solved some problems. You will recall when they finished they had a pretty good bill, experts agreed it would help, and it passed that committee unanimously.

Mr. AKIN. Ran right through.

Mr. KLINE of Minnesota. And it should, because that's the way to solve the problem. You cannot take behind closed doors, one party, go write a bill, an 1,100-page bill, at a cost that, oh, it depends on what given moment you are looking at it, but it's somewhere well over a trillion dollars, and present it and say, frankly, as the President did, Well, I am open to suggestions.

Well, the best suggestion I would offer to the President and to my colleagues, the majority party here is, let's set that aside and sit down and see if there is something we can't agree on here.

And don't do as the lady did, a wonderful lady when I was back in Minnesota said, Congressman, is there some piece of this that if you took it out, it would be okay. And it's back to your wonderful example of pulling the strings on a rug. Pretty soon it doesn't function at all. You can't reach in there and take out one little piece and say, Well, yes, I could support that if we just took out the Health Choices Administration.

If you take the Health Choices Administration out, it collapses. That's important.

Mr. AKIN. Gentleman, I would like to get to some of these questions that have come up, questions the President has raised, other people have raised, and take a look at them a little bit more carefully now that we have a little bit of time to say, What is the story? What are the real facts? Because you are entitled to your own opinion, but not to your own facts.

So one of the first things you are going to think about is in our environment, is this health care proposal expensive or is it too expensive? Somebody once quipped that if you think health care is expensive now, just wait till it's free.

So how do we take a look to assess how expensive it would be? You know, the President started his speech last week by saying, Hey, I inherited a trillion-dollar debt.

And immediately, as a member of the other party, I thought, well, you inherited a trillion-dollar debt, but you are not doing too shabby yourself. Because if you look at the Wall Street bailout, half of that was under his leadership, that's $350 billion. You have got another $787 billion for this supposedly stimulus bill.

You have got SCHIP, and then you have got, what was it, the appropriations bill. And then the huge bill that was passed, the cap-and-tax bill in this House, that all adds up to $3.6 trillion.

So I think it's reasonable to ask the question is this thing where the government takes over 18 percent of the economy going to be expensive? And he said it's going to be so efficient that we are not going to have any debt, and it's going to be fantastic and will hardly cost anything because we will take the money out of Medicare.

And so with a bill that's sort of plastic, I mean, you have got a 1,000-page bill, and people want to change it all the time. No one really—hasn't been finalized, all we have is the 1,000-page draft. How much do you assess how much it's going to cost?

Well, one way to do it is, here is Medicare and here is Social Security and Medicaid, the three biggest entitlements we have got, and they are growing out of control. So what we are claiming is that this socialized medicine bill is not going to do what these other socialized medicine things did or particularly Medicare and Social Security.

Now the liberals agree to these numbers. They are saying Yes, these things are growing out of control, but this proposal is not supposed to.

Mr. KLINE of Minnesota. Well, if the gentleman would yield one more time, I hate to interrupt, but you have got a depiction there of the unfunded liabilities, how much more we expect to spend on those programs than we expect to bring in.

And that goes out for a number of years, I see out there, 2008, 2052 and so forth. And we do need to look out there, we do need to recognize those unfunded liabilities. We do need to address that.

But you don't need to look that far. Right now, with the latest projections that have come out of the White House, taking the projected deficit spending, how much more we are going to spend than we are going to take in over the next 10 years, increasing that from $7 trillion to $9 trillion. Trillion dollars. It used to be hard to say that. But now, we just talk about trillions.

Mr. AKIN. It was billions, now trillions.

Mr. KLINE of Minnesota. Trillions now. If you just take the next 10 years, the current debt, which is a staggering number in itself, it is approaching $12 trillion right now. The Secretary of the Treasury is asking us to lift the cap, the statutory cap on the debt, and you add the $9 trillion of projected deficits—I ask the gentleman, what does the number $21 trillion of national debt in the next 10 years do?

And that's without counting the cap-and-trade bill which passed so early in the House and shouldn't have passed at all. It doesn't count this health care bill, which already we know, the Congressional Budget Office projected that the bill that's in front of us, H.R. 3200, almost $240 billion of deficit spending, and it doesn't count for the out years where the deficit runs over $60 billion. Yes, it's a staggering amount of money.

Mr. AKIN. So there is a good reason for people to be saying ''hold on'' in terms of these Big Government solutions. We are just absolutely not spending our kids, but our grandchildren, into debt with these things.

And I guess the question is, when you go from George Washington to George Bush, and you are running at, whatever it is, $5 trillion, and then you are going to add another 8 just under the Obama administration, doesn't that suggest that perhaps we need to kind of get off the accelerator of spending government money?

Mr. KLINE of Minnesota. Absolutely, it does. And speaking of grandchildren, my wife and I are planning to travel down and spend a little time here in a week or two with the grandchildren. I have four wonderful grandchildren. I always say best grandchildren, but then I run up against somebody like the gentleman who actually thinks his grandchildren are the best.

We are going down to visit them. I am thinking I should just get down on my knees and thank them, because they are going to pay all these bills, and it's just not right.

Those numbers and that chart, I would say to the gentleman, are terrifying. And as I mentioned, when you bring it down much, much closer, 2019 on that chart is way over there towards——

Mr. AKIN. That's something we will live to see, and our grandchildren will just be growing up enough.

I would just like to stop on that point because I notice that the gentleman is probably a little younger than I am, but not too far distant. And you don't get to be a colonel by just being a—you can be a chicken, but not just a spring chicken.

As we grew up our parents, sometimes called the Greatest Generation, they had it in their heart that they wanted to hand a better future to their children and to America than what they had been blessed with. And it seemed like it was one of these, just sort of a national virtue that that generation had the desire to personally sacrifice so you and I could do things like go to college or graduate school or do things that they had not had a chance to do.

And somehow or other, this breaks my heart that we, in our generation that had been blessed by a selfless set of parents in that great generation are, instead, wanting to leave our children and grandchildren in a much worse fix than we found ourselves. Something about that seems almost un-American and intolerable to me.

Gentleman, would you want to comment on that?

Mr. KLINE of Minnesota. Well, I take your point. I am, of course, very proud of my parents, part of that Greatest Generation. My father landed in Normandy, fought his way across Europe and part of that world.

Mr. AKIN. Dad, my father, was with Patton.

Mr. KLINE of Minnesota. Well, they may have been together. My father was, as I said, he landed on Normandy, fought in the Battle of the Bulge. But they came back, and they did make sacrifices. But it has been, as the gentleman suggested, the American way for all generations before us that the next generation has been in better shape, if you will, been left in better condition.

And it's not that certainly you and I and people in this room don't want things to be worse for our grandchildren, but if we are not careful about how we build this public policy, things are going to be worse. And I would argue, we have not been careful, that we are running a deficit this year alone that was unthinkable 6 months ago, unthinkable.

And that national debt I mentioned, unimaginable that we could possibly consider the mess our grandchildren are going to be in.

Mr. AKIN. The experience of other countries with nationalizing their health care, has that been an inexpensive experience? My understanding is it's about broke the budget of people that have tried to do this thing.

I do know that Massachusetts tried it and Tennessee tried it. And the experience that they had was, it was expensive. Massachusetts' health care costs have gone up like a skyrocket and Tennessee, the doctors just about left the State. The Democrat governor that tried it as a trial project was followed by another Democrat governor who called it an unmitigated disaster.

The head of Canada just declared their socialized medical system a complete mess and a disaster also and very expensive.

Mr. KLINE of Minnesota. Minnesota—our neighbor to the north is, indeed, Canada. And I am very proud to say that Minnesota is a destination State for health care. We have one of the most famous hospitals, clinics in the world, the Mayo Clinic, in Rochester, Minnesota. And the thing about Canada is, if they can't get care in Canada, if they get tired of waiting in line, which they do wait in lines, and they are denied care, they come see us in Minnesota.

So it's expensive in Canada. The gentleman's point is, it is, indeed, expensive. But I am arguing, worse than that, it doesn't work for many, many of our Canadian neighbors. They cannot afford to wait in those lines.

Mr. AKIN. I was told by some Canadians it's the best health care system in the world as long as you are healthy.

Mr. KLINE of Minnesota. And then if you are not, you come to Minnesota. So I take the gentleman's point.

Mr. AKIN. Well, thank you very much, the gentleman from Minnesota, Congressman KLINE. I appreciate your staying extra on the floor and helping us with it, a close look, try to take a look at some of the questions.

The first thing that the President raised was the fact that he had inherited debt. And he also said that his health care plan was going to get rid of debt and was going to save money and would work really well financially.

And the question then becomes, well, if that's the case, how come Medicare and Medicaid seem to be costing so much? If the government can't run those without running a huge deficit, what makes you think we could go further?

Well that's one question, how much it costs, a lot of discussion on that. Another question is the question of bureaucratic rationing. I think a lot of Americans that do have health insurance have been frustrated by the fact that insurance companies sometimes tell you that you can or you can't get treatment. And we don't want people rationing health care who are in the insurance business. We want that to be a doctor-patient kind of question.

And so one of the big concerns about when the government takes something over, the government will tell you what you can and can't get for a treatment.

And so because there was concern on this issue, one of the ways to probe and to test a bill is, when it's in committee for people to be able to make amendments to the bill. This particular amendment, here, was offered by Congressman GINGREY from Georgia, who was a medical doctor.

And the thing that I like about it, it's a very simple and straightforward statement of policy, and it says this: Nothing in this section, this is being added to the Democrats' health care bill, Nothing in this section shall be construed to allow any Federal employee or political appointee to dictate how a medical provider practices medicine.

In other words, what this language is saying is the doctor-patient relationship is sacred. We want the doctor and the patient to make the medical decisions, and that's what this particular sentence was trying to enshrine into law in the middle of this bill.

And so this amendment was offered in a way to kind of determine, really, where are we going with this health care debate. And this amendment was defeated on an almost straight party-line vote. The Democrats, with the exception of only one Democrat, voted that this language should not be in the bill. The Republicans, 100 percent said, the doctor-patient relationship should be sacrosanct.

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So this is a place where, through an amendment in committee, we know what the plan for this bill is, and that is that there will be federally paid employees or bureaucrats telling you what kind of medical treatment that you can get. And this of course is what happens in Canada and England and all, so it's not a big surprise. But this amendment makes it very clear the difference in policy between the Democrat plan, which is that bureaucrats are going to determine what's a reasonable procedure for you to get, and it's not going to be based on the doctor and the patient. As a Republican, I don't like insurance companies butting in there. Even more so, I don't like the Federal Government.

I am joined by a good congressional friend of mine, Congressman BISHOP, and I would yield to him and ask his advice on this point also.

Mr. BISHOP of Utah. I appreciate the gentleman from Missouri for yielding.

Actually, if you would maybe get that next one, the chart you have on the back there about abortion, because I think it relates to the same issue.

We oftentimes have a great deal of debate and discussion over what is or what is not in the bill. That's probably because there is not one bill. There are several bills floating out. What is in some places are there and what is not in some places are there. But I think one of the things to remember, because this is basically the same issue, the language the gentleman from Missouri just gave on Medicare and what it does as far as the practicing of medicine is something that was supposed to be in the Medicare bill when that was first produced 40 years ago. It doesn't quite work that way because when you start down a road, you often find out you end up in a different situation than when you started down that path.

When I was still teaching school, I often showed my students about the construction of the Berlin Wall. I was so amazed at the Berlin Wall as to, in fact, why the United States did nothing to stop the construction of the Berlin Wall. They had a great interview of Dean Rusk, who was Secretary of State at that time, who said that if you know at the end of the day you're not going to go down that path, you don't take the first step down that path.

Many of the issues like the issue of will this actually fund abortion or not, will this actually deal with illegal immigrants or not——

Mr. AKIN. If I could interrupt a second, what you're talking about is precisely what I wanted to get to tonight because what we've got is a debate over what the facts are, and you're bringing up the question of abortion, which is one of the debates. Here is the direct quote from our President. It says: ''And one more misunderstanding I want to clear up—under our plan, no Federal dollars will be used to fund abortions and Federal conscience laws will remain in place.'' This is what the President says. And now you've made the point that in committee an amendment was offered; is that right, gentleman? I just wanted to lay that groundwork because this is his statement. This is what the President says. Now, what's actually going on in committee, please?

Mr. BISHOP of Utah. Well, this, unfortunately, was in my committee as well in which amendments were made to try to put a limitation on the abortion funding, as you can see the language that is up there. And once again, that was defeated. What it tells us is that what is in the bill is not necessarily the same thing as what will happen 5 and 10 and 20 years down the road, because oftentimes what we're doing is not necessarily starting a program now but we are opening up the door. I'm mixing metaphors here. You're opening up a door that's going to take us down a path, and the question is where will that path end. Not

today but where will it end in the future? And that's why sometimes people can have a difference of opinion, on not necessarily what is in the bill but what this bill provides the opportunity to do in the future. That is not in the status quo.

We have, in this bill, many kinds of provisions in there that may not necessarily start a program now, but it gives the opportunity. We may have a program that right now is voluntary and it's established, but it easily could become fully funded and then mandatory.

Mr. AKIN. What you're saying is something that you and I, gentleman, take for granted. We live in this world day in and day out, God help us, and in the political world we realize that when a bill is passed, there are armies of people that write the rules and regulations that flesh out what the bill will be. So the question then becomes does this bill make it clear that we won't be using Federal taxpayer money to provide free abortions to people.

Now, to me, this is a different question because I have always been pro-life, but to me, it's a different question than the question of abortion. It's a question of the fact that I have constituents who are violently pro-life, violently pro-choice, and they disagree on that point. But the question is are we going to compel all citizens to use their taxpayer dollars to fund abortions. And that's something very upsetting to many people. So the question is does this bill do that.

Well, the bill doesn't specifically say anything, does it? So one of the ways to determine whether or not that's a future intent, that that's a little thing you're going to put in later, is to offer an amendment to make it clear just so that nobody will get upset about this issue, make the bill so that people can be more comfortable that there won't be any of this Federal money used for abortions. So when this amendment is put up, what happens? It gets voted down by a great majority of Democrats, right? So that leads you to the conclusion, well, they want to leave the door open for Federal funding for abortions with this bill. You can come to no other conclusion.

Mr. BISHOP of Utah. If I could make just one more statement to the gentleman from Missouri because I know we are joined here by one of the most creative thinkers I think we have here on the floor, the gentleman from Arizona. And I think if I could add a segue here in some particular way, I agree with you. This presents all the warning clouds out there if we insist that the only solution is a government-controlled, government-mandated solution.

And what I think I would like to do in the few moments that I have is to make it very clear that this is not the only plan that is out there. There are other bills. The gentleman from Arizona has a bill. The gentleman from California (Mr. ISSA) has a bill. The gentleman from Georgia (Mr. PRICE) has a bill. The gentleman from Wisconsin (Mr. RYAN) has a bill.

Mr. AKIN. And the gentleman from Texas will shoot you if you don't mention his bill.

Mr. BISHOP of Utah. He has one. Mr. GOHMERT has a bill. And all of them are based on a different premise, and the premise is that what government should be doing is not telling people what they do and telling people what their choices may be but to try to open up the system so that people have options so that they can choose what they wish. And I think that's one of the things that is a fundamental difference in what we are talking about. And if we really want a bipartisan bill, those bills must be brought to the floor and allowed to be debated and voted on so we have a discussion on the philosophy of how we're going to solve this problem and if we truly desire to empower people or truly desire to empower the government.

I yield back.

Mr. AKIN. Reclaiming my time, I appreciate your joining us.

Congressman BISHOP is just a regular powerhouse here in Congress.

We are very thankful for your district's sending you up here. Your background in teaching and making ideas straightforward and clear and being precise, that scholarly discipline is dreadfully needed at this hour, particularly when we start talking about these very nebulous kinds of nail-JELL-O-to-the-wall health care bills.

I am also joined by a gentleman that I respect greatly. He has been a leader here in Congress and an innovative thinker, Congressman SHADEGG from Arizona. I appreciate yielding to you.

Let me just say, as we're getting started, though, because you have just come on the floor, what I have tried to do is to say, look, earlier last week when we talked about health care, the President came on this floor, debated and discussed, talked about what he wanted to do with health care, there was quite a lot of concern about what really the facts were. The President made a number of assertions, and what I was trying to do was to go back and forth and say here's the assertion and here's what we know about what the facts are and try to lay that out to make it clear.

The President said, first of all, that the bill isn't going to cost hardly anything. It's going to save money. It won't put us in debt or anything. And yet we don't have too much to be confident about other than his tremendous optimism.

The next thing that he was saying is that—one of the things he said was there are no abortions in this bill, and yet when an amendment was offered to make it so that there couldn't be any, that was voted down on this great party-line vote.

So that is what we are trying to do is to say let's try to get to the heart of what some of these questions were, the costs, the abortion, the immigration, some of these different issues.

I yield to my good friend from Arizona.

Mr. SHADEGG. I thank the gentleman for yielding.

I watched the gentlemen engage in this hour earlier and felt I ought to come down and try to add to it, perhaps bring a different perspective, articulate some of our concerns in a new way. I want to thank my colleague from Missouri for his efforts. I want to thank my colleague from Utah for both his compliment and his hard work on the issues we confront.

I really want to hit two parts. Most importantly, I want to hit the final point that the gentleman from Utah hit, which is what should be the process for passing legislation of this significance to the Nation. And I think the gentleman from Utah had it right. It needs to be an open process. It needs to be an opportunity where everyone can surface their ideas, and there needs to be a dialogue. And, quite frankly, that has not happened. It just has not happened.

The gentleman led off in his discussion on this point by listing all of the different bills. PAUL RYAN of Wisconsin has a bill. TOM PRICE of Georgia has a bill. I have a bill. There are many, many Republican bills out there. And, shockingly, the media doesn't tell the American people that there are any Republican ideas out there, and yet there are. And I think the gentleman from Utah said it well. There really is a great philosophical divide on a part of this issue, but it's really just a part of this issue. There are subsets on which there's agreement.

When we talk about where the divide is, I think the gentleman from Utah said it well, that the divide is between the notion which the President is advancing that the only way to fix the problems we have in health care today, and Republicans agree there are deep problems in the delivery of health care services today, but the Democrats and the President say the way to fix that is massive government intervention in and, quite frankly, taking control of the entire health care system and the entire health insurance industry.

Mr. AKIN. Reclaiming my time for just a minute, if Lyndon Johnson, who noticed there were people who were hungry in America, took the same approach, he would have had the government take over all the farms and the grocery stores, wouldn't he?

Mr. SHADEGG. And the grocery stores. No question about it. All the farms, all the grocery stores, you name it.

Mr. AKIN. We would have considered that a little bit radical, wouldn't we?

Mr. SHADEGG. I would have been offended, and I don't think it would have solved the problem.

I want to make the point that the Republicans are being portrayed as being allies of the health insurance industry in this fight. Bunk. The President in his remarks the other evening

talked about special interests. Some of the biggest special interests in this Nation have thrown in behind the President and are pushing this bill. The big insurance companies, they have signed on in support of this bill. There's one piece of it they don't like. They don't like the public plan. But by gosh, they like the idea of an individual mandate, which is an issue I think we ought to be discussing. And the big drug companies, the big drug companies are in this hook, line, and sinker, so much so that they spent $100 million or maybe more over the August break advertising their support for the President's plan.

But let's go back to the basics here. The President and the Democrats say the solution is massive government intervention. Republicans say, well, now, wait a minute. What is driving costs and what will bring costs down? And the gentleman from Utah said it correctly. The reality is cost is being driven, I would argue and most Republicans argue, because you and I don't have patient choice. We can't make the kind of decisions like we could in any other market to drive costs down by buying a product that is less expensive and provides better service.

Mr. AKIN. In fact, we don't even know what the costs are.

Mr. SHADEGG. We don't because the costs are hidden. Now, why are the costs hidden? The costs are hidden because the current structure says, if you get your health insurance from your employer, it's tax free. If you buy it yourself, then it's taxed. So the insurance industry never runs an advertisement trying to get the gentleman from Utah or the gentleman from Missouri or the gentleman from Arizona to buy an insurance policy from them. They don't have to advertise for our business. They know our employer picks our plan and the plan picks our doctor, and they don't much care about us.

Compare that with the auto insurance industry. In the auto insurance industry, you leave this room right now or anybody watching this at this moment flips from this channel to a commercial channel and within seconds they will see an add for GEICO or Allstate. I saw an ad for Allstate not 3 minutes before I walked over here. Or State Farm. Now, why?

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Mr. AKIN. Because they are selling the auto insurance to the consumer in a free market. And people who have the most basic, fundamental understanding of what the job of government should be, which is justice, which means people are equal before the law. And yet how can it be equal before the law when one guy gets insurance with pretax dollars, and the other poor guy has to pay with dollars after he has been taxed.

Mr. SHADEGG. One of the biggest outrages, and I think it is immoral, is that this government says that the least among us, those in this society just barely getting by, working for an employer who can't afford to give them insurance, we say it would be responsible for you to buy health insurance, and we are so concerned about your well-being that we are going to smack you down and make you buy it with aftertax dollars, making it at least one-third more expensive.

That is immoral and it is a policy of this Congress, and I don't see the Democrats proposing to equalize that tax treatment.

Mr. AKIN. I yield to the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. I just wanted to give a simple illustration of what the gentleman is talking about in today's medical market.

If you still want to get a nose job, plastic surgery, the cost is decreasing every year. Because there is no middleman and no insurance, you go and negotiate with the doctor. Lasik surgery does the same thing.

That is why I would like the gentleman to talk about what could happen. There is a large pool of people who have a difficult time getting insurance. They are the so-called uninsurable. But what would happen to that pool of individuals out there who can't get insurance right now if, indeed, you allowed them to buy insurance with pretax dollars, not post-tax dollars, you allowed them to go across State lines to look for insurance, and you allowed them pooling opportunities to do that. What would happen to that pool of uninsurables which might then be able to be handled by 50 different States with coming up with programs to meet the demographics of those States. And once again we try to do this thing of simply empowering people to meet their own needs and solve their own problems. What would be the result of that?

Mr. AKIN. I yield to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. I think the gentleman knows well that I have been arguing for a freer market, a free market for health insurance for a long time. I have proposed allowing people to buy policies offered in other States and to make those policies available in the State where they live.

The President stood before us and said it is clear we need health care reform, and it is clear we need a government plan because, and he cited, I believe it was Mississippi, he said 75 percent of the insurance plans sold in Mississippi are sold by just five companies. His answer is one new government plan.

My answer is let's let dozens of private insurance plans come into Mississippi and bring about real competition.

Let me point out that just today there was development on that issue. Senator BAUCUS released his plan. Senator BAUCUS, I don't think he is a true friend of free markets, but Senator BAUCUS in a nod to this idea that has been out there, he included in his bill the notion of allowing cross-state health insurance sales, increasing competition so that somebody who lived in Utah might have 30 plans to pick from rather than five. Or somebody who lived in Arizona might have 100 plans to pick from rather than eight.

Mr. AKIN. Reclaiming my time for a minute, the gentleman raised an interesting point. And I think the President made a stronger case, he said there is one State where there is one insurance player in the market. So his solution is what, so we are going to give you one insurance plan for the whole United States. Now that is an interesting way of looking at the problem.

What you are suggesting, gentlemen, is that you take your insurance and sell it across State lines and what you are trying to address what I believe is a problem, that in some markets an insurance company can kind of corner the market and run the prices up.

And so what you are talking about is free market competition so you can buy an insurance policy across State lines.

Mr. SHADEGG. I wrote a number of years ago a bill that is loosely described as allowing people to buy an insurance policy across State lines. It really doesn't do that, but it does increase competition and make more policies available in a similar way.

The idea came to us because some people living in New Jersey were discovering from friends and family members who lived just down the street in Pennsylvania that the cost for health insurance for a family in Pennsylvania was a fraction of the cost of that same policy in New Jersey. Same four-member family, four times, five times, even eight times as expensive.

Mr. AKIN. So you have to move to a different house.

Mr. SHADEGG. You have to move to a different house, so people were shopping with their feet, literally defrauding the insurance industry, perhaps understandably so, by saying their address was their brother-in-law's address over in Pennsylvania.

What I did was I wrote a bill that said you have to meet a financial standard for financial solvency and for appeals, and then you meet the standards of one State in terms of what you provide in the policy, and you can file that policy in all 50 States. And by the way, if you sell it in Missouri, then you are subjecting yourself to regulation by the Missouri insurance commissioner to protect the people in Missouri, and the Missouri courts to protect the people in Missouri.

If you sell that policy in Utah, you do the same. But you write one policy and sell it in 50 States.

Mr. AKIN. So you are maintaining the principle of federalism, the State insurance commissioner still controls and regulates the insurance in their State, but you allow that competition to take place.

I suspect, practically speaking, if it were passed, your bill would have its most dramatic effect right near the

border areas of the States because there you have a network of providers that people could go to, and I would think that is where the bill would be most effective.

I yield to Congressman BISHOP.

Mr. BISHOP of Utah. If I could just add one philosophical problem, and once again this is one of the reasons why I think this debate is becoming so partisan and bitter, is because it is philosophical. That has happened repeatedly in the history of this country.

Progressive era, great growth in the size of government. In the twenties, there was retrenchment on the side of individuals.

New Deal: Government. Eisenhower, Kennedy: Individuals.

Great society: Big Government.

Reagan: Individuals.

We are now in that time where this administration wants to move us to again grow the size of government. It is a philosophical debate more than just taking the original chart you had and moving this agency here and trying to do kind of those practical things that lend themselves to bipartisanship. It is a structure on whether we try to help people make choices for themselves or have government come up with a government plan, government standard that comes in here.

This is once again where I believe the Founding Fathers, who had the idea of federalism, play a significant role.

My State has a plan recently instituted for those who are truly uninsurable, but it is dedicated and devoted to the demographics of my State. Once we do what you are talking about of giving people options so they can form their own pools, buy across State lines, buy their own products pretax, you will shrink the number down so it can be affordable.

The advantage of federalism is simply this: you can have greater creativity and greater justice applying to circumstances. And more importantly if a State fails, a program fails, you don't screw up the entire Nation, which will happen. That is what we need to do if we really are going to find better solutions.

So I appreciate that, and I appreciate once again bringing to the floor that the idea presented by the Speaker and the President is not the only idea out there. There are other ideas and other options that have a different purpose, and that purpose is to empower and ennoble the individual.

Mr. AKIN. I appreciate the gentleman from Utah getting perhaps philosophically to the heart of this debate. Really, the question is are we going to go down the path. And if you take a look, there was a nation that we knew very well back just a few years ago, and the nation had this basic operating philosophy: the government will provide you with an education. The government will provide you with a job. The government will provide you with a house. The government will provide you with health care. And we see our own country. And that nation was called the Soviet Union which is now in the dust bin of history.

Now we see our Nation providing housing, providing food, providing education, and now we are talking about health care. Now, this is a little different speed, though, because before when someone was hungry, the proposal was give them a food stamp, which I am not sure was very efficient, but it wasn't to federalize every grocery store and every farm in America.

This proposal that we are talking about is different. This is saying that we are going to step right in and the government is going to take over one-fifth of the U.S. economy, and that is a pretty tall step to take.

Mr. SHADEGG. If the gentleman will yield, first of all, it is a tall step given the track record of the Nation. The track record is that the government does not do these functions very well.

We had a vote here to bail out the pension fund for postal workers just a few days ago because we are in trouble there. We had a lot of demonstrated history of the ineptitude of the government in solving problems having to do with the hurricane that destroyed much of the southern portion of the country. The government didn't do it well.

Mr. AKIN. So you have postal service and FEMA. Keep going.

Mr. SHADEGG. The next one is we just did Cash for Clunkers, and we flat failed at that miserably. So the track record of government doing these things isn't very good.

Mr. AKIN. Let's stay on the subject just a little more. Somebody talked about the compassion of the IRS. Do you want the compassion of the IRS in the health care system, or the efficiency of the post office?

Mr. SHADEGG. How about the efficiency of Cash for Clunkers?

Mr. AKIN. Here is one that really frosts me, and nobody has made a big deal about this.

In Gulf War I, the CIA came to us and said the Iraqis are 10 or 15 years away from building a nuclear device. We get in there, and they are a year and a half away. So they got it completely wrong.

Then we go to Gulf War II and they say they are a year and a half away from building one, and we get in there and they are not even close to it. They have completely missed it both ways. And then you want to trust your body to these guys?

Then let's talk about the efficiency of the Energy Department. Do you know why the Department of Energy was created?

Mr. SHADEGG. To ensure energy independence.

Mr. AKIN. To reduce our dependence on foreign oil, to ensure energy independence. And ever since they have been created, which way has the graph been going?

Mr. SHADEGG. The other way.

Mr. AKIN. We are joined by the gentleman from Colorado (Mr. LAMBORN).

Mr. LAMBORN. Thank you for letting me join in and contribute to this discussion tonight.

If I remember right, President Obama in this very Chamber said we have problems with Medicaid and Medicare, and we have waste and abuse and fraud. That all may be true, but I don't think the solution is let's start a new trillion-dollar government health care program because we have problems in Medicare and Medicaid. I mean, if we have problems in Medicare and Medicaid, I don't see that is any excuse to start a new trillion-dollar health care program. So I have real problems with that.

Representative AKIN, let me back up and tell you what I observed in my town hall meetings in Colorado on health care. Just a few weeks ago, I had some interesting meetings where hundreds of people showed up. People were turned away by the hundreds. It was a really good exercise in democracy. I enjoyed hearing from both sides. In fact, admittedly, I heard more from those against the program, but I would ask those for the program to come forward and say what they had to say because I wanted to hear both sides and I wanted the audience to hear both sides and those watching in the media to hear both sides.

Mr. AKIN. You were courageous to do that because there were a lot of people who tried to have town hall meetings and their constituents were not very happy about what has gone on down here in the last 6 months. You had at least a sense that you wanted to hear both people's opinion, both sides.

Mr. LAMBORN. That's right. There was give and take, high passions on both sides. It was a little unruly at times. But overall it was very positive. I hear that a few of our colleagues, unfortunately, were sort of AWOL. They evaded having some of these meetings. They only did telephone meetings, which is good in and of itself but doesn't go far enough compared to a personal meeting. So some of our colleagues around the country, Representative AKIN, maybe went as far as they could have.

Mr. AKIN. We did a town hall, a lot on health care, and it was very interesting.

Mr. LAMBORN. What I am seeing with the passion of those who are concerned about what this is going to do is not just that health care is an intensely personal issue for their mother or grandmother, their loved ones, their child. It is an intensely personal issue, but it goes beyond that. I know you know this, but I will just remind you, it also has to do with the recent takeovers we have had in the government. We have been taking over financial institutions and we have been taking over auto companies.

Mr. AKIN. We fired the president of General Motors. I still can't get my brain around that. The President of the United States fired the president of General Motors. I never thought I would see that.

Mr. LAMBORN. Me neither in my wildest dreams. So it calls into question is this just another takeover.

Mr. AKIN. Today we are taking over college loans. We are going to basically chase the privates out of that business.

Mr. LAMBORN. That's exactly right. That is the wrong thing. Those who say they trust the government and yet here we are taking over these things, these huge areas of industry, they have a right to be concerned.

But the third thing, Representative AKIN, is the huge spending that is involved. We get estimates anywhere from $1.2 trillion to $3.5 trillion. I think President Obama said $900 billion, which is just under a trillion. We have huge amounts that are going to be spent on this program, so we have big spending, without a doubt. We have takeover by the government within the last 7 months happening in area after area of our industry and society.

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You add to that the personal involvement that we all have in our health care. You put all those together, it's a very combustible, volatile mix. And people around our country have every right to be concerned.

Mr. AKIN. Reclaiming my time, Congressman LAMBORN. I just hit 62, and I have become even more and more painfully aware of the fact that I have to live inside this body. And I think Americans feel that way.

When you start talking about, Well, I got some government that's going to take over all of this and there's going to be somebody determining what kind of health care you get, that gets people's attention. Maybe they like the idea. But they want to know how is this going to work.

I yield time.

Mr. LAMBORN. That's a great point. So I think you probably observed what I saw—and tell me if you did or didn't. But people around this country have every right to be concerned. It's the big spending, it's the fact that government's taking over all these sectors of our economy, plus it's health care—the most intensely personal things that we work on.

So we have a proposal before us—actually, several proposals. So I don't know what the President really means when he talks about ''my'' plan, because there's four or five different proposals floating around.

Mr. AKIN. Except there is something that has been proposed by the Speaker of the House. It's her committees. And we have a bill number on it, and there have been amendments made to it. It's been dealt with in committee. He apparently wants the Democrats to vote for that Pelosi plan.

So I think, you know, at least a reasonable person is thinking that the President wants the Democrats to advance the plan, which is the 1,000-page bill which is being offered by the Speaker and the committees that are under her authority. That's what we were talking about tonight, because the President makes these assertions, and yet when you take a look at what's in the Pelosi plan, you start to see this disconnect between the two.

I think a lot of Americans have gotten that personally involved in this that they have copies of the plan. They're starting to read it, and saying, The President is saying this, the plan is saying this, the President is saying this, the plan is saying that, and that's what I was trying to get at tonight.

Here's an example. There are those who claim that our reform effort will insure illegal immigrants. This, too, is false. The reforms I'm proposing would not apply to those who are here illegally. So this is what the President says.

If you go to the bill, the bill says this bill is not for illegal immigrants. Okay, that squares with what the President says. But, then, when you look more closely, you find out that in the enforcement section it says, basically, anybody can sign up for the deal.

So there's no enforcement to put any teeth at all in this, which then makes you think, Wait a minute. What's the smoke and mirrors?

And so there's different ways to test this. One is to offer an amendment. So the Republicans offered this amendment. In order to utilize the public health insurance option, an individual must have his or her eligibility determined and proved under the income and eligibility verification system. This is fancy language of saying you've got to be a U.S. citizen. You have to be here legally. And this, of course, is voted down on a straight party line vote. There were Republicans—15 voted yes. A total of 15. Twenty-six Democrats voted ''no.''

Now this basically would say that not only are we going to say, No, illegal immigrants can't get this, but we're also going to say, Before you get it, you've got to prove your eligibility, and they said ''no.''

Now that leaves some level of confusion, but it clearly leaves the point that the Democrats did not want this amendment in their bill. So this is that disconnect where the President says one thing. And yet, when you start to look at the facts, you go, Oh, my goodness. What other way can you look at this?

One of the things we did, there's a Congressional Research Service. We asked them, When you take a look at this bill, will illegal immigrants be able to take advantage of the bill? Now this is a body that's not Republican, not Democrat. They're just a bunch of scholars.

Here's the quote from the Congressional Research Service, August 25, 2009, just a couple of weeks ago. Under House Resolution 3200—that is NANCY PELOSI's health care bill—a health insurance exchange would begin operation in 2013 and would offer private plans alongside of a public option. H.R. 3200 does not contain any restrictions on noncitizens whether legally or illegally present or in the United States temporarily or permanently participating in the exchange. So these people are saying the same things.

When our constituents read the bill—bless their heart to wade through all of this stuff—they're saying, It says there's no illegal immigrants. But in fact there's an amendment we offer to make it clear. The amendment is turned down on a party line vote, and there are no teeth in it at all.

So there's this disconnect. And I think that's creating a lot of stress out there.

I yield to my friend.

Mr. LAMBORN. You've raised a really good point, Representative AKIN, and I think you're right on that. And it's unfortunate that the President didn't really understand the ins and outs of the bill or hopefully he wouldn't have said that. So I think maybe he wasn't as familiar with the ins and outs and details as what you're explaining right now.

Let me back up and point out another problem that a lot of people in my district are having with this plan. Eighty-five percent of Americans do have health insurance, and by and large it's not a perfect system, but they're largely satisfied with the health care that they have.

And so we have a relatively small number—not just 15 percent. It's actually smaller than that. Because of that 15 percent, some of these people can't afford insurance. They're just paying bills as they go. They're self-insuring. Also, there are those who are qualified for existing programs so they don't really need a new program for them. So it may be 5 percent or less of Americans that actually need health care.

So why are we revamping one-sixth of our Nation's economy, the entire health care system, for a small percentage—5 percent or less—of our population? The people in my district can't understand that.

Mr. AKIN. I just have to stop you there, gentleman. I think you put your finger on probably one of the biggest question marks going here. This is such a straightforward question, but I think it needs to be repeated.

What we're saying is that 80 percent, at least, of Americans have some kind of health insurance. Most of them are reasonably pleased with the health insurance and the doctors they have and the delivery systems. So you've got 80 percent of the people that are okay with it, and yet you're going to basically take all of that and change it in order to take care of what, 5 or 10, depending whether you count illegals or whatever.

Mr. LAMBORN. Will the gentleman yield?

Mr. AKIN. Yes.

Mr. LAMBORN. What it boils down to, if the problem is really those who are uninsured who cannot afford it, we have a lot more targeted and focused ways of meeting that small percentage

rather than revamping our entire health care system.

Mr. AKIN. I think you have brought an exceptionally important point. Unfortunately, our hour has just flown by. I would just like to thank my good friend, Congressman LAMBORN, for his expertise and great leadership you've shown here on the floor. I thank my other colleagues for taking part in trying to get through some of these details.

FREE ENTERPRISE AND THE INVISIBLE HAND

The SPEAKER pro tempore (Mr. FOSTER). 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, as always, it's an honor to address you on the floor of the House of Representatives. Having listened to some of the dialogue of my colleagues that have been here just prior and hopefully will join me in the next hour, I think it's important that the American people return their focus again to the values that made this a great Nation.

We're a country that needs to be cognizant of our history. And that's why we teach it in our public and our private and parochial schools. It's why we teach it in our families. We pass the lore of the American Dream and history of the United States of America on down to our children, and we ask our children to pass it to their children, and on and on. And to make sure that there is a consistent continuity, we teach the history of the United States in the context of the world.

And so something that seems to be missing from the awareness of the people on this side of the aisle that are advocating a national health care act, a socialized medicine plan, is the foundation of the greatness of America. And I could go off into a lot of different tangents about the pillars of American exceptionalism, but central to those pillars is the idea of freedom—the freedom and the free markets and the freedom of the markets to make a decision on what they want to provide to the consumers.

And so this is Adam Smith. This is Adam Smith that laid this out. Even though you can read through all 1,057 pages of The Wealth of Nations, you'll not find him use the expression ''the invisible hand.'' But it's the invisible hand, indeed, that best describes the vision of Adam Smith in 1776, having printed and published his book The Wealth of Nations.

It's the very foundation of free enterprise. And centuries later we come up with Keynesian economics. The idea that there is no basis for the economy. That the economy is just a great big huge national or global chain letter. And that if the government would just print a lot of money and spend the money a lot of ways and maybe go drill some holes in an abandoned coal mine—this is according to Keynes—and bury that money in those holes and then fill the abandoned coal mine up with garbage and turn the entrepreneurs loose to go dig up the money, he said he could solve all of the unemployment in America.

I know, it sounds bizarre, Mr. Speaker. I am not making this up. This is the characterization of John Maynard Keynes and the difference between the Keynesian approach, President Obama's approach to economics, and this approach from the free market side of this, where the consumer makes the demand by pulling with its invisible hand the loaf of bread off the shelf.

Let's just say there's a good loaf of bread for a buck. And the invisible hand will pull that good loaf of bread for $1 off that shelf over and over again and the shelves will be bare. And somebody else comes in and they say, Here's a loaf of bread that's not quite as good for a buck and a quarter.

Well, they might just pass up that purchase, even though they need the bread, and wait until the fresh ones come from the bakery that provides the good bread for a dollar. And so the bakery that provides the good bread for a dollar is filling the shelves up with their product and selling a lot of volume. And the bakery that sells the not quite so good bread for a buck and a quarter doesn't sell very much bread, if at all. And, over time, the company that's being out-competed with the higher-priced, lower-quality bread either learns how to make good bread for a competitive price or they give up the market to the company that makes the good bread for the competitive price. And it isn't the end of the world if we end up with one company producing bread in that fashion.

What if we get down to where only one company is baking bread, and it's for a dollar and it's a good price and it's high quality and it's a value to the consumer. Not so bad. But if that company realizes that they are running a monopoly and they decide to jack the price of their good loaf of bread up to a buck and quarter, buck and a half, $1.75, maybe lower the quality, pull a little wheat out, put a little something else back in there, then what happens? The consumer gets dissatisfied. And the dissatisfied consumer then either bakes their bread at home to get the quality and the cost that they want, or they open up their own little bakery.

Maybe they bake that bread at home and they decide, I'm going to provide a little bit for my family. Then it's so popular that you provide a little for your neighbors. And then the family and the neighbors decide, I want mom to keep baking bread. So they want to pay her so she keeps baking that bread.

Now, high-quality bread that was now a buck and a half because you had a monopoly. The price of that is competitive because the homegrown business begins to compete into that volume and quantity and the cost of the marketplace and pull the cost back down.

That's the difference between the free enterprise system and central command, central planning, the 5-year planning, the Federal Government deciding what's going to be made and what the price will be. And if it doesn't work, you subsidize the people making. And if that doesn't work, you subsidize the people buying it. Sound like the car industry? Yes, it is, Mr. Speaker.

This is the difference between the philosophy on this side of the aisle. They think that they are smart enough to make all of these calls for all of the consumers, except for perhaps the butcher, the baker and the candlestick maker.

Mr. AKIN. Wait a minute. Would the gentleman yield?

Mr. KING of Iowa. A moment here before I yield. On this side of the aisle are the people that believe in free enterprise, the invisible hand, Adam Smith's vision, Adam Smith's dream, and the idea that you cannot manage an economy. You have got to let the supply and demand manage the economy. That's the difference. We believe in free enterprise. You folks do not. And if you disagree, I will certainly yield to you, but not one of you is going to stand and take this argument on.

I yield to the gentleman from Missouri.

Mr. AKIN. I can't help but jump in when somebody is defending the cause of free enterprise. I guess there's different ways to describe or explain the phenomena that you're talking about. And one of them is that one side of the aisle tends to be much more in favor of free enterprise and the other one is much more in favor of having the government do things.

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I guess what we start to get to is a question that's kind of a fundamental question, really the biggest thing that we divide and talk about and argue and debate about on this floor is, what is the proper function of the civil government, particularly the Federal Government? What should the Federal Government be doing? Should it be baking bread or should it not be baking bread? Should baking bread be left to citizens out on the street? Should it be the job of the Federal Government to be giving food away to people? Should it be the job of the Federal Government, according to Joe the Plumber, to take money from one person and give it to another person? Is the job of the Federal Government to be the big sugar daddy, dispensing favors? Is it the job of the Federal Government basically to be Big Mama, taking care of everybody? Or is there a different purpose for government, which is simply justice, simply creating a level playing field so that everybody can go out and use their God-given potential as they're directed to do it? And it seems to me, gentleman, that you can make the case of Federal control of everything versus free enterprise, or you could just say,

What's really the legitimate job of the Federal Government?

Now we had some liberals in this Chamber some years ago, and they discovered there were people in America who were hungry. Of course there have been people in America who have been hungry for a long time. But they came up with a bright idea that we're going to socialize a little bit, we're going to steal money from some other people through taxes, print food stamps, and give food stamps to people who are hungry to take care of the problem of hunger. In fact, they declared war on hunger, and hunger won, of course. That was their approach.

What's being proposed here today, gentleman, is an entirely more radical agenda. This would be the equivalent of somebody discovering that there is hunger in America and the government taking over the farms, the grocery stores and the distribution houses in between, taking over the entire food industry. That's what's being proposed with this socialized medicine. It's not a matter of just giving somebody Medicare or Medicaid who can't afford to pay for medical care. It's about the government taking over one-fifth of the economy. This is a whole radical step more in the direction of a challenge to freedom and free enterprise. It is fundamentally un-American is what we're dealing with.

Mr. KING of Iowa. Reclaiming my time, the statement that was made on the floor of the House the night before last by the gentlelady from Minnesota, MICHELLE BACHMANN, the analysis of a lead economist in the country that had done the analysis, what is the percentage of the private sector profits that now have been nationalized by the Federal Government? If you add that up, if you add up the three large investment banks that have been nationalized, if you add up Fannie Mae and Freddie Mac, AIG, General Motors and Chrysler, look at the profits that come from that, roll that up, and compare that to the net profits of the private sector overall, this Federal Government—most of it under the administration of President Obama—has nationalized 30 percent of the private sector profits in the United States.

Mr. AKIN. Gentleman, just a minute. I can't help but interrupt. Thirty percent has been nationalized if you just add up those big corporations?

Mr. KING of Iowa. Thirty percent of the private sector profits have been nationalized, most of it by this administration, of those corporations that I have mentioned, those eight entities.

Mr. AKIN. Thirty percent of the profits. And that's not even counting health care yet.

Mr. KING of Iowa. When you add health care to it, that's 17½ percent of our overall economy, round it up to 18 because I can do the math—30 plus 18 is 48 percent. If they succeed in passing socialized medicine, 48 percent of the private sector profits in the United States will have been nationalized, most of it by this administration. This free country, this country that has built upon free enterprise, in part—and one of the pillars of American exceptionalism is free enterprise—will have had almost half of it swallowed up by an aggressive appetite of the White House without justification but only because we are in a time of an economic crisis. Magically, the solutions that have been advocated by the President and the hard-core, left-wing, jump-off-the-cliff liberals in this Congress and across the country, those solutions that they've been advocating for 20 years magically become the solution for the economic crisis that we have been in over the last year.

Mr. AKIN. If you would yield, gentleman, one of the things somebody once said—and I was not a whiz on taking history in high school—but if you don't learn from history, you are bound to repeat mistakes. And I do recall a very threatening and ominous nation that we saw taking over country after country called the Soviet Union. If you were to try to just simplify their philosophy, it was that government was going to take care of food, clothing and shelter. They were going to pay for your education, set you up with a job, and take care of your health care. We laughed when that country collapsed, a little bit with a sense of anxiety because they had nuclear weapons aimed at us and all. We said, you know that Communist/Socialist stuff won't work. Their economy was a mess. They couldn't keep up with us in the arms race because their economy was a disaster. The government can't run all that stuff efficiently. People starved to death over there. Their medical care was so abysmal, people that went into their hospitals would shudder. There was no anaesthetic, no clean bandages. It was a disaster.

And when the whole thing went down the drain, we said, Everybody knows Communism/Socialism won't work. So what are we proposing now? The government's going to provide food. The government's going to provide housing. The government's going to provide your education. We just decided to nationalize a whole lot more of that. No more private loans. We're going to have the government take care of all that. And now we're talking about the government—not only the insurance and the automotive, but now the government wants to take over one-fifth of the economy in terms of health care.

Now, it seems to me we should learn something from history, don't you think, gentleman?

Mr. KING of Iowa. Well, in reclaiming from the gentleman from Missouri, I will go further, Mr. Speaker; and that is, I recall those years when they had collective farming in the Soviet Union. They had a 5-year plan for the production of the entire nation. They would sit down and decide, Okay, here's what we're going to do. We are going to set up our factories and hire our workers and provide—to the extent that they can manage it—the raw materials necessary to run all that out. And here's where we're going to go in 5 years, doing that with farming, for example.

Can you imagine, we have farmers that are making crop decisions right up to the moment that they plant, and then they are cutting-edge on fertilizer and herbicide, et cetera, and equipment to get efficiency out of a GPS control of our equipment so that they can apply fertilizer according to the soil types and yields that they get back out of it. All of these things are going on in realtime.

Mr. AKIN. I can tell the gentleman is from Iowa. He has got this farming technology down. Isn't that incredible, GPS in your tractor, telling you how much fertilizer to put in a section of a field? It's amazing what free enterprise can do.

Mr. KING of Iowa. I actually have seen the corn planter parked—not in Iowa, but the State south of me—when people went fishing, but it's pretty rare. So what we saw instead in the Soviet Union was that farm workers, when it was time to harvest the crop, their 8-hour shift would end. They would park the tractor, park the combine, and a crop could rot in the field or be hailed out or rained out or frozen out. Because they were hourly employees, they didn't have an interest in the actual product result. They just had an interest in—remember, the old saying was that the workers in the Soviet Union will pretend to work, and the Soviet Union will pretend to pay the workers. That's what happened, that's where they went, and it is a big difference.

By the way, this would be the 16th of September. We're 3 days away from the 1-year anniversary of the first time that I had heard Members of Congress say to me in the years I've been here, See, this proves capitalism doesn't work. They said that on the day that Henry Paulson came to this Capitol and demanded $700 billion to try to stop what he predicted was a free-fall in the financial industry; and they said, Well, see, free enterprise is the cause of this, it's the problem, it doesn't work, and it's proven. They said so September 19, almost a year ago today.

Mr. AKIN. You know, the thing that just amazed me about that comment, Free enterprise doesn't work because we've got this big economic crisis. And you go, Well, let's see. What's the economic crisis caused by?

Oh, it's a real estate problem. Oh, real estate. In what regard? Well, it seems like a whole lot of people have mortgages that they can't pay in real estate. Well, how did that happen? Oh, well, we've got Freddie and Fannie. And what sort of agencies are those? Quasi-governmental agencies. And what have they been doing? They've been instructed by the U.S. Congress to make loans to people who can't afford to pay their loans.

Now guess what's happening, the people can't afford to pay their loans, and

all this stuff is sliding down the wall in a big mess. So we've sold this stuff all over the world, and now the economy is in a mess. Let's see, how did this economy get in a mess? Oh, the Congress created an agency who distributed lots and lots of loot to Congressmen in the form of PAC checks. They created an agency to sell stocks and bonds, packaged up in a nice clever way by Wall Street that weren't worth anything because the people couldn't pay their mortgages, and we say this is a failure of free enterprise? It's a failure of socialized government trying to impose itself on the free market and in the idea of trying to be charitable, saddling somebody with a loan they can't afford to pay so they have got to go into bankruptcy. What a compassionate solution.

Mr. KING of Iowa. The gentleman from Missouri is referring to, I believe, the Community Reinvestment Act that passed this Congress in 1978, signed into law by Jimmy Carter. It was brought about because of the allegation—and there's a basis of it in truth—that there were large lending agencies that were doing home mortgages in particular but writing real estate mortgages that drew red lines around districts, usually in inner cities, because the real estate values were declining because of crime and other activities in those areas. The real estate wasn't being kept up, so nobody wanted to buy real estate in those neighborhoods. They drew a red line around them and said, We're not going to loan money into these neighborhoods.

They passed the Community Reinvestment Act as a means to try to address that, and that planted the seed. Even though the motive was probably pretty good, that planted the seed for organizations like ACORN to come in and seek to intimidate, let me say, intimidate them into making bad loans in bad neighborhoods to people that didn't have the means to pay the loan.

Mr. AKIN. Gentleman, you just jumped out of the realm of free enterprise, didn't you? You jumped into the realm of government planning.

Mr. KING of Iowa. You jumped into government-managed regulations of lending institutions that were trying to comply with the letter and intent of the law.

Mr. AKIN. So there's no failure of free enterprise at all. It wasn't a failure of free enterprise, was it?

Mr. KING of Iowa. It was not a failure of free enterprise.

Mr. AKIN. It was a failure of another government socialized scheme is what it was.

Mr. KING of Iowa. I think I can't embellish that a lot more and be more accurate than the statement the gentleman has made.

Mr. AKIN. What I was getting at even more so was Freddie and Fannie, because you had the Reinvestment Act. But parallel to it was Freddie and Fannie. And Freddie and Fannie were encouraged to make all of these loans to people who couldn't pay. But then the bankers got smart, and they cut the loans up in lots of little pieces and packaged them up and sold them all over the place. The thing that is interesting was, people were really getting down on Bush for making such a bad economy and it was free enterprise's fault, it was George Bush's fault.

In reality, you go in The New York Times and you see President Bush in 2003—I remember because it was September 11, 2003, New York Times, not exactly a conservative document. And this is Bush saying, Hey, I've got to have more authority to control Freddie and Fannie. They're out of control. They're making loans that are going to become a huge disaster.

And at the same time you have a quote in that article of BARNEY FRANK from the floor of this House, who is now the chairman of the committee that runs all of that saying, Freddie and Fannie are fine. You can read the quote.

Mr. KING of Iowa. Would the gentleman repeat that date again?

Mr. AKIN. It was September 11, 2003, New York Times.

Mr. KING of Iowa. Why does the gentleman remember that?

Mr. AKIN. Of course, obviously, September 11, 2001.

Mr. KING of Iowa. So 2 years from the date you had the now chairman of the Financial Services Committee coming to the floor, resisting regulation and increased capitalization on Fannie and Freddie—they're a government-sponsored enterprise that had the implicit guarantee of the full faith and credit of the Federal Government behind them in 2003, September 11.

Now there is another date that sticks in my mind. Two years and a little more than a month later, October 26, 2005, an amendment was brought to the floor of the House of Representatives that would require Fannie Mae, Freddie Mac to be capitalized, comparable to that of other lending and competing institutions and to require them to be regulated in a similar fashion. That amendment was vigorously resisted by the now chairman of the Financial Services Committee, BARNEY FRANK, and yet BARNEY FRANK came to the well on the Thursday before we broke for the Easter vacation this year and set up a 60-minute period of time to explain to Americans in that little lull—everybody else was going home but me and a couple others—that none of that was his fault. That it went outside of him, that the regulations were not necessary, the capitalization was not necessary.

Well, we know the answer. The implicit guarantee—and by the way, the gentleman from Massachusetts said on the floor of the House of Representatives on that day of October 26, If anybody thinks I'm going to vote to support a capitalized guarantee of Fannie Mae and Freddie Mac, they're wrong. I won't do that.

Mr. AKIN. They learned from his mistake.

Mr. KING of Iowa. We ended up with a nationalization.

I yield to the gentleman.

Mr. AKIN. The interesting thing was, he was not in the majority party at the time. I think he opposed legislation, but we passed it here in the House. Republicans were in charge at that time. We passed legislation in the House to regulate and to require that capitalization of Freddie and Fannie. It went to the Senate. But because of Senate rules, Democrats in the Senate were able to kill that legislation. And yet they want to blame President Bush, they want to blame free enterprise for what was another one of these socialized schemes where the big government is going to step in and try and repeal the laws of economics.

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Mr. KING of Iowa. Reclaiming briefly from the gentlemen, I would point out that October 26, 2005, went the other way. The gentleman from Massachusetts, now the chairman of the Financial Services Committee, succeeded in convincing this body that Fannie and Freddie didn't need to be capitalized and regulated. And that amendment failed here on the floor of the House of Representatives in 2005, and it has gone in that direction since more support for Fannie and Freddie, who spent tens of thousands—in fact hundreds of thousands of dollars lobbying this Congress so that they would be exempt from the standards that were required of other lending institutions.

And that is part of this package, the Community Reinvestment Act, Fannie Mae and Freddie Mac, ACORN asserting themselves as a broker in the middle of this and brokering bad loans in bad neighborhoods, intimidating bankers to give those loans, and then passing those along in the secondary market to Fannie Mae and Freddie Mac and getting blocks of loans from the lending institutions for them to underwrite themselves and give the authority on loans that would be approved.

Mr. AKIN. And of course we are going to use Federal money to pay ACORN to do all of these activities, which has become an interesting topic lately, as well, as we've seen some enterprising young people going in and checking out exactly what the story was in these different ACORN locations.

Mr. KING of Iowa. And as you mentioned an ACORN location, the gentleman from Missouri, I happen to have an ACORN location here. This little picture is taken not off the Internet, not by somebody that slipped in surreptitiously. This is a picture I personally took the weekend before the 4th of July, I'm going to guess the 2nd or so of July, 2009.

I went down to ACORN headquarters, Mr. Speaker. This is at 2609 Canal Street, New Orleans, and this building is ACORN's national headquarters—for all I know, the international headquarters of ACORN. It is the most fortified building in the neighborhood.

The door, itself, is mostly bars and so is the ground floor, the second floor. And you can see through these bars it's a four- or five-story building. And if you look, Mr. Speaker, you can see this huge Obama picture right inside the window at the national headquarters of ACORN.

Mr. AKIN. Now, that's getting millions of dollars of Federal money. So we're using taxpayer money—

Mr. KING of Iowa. Fifty-three million at least, and I think significantly more, actually.

Mr. AKIN. Fifty-three million of taxpayer dollars to advertise for a political candidate.

Mr. KING of Iowa. Well, I don't know that it all goes for advertisement, but the law says not one dollar can go for advertisement, that they cannot be involved in partisan political activity.

Now, I am an objective observer here. I know a little bit about partisan activity. When you put a poster in your office window—in my construction office, for example, if I put a poster in my office that says Bush for President in 2004, if I were a 501(c)(3) corporation, I would be in direct violation of the not-for-profit, nonpartisan requirements of the IRS. I would be in violation of the tax laws. If I put a poster in my window, I am also in violation of some of my customers that are of a different political persuasion. So I'm a little sensitive to this, although I've been fairly bold. I follow the law. This cannot be following the law.

ACORN should have its not-for-profit status removed immediately for them and every one of their affiliates. They should be taxed. The IRS should go in and audit every dollar that's coming in to ACORN and their affiliates. There should be a Justice Department investigation. There should be a congressional series of investigations done by a number of committees, including the committee chaired by the gentleman from Massachusetts (Mr. FRANK). Financial services should investigate. Judiciary should investigate. Government Reform should investigate. Ways and Means should investigate. If I could find a way to get the Ag Committee investigating, that's what we need to do with ACORN.

Mr. AKIN. Well, it almost makes you wonder about the Attorney General investigating. I suppose, perhaps, the gentleman has seen some of the various tapes that were cut with hidden cameras as people went into various ACORN locations.

It was kind of an interesting phenomenon, nothing that was broken by the big media in America, but it just shows that that underground kind of media, the new Web and the Internet and the bloggers and all—you have an enterprising gentleman and a young lady going in and being very bold at various ACORN offices talking about the fact that they want to open a house of ill repute and want to get some help from ACORN to help them figure out how to buy the house. And they are so candid with what they're saying. And the comments that were recorded in camera I think have been getting a lot of hits, a lot of people watching it. The mainstream media has paid no attention to it, and yet all over America people are looking at this. They have already heard about ACORN and the dozens of violations of this organization that we're paying for with tax dollars. I mean, what in the world is going on?

You've got—these two are just actors, you know, but they're entrepreneurs in an information kind of age. They're just going in pretending like they want to open up a house of ill repute so he can raise money to run for Congress. It's almost laughable if it weren't true.

Mr. KING of Iowa. As a Republican? Run for Congress as a Republican?

Mr. AKIN. I didn't hear that word somehow or other.

Mr. KING of Iowa. I didn't either. I heard run for Congress as a Democrat. That must have been the measure of plausibility that they had to inject to get ACORN to bite on the rest of the bait would be my speculation.

Mr. AKIN. But they were some interesting sets of tapes, and some courageous people that were willing to do that because there is some threat potential there.

Mr. KING of Iowa. It is, for me—and reclaiming from the gentleman from Missouri, it is astonishing to get a look inside the offices of ACORN in four cities in America. And I ask the question, is this the culture of ACORN? And I don't know how you argue that it's not. But each of them were so willing and so eager to be complicit in helping to set up a house of ill repute, as the gentleman from Missouri said. I have different names for it. A brothel would be another one. For them to go in and pick out this outrageous—I think it was really a far-reaching scenario. I'm the pimp and this is the prostitute and we want to set up this house of ill repute and bring in 13- or 14-year-old girls from El Salvador so that they can turn tricks and we can take the profits and use some of the profits to put into the political campaign so that the pimp can run for Congress? I mean, I don't know. I would have a hard time holding myself in if somebody came into my office and said such a thing.

But in each of those cases that have been published—in Baltimore, in Washington, D.C., in Brooklyn, in San Bernardino—in each of those cases, Mr. Speaker, ACORN reacted as if that was the business that they were set up to be in. We will help you facilitate a loan for the house of ill repute and we can get you good terms. And furthermore, don't report more than about three of those illegal girls that are illegally here, and that are most likely illegally here and in the business of child prostitution, a slave sex ring before their very eyes. They also advocated that they could provide the childcare tax credit and qualify for that, that's $1,000 per child per year, and the earned income tax credit as well.

So the numbers work out to about this: ACORN being complicit in drawing down, fraudulently, Federal dollars while helping to facilitate evasion of income taxes and child prostitution. But the Federal taxpayers, if they're successful in what they proposed at least in Baltimore, then the child care tax credit and the earned income tax credit would add up to, for a family of—let me say a family of five, if the prostitute is the mom and the pimp is the dad and three of the underage 13- or 14-year-old girls were qualified under the child tax credit, that would be about $6,000 from the taxpayers that goes in to subsidize the house of prostitution. And this doesn't cause anybody to bat an eye at ACORN in four cities in America. That's the culture of ACORN. That's this right here.

Mr. AKIN. I have to interrupt just a minute, if the gentleman would yield some time.

Mr. KING of Iowa. I would yield.

Mr. AKIN. I have always had a deep respect for my congressional friend from Iowa and the fact that you're a small business man, but the way you put that together, I mean, I can see why you're a good businessman. But in your construction business, you tried to stay kind of a little closer within the law, and yet here we're talking about an organization that's paid for with Federal money.

Now, what's happened with ACORN, though, is that there have been so many of these kinds of things that all of these community organizations that used to be under ACORN have changed their names—and it doesn't mean they've changed their stripes, but they've changed their names so that when we try to withhold funding from ACORN, all the other community organizers which used to be ACORN, no longer called ACORN, they are still wanting to pull down Federal money to do this wonderful entrepreneurial kind of proposal that you're talking about or many other kinds of schemes along the same lines.

And again, I think it suggests it's just one more nail in the coffin that says maybe the Federal Government shouldn't be doing this stuff. Maybe we've gotten our Federal Government just trying to do too many things for too many people. Maybe we better pull back to the idea, as you started, gentleman, with the concept of free enterprise, with the concept of the Federal Government creating a set of laws where everybody is equal before the law, not a setup of special deals, and a place where every American can have the freedom and the risk to chase the dream that God puts in their own heart, to be whatever it is, whether it's a contractor with heavy equipment, as you were, or in the steel business, or working in the computer business with IBM, as I was, that you can chase the dream that's in your own heart without the government doing any special

deals, either taking your money or giving you any money.

Mr. KING of Iowa. Reclaiming from the gentleman from Missouri, I so appreciate the analysis and the way that you've delivered this. I think that this goes deep. And I think because I've had to live, and I know the gentleman from Missouri has had to live, and been fortunate to live with the underpinnings of what has been the greatness of America, these checks and balances that come in not just between the three branches of government, the checks and balances that come in between our moral values, our values of faith, the laws that we have passed that reflect the moral values of our faith and the reverence for the rule of law, the letter and the intent of the law that is so necessary if we're going to have a civil society.

And then we've watched, if we go back to Lyndon Baines Johnson and the Great Society, they made a decision that they were going to take from one economic sector and they were going to pass it along to another. I remember seeing a film of hungry children in Appalachia—I don't know that they were actually hungry, but they needed some dental work. That's what I remember was in the pictures. They weren't dressed all that well. Some were barefoot. Some didn't have a shirt on. It was summertime in Appalachia. But they kept running these images over and over again. And we passed the Great Society right into the middle of the Vietnam war and we set up a dependency class of people, this dependency class of people that rewarded mothers that had children that didn't have fathers in the home.

And if you will pay mothers to have babies if they don't have fathers in the home, women will have babies to become mothers without fathers in the home. And if you punish them if there's a father in the home, the father won't be around anymore. He might stop by and visit, but he's not going to be a resident, not one that can be caught there because it will cut the government welfare check. And slowly over time, we created a dependency class of people that was dependent upon the Federal welfare check to come in.

And now I look at the inner cities in the United States of America and I ask the question, when I see the film within the offices of ACORN and I think, what wealth is created in these cities? What is coming out of the inner city that is rooted in new wealth? I know what it is that comes out of the land. All new wealth comes from the land. You can mine it out of the earth in gold or platinum or gravel or limestone, or you can raise it out of the soil in corn or beans or—I'll say rice or rutabagas. You can actually sing some fish out of the sea. You can cut some timber. But all of those resources that I've talked about become the foundation of new wealth, that wealth that's necessary if you're going to provide the essentials of life that we've long called food, clothing and shelter.

Food, clothing and shelter comes out of the soil. And we do that as productively as we can and we value add to that as many times as we can, and that's the wealth that pays for—the adage is the butcher, the baker, and the candlestick maker. It pays for the accountant, the doctor, the lawyer, the school teacher, the pastor. Everything that grows out of this economy in a legitimate productive sector can be traced back to our land, our earth, our soil.

But in the inner city, their new wealth doesn't come out of the soil. Their new wealth comes from the taxpayers of the United States of America, and it's brokered by ACORN. And the benefits are distributed back out through the city, and some of it goes into prostitution, some goes into illegal drugs.

The culture that you saw in ACORN is a culture that promotes and supports, as a matter of fact, illegal behavior, including prostitution, child pornography, and helping to enable bringing in illegals into the United States to commit illegal acts. And no one batted an eye.

So the astonishing thing to me——

Mr. AKIN. If you would yield.

Mr. KING of Iowa. I will yield to the gentleman.

Mr. AKIN. It seems like what we're really talking about is kind of two visions of government. One vision of government is that government is limited and government is interested in justice, and it's a vision that promotes freedom. It promotes people having the freedom to go out and succeed or fail. It allows the individual to take the greatest gamble of their life, to live whatever dream God put in their heart. And America is full of people that came here and they were nuts, they had these crazy dreams, and they worked on them and they worked on them, and those dreams became a vague possibility and then they became a possibility. And finally those dreams became a reality, and America was built one dream at a time.

There was some nutty guy that had the idea of making a light bulb. He made 100 light bulbs and none of them worked, and he said that's good because now I know 100 ways not to make a light bulb. His name was Thomas Edison.

□ 2045

It became so common, we called it the American Dream.

The other view of government is not a rule of law. It's not people equal before the law. It's the special deal society. It's the special deal for me or for you. If you've got the right government contract, you can get a bailout; but if you don't, you go bankrupt. It's a special deal that, for one person, you get treated one way, but for somebody else, the law is different.

So the question is: Do we have a rule of law, or do we have basically a political kind of controlled anarchy? That's the question. Where are we going as a country? Are we going to have a rule of law? Are we going to have people equal before the law, or is the government going to be the big sugar daddy that's supposed to take care of everybody and that will reward people for behaviors which will destroy their lives? Is that the sort of government that we want?

That's the question before the American public today as they watch what happens on the floor of this Congress.

I yield back.

Mr. KING of Iowa. Reclaiming my time, I thank the gentleman.

I would point out my view on this that you'll never get the people on the other side into that particular debate. They don't want to go down that path because, first of all, they don't like the result that one logically gets. The other component of it is that I think they actually hide their own eyes from the result of what they're seeking to do. I think that their endeavors are incremental endeavors to expand the power base and to expand the political base, which is the power base, and I don't think they've gamed this thing out to what America will look like if they succeed in these endeavors—if they expand ACORN, if they succeed in writing into law cap-and-trade, if they succeed in writing into law a socialized medicine plan or if they succeed in writing into law a comprehensive amnesty for illegals.

In the end, what does America look like? They can't bear the thought of having to admit the logical conclusion of the policies that they propose, but they're certainly for the things that give them a short-term power base.

I put the poster of ACORN up here because, I think, they are the largest cancer America has ever seen. They're in over 100 cities in the United States. They have divisions within the cities. They've drawn down over $53 million. They qualify into pots of money of up to $8.5 billion. They won't draw it all, but they do. It's the pressure that has come from the houses of prostitution that they're seeking to help fund, from the criticism that has come from the Community Reinvestment Act, from shaking down lenders, from over 400,000 fraudulent voter registration forms, from the prosecutions and convictions of ACORN people—up to 70 in the United States, another 11 indictments in the State of Florida with six of them arrested and five they're on the hunt for, and convictions of, or I'll say at least indictments of ACORN as a corporation in Nevada, from their policies of directly violating the election laws, and from setting up quotas for people who are registering people rather than hiring them by the hour or by salary.

Now, here is the latest news flash. First, before I do the news flash, I have to tell you, Mr. Speaker, that there has been some backing off from ACORN, and it's the vote that took place on the floor of the United States Senate. There were seven U.S. Senators who

voted to defend ACORN. Two of them are from Illinois, by the way—the President's home State, Rahm Emanuel's home State and David Axelrod's home State. Those two Senators continue to defend ACORN. It is Rod Blagojevich's home State, I might add, and he has also been a beneficiary of ACORN's work. They defended ACORN. The other Senators voted not to fund ACORN through ACORN housing.

Then we know about fraudulent votes and about a whole list of things that are going on. We also know that the U.S. Census Bureau finally announced a couple, 3 days ago that they were not going to continue with their relationship with ACORN and that they'd already signed off a month or two ago. I don't believe them yet.

This is a news flash that came while the gentleman from Missouri was speaking, and this is an article that tells about it. It says: Days after the Census Bureau announced it would cut ties with the organizing group ACORN and barely 24 hours after the Senate voted to withdraw funding from the lightning rod activist group, the White House, which is speaking for the President of the United States, expressed support for measures to hold the group accountable for unacceptable behavior.

Mr. Speaker, listen to this. This is a Jeremiah Wright moment. White House Press Secretary Robert Gibbs alluded to video taken by the conservative site biggovernment.com showing ACORN employees giving advice to individuals posing as sex traffickers. We've just talked about this.

The quote from Robert Gibbs: Obviously, the conduct that you see on those tapes is completely unacceptable. I think everyone would agree to that. Gibbs said, The administration takes accountability extremely seriously.

That's good because I will tell you I want to make sure that is the case with the President.

Then it goes on and says, Characterizing the Census Bureau's decision as a move based on a lack of confidence in ACORN's ability to perform its expected duties, Gibbs said he was not sure whether the President would ask Democrats to pull back from any campaign year collaboration with the group.

A quote from Gibbs: I don't know that I've had any discussion with him about that, Gibbs said.

So, Mr. Speaker, what we have here are a few more platitudes, a little more word processing that's going on here that would indicate that the President is a little concerned and that maybe Robert Gibbs is concerned about some fraud and corruption and blatant violation of a whole series of laws that seem to be apparent if you watch the film of ACORN, but we have yet to hear the President do, let me say, a mea culpa. I have not heard the President say, Even though I played for ACORN as a young man, even though I coached ACORN employees, even though I headed up Project Vote, which is indistinguishable from ACORN, even though I'm part and parcel of ACORN—and where is the ACORN logo on his shirt? Oh, by the way, I happen to have a little visual of this, Mr. Speaker.

Even though this is all the case and it's a fact, we still don't have the President saying, Well, let's do what we did with Jeremiah Wright. Let's get ACORN out of our lives. Let's go investigate them with the FBI, with the Department of Justice and with every possible committee in the United States Congress, giving them a complete forensic analysis and coming back for every dollar that flowed through ACORN and all of their affiliates to the extent where we can purge the poison from that corrupt enterprise, ACORN.

That needs to happen, Mr. Speaker. It needs to be directed by the President, or this ACORN albatross hangs around his neck until he does.

Mr. AKIN. If the gentleman would yield, my memory may be a little weak on this, but we were involved about a year ago with this big Wall Street bailout. My understanding was, of part of that Wall Street bailout money, there was some sort of a tax that was going to be placed on some of those companies that was going to go directly to fund ACORN.

Do you know if that part of the bill passed on part of that Wall Street bailout? Do you know whether the funding for ACORN was built in there? I remember there was talk that it would be. If that's the case, my concern is this: that all of these organizations known as ACORN are not stupid. They're changing their names to community organizers so that you'll have all of these people who used to be ACORN still sitting there, still collecting Federal money and yet will no longer have the ACORN name because the ACORN name has been so incredibly disgraced.

So I guess my question and concern is—and I think as you're saying—if we're really serious about dealing with this corruption, then it seems like we're going to have to deal with more than ACORN. We're going to have to deal with all of those organizations which came under that ACORN umbrella.

I would yield.

Mr. KING of Iowa. In reclaiming my time from the gentleman, I have to agree. I don't know that that money is in that fund, but if one were going to do a search, I'd look for the number $1.6 million. That seems to be the number that I recall. I'm not sure which bill that was in, but that sticks in my mind. I remember numbers better than I do names.

Thanks to Congressman DARRELL ISSA from California, who is a ranking member of an Oversight and Government Reform subcommittee, they produced a nonpartisan report that came to a whole series of conclusions about ACORN. In that report, they list 361 ACORN affiliates. Now, I don't know that all of those are live, active ACORN affiliates. I suspect some of them are defunct at this point. The pattern looks like whenever ACORN had a new project, they created another corporation, but many of them—I can't say all of them—a majority of those corporations are housed and reside in this place on Canal Street in New Orleans.

Now, can you imagine as many as—and probably not quite that many—but as many as 361 different corporations and affiliates inside these doors? This is a four- or a five-story building. It's not that big. In there, the finances that come are commingled through one single corporation that handles all of this. Now, money is fungible, and if there's a single Federal dollar that goes into any of these and it goes into a centralized account and gets redistributed out of that central pot, you can't sort that. There are not firewalls in that. It is a fact that there are not firewalls in that, which means that any of the money that's used in any of the 361 corporations is used for political purposes, and it's a violation of Federal law.

This, itself, is a violation of Federal law, Mr. Speaker—''Obama '08'' right in the window of a 501(c)(3). There it is blatantly for all to see.

We do need to do a complete investigation. We need the President of the United States to come forward and to come clean. This is what the President has been. He is the consummate community organizer. He has risen to the top of his profession. He has done it through the path of ACORN, through the path of Project Vote and through a series of other organizations, all of them affiliated within. This isn't a man who has come up through the free enterprise system, who has signed the front of the paycheck. He has signed only the back and has worked within these community organizers who are sitting there; and Chicago politics, Chicago politics that are steeped in the Rod Blagojevich and steeped in the Rahm Emanuel and in the hardball politics where he would tell the supporters during the campaign, Get in their faces.

He stood here at the rostrum in the House of Representatives and said, ''We will call you out,'' because he disagreed with what turns out to be the fact that is in the bill H.R. 3200.

This country has never been to this place before, Mr. Speaker. We have never seen this level of audacity, and we've never seen this level of a criminal enterprise that's so pervasive tied up into the United States of America. We haven't even gotten to the SEIU and to a number of other affiliates that are part of all of this political agenda. It is something the American people are going to have to spend a lot of time working at studying and understanding and being outraged about because, in the end, we can't sustain it here on the floor of the House of Representatives if

we don't have the support outside in America, Mr. Speaker.

I yield to the gentleman from Missouri.

Mr. AKIN. I am encouraged, Gentleman, and it just seems to me in the last 6 months that many Americans, who are many great patriots—and I'm not talking about rich people. I'm just talking about the people who love our country are getting engaged. They're getting energized, and they're asking the question: What can we do?

As they're busy asking these questions, all of this kind of information is coming out, and people are understanding, just as this President said that he was running on a platform of change, and many of us are realizing that there have to be changes inside us. The changes that you and I in a free enterprise system believe in are the changes that come in our own hearts—the changes of how we're going to run our businesses differently and of how we're going to do better for our families. Those are the kinds of changes a lot of Americans are looking at.

It's not so much a change of Big Government's telling everybody what they're going to do. Some of the change is going to have to be repairing some of the moral infrastructure of our country, a sense of outrage over a system that has gotten out of control. Particularly as good old Ronald Reagan said, We're buying a lot more government than we can afford. I think there are a lot of Americans, regardless of their political affiliations, who have come to the conclusion that we are buying more government than we can afford, in the order of trillions of dollars of more government.

I think the time is coming when there are going to have to be some changes here on the floor in terms of before we can get the changes that we need in policy, we have to rein in a beast that seems to be somewhat out of control, which is the Federal Government, which seems to be more in the business of telling us what to do than in being the servant of the people—the way it should be.

Mr. KING of Iowa. Reclaiming my time, I thank the gentleman from Missouri.

In about, oh, the 8 or 9 minutes that, I think, we have left, Mr. Speaker, I would seek to just transition this just a little bit and take the segue on the ''government that we can't afford'' and address this issue.

The President has laid out an argument. The argument is that we have to fix health care before we can fix the economy. The economy is in crisis, but it can't be fixed without fixing health care.

When answering the question of What's wrong with health care in America?, he came back with two responses: one is it costs too much money. The other one is we have too many uninsured.

Well, costing too much money, we can discuss that. It costs about 14.5 percent of our GDP. In other industrialized countries, by their analyses, it costs about 9.5 percent of their GDP. So half again more for health care in the United States. I'm not sure we're half again richer than they are. We are richer than they are, and we can afford a little more, but we can have that discussion, and we can take a lot of it out if we would just simply do tort reform. Buying insurance across State lines and having a full deductibility for health insurance premiums could deal with some of this.

I want to, Mr. Speaker, make this point, which is, those uninsured—that being the biggest situation that is not resolved here by Democrats or Republicans. Democrats want to do socialized medicine, and Republicans have some other solutions. So I began to ask the question: Of the 47 million uninsured—that's their number, not mine. I don't know that it's high or low. You hear lower numbers but not higher, so take the higher number.

□ 2100

This number is supposed to be here. It's not on my chart, but I can tell you, this is 47 million. I know that. And, as you subtract from those lists of those that are uninsured in America, you start with the undocumented noncitizens, that's the illegals.

Well, this is a new chart, so it doesn't say the things that I remember. I am going to go off what I remember, and these are new numbers, 5.2 million illegals are part of the 47 million. This number has been 4 million who are here that have arrived recently that are under the 5-year bar by law.

These two categories of immigrants, the illegals and those disqualified legals becomes 10.2 million. This number shows 10.

And those that earn more than $75,000 a year, Mr. Speaker, presumably they could resolve this out of the their own checkbook. Then you go for the Americans that are eligible for a government program but not enrolled. Now I see what's going on, this software has rounded it out to even millions. That number is 9.7 million. Those Americans that are eligible for government programs but not enrolled, usually Medicaid, didn't sign up. That's this number.

Now we are subtracting from 47 million. This number is those eligible for employer-sponsored, but didn't bother to sign up or opted out. That's 6 million, and that is the actual decimal point. This number here comes down to 12.1 million Americans without affordable options.

Now, we have too many uninsured in America, 47 million, according to people over on this side. But 47 million includes all these categories that we don't want to include in a new bill. They don't either, for the most part, or at least they won't admit it. So you are down to 12.1 million people, and that's less than 4 percent of the population.

Now, what does that mean? We are going to try to solve the problem by transforming 100 percent of the health insurance in America and 100 percent of the health care delivery system in America to try to reduce a 4 percent number down to something less.

Now, what is 4 percent, 12.1 million, that's these people right here, these are the whole uninsured. This is the whole population of the United States. We are a lively bunch of people in the United States. It's hard to get a handle on us.

But you can get a handle on this. This is 306 or maybe 307 million people. These are the categories in that other pie chart that includes the coverage for those eligible by employer in blue; those insurance-eligible for government programs, usually Medicare, Medicaid, in green; the orange are those earning over $75,000; and the black, those are legal immigrants that are on the 5-year bar and are not eligible. And the other 2 percent are the illegal immigrants. This is the 12 and 1.1 percent right here. This little orange sliver, that's the percentage of the population that we want to address, because they are Americans without insurance who do not have affordable options.

And the proposal is to transform all of the rest of this, the best there is in the world in insurance and delivery of health care, in order to reduce this sliver of 4 percent down to something, maybe around 2 percent.

Now, I think that Einstein would have a way to define this thing, and I think it would come down to something such as, if you have a flawed premise, you will have a flawed conclusion.

Mr. AKIN. I just appreciate the gentleman, I am not a big fan of pie charts, I love pie, but I don't like pie charts. But this chart, I think, is a good graphic. It depicts something which almost defies reason.

What we are seeing is, we are going to take all of that green area, if you can point to that green area with your pointer, there—but I am talking about the turquoise area, the whole thing. We are going to change all of that. We are going to scrap our whole health care system, have it taken over by the government in order to address that little sort of orange-red sector.

What that suggests to me is that somebody has an agenda, and it's more federalizing anything than it is really solving a problem. And this is something that I find, from an integrity point of view, really distressing, particularly as an engineer.

I mean, we just passed the biggest tax increase in the history of our country because we are under the premise that CO_2 is such a bad thing that we have got to tax everybody in order to put a tax on CO_2. So in spite of a promise—if you are making $250,000 or less, you won't be taxed—in fact what we have passed in the House is, if you flip a light switch, you start getting taxed.

So the simple problem is, though, if you want to get rid of CO_2, all you have

to do is take the nuclear power plants—that's 20 percent of our electric generation in America—take the 20 percent and double it. So we have 40 percent of our electric coming out of nuclear. If you do that, you would get rid of all the CO_2 from every passenger car in the country. And yet we have come up with this complicated, tremendously intrusive, huge tax increase, when you could just simply say in a page or two, just double the number of nuclear.

Now, here what you have got is, you have got all this folderol about health care, we have got to take it over, the government has got to do all this stuff, and you have got 4 percent of people who are uninsured. It just seems like, it seems like we have made our conclusion ahead of time that we want our government to run everything, and our excuse is that little tiny 4 percent wedge. Even I like cherry pie. If all I got was 4 percent, it isn't worth it. It just plain isn't worth it. That's the obvious conclusion of your chart.

And I appreciate you just taking us into the world of free enterprise and what's really going on with our Federal Government. I appreciate your leadership. The gentleman from Iowa is really a saint, and we are thankful to have some good old midwestern commonsense values here on the floor of the U.S. Congress.

Mr. KING of Iowa. Let me conclude. I reflect upon a pair of auto mechanics that run a repair shop in my hometown of Kiron called Sandberg Brothers. They have a sign behind their counter that says, ''Complicated, difficult, technical nearly impossible jobs are our specialty. Simple jobs are beyond our comprehension.''

I think that's what we have here. We have taken a simple job and turned it into a complicated, technical, difficult problem. And I think it falls back to the wisdom of Congressman Tom COLE, who said one day that highly intelligent people will always overcomplicate things. If they didn't, there wouldn't be any particular advantage to being highly intelligent.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CULBERSON (at the request of Mr. BOEHNER) for today until 2 p.m. on account of personal reasons.

Mr. MCHUGH (at the request of Mr. BOEHNER) for today on account of a family medical matter.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. NYE) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. NYE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. MAFFEI, for 5 minutes, today.

Mr. GRAYSON, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

(The following Members (at the request of Mr. GUTHRIE) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, September 23.

Mr. JONES, for 5 minutes, September 23.

Mr. FORBES, for 5 minutes, today.

ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1243. An act to provide for the award of a gold medal on behalf of Congress to Arnold Palmer in recognition of his service to the Nation in promoting excellence and good sportsmanship in golf.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 7 minutes p.m.), the House adjourned until tomorrow, Thursday, Sept. 17, 2009, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-Authorized Official Travel during the first quarter and second quarter of 2009, pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL TRAVEL, DELEGATION TO BOSNIA, HERZEGOVINA AND LITHUANIA FOR THE ANNUAL SESSION OF THE OSCE PARLIAMENTARY ASSEMBLY, EXPENDED BETWEEN JUNE 26 AND JULY 3, 2009

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Departure			Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Alcee L. Hastings	6/29	7/3	Lithuania		1,030.00		(3)				1,030.00
Hon. Robert Aderholt	6/27	6/28	Bosnia & Herzegovina		313.99		(3)				313.99
	6/28	7/3	Lithuania		1,450.00		(3)				1,450.00
Hon. Madeleine Bordallo	6/27	6/28	Bosnia & Herzegovina		313.99		(3)				313.99
	6/28	7/3	Lithuania		1,450.00		(3)				1,450.00
Hon. G.K. Butterfield	6/29	7/3	Lithuania		1,030.00		4,055.56				5,085.56
Hon. Lloyd Doggett	6/27	6/28	Bosnia & Herzegovina		313.99		(3)				313.99
	6/28	7/3	Lithuania		1,450.00		(3)				1,450.00
Hon. Mike McIntyre	6/27	6/28	Bosnia & Herzegovina		313.99		(3)				313.99
	6/28	7/3	Lithuania		1,450.00		(3)				1,450.00
Hon. Gwen Moore	6/27	6/28	Bosnia & Herzegovina		313.99		(3)				313.99
	6/28	7/3	Lithuania		1,450.00		(3)				1,450.00
Hon. Louise Slaughter	6/27	6/28	Bosnia & Herzegovina		313.99		(3)				313.99
	6/28	7/3	Lithuania		1,450.00		(3)				1,450.00
Hon. Christopher Smith	6/27	6/28	Bosnia & Herzegovina		313.99		(3)				313.99
	6/28	7/3	Lithuania		1,450.00		(3)				1,450.00
Fred Turner	6/27	6/28	Bosnia & Herzegovina		313.99		(3)				313.99
	6/28	7/3	Lithuania		1,450.00		(3)				1,450.00
Edward Joseph	6/27	6/28	Bosnia & Herzegovina		313.99		(3)				313.99
	6/28	7/3	Lithuania		1,450.00		(3)				1,450.00
Robert Hand	6/27	6/28	Bosnia & Herzegovina		313.99		(3)				313.99
	6/28	7/3	Lithuania		1,450.00		(3)				1,450.00
Neil Simon	6/27	6/28	Bosnia & Herzegovina		313.99		(3)				313.99
	6/28	7/3	Lithuania		1,450.00		(3)				1,450.00
Shelly Han	6/27	6/28	Bosnia & Herzegovina		313.99		(3)				313.99
	6/28	7/3	Lithuania		1,450.00		(3)				1,450.00
Clifford Bond	6/27	6/29	Bosnia & Herzegovina		570.67		(3)				570.67
Alex Johnson	6/29	7/3	Lithuania		1,030.00		(3)				1,030.00
Winsome Packer	6/27	7/3	Lithuania		1,740.00		1,538.00				3,278.00
Daniel Redfield	6/27	6/28	Bosnia & Herzegovina		313.99		(3)				313.99
	6/28	7/3	Lithuania		1,450.00		(3)				1,450.00
Josh Shapiro	6/27	6/28	Bosnia & Herzegovina		313.99		(3)				313.99
	6/28	7/3	Lithuania		1,450.00		(3)				1,450.00
Committee total					30,096.53		5,593.56				35,690.09

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HON. ALCEE L. HASTINGS, Chairman, July 28, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL TRAVEL, DELEGATION TO HUNGARY, MONGOLIA, INDONESIA AND EAST TIMOR, EXPENDED BETWEEN JUNE 26 AND JULY 6, 2009

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. David Price	6/27	6/28	Hungary		284.00		(3)				284.00
Hon. Vern Buchanan	6/27	6/28	Hungary		284.00		(3)				284.00
Hon. Jim Cooper	6/27	6/28	Hungary		284.00		(3)				284.00
Hon. Jim McDermott	6/27	6/28	Hungary		284.00		(3)				284.00
Hon. Phil Gingrey	6/27	6/28	Hungary		284.00		(3)				284.00
Hon. Bob Etheridge	6/27	6/28	Hungary		284.00		(3)				284.00
John Lis	6/27	6/28	Hungary		284.00		(3)				284.00
Margarita Seminario	6/27	6/28	Hungary		284.00		(3)				284.00
Brad Smith	6/27	6/28	Hungary		284.00		(3)				284.00
Rachel Leman	6/27	6/28	Hungary		284.00		(3)				284.00
Janice McKinney	6/27	6/28	Hungary		284.00		(3)				284.00
Hon. David Price	6/29	6/30	Mongolia		293.00		(3)				293.00
Hon. Vern Buchanan	6/29	6/30	Mongolia		293.00		(3)				293.00
Hon. Jim Cooper	6/29	6/30	Mongolia		293.00		(3)				293.00
Hon. Jim McDermott	6/29	6/30	Mongolia		293.00		(3)				293.00
Hon. Phil Gingrey	6/29	6/30	Mongolia		293.00		(3)				293.00
Hon. Bob Etheridge	6/29	6/30	Mongolia		293.00		(3)				293.00
John Lis	6/29	6/30	Mongolia		293.00		(3)				293.00
Margarita Seminario	6/29	6/30	Mongolia		293.00		(3)				293.00
Brad Smith	6/29	6/30	Mongolia		293.00		(3)				293.00
Rachel Leman	6/29	6/30	Mongolia		293.00		(3)				293.00
Janice McKinney	6/29	6/30	Mongolia		293.00		(3)				293.00
Hon. David Price	6/30	7/2	Indonesia		445.00		(3)				445.00
Hon. Vern Buchanan	6/30	7/2	Indonesia		445.00		(3)				445.00
Hon. Jim Cooper	6/30	7/2	Indonesia		445.00		(3)				445.00
Hon. Jim McDermott	6/30	7/2	Indonesia		445.00		(3)				445.00
Hon. Phil Gingrey	6/30	7/2	Indonesia		445.00		(3)				445.00
Hon. Bob Etheridge	6/30	7/2	Indonesia		445.00		(3)				445.00
John Lis	6/30	7/2	Indonesia		445.00		(3)				445.00
Margarita Seminario	6/30	7/2	Indonesia		445.00		(3)				445.00
Brad Smith	6/30	7/2	Indonesia		445.00		(3)				445.00
Rachel Leman	6/30	7/2	Indonesia		445.00		(3)				445.00
Janice McKinney	6/30	7/2	Indonesia		445.00		(3)				445.00
Hon. David Price	7/2	7/4	East Timor		644.00		(3)				644.00
Hon. Vern Buchanan	7/2	7/4	East Timor		644.00		(3)				644.00
Hon. Jim Cooper	7/2	7/4	East Timor		644.00		(3)				644.00
Hon. Jim McDermott	7/2	7/3	East Timor		391.00		4,395.00				4,786.00
Hon. Phil Gingrey	7/2	7/4	East Timor		644.00		(3)				644.00
Hon. Bob Etheridge	7/2	7/4	East Timor		644.00		(3)				644.00
John Lis	7/2	7/4	East Timor		644.00		(3)				644.00
Margarita Seminario	7/2	7/4	East Timor		644.00		(3)				644.00
Brad Smith	7/2	7/4	East Timor		644.00		(3)				644.00
Rachel Leman	7/2	7/4	East Timor		644.00		(3)				644.00
Janice McKinney	7/2	7/4	East Timor		644.00		(3)				644.00
Committee total											22,359.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HON. DAVID PRICE, Chairman, Aug. 6, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2009

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Kathy Dahlkemper	6/6	6/7	Kuwait		497.47						497.47
	6/7	6/7	Iraq								
	6/7	6/8	Kuwait		453.86		8,043.59				8,497.45
Hon. Tim Holden	6/6	6/7	Kuwait		497.47						497.47
	6/7	6/7	Iraq								
	6/7	6/8	Kuwait		453.86		8,043.59				8,497.45
Committee total					1,902,66		16,087.18				17,989.84

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. COLLIN C. PETERSON, Chairman, July 31, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2009

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Steven LaTourette	4/14	4/16	Rome, Italy		468.00		(3)				468.00
	4/16	4/18	Venice, Italy		450.00		(3)				450.00
	4/18	4/19	Dublin, Ireland		218.00		(3)				218.00
Misc. embassy costs									4,030.54		4,030.54
Commercial airfare							2,356.00				2,356.00
Hon. Michael Simpson	4/14	4/16	Rome, Italy		468.00		(3)				468.00
	4/16	4/18	Venice, Italy		450.00		(3)				450.00
	4/18	4/19	Dublin, Ireland		218.00		(3)				218.00
Misc. embassy costs									4,030.54		4,030.54
Commercial airfare							2,356.00				2,356.00
Tom McLemore	4/14	4/16	Rome, Italy		468.00		(3)				468.00
	4/16	4/18	Venice, Italy		450.00		(3)				450.00
	4/18	4/19	Dublin, Ireland		218.00		(3)				218.00
Misc. embassy costs									4,030.54		4,030.54
Commercial airfare							2,356.00				2,356.00
Hon. Rodney Frelinghuysen	4/14	4/16	Rome, Italy		468.00		(3)				468.00
	4/16	4/18	Venice, Italy		450.00		(3)				450.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2009—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	4/18	4/19	Dublin, Ireland		218.00		(3)				218.00
Misc. embassy costs									4,030.54		4,030.54
Commercial airfare							2,356.00				2,356.00
Hon. C.W. Bill Young	4/14	4/16	Rome, Italy		468.00		(3)				468.00
	4/16	4/18	Venice, Italy		450.00		(3)				450.00
	4/18	4/19	Dublin, Ireland		218.00		(3)				218.00
Misc. embassy costs									4,030.54		4,030.54
Commercial airfare							2,356.00				2,356.00
Kevin Jones	4/14	4/16	Rome, Italy		468.00		(3)				468.00
	4/16	4/18	Venice, Italy		450.00		(3)				450.00
	4/18	4/19	Dublin, Ireland		218.00		(3)				218.00
Misc. embassy costs									4,030.54		4,030.54
Commercial airfare							2,356.00				2,356.00
Hon. Barbara Lee	4/3	4/7	Cuba		1,467.02		(3)				1,467.02
Hon. Mike M. Honda	4/3	4/5	Cuba		929.99		(3)				929.99
Mathew Washington	3/29	4/2	Pakistan		504.00						504.00
	4/2	4/3	Afghanistan								
	4/3	4/4	Qatar		391.00						391.00
Commercial airfare							9,877.69				9,877.69
Misc. transportation							80.00				80.00
Celes Hughes	3/29	4/2	Pakistan		504.00						504.00
	4/2	4/3	Afghanistan								
	4/3	4/4	Qatar		391.00						391.00
Commercial airfare							9,877.69				9,877.69
Misc. transportation							70.00				70.00
B. G. Wright	3/29	4/2	Pakistan		504.00						504.00
	4/2	4/3	Afghanistan								
	4/3	4/4	Qatar		391.00						391.00
Commercial airfare							9,877.69				9,877.69
Misc. transportation							120.00				120.00
Hon. Ken Calvert	4/5	4/8	Germany		1,104.00						1,104.00
Commercial airfare							10,163.09				10,163.09
Jeff Shockey	4/5	4/8	Germany		1,104.00						1,104.00
	4/8	4/10	Austria		1,145.00						1,145.00
Commercial airfare							8,802.32				8,802.32
Misc. transportation							60.00				60.00
Jennifer Miller	4/5	4/8	Germany		1,104.00						1,104.00
	4/8	4/10	Austria		745.00						745.00
Commercial airfare							11,236.32				11,236.32
Misc. transportation							56.00				56.00
Linda Pagelsen	4/6	4/6	Travel Day								
	4/7	4/11	South Korea		1,600.00						1,600.00
Commercial airfare							7,435.45				7,435.45
Hon. Ben Chandler	4/3	4/5	Egypt		634.00		(3)				634.00
	4/5	4/8	Ethiopia		4,134.00		(3)				4,134.00
	4/8	4/11	Cyprus		818.00		(3)				818.00
Hon. James P. Moran	4/14	4/15	Cyprus		424.85		(3)				424.85
	4/15	4/19	India		1,513.32		(3)				1,513.32
	4/19	4/20	Italy		344.35		(3)				344.35
Hon. Nita M. Lowey	5/25	5/27	Austria		952.00		(3)				952.00
Misc. embassy costs									824.00		824.00
Hon. Nita M. Lowey	4/13	4/17	Israel		1,296.00		(3)				1,296.00
	4/17	4/19	Egypt		603.00		(3)				603.00
Misc. embassy costs									2,484.31		2,484.31
Bus Rental							285.77				285.77
Hon. Steven Rothman	4/13	4/17	Israel		1,296.00		(3)				1,296.00
	4/17	4/19	Egypt		603.00		(3)				603.00
Misc. embassy costs									2,484.31		2,484.31
Bus Rental							285.77				285.77
Hon. Kay Granger	4/13	4/17	Israel		1,296.00		(3)				1,296.00
	4/17	4/19	Egypt		673.00		(3)				673.00
Misc. embassy costs									2,484.31		2,484.31
Bus Rental							285.77				285.77
Hon. Jesse Jackson	4/13	4/17	Israel		1,296.00		(3)				1,296.00
	4/17	4/19	Egypt		603.00		(3)				603.00
Misc. embassy costs									2,484.31		2,484.31
Bus Rental							285.77				285.77
Anne Marie Chotvacs	4/13	4/17	Israel		1,296.00		(3)				1,296.00
	4/17	4/19	Egypt		673.00		(3)				673.00
Misc. embassy costs									2,484.31		2,484.31
Bus Rental							285.77				285.77
Nisha Desai Biswall	4/13	4/17	Israel		1,296.00		(3)				1,296.00
	4/17	4/19	Egypt		673.00		(3)				673.00
Misc. embassy costs									2,484.31		2,484.31
Bus Rental							285.77				285.77
Hon. Adam Schiff	4/13	4/17	Israel		1,296.00		(3)				1,296.00
	4/17	4/19	Egypt		603.00		(3)				603.00
Misc. embassy costs									2,484.31		2,484.31
Bus Rental							285.77				285.77
Alex Gillen	4/13	4/17	Israel		1,296.00		(3)				1,296.00
	4/17	4/19	Egypt		673.00		(3)				673.00
Misc. embassy costs									2,484.31		2,484.31
Bus Rental							285.77				285.77
Kirstin Brost	4/13	4/17	Israel		1,296.00		(3)				1,296.00
	4/17	4/19	Egypt		673.00		(3)				673.00
Misc. embassy costs									2,484.31		2,484.31
Bus Rental							285.77				285.77
Hon. Harold Rogers	4/4	4/6	Bahrain		892.00		(3)				892.00
	4/6	4/8	United Arab Emirates		1,418.00		(3)				1,418.00
	4/8	4/10	Florence, Italy		1,122.00		(3)				1,122.00
	4/10	4/13	Rome, Italy		1,842.00		(3)				1,842.00
Committee total					50,235.53		84,364.18		47,366.03		181,965.74

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HON. DAVID R. OBEY, Chairman, Aug. 3, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2009

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Visit to Kuwait, Iraq, United Arab Emirates, Afghanistan, April 4–11, 2009:											
Hon. Niki Tsongas	4/5	4/6	Kuwait		453.86						453.86
	4/6	4/7	Iraq								
	4/7	4/8	Kuwait		453.86						453.86
	4/8	4/9	United Arab Emirates		448.85						448.85
	4/9	4/10	Afghanistan		43.00						43.00
	4/10	4/11	United Arab Emirates		235.57						235.57
Commercial airfare							8.442.74				8,442.74
Hon. Larry Kissell	4/5	4/6	Kuwait		453.86						453.86
	4/6	4/7	Iraq								
	4/7	4/8	Kuwait		453.86						453.86
	4/8	4/9	United Arab Emirates		448.85						448.85
	4/9	4/10	Afghanistan		43.00						43.00
	4/10	4/11	United Arab Emirates		235.57						235.57
Commercial airfare							8.442.74				8,442.74
Hon. Jeff Miller	4/5	4/6	Kuwait		453.86						453.86
	4/6	4/7	Iraq								
	4/7	4/8	Kuwait		453.86						453.86
	4/8	4/9	United Arab Emirates		448.85						448.85
	4/9	4/10	Afghanistan		43.00						43.00
	4/10	4/11	United Arab Emirates		235.57						235.57
Commercial airfare							8.442.74				8,442.74
Hon. Joe Wilson	4/5	4/6	Kuwait		453.86						453.86
	4/6	4/7	Iraq								
	4/7	4/8	Kuwait		453.86						453.86
	4/8	4/9	United Arab Emirates		448.85						448.85
	4/9	4/10	Afghanistan		43.00						43.00
	4/10	4/11	United Arab Emirates		235.57						235.57
Commercial airfare							8.442.74				8,442.74
Robert DeGrasse	4/5	4/6	Kuwait		453.86						453.86
	4/6	4/7	Iraq								
	4/7	4/8	Kuwait		453.86						453.86
	4/8	4/9	United Arab Emirates		448.85						448.85
	4/9	4/10	Afghanistan		43.00						43.00
	4/10	4/11	United Arab Emirates		235.57						235.57
Commercial airfare							8.442.74				8,442.74
Hon. Joshua Holly	4/5	4/6	Kuwait		453.86						453.86
	4/6	4/7	Iraq								
	4/7	4/8	Kuwait		453.86						453.86
	4/8	4/9	United Arab Emirates		448.85						448.85
	4/9	4/10	Afghanistan		43.00						43.00
	4/10	4/11	United Arab Emirates		235.57						235.57
Commercial airfare							8.442.74				8,442.74
Delegation expenses	4/5	4/8	Kuwait		1,728.71		426.33				2,155.04
Delegation expenses	4/9	4/10	Afghanistan		775.84						775.84
Visit to Israel, Egypt, Scotland, April 5–10, 2009:											
Hon. Ellen Tauscher	4/6	4/7	Israel		264.00						264.00
	4/8	4/10	Egypt		184.00						184.00
	4/10	4/11	Scotland		279.00						279.00
Hon. Michael Turner	4/6	4/7	Israel		264.00						264.00
	4/8	4/10	Egypt		184.00						184.00
	4/10	4/11	Scotland		279.00						279.00
Hon. Loretta Sanchez	4/6	4/7	Israel		264.00						264.00
	4/8	4/10	Egypt		184.00						184.00
	4/10	4/11	Scotland		279.00						279.00
Hon. Trent Franks	4/6	4/7	Israel		264.00						264.00
	4/8	4/10	Egypt		184.00						184.00
	4/10	4/11	Scotland		279.00						279.00
Frank Rose	4/6	4/7	Israel		264.00						264.00
	4/8	4/10	Egypt		184.00						184.00
	4/10	4/11	Scotland		279.00						279.00
Kari Bingen Tytler	4/6	4/7	Israel		264.00						264.00
	4/8	4/10	Egypt		184.00						184.00
	4/10	4/11	Scotland		279.00						279.00
Delegation expenses	4/6	4/7	Israel						15,178.33		15,178.33
Delegation expenses	4/8	4/10	Egypt						5,458.00		5,458.00
Visit to Afghanistan, Pakistan, April 12–18, 2009, With CODEL Reyes:											
Hon. Frank LoBiondo	4/14	4/15	Pakistan		76.00						76.00
	4/15	4/16	Afghanistan		28.00						28.00
	4/16	4/17	Pakistan		76.00						76.00
Commercial airfare							6685.85				6685.85
Visit to Burkina Faso, Congo, Kenya, Yemen, Egypt, Morocco, April 13–21, 2009:											
Hon. Adam Smith	4/15	4/16	Burkina Faso		77.00						77.00
	4/16	4/16	Rwanda								
	4/16	4/17	Congo		74.00						74.00
	4/17	4/17	Rwanda								
	4/17	4/18	Kenya		108.00						108.00
	4/18	4/18	Yemen								
	4/18	4/20	Egypt		184.00						184.00
	4/20	4/21	Morocco		100.00						100.00
Hon. Jim Cooper	4/15	4/16	Burkina Faso		77.00						77.00
	4/16	4/16	Rwanda								
	4/16	4/17	Congo		74.00						74.00
	4/17	4/17	Rwanda								
	4/17	4/18	Kenya		108.00						108.00
	4/18	4/18	Yemen								
	4/18	4/20	Egypt		184.00						184.00
	4/20	4/21	Morocco		100.00						100.00
Hon. Gabrielle Giffords	4/15	4/16	Burkina Faso		77.00						77.00
	4/16	4/16	Rwanda								
	4/16	4/17	Congo		74.00						74.00
	4/17	4/17	Rwanda								
	4/17	4/18	Kenya		108.00						108.00
	4/18	4/18	Yemen								
	4/18	4/20	Egypt		184.00						184.00
	4/20	4/21	Morocco		100.00						100.00
Hon. William H. Natter	4/15	4/16	Burkina Faso		77.00						77.00
	4/16	4/16	Rwanda								
	4/16	4/17	Congo		74.00						74.00
	4/17	4/17	Rwanda								
	4/17	4/18	Kenya		108.00						108.00
	4/18	4/18	Yemen								
	4/18	4/20	Egypt		184.00						184.00
	4/20	4/21	Morocco		100.00						100.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2009—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Thomas Hawley	4/15	4/16	Burkina Faso		77.00						77.00
	4/16	4/16	Rwanda								
	4/16	4/17	Congo		74.00						74.00
	4/17	4/17	Rwanda								
	4/17	4/18	Kenya		108.00						108.00
	4/18	4/18	Yemen								
	4/18	4/20	Egypt		184.00						184.00
	4/20	4/21	Morocco		100.00						100.00
Delegation expenses	4/15	4/16	Burkina Faso		4,464.89						4,464.89
	4/18	4/20	Egypt		4,997.00						4,997.00
Visit to Canada, April 30–May 1, 2009:											
Michael Casey	4/30	5/1	Canada		268.73						268.73
Commercial airfare							972.18				972.18
Douglas Bush	4/30	5/1	Canada		268.73						268.73
Commercial airfare							972.18				972.18
Visit to Cuba, May 1, 2009:											
Hon. Patrick Murphy	5/1	5/1	Cuba								
Visit to Honduras, May 4–5, 2009:											
Lorry Fenner	5/5	5/5	Honduras		41.00						41.00
Thomas Hawley	5/5	5/5	Honduras		41.00						41.00
Suzanne McKenna	5/5	5/5	Honduras		41.00						41.00
Visit to Georgia, Afghanistan, The Czech Republic, May 7–12, 2009:											
Hon. Susan Davis	5/8	5/9	Georgia		148.00						148.00
	5/9	5/10	Afghanistan		28.00						28.00
	5/11	5/12	Czech Republic		186.00						186.00
Hon. Carol Shea-Porter	5/8	5/9	Georgia		148.00						148.00
	5/9	5/10	Afghanistan		28.00						28.00
	5/11	5/12	Czech Republic		186.00						186.00
Debra Wada	5/8	5/9	Georgia		148.00						148.00
	5/9	5/10	Afghanistan		28.00						28.00
	5/11	5/12	Czech Republic		186.00						186.00
Delegation expenses	5/8	5/9	Georgia		4,821.91						4,821.91
Visit to Kuwait, Iraq, Afghanistan, Bahrain, United Arab Emirates, May 23–30, 2009:											
Hon. James Langevin	5/25	5/26	Kuwait		497.47						497.47
	5/26	5/27	Iraq								
	5/27	5/29	Bahrain		892.50						892.50
	5/29	5/30	Afghanistan		78.00						78.00
	5/30	6/1	United Arab Emirates		639.49						639.49
Commercial airfare							8.122.12				8,122.12
Hon. Thomas Rooney	5/25	5/26	Kuwait		497.47						497.47
	5/26	5/27	Iraq								
	5/27	5/29	Bahrain		892.50						892.50
	5/29	5/30	Afghanistan		78.00						78.00
	5/30	6/1	United Arab Emirates		639.49						639.49
Commercial airfare							8.122.12				8,122.12
Hon. Mike Coffman	5/25	5/26	Kuwait		497.47						497.47
	5/26	5/27	Iraq								
	5/27	5/29	Bahrain		892.50						892.50
	5/29	5/30	Afghanistan		78.00						78.00
	5/30	6/1	United Arab Emirates		639.49						639.49
Commercial airfare							8.122.12				8,122.12
Craig Greene	5/25	5/26	Kuwait		497.47						497.47
	5/26	5/27	Iraq								
	5/27	5/29	Bahrain		892.50						892.50
	5/29	5/30	Afghanistan		78.00						78.00
	5/30	6/1	United Arab Emirates		639.49						639.49
Commercial airfare							8.122.12				8,122.12
Thomas Hawley	5/25	5/26	Kuwait		497.47						497.47
	5/26	5/27	Iraq								
	5/27	5/29	Bahrain		892.50						892.50
	5/29	5/30	Afghanistan		78.00						78.00
	5/30	6/1	United Arab Emirates		639.49						639.49
Commercial airfare							8.122.12				8,122.12
Committee total						46,139.95		100,323.58		20,636.33	167,099.86

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. IKE SKELTON, Chairman, July 28, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND LABOR, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2009

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
CODEL—Langevin:											
Hon. Gregorio Sablan									Hotel		
	5/25	5/26	Kuwait		159.00		(3)		340.38		
	5/27	5/29	Bahrain		348.00		(3)		546.76		
	5/29	5/30	Afghanistan		78.00		(3)		15.00		
	5/30	6/1	Dubai-UAE		193.00		(3)				
CODEL—Davis:											
Hon. Judy Biggert											
	5/7	5/8	Tbilisi Georgia		148.00		(3)		240.00		
	5/9	5/10	Afghanistan		78.00		(3)		15.00		
	5/10	5/12	Czech Republic		186.00		(3)		284.00		
CODEL—Lee:											
Hon. Marcia L. Fudge											
	4/3	4/7	Cuba		680.00		(3)		416.66		
CODEL—Carnahan:											
Hon. Mazie Hirono											
	4/3	4/5	Egypt		284.00		(3)		350.00		
	4/5	4/8	Ethiopia		537.00		(3)		3,612.08		
	4/8	4/11	Cyprus		423.00		(3)		393.36		
Committee total					3,114.00				6,213.24		9,327.24

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HON. GEORGE MILLER, Chairman, July 31, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2009

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Jane Harman	4/4	4/9	Israel		364.00		(3)				
	4/6	4/7	Afghanistan		78.00		(3)				
	4/7	4/9	Pakistan		421.00		(3)				
	4/9	4/10	Turkey		160.00		(3)				1,023.00
Hon. Bobby Rush	4/3	4/7	Cuba		680.00		(3)		416.66		1,096.66
Hon. Donna Christensen	4/6	4/9	Haiti		291.20		(4) 774.00				1,065.20
	4/17	4/19	Trinidad & Tobago		326.00		(4) 663.39		2,191.86		3,108.78
Hon. Mary Bono Mack	4/17	4/19	Trinidad & Tobago		326.00						
	4/19	4/20	St. Vincent		153.00		(4) 306.31				
	4/20	4/21	Trinidad & Tobago		163.00						948.31
Hon. Michael Burgess	4/27	4/30	France		1,512.00		8,850.60		785.00		11,147.60
Hon. Diana DeGette	5/8	5/9	Georgia		148.00		(3)				
	5/9	5/10	Afghanistan		78.00		(3)				
	5/11	5/12	Czech Republic		186.00		(3)				412.00
Hon. Henry Waxman	5/25	5/27	Austria		400.00		4,166.40				4,566.40
Committee total					5,286.20		14,760.70		3,393.52		23,467.95

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Military and commercial air transportation.

HON. HENRY A. WAXMAN, Chairman, July 30, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2009

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Gary L. Ackerman	4/14	4/15	Cyprus		424.85		(3)				
	4/15	4/19	India		1,546.86		(3)				
	4/19	4/20	Italy		344.35		(3)				
	5/23	5/27	Israel		1,928.00		(3)		4 19,319.84		
	5/27	5/27	Lebanon				(3)		4 1,721.64		
	5/27	5/28	Jordan		359.97		(3)		4 3,908.05		
Jasmeet Ahuja	4/14	4/15	Cyprus		424.85		(3)				
	4/15	4/19	India		1,419.31		(3)				
	4/19	4/20	Italy		344.35		(3)				
Douglas Anderson	7/1	7/5	Thailand		811.10						
Commercial airfare							8,422.21				
David Beraka	4/3	4/5	Egypt		634.00		(3)				
	4/5	4/8	Ethiopia		2,233.00		(3)				
	4/8	4/11	Cyprus		818.00		(3)				
Paul Berkowitz	4/11	4/17	Ukraine		1,722.00						
	4/17	4/20	Czech Republic		1,356.00						
	4/20	4/21	Austria		574.33						
Commercial airfare							9,460.28				
Hon. Howard L. Berman	4/14	4/15	Cyprus		424.85		(3)				
	4/15	4/19	India		1,546.86		(3)		4 22,225.85		
	4/19	4/19	Pakistan						4 1,927.19		
	4/19	4/20	Italy		344.35		(3)		4 8,690.43		
	6/28	7/1	Russia		1,489.00						
Commercial airfare							8,522.67				
Hon. John Boozman	4/3	4/4	Germany		343.33		(3)				
	4/4	4/6	Qatar		772.51		(3)				
	4/6	4/8	Ethiopia		1,073.53		(3)				
	4/8	4/9	Rwanda		316.00		(3)				
	4/9	4/10	Ghana		307.00		(3)				
Hon. Russ Carnahan	4/3	4/5	Egypt		634.00		(3)		4 3,278.00		
	4/5	4/8	Ethiopia		4,134.00		(3)		4 6,564.57		
	4/8	4/11	Cyprus		818.00		(3)				
	4/9	4/9	Lebanon						4 2,318.50		
Douglas Campbell	4/14	4/15	Cyprus		344.35		(3)				
	4/15	4/19	India		1,419.31		(3)				
	4/19	4/20	Italy		424.85		(3)				
	6/28	7/1	Russia		1,489.00						
Commercial airfare							7,469.80				
Joan Condo	4/6	4/11	Zimbabwe		1,456.00						
Commercial airfare							10,559.18				
Hon. Jim Costa	4/16	4/19	India		1,134.42		(3)				
	4/19	4/20	Italy		344.35		(3)				
Commercial airfare	4/15	4/16					5,615.63				
Theodros Dagne	4/10	4/10	France		291.41						
	4/11	4/13	Djibouti		622.00						
	4/13	4/14	Kenya		373.00						
Commercial airfare							9,358.46				
	5/26	5/29	South Africa		1,108.84						
	5/29	5/31	Zimbabwe		926.00						
Commercial airfare							8,822.72				
Hon. Bill Delahunt	4/19	4/21	Colombia		600.00				4 4,271.00		
Commercial airfare							2,181.00				
	6/1	6/2	Honduras		539.50						
Commercial airfare							1,933.20				
	6/28	7/1	Russia		1,489.00						
Commercial airfare							7,278.20				
	6/20	6/21	Bermuda		703.20						
Commercial airfare							1,682.45				
Howard Diamond	5/23	5/27	Israel		1,928.00		(3)				
	5/27	5/28	Jordan		359.97		(3)				
Hon. Eliot L. Engel	4/17	4/19	Trinidad & Tobago		1,201.00		(3)				
	4/19	4/20	St. Vincent & The Grenadines		402.00		294.81		4 7,488.93		
	4/20	4/21	Trinidad & Tobago		401.59		(3)		1 28,990.04		
	6/1	6/2	Honduras		539.50		(3)				
Commercial airfare							2,070.00				
	5/23	5/27	Israel		1,928.00						
	5/27	5/28	Jordan		359.97						

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2009—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Keith Ellison	5/23	5/27	Israel		1,928.00						
	5/27	5/29	Jordan		359.97						
Hon. Eni F.H. Faleomavaega	4/18	4/19	Samoa		316.00						
	4/19	4/20	Fiji		232.00				[4] 98.00		
Commercial airfare							3,695.73				
	5/29	5/30	Samoa		316.00						
	5/30	6/02	Fiji		766.00						
Commercial airfare							3,320.39				
	6/27	6/29	Uzbekistan		568.00						
	6/29	7/02	Kyrgyzstan		1,074.00						
	7/02	7/05	Karzakhstan		1,140.47						
Commercial airfare					11,396.86						
Yevgeny Gurevich	6/28	6/30	Czech Republic				837.84				
Commercial airfare							6,705.05				
Jeremy Haldeman	4/3	4/5	Egypt		634.00		(3)				
	4/5	4/8	Ethiopia		2,233.00		(3)				
	4/8	4/11	Cyprus		818.00		(3)				
Amr Ashour Hamza	4/27	5/2	Liberia		1.290.00						
Commercial airfare							3,590.00				
Pamela Howard-Reguindin	4/27	5/2	Liberia		1,290.00						
Commercial airfare					3,569.00						
Hon. Bob Inglis	4/4	4/6	Syria		701.00						
	4/6	4/7	Israel		461.00						
	4/8	4/10	India		601.30						
	4/10	4/11	Morocco		303.99						
Commercial airfare							16,100.21				
Hon. Sheila Jackson-Lee	4/14	4/15	Cyprus		424.85		(3)				
	4/15	4/19	India		1,523.36		(3)				
	4/19	4/20	Italy		344.35		(3)				
	5/23	5/27	Israel		1,928.00		(3)				
	5/27	5/28	Jordan		359.97		(3)				
Eric Jacobstein	4/17	4/19	Trinidad & Tobago		1,050.00		(3)				
	4/19	4/20	St. Vincent & The Grenadines		398.00		306.31				
	4/20	4/21	Trinidad & Tobago		401.59		(3)				
	6/1	6/2	Honduras		359.00						
Commercial airfare							1,835.70				
Tracy Jacobson	6/19	6/21	Bermuda		1,183.40						
Commercial airfare							791.45				
Jonathan Katz	5/26	5/29	Azerbaijan		1,119.00						
Commercial airfare							11,372.71				
	6/28	6/30	Czech Republic		937.84						
	7/1	7/2	Israel		964.00						
Commercial airfare							7,661.48				
John Kivlan	4/19	4/21	Colombia		600.00						
Commercial airfare							2,248.50				
	6/20	6/21	Bermuda		703.20						
Commercial airfare							1,298.45				
Jessica Lee	6/29	7/2	Vietnam		834.00						
	7/2	7/5	Thailand		654.00				[4] 903.13		
	7/5	7/6	Laos		164.00						
Commercial airfare							12,769.61				
John Lis	4/3	4/5	Egypt		634.00		(3)				
	4/5	4/8	Ethiopia		2,233.00		(3)				
	4/8	4/11	Cyprus		818.00		(3)				
Noelle LuSane	4/10	4/10	France		291.41						
	4/11	4/13	Djibouti		622.00						
	4/13	4/14	Kenya		373.00						
Commercial airfare							16,974.94				
	5/26	5/26	Spain		195.00						
	5/27	5/29	South Africa		736.98						
	5/29	5/31	Zimbabwe		926.00						
Commercial airfare							11,839.75				
Hon. Connie Mack	4/17	4/19	Trinidad & Tobago		1,201.00		(3)				
	4/19	4/20	St. Vincent & The Grenadines		590.55		294.81				
	4/20	4/21	Trinidad & Tobago		401.59		(3)				
Alan Makovksy	5/26	5/30	Azerbaijan		1,119.00						
Commercial airfare							11,402.71				
	6/27	6/30	Yemen		726.00						
	6/30	6/30	Jordan		100.00						
	6/30	7/5	Israel		1,428.00						
Commercial airfare							8,841.22				
James McCormick	4/14	4/15	Cyprus		424.85		(3)				
	4/15	4/19	India		1,419.31		(3)				
	4/19	4/20	Italy		344.35		(3)				
Mary McVeigh	4/3	4/5	Egypt		634.00						
	4/5	4/8	Ethiopia		2,233.00						
	4/8	4/11	Cyprus		818.00						
Hon. Gregory W. Meeks	4/15	4/19	Trinidad & Tobago		2,402.20		524.10				
	4/19	4/20	St. Vincent & The Grenadines		398.00		306.31				
	4/20	4/21	Trinidad & Tobago		401.59		(3)				
Richard Mereu	6/28	6/30	Czech Republic		937.84						
Commercial airfare							6,830.42				
Hon. Brad Miller	6/28	7/1	Russia		1,489.00						
Commercial airfare							7,469.80				
Hon. Donald M. Payne	4/10	4/10	France		291.41						
	4/11	4/13	Djibouti		622.00				[4] 1,574.00		
	4/13	4/14	Kenya		373.00				[4] 116.87		
Commercial airfare							15,231.12				
	4/17	4/19	Trinidad & Tobago		1,201.00		(3)				
Commercial airfare							1,062.30				
	5/26	5/26	Spain		195.00				[4] 1,000.00		
	5/27	5/29	South Africa		781.38				[4] 1,672.60		
	5/29	5/31	Zimbabwe		926.00						
Commercial airfare											
Hon. Ted Poe	5/28	5/29	Ukraine		435.93				[4] 267.81		
	5/29	5/30	Hungary		286.24						
	5/30	6/1	Bulgaria		642.37						
Commercial airfare							12,004.36				
Amy Porter	4/14	4/15	Cyprus		424.85		(3)				
	4/15	4/19	India		1,419.31		(3)				
	4/19	4/20	Italy		344.35		(3)				
Peter Quilter	4/17	4/19	Trinidad & Tobago		1,050.00		(3)				
Commercial airfare							883.00				
Pearl Ricci	4/14	4/15	Cyprus		424.85		(3)				
	4/15	4/19	India		1,419.31		(3)				

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2009—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	4/19	4/20	Italy		344.35		(3)				
Joshua Rogin	5/8	5/11	Israel		1,383.00						
Commercial airfare							7,168.92				
	6/28	6/30	Czech Republic				937.84				
	7/1	7/2	Israel				964.00				
Commercial airfare							7,661.48				
Hon. Dana Rohrabacher	4/13	4/17	Ukraine		1,148.00						
	4/17	4/20	Czech Republic		1,398.00						
	4/20	4/21	Austria		574.33				[4] 288.64		
Commercial airfare							9,232.82				
	6/28	7/1	Russia		1,489.00						
Commercial airfare							8,522.67				
Hon. Edward R. Royce	4/14	4/15	Cyprus		424.85		(3)				
	4/15	4/19	India		1,546.86		(3)				
	4/19	4/20	Italy		344.35		(3)				
Deanne Samuels	4/17	4/21	Trinidad & Tobago		1,853.18		(3)				
Julie Schoenthaler	4/17	4/19	Trinidad & Tobago		1,050.00		(3)				
	4/19	4/20	St. Vincent & The Grenadines		398.00		276.31				
	4/20	4/21	Trinidad & Tobago		401.59		(3)				
Hon. David Scott	4/15	4/16	Burkina Faso		197.14		(3)				
	4/16	4/17	DRC		174.00		(3)				
	4/17	4/18	Kenya		332.97		(3)				
	4/18	4/20	Egypt		534.00		(3)				
	4/20	4/21	Morocco		320.18		(3)				
	6/28	7/1	Russia		1,489.00		(3)				
Commercial airfare							8,308.80				
Thomas Sheehy	4/14	4/15	Cyprus		424.85		(3)				
	4/15	4/19	India		1,419.31		(3)				
	4/19	4/20	Italy		344.35		(3)				
Daniel Silverberg	6/29	7/2	Vietnam		764.00		(3)				
	7/2	7/2	Cambodia		61.00						
Commercial airfare									[4] 12,486.60		
Hon. Sires Albio	6/28	7/1	Russia		1,489.00						
Commercial airfare							7,304.90				
Amanda Sloat	6/28	7/1	Russia		1,489.00						
Commercial airfare							8,786.80				
Gene Smith	4/14	4/15	Cyprus		424.85		(3)				
	4/15	4/19	India		1,419.31		(3)				
	4/19	4/20	Italy		344.35		(3)				
Cliff Stammerman	4/17	4/19	Trinidad & Tobago		1,050.00		(3)				
	4/19	4/21	Colombia		600.00						
Commercial airfare							2,543.01				
	4/17	4/19	Trinidad & Tobago		1,050.00		(3)				
Jason Steinbaum	4/19	4/20	St. Vincent & The Grenadines		398.00		306.31				
	4/20	4/21	Trinidad & Tobago		401.59		(3)				
	5/31	6/1	El Salvador		237.92						
Commercial airfare	6/1	6/2	Honduras		373.64						
Maureen Taft-Morales	5/8	5/11	Haiti		855.00		(3)				
Robyn Wapner	4/17	4/19	Trinidad & Tobago		1,050.00		(3)				
Commercial airfare							653.00				
Hon. Diane E. Watson	4/3	4/5	Egypt		634.00		(3)				
	4/5	4/8	Ethiopia		4,134.00		(3)				
	4/8	4/11	Cyprus		818.00		(3)				
	5/26	5/31	South Africa		2,557.00				[4] 14,290.85		
Commercial airfare							8,705.19				
Lynne Weil	6/27	6/30	Yemen		372.00						
	6/30	6/30	Jordan		100.00						
	7/1	7/3	Israel		1,014.07						
Commercial airfare							7,937.22				
Clay Wellborn	5/8	5/11	Haiti		855.00		(3)				
Hon. Robert Wexler	5/8	5/11	Israel		1,383.00				[4] 8,736.32		
Commercial airfare							7,168.92				
	6/29	6/30	Czech Republic				654.92				
	7/1	7/3	Israel				1,446.00				
Commercial airfare							8,012.35				
Lisa Williams	6/27	6/29	Uzbekistan		568.00						
	6/29	7/5	Kazakhstan		2,300.24						
							10,803.73				
Shanna Winters	5/25	5/25	Bahamas		150.00						
	5/26	5/27	Argentina		334.00						
Commercial airfare							5,080.20				
	6/29	7/2	Vietnam		834.00						
Commercial airfare							12,559.20				
Matthew Zweig	6/27	6/30	Yemen		626.00		12,559.20				
Commercial airfare							9,025.62				
Committee total					172,487.76		383,929.09		152,098.86		708,875.71

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Indicates delegation costs.

HON. HOWARD L. BERMAN, Chairman, July 30, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOMELAND SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2009

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Yevette Clark	4/15	4/19	Trinidad		1,201.10		(3)				1,201.10
	4/19	4/20	Grenadines		398.00		294.81				692.81
	4/20	4/20	Trinidad		401.59		(3)				401.59
Hon. Chris Carney	4/4	4/5	Israel		466.00		(3)				466.00
	4/6	4/8	Pakistan		678.00		(3)				678.00
	4/9	4/10	Turkey		767.00		(3)				767.00
Hon. Bennie G. Thompson	5/27	5/28	Brazil		148.00		(3)				148.00
	5/28	5/30	Argentina		687.46		(3)				687.46
	5/30	5/31	Peru		128.00		(3)				128.00
	5/31	6/1	Panama		146.00		(3)				146.00
Hon. Laura Richardson	5/27	5/28	Brazil		148.00		(3)				148.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOMELAND SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2009—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	5/28	5/30	Argentina		687.46		(3)				687.46
	5/30	5/31	Peru		128.00		(3)				128.00
	5/31	6/1	Panama		146.00		(3)				146.00
Hon. Henry Cuellar	5/27	5/28	Brazil		148.00		(3)				148.00
	5/28	5/30	Argentina		687.46		(3)				687.46
	5/30	5/31	Peru		128.00		(3)				128.00
	5/31	6/1	Panama		146.00		(3)				146.00
Hon. Christopher Carney	5/27	5/28	Brazil		148.00		(3)				148.00
	5/28	5/30	Argentina		687.46		(3)				687.46
	5/30	5/31	Peru		128.00		(3)				128.00
	5/31	6/1	Panama		146.00		(3)				146.00
Hon. Jane. Harman	5/28	5/28	Brazil		148.00		4,360.10				4,508.10
	5/28	5/30	Argentina		687.46		(3)				687.46
	5/30	5/31	Peru		128.00		(3)				128.00
	5/31	6/1	Panama		146.00		(3)				146.00
Hon. Yvette Clarke	5/29	5/30	Argentina		687.46		3,417.10				4,104.56
	5/30	5/31	Peru		128.00		(3)				128.00
	5/31	6/1	Panama		146.00		(3)				146.00
L. Lanier Avant	5/27	5/28	Brazil		148.00		(3)				148.00
	5/28	5/30	Argentina		687.46		(3)				687.46
	5/30	5/31	Peru		128.00		(3)				128.00
	5/31	6/1	Panama		146.00		(3)				146.00
Cory Horton	5/27	5/28	Brazil		148.00		(3)				148.00
	5/28	5/30	Argentina		687.46		(3)				687.46
	5/30	5/31	Peru		128.00		(3)				128.00
	5/31	6/1	Panama		146.00		(3)				146.00
Rosaline Cohen	5/27	5/28	Brazil		148.00		(3)				148.00
	5/28	5/30	Argentina		687.46		(3)				687.46
	5/30	5/31	Peru		128.00		(3)				128.00
	5/31	6/1	Panama		146.00		(3)				146.00
Michael Stroud	5/27	5/28	Brazil		148.00		(3)				148.00
	5/28	5/30	Argentina		687.46		(3)				687.46
	5/30	5/31	Peru		128.00		(3)				128.00
	5/31	6/1	Panama		146.00		(3)				146.00
Alison Rosso Northrop	5/27	5/28	Brazil		148.00		(3)				148.00
	5/28	5/30	Argentina		687.46		(3)				687.46
	5/30	5/31	Peru		128.00		(3)				128.00
	5/31	6/1	Panama		146.00		(3)				146.00
Michael Beland	5/27	5/28	Brazil		148.00		(3)				148.00
	5/28	5/30	Argentina		687.46		(3)				687.46
	5/30	5/31	Peru		128.00		(3)				128.00
	5/31	6/1	Panama		146.00		(3)				146.00
Stephen Vina	5/27	5/28	Brazil		148.00		(3)				148.00
	5/28	5/30	Argentina		687.46		(3)				687.46
	5/30	5/31	Peru		128.00		(3)				128.00
	5/31	6/1	Panama		146.00		(3)				146.00
Patricia Zavala	5/27	5/28	Brazil		148.00		(3)				148.00
	5/28	5/30	Argentina		687.46		(3)				687.46
	5/30	5/31	Peru		128.00		(3)				128.00
	5/31	6/1	Panama		146.00		(3)				146.00
Karis Gutter	5/27	5/28	Brazil		148.00		(3)				148.00
	5/28	5/30	Argentina		687.46		(3)				687.46
	5/30	5/31	Peru		128.00		(3)				128.00
	5/31	6/1	Panama		146.00		(3)				146.00
Angela Rye	5/27	5/28	Brazil		148.00		(3)				148.00
	5/28	5/30	Argentina		687.46		(3)				687.46
	5/30	5/31	Peru		128.00		(3)				128.00
	5/31	6/1	Panama		146.00		(3)				146.00
Denise Krepp	5/27	5/28	Brazil		148.00		(3)				148.00
	5/28	5/30	Argentina		687.46		(3)				687.46
	5/30	5/31	Peru		128.00		(3)				128.00
	5/31	6/1	Panama		146.00		(3)				146.00
Marisela Salayandia	5/27	5/28	Brazil		148.00		(3)				148.00
	5/28	5/30	Argentina		687.46		(3)				687.46
	5/30	5/31	Peru		128.00		(3)				128.00
	5/31	6/1	Panama		146.00		(3)				146.00
Carla Zamudio-Dolan	5/27	5/30	Brazil		148.00		(3)				148.00
	5/28	5/30	Argentina		687.46		(3)				687.46
	5/30	5/31	Peru		128.00		(3)				128.00
	5/31	6/1	Panama		146.00		(3)				146.00
Adam Comis	5/27	5/28	Brazil		148.00		(3)				148.00
	5/28	5/30	Argentina		687.46		(3)				687.46
	5/30	5/31	Peru		128.00		(3)				128.00
	5/31	6/1	Panama		146.00		(3)				146.00
Robert O'Connor	5/27	5/28	Brazil		148.00		(3)				148.00
	5/28	5/30	Argentina		687.46		(3)				687.46
	5/30	5/31	Peru		128.00		(3)				128.00
	5/31	6/1	Panama		146.00		(3)				146.00
Deron McElroy	5/27	5/28	Brazil		148.00		(3)				148.00
	5/28	5/30	Argentina		687.46		(3)				687.46
	5/30	5/31	Peru		128.00		(3)				128.00
	5/31	6/1	Panama		146.00		(3)				146.00
	5/28	5/30	Argentina				[3] 1,184.99				1,184.99
Misc Expenses (Argentina):											
Control Room (Argentina)									1,174.37		1,174.37
Internet Access @ Hotel									486.22		486.22
Interpreter Services									399.01		399.01
Cell Phones (Estimated)									270.00		270.00
Extra Class thru Cell phone									500.00		500.00
Network Adapter									487.91		497.91
Taxis (Estimated)									100.00		100.00
Overtime AM Employees (Estimated)									486.30		486.30
Overtime Les (Estimated)									1,545.37		1,545.37
Water (Estimated)									10.00		10.00
Committee total					23,424.66		8,962.19		5,459.18		37,846.03

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HON. BENNIE G. THOMPSON, Chairman, July 29, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE ADMINISTRATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2009

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Thomas Hicks	5/24	5/26	Denmark		814.00		113.00				927.00
	5/26	5/28	Sweden		734.00						734.00
	5/28	5/30	Germany		838.00						838.00
	5/30	6/1	United Kingdom		1,314.00						1,314.00
Commercial airfare							9,325.00				9,325.00
Teri Morgan	5/24	5/26	Denmark		814.00		113.00				927.00
	5/26	5/28	Sweden		734.00						734.00
	5/28	5/30	Germany		838.00						838.00
	5/30	6/1	United Kingdom		1,314.00						1,314.00
Commercial airfare							9,325.00				9,325.00
Janelle Hu	5/24	5/26	Denmark		814.00		113.00				927.00
	5/26	5/28	Sweden		734.00						734.00
	5/28	5/30	Germany		838.00						838.00
	5/30	6/1	United Kingdom		1,314.00						1,314.00
Commercial airfare							9,325.00				9,325.00
Jennifer Daehn	5/24	5/26	Denmark		814.00		113.00				927.00
	5/26	5/28	Sweden		734.00						734.00
	5/28	5/30	Germany		838.00						838.00
	5/30	6/1	Great Britain		1,314.00						1,314.00
Commercial airfare							9,325.00				9,325.00
Peter Schalestock	5/24	5/26	Denmark		814.00		113.00				927.00
	5/26	5/28	Sweden		734.00						734.00
	5/28	5/30	Germany		838.00						838.00
	5/30	6/1	Great Britain		1,314.00						1,314.00
Commercial airfare							9,325.00				9,325.00
Karen Moore	5/24	5/26	Denmark		814.00		113.00				927.00
	5/26	5/28	Sweden		734.00						734.00
	5/28	5/30	Germany		838.00						838.00
	5/30	6/1	Great Britain		1,314.00						1,314.00
Commercial airfare							9,325.00				9,325.00
Committee total											78,828.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. ROBERT A. BRADY, Chairman, Aug. 9, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2009

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Daniel Lungren	4/13	4/15	Cyprus		424.85						424.85
	4/15	4/19	India		1,513.32						1,513.32
	4/19	4/21	Italy		344.35						344.35
Hon. John Conyers, Jr.	4/6	4/7	Haiti		168.00						168.00
	4/7	4/9	Bahamas		515.00						515.00
Hon. Lamar Smith	4/6	4/7	Haiti		168.00						168.00
	4/7	4/9	Bahamas		515.00						515.00
Hon. Anthony Weiner	4/6	4/7	Haiti		168.00		723.50				891.50
Keenan Keller	4/5	4/7	Haiti		336.00		866.10				1,202.10
	4/7	4/9	Bahamas		515.00						515.00
Cynthia Martin	4/6	4/7	Haiti		168.00						168.00
	4/7	4/9	Bahamas		515.00						515.00
Allison Halataei	4/6	4/7	Haiti		168.00						168.00
	4/7	4/9	Bahamas		515.00						515.00
Sean McLaughlin	4/6	4/7	Haiti		168.00		1,345.00				1,513.00
	4/7	4/9	Bahamas		515.00						515.00
Hon. Pedro Pierluisi	4/17	4/19	Trinidad		326.00		342.46				668.46
Keenan Keller	5/3	5/6	Austria		400.00		6,083.36				6,483.36
Committee total					1,409.00		7,770.82				7,770.82

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. JOHN CONYERS, Jr., Chairman, Aug. 1, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATURAL RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2009

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Jason Chaffetz	4/5	4/6	Kuwait		453.86		8,357.74				8,811.60
	4/6	4/7	Baghdad				(3)				
	4/7	4/8	Kuwait		453.86		(4)				453.86
	4/8	4/9	United Arab Emirates		448.85		(3)				448.85
	4/9	4/10	Afghanistan		43.00		(3)				43.00
	4/10	4/11	United Arab Emirates		235.57		(4)				235.57
Brian Modeste	4/11	4/13	Marshall Islands		600.00		5,064.85				5,664.85
Julia Hathaway	6/21	6/27	Portugal		1,320.00		7,093.97				8,413.97
David Wahley	6/21	6/27	Portugal		1,120.00		7,400.35				8,520.35
Casey Hammond	6/21	7/1	Spain		3,262.36		5,440.90		750.00		9,453.26
Committee total					7,937.50		33,357.81		750.00		42,045.31

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Commercial airfare included above.

HON. NICK RAHALL, Chairman, July 31, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2009

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Andrew Su	2/27	2/27	Kuwait				(3)				
	2/27	2/28	Iraq				(3)				
	3/1	3/2	Afghanistan		25.00		(3)				25.00
	3/2	3/3	Hungary		229.43		(3)				229.43
John Arlington	2/27	2/27	Kuwait				(3)				
	2/27	2/28	Iraq				(3)				
	3/1	3/2	Afghanistan		25.00		(3)				25.00
	3/2	3/3	Hungary		229.43		(3)				229.43
John Cuaderes	2/27	2/27	Kuwait				(3)				
	2/27	2/28	Iraq				(3)				
	3/1	3/2	Afghanistan		25.00		(3)				25.00
	3/2	3/3	Hungary		229.43		(3)				229.43
Steve Driehaus	2/27	2/27	Kuwait				(3)				
	2/27	2/28	Iraq				(3)				
	3/1	3/2	Afghanistan		25.00		(3)				25.00
	3/2	3/3	Hungary		229.43		(3)				229.43
Gerald Connolly	2/27	2/27	Kuwait				(3)				
	2/27	2/28	Iraq				(3)				
	3/1	3/2	Afghanistan		25.00		(3)				25.00
	3/2	3/3	Hungary		229.43		(3)				229.43
Todd Russell Platts	2/27	2/27	Kuwait				(3)				
	2/27	2/28	Iraq				(3)				
	3/1	3/2	Afghanistan		25.00		(3)				25.00
	3/2	3/3	Hungary		229.43		(3)				229.43
Stephen Lynch	2/27	2/27	Kuwait				(3)				
	2/27	2/28	Iraq				(3)				
	3/1	3/2	Afghanistan		25.00		(3)				25.00
	3/2	3/3	Hungary		229.43		(3)				229.43
Afghanistan—other support costs							(3)		135.00		
Thomas Alexander	1/29	1/30	Kuwait		166.00		(3)				166
	1/30	1/31	Qatar		164.00		(3)				164
	1/31	2/2	Afghanistan		150.00		(3)				150
	2/2	2/2	Pakistan				(3)				
	2/2	2/3	Hungary		131.00		(3)				131
Kevin McDermott	1/29	1/30	Kuwait		166.00		(3)				166
	1/30	1/31	Qatar		164.00		(3)				164
	1/31	2/2	Afghanistan		150.00		(3)				150
	2/2	2/2	Pakistan				(3)				
	2/2	2/3	Hungary		131.00		(3)				131
Andrew Wright	1/29	1/30	Kuwait		166.00		(3)				166
	1/30	1/31	Qatar		164.00		(3)				164
	1/31	2/2	Afghanistan		150.00		(3)				150
	2/2	2/2	Pakistan				(3)				
	2/2	2/3	Hungary		131.00						131
Christopher Van Hollen	1/29	1/30	Kuwait		166.00		(3)				166
	1/30	1/31	Qatar		164.00		(3)				164
	1/31	2/2	Afghanistan		150.00		(3)				150
	2/2	2/2	Pakistan				(3)				
	2/2	2/3	Hungary		131.00		(3)				131
Christopher Murphy	1/29	1/30	Kuwait		166.00		(3)				166.00
	1/30	1/31	Qatar		164.00		(3)				164.00
	1/31	2/2	Afghanistan		150.00		(3)				150.00
	2/2	2/2	Pakistan				(3)				
	2/2	2/3	Hungary		131.00						131.00
Dave Turk	1/29	1/30	Kuwait		166.00		(3)				166.00
	1/30	1/31	Qatar		164.00		(3)				164.00
	1/31	2/2	Afghanistan		150.00		(3)				150.00
	2/2	2/2	Pakistan				(3)				
	2/2	2/3	Hungary		131.00		(3)				131.00
John Tierney	1/29	1/30	Kuwait		166.00		(3)				166.00
	1/30	1/31	Qatar		164.00		(3)				164.00
	1/31	2/2	Afghanistan		150.00		(3)				150.00
	2/2	2/2	Pakistan				(3)				
	2/2	2/3	Hungary		131.00		(3)				131.00
Pakistan—other support costs							(3)		263.88		263.88
Qatar—other support costs							(3)		1,212.14		1,212.14
Kabul—other support costs							(3)		696.42		696.42
Darrell Issa	3/20	3/22	Belgium		1,493.77						1,493.77
Kurt Bardella	3/20	3/22	Belgium		1,373.14						1,373.14
Committee total					8,924.92				2,307.44		11,232.36

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HON. EDOLPHUS TOWNS, Chairman, July 30, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2009

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
CODEL was reported in wrong quarter											
Bruce Fernandez	4/4	4/6	Syria		702.00		13,577.21				14,279.21
	4/6	4/7	Israel		461.00						461.00
	4/8	4/10	India		1,073.38						1,073.38
	4/10	4/11	Morocco		301.13						301.13
Brien Beattie	4/4	4/6	Syria		702.00		13,577.21				14,279.21
	4/6	4/7	Israel		461.00						461.00
	4/8	4/10	India		1,073.38						1,073.13
	4/10	4/11	Morocco		301.13						301.13
Leah Perry	4/4	4/6	Syria		702.00		13,577.21				14,279.21
	4/6	4/7	Israel		461.00						461.00
	4/8	4/10	India		1,073.38						1,073.38
	4/10	4/11	Morocco		301.13						301.13
Hon. Stephen Lynch	4/4	4/6	Syria		702.00		14,220.26				14,922.26
	4/6	4/7	Israel		461.00						461.00
	4/8	4/10	India		1,073.38						1,073.38

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2009—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	4/10	4/11	Morocco		301.13						301.13
Other Delegation expenses Morocco									2,308.24		2,308.24
Other Delegation expenses Israel									3,008.55		3,008.55
Other Delegation expenses India									7,977.46		7,977.46
Dorinda White	5/26	5/30	South Africa		2,557.00		8,902.19				11,459.19
Committee total					12,707.04		63,854.08		13,294.25		89,855.37

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. EDOLPHUS TOWNS, Chairman, July 30, 2009.

(AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE AND TECHNOLOGY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2009

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Brian Baird	1/29	2/1	Switzerland		2,104.70		(3)		3,917.00		6,021.70
Committee total					2,104.70				3,917.00		6,021.70

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

Hon. BART GORDON, Chairman, July 31, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE AND TECHNOLOGY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2009

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Parker Griffith	4/6	4/8	Israel		976.50		(3)		1,185.00		2,161.50
	4/8	4/10	Egypt		746.00		(3)		443.00		1,189.00
	4/10	4/11	Scotland		279.00		(3)				279.00
Hon. Brian Baird	5/15	5/18	Jordan		1716.00		7,372.50		2,172.54		11,261.04

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AND (CONTINUED TO BE DELETED WHEN COMBINED)

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Bart Gordon	6/20	6/23	France		2,614.00		(3)		2,577.00		5,191.00
Hon. Eddie Bernice Johnson	6/20	6/23	France		2,614.00		(3)		2,577.00		5,191.00
Hon. Brad Miller	6/20	6/23	France		2,614.00		(3)		2,577.00		5,191.00
Hon. Lincoln Davis	6/20	6/23	France		2,614.00		(3)		2,577.00		5,191.00
Hon. Roscoe Bartlett	6/20	6/23	France		2,614.00		(3)		2,577.00		5,191.00
Hon. Todd Akin	6/20	6/23	France		2,614.00		(3)		2,577.00		5,191.00
Hon. Brian Bilbray	6/20	6/23	France		2,614.00		(3)		2,577.00		5,191.00
Chuck Atkins	6/20	6/23	France		2,614.00		(3)		2,577.00		5,191.00
Louis Finkel	6/20	6/23	France		2,614.00		(3)		2,577.00		5,191.00
Leigh Ann Brown	6/20	6/23	France		2,614.00		(3)		2,577.00		5,191.00
Leslee Gilbert	6/20	6/23	France		2,614.00		(3)		2,577.00		5,191.00
Committee total					32,471.50		7,372.50		32,147.54		71,991.54

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

Hon. BART GORDON, Chairman, July 31, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2009

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Bill Shuster	6/6	6/7	Kuwait		945.00		8,073.59				9,018.59
	6/7	6/7	Iraq				(3)				
Hon. Charles Dent	6/6	6/7	Kuwait		945.00		8,073.59				9,018.59
	6/7	6/7	Iraq				(3)				
Hon. Brett Guthrie	6/15	6/15	Cuba		18.00		(3)				18.00
Hon. Laura Richardson	4/2	4/8	Cuba		875.00		(3)				875.00
Hon. Donna Edwards	5/8	5/9	Georgia		148.00		(3)				148.00
	5/9	5/10	Afghanistan		78.00		(3)				78.00
	5/11	5/12	Czech Republic		236.00		(3)				236.00
Hon. Eddie Bernice Johnson	4/4	4/6	Bahrain		892.00		(3)				892.00
	4/6	4/8	UAE		1,418.00		(3)				1,418.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2009—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	4/8	4/10	Italy, Florence		1,122.00		(3)				1,122.00
	4/10	4/13	Italy, Rome		1,842.00		(3)				1,842.00
Hon. Henry Brown	4/4	4/6	Bahrain		892.00		(3)				892.00
	4/6	4/8	UAE		1,418.00		(3)				1,418.00
	4/8	4/10	Italy, Florence		1,122.00		(3)				1,122.00
	4/10	4/13	Italy, Rome		1,842.00		(3)				1,842.00
Hon. Corrine Brown	4/4	4/6	Bahrain		892.00		(3)				892.00
	4/6	4/8	UAE		1,418.00		(3)				1,418.00
	4/8	4/10	Italy, Florence		1,122.00		(3)				1,122.00
	4/10	4/13	Italy, Rome		1,842.00		(3)				1,842.00
Hon. Candice Miller	4/4	4/6	Bahrain		892.00		(3)				892.00
	4/6	4/8	UAE		1,418.00		(3)				1,418.00
	4/8	4/10	Italy, Florence		1,122.00		(3)				1,122.00
	4/10	4/13	Italy, Rome		1,842.00		(3)				1,842.00
Hon. Donna Edwards	4/4	4/6	Bahrain		892.00		(3)				892.00
	4/6	4/8	UAE		1,418.00		(3)				1,418.00
	4/8	4/10	Italy, Florence		1,122.00		(3)				1,122.00
	4/10	4/13	Italy, Rome		1,842.00		(3)				1,842.00
Jimmy Miller	4/4	4/6	Bahrain		892.00		(3)				892.00
	4/6	4/8	UAE		1,418.00		(3)				1,418.00
	4/8	4/10	Italy, Florence		1,122.00		(3)				1,122.00
	4/10	4/13	Italy, Rome		1,842.00		(3)				1,842.00
Helena Zyblikewycz	4/4	4/6	Bahrain		892.00		(3)				892.00
	4/6	4/8	UAE		1,418.00		(3)				1,418.00
	4/8	4/10	Italy, Florence		1,122.00		(3)				1,122.00
	4/10	4/13	Italy, Rome		1,842.00		(3)				1,842.00
Jim Coon	4/4	4/6	Bahrain		892.00		(3)				892.00
	4/6	4/8	UAE		1,418.00		(3)				1,418.00
	4/8	4/10	Italy, Florence		1,122.00		(3)				1,122.00
	4/10	4/13	Italy, Rome		1,842.00		(3)				1,842.00
Jim Tymon	4/4	4/6	Bahrain		892.00		(3)				892.00
	4/6	4/8	UAE		1,418.00		(3)				1,418.00
	4/8	4/10	Italy, Florence		1,122.00		(3)				1,122.00
	4/10	4/13	Italy, Rome		1,842.00		(3)				1,842.00
Ted Illston	4/4	4/6	Bahrain		892.00		(3)				892.00
	4/6	4/8	UAE		1,418.00		(3)				1,418.00
	4/8	4/10	Italy, Florence		1,122.00		(3)				1,122.00
	4/10	4/13	Italy, Rome		1,842.00		(3)				1,842.00
Rod Hall	4/4	4/6	Bahrain		892.00		(3)				892.00
	4/6	4/8	UAE		1,418.00		(3)				1,418.00
	4/8	4/10	Italy, Florence		1,122.00		(3)				1,122.00
	4/10	4/13	Italy, Rome		1,842.00		(3)				1,842.00
Committee total					61,259.00		16,147.18				77,406.18

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HON. JAMES L. OBERSTAR, Chairman, July 31, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON VETERANS' AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2009

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. John Hall	4/4	4/11	Kuwait		218.00						218.00
	4/9	4/10	Kabul		28.00						28.00
Hon. Michael Michaud	4/13	4/17	Ramstein		333.00						333.00
Hon. Glenn Nye	4/13	4/17	Ramstein		333.00						333.00
Hon. David Roe	4/13	4/17	Ramstein		333.00						333.00
Hon. Thomas Perriello	4/13	4/17	Ramstein		333.00						333.00
Hon. Deborah Halvorson	4/13	4/17	Ramstein		333.00						333.00
Cathy Wiblemo	4/13	4/17	Ramstein		333.00						333.00
Dolores Dunn	4/13	4/17	Ramstein		333.00						333.00
Hon. Michael Michaud	4/13	4/17	Kuwait		159.00						159.00
Hon. Cathy Wiblemo	4/13	4/17	Kuwait		159.00						159.00
Dolores Dunn	4/13	4/17	Kuwait		159.00						159.00
Hon. Glenn Nye	4/13	4/17	Kuwait		159.00						159.00
Hon. Thomas Perriello	4/13	4/17	Kuwait		159.00						159.00
Hon. Deborah Halvorson	4/13	4/17	Kuwait		159.00						159.00
Hon. David Roe	4/13	4/17	Kuwait		159.00						159.00
Committee total											3,690.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. BOB FILNER, Chairman, Aug. 3, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2009

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Jim McDermott	4/3	4/5	Egypt		218.00						218.00
	4/5	4/8	Ethiopia		537.00						537.00
	4/8	4/10	Cyprus		715.00						715.00
	4/9		Lebanon								
Hon. Sander Levin	4/12	4/17	Columbia		2,393.72		4,292.79		9,367.00		16,053.51
	4/17	4/19	Trinidad and Tobago		3,929.38				4,132.59		8,061.97
	4/19	4/21	Panama		734.00						734.00
Hon. Kevin Brady	4/17	4/20	Trinidad and Tobago		4,479.80		1,233.01				5,712.81
Alexander Perkins	4/12	4/17	Columbia		2,393.72		3,399.89				5,793.61
	4/17	4/20	Trinidad and Tobago		4,896.87						4,896.87
Jason Kearns	4/16	4/20	Mexico		350.00		1,579.10				1,929.20
	4/17	4/20	Trinidad and Tobago		5,032.69		1,816.51				6,845.20

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2009—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Angela Ellard	4/16	4/20	Trinidad and Tobago		4,942.80		1,831.51				6,774.31
Jennifer McCadney	4/19	4/22	Panama		734.00		2,163.70		250.00		3,147.70
Committee total					31,356.98		16,316.51		13,749.59		61,423.08

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. CHARLES B. RANGEL, Chairman, Aug. 3, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. AND JUNE 30, 2009

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. John Kline	4/3	4/4	Middle East		364.00		(3)				
	4/4	4/6	Middle East		295.00		(3)				
	4/6	4/9	Middle East		204.00		(3)				
	4/9	4/11	Middle East		165.00		(3)				
								(3)			1,028.00
Hon. Jeff Miller	4/3	4/5	Middle East		890.00						
	4/5	4/7	Middle East		242.00						
	4/7	4/9	Middle East		534.00						
	4/9	4/10	Europe		325.00						
Commercial airfare							11,858.83				13,849.83
Hon. Michael Conaway	4/3	4/5	Middle East		890.00						
	4/5	4/7	Middle East		242.00						
	4/7	4/9	Middle East		534.00						
	4/9	4/10	Europe		325.00						
Commercial airfare							11,381.21				13,372.21
James Lewis, Professional Staff	4/3	4/5	Middle East		890.00						
	4/5	4/7	Middle East		242.00						
	4/7	4/9	Middle East		534.00						
	4/9	4/10	Europe		325.00						
Commercial airfare							9,935.45				11,926.45
Stacey Dixon	4/3	4/5	Middle East		890.00						
	4/5	4/7	Middle East		242.00						
	4/7	4/9	Middle East		534.00						
	4/9	4/10	Europe		325.00						
Commercial airfare							11,062.45				13,053.45
Hon. Mike Rogers	4/5	4/7	Europe		147.00						
			Europe		404.00						
Commercial Aircraft							10,721.41				11,272.41
Hon. Silvestre Reyes	4/12	4/15	Middle East		252.00						
	4/15	4/18	Middle East		78.00						
Commercial airfare							15,788.45				16,118.45
Hon. Mike Thompson	4/12	4/15	Middle East		252.00						
	4/15	4/18	Middle East		78.00						
Commercial airfare							16,750.76				17,080.76
Michael Delaney	4/12	4/15	Middle East		252.00						
	4/15	4/18	Middle East		78.00						
Commercial airfare							16,065.45				16,395.45
Mark Young	4/12	4/15	Middle East		252.00						
	4/15	4/18	Middle East		78.00						
Commercial airfare							14,671.70				15,001.70
Hon. Mac Thornberry	4/14	4/17	Asia		1,050.00						
	4/17	4/19	Asia		790.14						
Commercial airfare							9,481.51				11,321.65
George Pappas	4/14	4/17	Asia		1,050.00						
	4/17	4/19	Asia		790.14						
Commercial airfare							9,481.51				11,321.65
Diane La Voy	4/14	4/17	Asia		1,050.00						
	4/17	4/19	Asia		790.14						
Commercial airfare							9,481.51				11,321.65
Mieke Eoyang	4/14	4/15	Africa		77.00		(3)				
	4/15	4/16	Africa		74.00		(3)				
	4/16	4/17	Africa		108.00		(3)				
	4/17	4/19	Africa		184.00		(3)				
	4/19	4/20	Africa		100.00		(3)				
											543.00
Hon. John Kline	5/22	5/24	Europe		355.00		(3)				
	5/24	5/26	Europe		272.00		(3)				
	5/26	5/28	Africa		148.00		(3)				
	5/28	5/30	Africa		564.00		(3)				1,339.00
Hon. Mike Rogers	5/23	5/28	Middle East		112.00						
Commercial airfare							4,251.02				4,363.02
George Pappas	5/23	5/28	Middle East		112.00						
Commercial airfare							4,075.02				4,187.02
Laurence Hanauer	5/23	5/25	Middle East		352.00						
	5/26	5/27	Middle East		301.00						
	5/28	5/30	Africa		304.00						
Commercial airfare							10,540.88				11,497.88
Linda Cohen	5/23	5/25	Middle East		352.00						
	5/26	5/27	Middle East		301.00						
	5/28	5/30	Africa		304.00						
Commercial airfare							11,219.00				12,176.88
Adam Lurie	5/23	5/25	Middle East		352.00						
	5/26	5/27	Middle East		301.00						
	5/28	5/30	Africa		304.00						
Commercial airfare							10,570.88				11,527.88
Joshua Kirshner	5/25	5/27	South America		820.00						
	5/27	5/28	South America		304.00						
	5/28	5/30	South America		630.00						
Commercial airfare							4,060.70				5,814.70
Miguel Diaz	5/25	5/27	South America		820.00						
	5/27	5/28	South America		304.00						
	5/28	5/30	South America		603.00						
Commercial airfare							4,060.70				5,814.70
Jay Heath	5/25	5/27	South America		820.00						
	5/27	5/28	South America		304.00						

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. AND JUNE 30, 2009—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	5/28	5/30	South America		603.00						
Commercial airfare						4,060.70				5,814.70	
Hon. Mike Thompson	6/15	6/15	Latin America				(3)				
Hon. Jan Schakowsky	6/15	6/15	Latin America				(3)				
Iram Ali	6/15	6/15	Latin America				(3)				
Mark Young	6/15	6/15	Latin America				(3)				
Adam Lurie	6/15	6/15	Latin America				(3)				
George Pappas	6/15	6/15	Latin America				(3)				
Hon. Mike Thompson	6/27	6/29	Asia		294.00						
	6/30	7/2	Asia		240.00						
Commercial Airfare							8,717.51				9,251.51
Linda Cohen	6/27	6/29	Asia		294.00						
	6/30	7/2	Asia		240.00						
Commercial Airfare							9,267.51				9,801.51
Jay Heath	6/27	6/29	Asia		294.00						
	6/30	7/2	Asia		240.00						
Commercial Airfare							12,170.51				12,704.51
Joshua Kirshner	6/28	6/30	Europe		984.69						
	7/1	7/3	Europe		669.60						
Commercial Airfare							7,061.76				8,716.05
Adam Lurie	6/28	6/30	Europe		984.69						
	7/1	7/3	Europe		669.60						
Commercial Airfare							7,435.76				9,090.05
Fred Fleitz	6/28	6/30	Europe		984.69						
	7/1	7/3	Europe		669.60						
Commercial Airfare							7,435.76				9,090.05
Hon. Mac Thornberry	6/29	7/2	Europe		1,118.96						
Commercial Airfare							12,473.22				12,592.18
Christopher Donesa	6/29	7/2	Europe		1,341.85						
Commercial Airfare							12,473.22				13,815.07
Committee total											311,202.37

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HON. SILVESTRE REYES, Chairman, Aug. 3, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2009

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Alcee L. Hastings	4/14	4/17	Belgium		1,212.00		12,897.85				14,109.85
	4/17	4/18	France		504.00		151.80				655.80
	4/18	4/21	Portugal		1,024.50						1,024.50
	5/25	5/29	Ireland		1,890.34		4,426.03				6,316.37
	6/26	6/28	Albania		676.00		3,751.10				4,427.10
Hon. G.K. Butterfield	4/15	4/17	Belgium		808.00		8,553.47				9,361.47
	4/17	4/18	France		504.00		151.80				655.80
Fred Turner	4/17	4/21	Portugal		1,178.50		6,944.41				8,122.91
Alex Johnson	4/13	4/17	Belgium		1,616.00		7,438.47				9,054.47
	4/17	4/19	France		1,008.00		151.80				1,159.80
	5/26	5/30	Ireland		1,672.73		5,822.51				7,495.24
	6/26	6/28	Albania		676.00		3,751.10				4,427.10
Mischa Thompson	4/13	4/17	Belgium		1,616.00		7,438.47				9,054.47
	4/17	4/19	France		1,008.00		151.80				1,159.80
Shelly Han	5/26	5/29	Ireland		1,417.77		4,426.03				5,843.80
Winsome Packer	6/19	6/21	Portugal		870.50		1,588.00				2,458.50
Janice Helwig	6/25	6/30	Albania		1,690.00		8,058.83				9,748.83
Committee total					19,372.34		75,703.47				95,075.81

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. ALCEE L. HASTINGS, Chairman, July 28, 2009

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3384. A letter from the Acting Farm Bill Coordinator, Department of Agriculture, transmitting the Department's final rule — Wetlands Reserve Program (RIN: 0578-AA47) received August 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3385. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — 1,2-ethanediamine, N,N,N',N'-tetramethyl-, polymer with 1,1'-oxybis[2-chloroethane] Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2004-0285; FRL-8430-6] received August 19, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3386. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — Chlorantraniliprole; Pesticide Tolerances [EPA-HQ-OPP-2008-0770; FRL-8413-6] received August 19, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3387. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — Alkyl Alcohol Alkoxylates; Exemption from the Requirement of Tolerance [EPA-HQ-OPP-2009-0145; FRL-8430-1] received August 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3388. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Revised Motor Vehicle Emission Budgets for Scranton/Wilkes-Barre 8-Hour Ozone Maintenance Area [EPA-R03-OAR-2009-0311; FRL-8441-6] received August 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3389. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — Bacillus thuringiensis Cry1A.105 protein; Time Limited Exemption from the Requirement of a Tolerance; Correction [EPA-HQ-OPP-2009-0101 FRL-8428-7] received August 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3390. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Department's final rule — Polyoxyethylene polyoxypropylene mono(di-sec-butylphenyl) ether; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0944; FRL-8429-4] received August 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3391. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — Sodium Alyl Naphthalenesulfonate Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0099; FRL-8428-6] received 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3392. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — Sodium and Ammonium Naphthalenesulfonate Formaldehyde Condensates; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0490; FRL-8428-5] received August 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3393. A letter from the Deputy Secretary, Department of Defense, transmitting authorization of an officer to wear the authorized insignia of the grade of rear admiral (lower half); to the Committee on Armed Services.

3394. A letter from the Acting General Counsel, Department of Defense, transmitting the Department's request that Congress enact the revisions to policy on Development and Procurement of Unmanned Systems; to the Committee on Armed Services.

3395. A letter from the Acting Assistant Secretary (Acquisition, Logistics and Technology), Department of the Army, transmitting the Department's Annual Status Report on the Disposal of Chemical Weapons and Materiel for FY 2008; to the Committee on Armed Services.

3396. A letter from the Director, Naval Reactors, transmitting copies of the Naval Nuclear Propulsion Program's latest report on environmental monitoring and radiological waste disposal, worker radiation exposure, and occupational safety and health, as well as a report providing an overview of the Program; to the Committee on Armed Services.

3397. A letter from the Executive Vice President Global Government Affairs, Citi Bank, transmitting a report of Citi's Troubled Asset Relief Program (TARP) Progress Report titled ''What Citi is doing to Increase Lending, Help Keep People in their Homes and Help Create Jobs''; to the Committee on Financial Services.

3398. A letter from the Regulatory Specialist, LRAD, Department of the Treasury, transmitting the Department's final rule — Procedures to Enhance the Accuracy and Integrity of Information Furnished to Consumer Reporting Agencies Under Section 312 of the Fair and Accurate Credit Transactions Act [Docket ID OCO-2008-0023] (RIN: 1557-AC89) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3399. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Japan pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

3400. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Singapore pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

3401. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Department's final rule — Affordable Housing Program Amendments: Federal Home Loan Bank Mortgage Refinancing Authority (RIN: 2590-AA04) received August 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3402. A letter from the Chairperson, National Council on Disability, transmitting the Council's report entitled, ''Effective Emergency Management: Making Improvements for Communities and People with Disabilities''; to the Committee on Education and Labor.

3403. A letter from the Department Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Dental Devices: Classification of Dental Amalgam, Reclassification of Dental Mercury, Designation of Special Controls for Dental Amalgam, Mercury, and Amalgam Alloy [Docket No.: FDA-2008-N-0163; Formerly Docket No. 2001N-0067] (RIN: 0910-AG21) received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3404. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Requirements and Procedures for Consumer Assistance to Recycle and Save Program [Docket No.: NHTSA-2009-0120] (RIN: 2127-AK54; Notice 1) received August 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3405. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — Certain Chemical Substances; Withdrawl of Significant New Use Rules [EPA-HQ-OPPT-2008-0252; FRL-8433-9] (RIN: 2070-AB27) received August 19, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3406. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — Outer Continental Shelf Air Regulations, Consistency Update for California [OAR-2004-0091; FRL-8941-3] received August 19, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3407. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — Amine Salts of Alkyl (C8-C24) Benzenesulfonic Acid (Dimethylamniopropylamine, Isopropylamine, Mono-, Di-, and Triethanolamine); Exemption from the Requirement of a Tolerance (EPA-HQ-OPP-2008-0889; FRL-8430-2] received August 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3408. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Revised Motor Vehicle Emission Budgets for the York-Adams Counties 8-hour Ozone Maintenance Area [EPA-R03-OAR-2008-0591; FRL-8941-4] received August 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3409. A letter from the Director, Regulatory Management Agency, Environmental Protection Agency, transmitting the Department's final rule — Colorado: Final Authorization of State Hazardous Waste Management Program Revisions [EPA-R08-RCRA-2009-0341; FRL-8941-1] received August 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3410. A letter from the Program Analyst, OMD-FO, Federal Communications Commission, transmitting the Commission's final rule — Report and Order, In the Matter of Assessment of Regulatory Fees for Fiscal year 2009 [MD Docket No.: 09-65] received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3411. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Department's final rule — Amendment of Service and Eligibility Rules for FM Broadcast Translator Stations [MB Docket No. 07-172; FCC 09-59] received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3412. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Industry Codes and Standards; Amended Requirements [NRC-2008-0663] (RIN:3150-AI53) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3413. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting a report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act, pursuant to 1 U.S.C. 112b(b); to the Committee on Foreign Affairs.

3414. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting a report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act, pursuant to 1 U.S.C. 112b(b); to the Committee on Foreign Affairs.

3415. A letter from the Acting Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Cuba: Revisions to Gift Parcel and Baggage Restrictions, Creation of License Exception for Donated Consumer Communications Devices and Expansion of Licensing Policy Regarding Telecommunications [Docket No.: 090414648-9652-01] (RIN: 0694-AE60) received September 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

3416. A letter from the Assistant Secretary, Department of Defense, transmitting the Department's renotification of the intention to obligate FY 2009 funds under the Cooperative Threat Reduction Program; to the Committee on Foreign Affairs.

3417. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 020-09, certification of a proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3418. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 077-09, certification of a proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act Act; to the Committee on Foreign Affairs.

3419. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 076-09, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3420. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 083-09, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3421. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 054-09, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3422. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 085-09, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3423. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 082-09, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3424. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 090-09, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3425. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 068-09, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3426. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 065-09, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3427. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 056-09, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3428. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 084-09, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control; to the Committee on Foreign Affairs.

3429. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. RSAT-05-822, Notice of Proposed Transfer of Major Defense Equipment; to the Committee on Foreign Affairs.

3430. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 078-09, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3431. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 098-09, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3432. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 080-09, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3433. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 050-09, certification of proposed issuance of an export license pursuant to section 3(d)(5) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3434. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107-243), the Authorization for the Use of Force Against Iraq Resolution (Pub. L. 102-1), and in order to keep the Congress fully informed, reports prepared by the Department of State on a weekly basis for the April 15-June 15, 2009 reporting period including matters relating to post-liberation Iraq under Section 7 of the Iraq Liberation Act of 1998 (Pub. L. 105-338); to the Committee on Foreign Affairs.

3435. A letter from the Associate Director, Department of the Treasury, transmitting the Department's final rule — Cuban Assets Control Regulations received September 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

3436. A letter from the Associate Director, PP&I, Department of the Treasury, transmitting the Department's final rule — Sudanese Sanctions Regulations received September 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

3437. A letter from the Auditor, District of Columbia, transmitting a report entitled, ''Sufficiency Certification for the Washington Convention Center Authority's Projected Revenues and Excess Reserve to Meet Projected Operating and Debt Service Expenditures and Reserve Requirements for Fiscal Year 2010'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

3438. A letter from the Director, Office of Personnel Management, transmitting the Office's annual report on the status of Telework in the Federal Government; to the Committee on Oversight and Government Reform.

3439. A letter from the Deputy Chief, National Forest System, Department of Agriculture, transmitting the Department's report on the exterior boundary of Whitefish Wild and Scenic River Hiawatha National Forest, as entered in the National Wild and Scenic Rivers System pursuant to Pub. L. 102-249, March 3, 1992; to the Committee on Natural Resources.

3440. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-grouper Fishery of the South Atlantic; Closure of the 2009 Golden Tilefish in the South Atlantic [Docket No.: 040205043-4043-01] (RIN:0648-XO54) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3441. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of Interior, transmitting the Department's final rule — 2008-2009 Refuge-Specific Hunting and Sport Fishing Regulations-Modifications, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3442. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Utah Regulatory Program [SATS No. UT-045-FOR; Docket ID No. OSM-2008-0011] received September 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3443. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Activation of Ice Protection [Docket No.: FAA-2007-27654; Amendment No. 25-129] (RIN: 2120-AI90) received August 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3444. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Standards; Fire Protection [Docket No.: FAA-2007-28503; Amendment No. 33-29] (RIN: 2120-AJ04) received August 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3445. A letter from the Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, transmitting the Department's final rule — Procedures for Transportation Workplace Drug and Alcohol Testing Programs (RIN: 2105-AD89) received August 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3446. A letter from the Senior Trial Attorney, Federal Railroad Administration, transmitting the Department's final rule — Track Safety Standards; Continuous Welded Rail (CWR) [Docket No.: FRA-2008-0036] (RIN: 2130-AB90) received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3447. A letter from the Commissioner, Social Security Administration, transmitting the Administration's request to redesignate the Federal building at 6401 Security Boulevard, in Baltimore, Maryland, known as the ''Operations Building'', as the ''Robert M. Ball Building''; to the Committee on Transportation and Infrastructure.

3448. A letter from the Secretary, Department of Energy, transmitting the Department's report entitled, ''Department of Energy FY 2008 Methane Hydrate Program Report to Congress'', pursuant to Section 968 of the Energy Policy Act of 2005; to the Committee on Science and Technology.

3449. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates received August 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3450. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Changes in accounting period and in methods of accounting received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3451. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Department's final rule — Safe Harbor Explanation — Eligible Rollover Distributions received September 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3452. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting the 2008 annual report on the operation of the Enterprise for the Americas Initiative and the Tropical Forest Conservation Act; jointly to the Committees on Foreign Affairs and Agriculture.

3453. A letter from the Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1849-DR for the State of Kansas; jointly to the Committees on Appropriations, Homeland Security, and Transportation and Infrastructure.

3454. A letter from the Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1850-DR for the State of Illinois; jointly to the Committees on Appropriations, Homeland Security, and Transportation and Infrastructure.

3455. A letter from the Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on

FEMA-1847-DR for the State of Missouri; jointly to the Committees on Appropriations, Homeland Security, and Transportation and Infrastructure.

3456. A letter from the Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1848-DR for the State of Kansas; jointly to the Committees on Appropriations, Homeland Security, and Transportation and Infrastructure.

3457. A letter from the Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1845-DR for the State of Arkansas; jointly to the Committees on Appropriations, Homeland Security, and Transportation and Infrastructure.

3458. A letter from the Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1843-DR for the State of Alaska; jointly to the Committees on Appropriations, Homeland Security, and Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 2423. A bill to designate the Federal building and United States courthouse located at 1300 victoria Street in Laredo, Texas, as the ''George P. Kazen Federal Building and United States Courthouse'', and to designate the jury room in that Federal building and United States courthouse as the ''Marcel C. Notzon II Jury Room''; with amendments (Rept. 111–257). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. FILNER:

H.R. 3579. A bill to amend title 38, United States Code, to provide for an increase in the amount of the reporting fees payable to educational institutions that enroll veterans receiving educational assistance from the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. KING of Iowa (for himself, Mr. BILBRAY, Mrs. BLACKBURN, Mr. CULBERSON, Mr. ROHRABACHER, Mr. BURTON of Indiana, Mr. PITTS, Mr. GARY G. MILLER of California, Mr. LATTA, Mrs. MYRICK, Mr. BRADY of Texas, Mr. LINDER, Mr. FRANKS of Arizona, Mr. POE of Texas, Ms. FOXX, Mr. GINGREY of Georgia, Mr. BARTLETT, Mr. BROUN of Georgia, Mr. MARCHANT, Mr. WAMP, and Mr. ROYCE):

H.R. 3580. A bill to amend the Internal Revenue Code of 1986 to clarify that wages paid to unauthorized aliens may not be deducted from gross income, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, and Education and Labor, 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. COBLE (for himself, Mr. CARNEY, and Mr. GARY G. MILLER of California):

H.R. 3581. A bill to amend title 36, United States Code, to include in the Federal charter of the Reserve Officers Association leadership positions newly added in its constitution and bylaws; to the Committee on the Judiciary.

By Mrs. BACHMANN (for herself, Mr. MARCHANT, Ms. FOXX, Mr. HERGER, Ms. FALLIN, Mr. BARTLETT, Mrs. LUMMIS, Mr. GINGREY of Georgia, Mr. AUSTRIA, Mr. KINGSTON, Mr. MANZULLO, Mr. NEUGEBAUER, Mr. SHADEGG, Mr. GOHMERT, Mr. CULBERSON, Mr. PITTS, Mr. HENSARLING, Mr. SCALISE, and Mr. ALEXANDER):

H.R. 3582. A bill to make organizations which have been indicted for violations of Federal or State law relating to elections for public office ineligible to participate in the Planning Partnership Program for the 2010 census of population, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Rules, 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. FALEOMAVAEGA:

H.R. 3583. A bill to provide for a subsidy to sellers and buyers of fish directly delivered to American Samoa from vessels with United States fisheries endorsements that manufacture for the United States; to the Committee on Natural Resources, 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. FORBES:

H.R. 3584. A bill to amend the Public Health Service Act to require reinstatement upon payment of all premiums due of group or individual health insurance coverage terminated by reason of nonpayment of premiums; to the Committee on Energy and Commerce.

By Ms. GIFFORDS:

H.R. 3585. A bill to guide and provide for United States research, development, and demonstration of solar energy technologies, and for other purposes; to the Committee on Science and Technology.

By Mr. KIND (for himself and Mr. BLUMENAUER):

H.R. 3586. A bill to amend the Internal Revenue Code of 1986 to expand the availability of employee stock ownership plans in S corporations, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHAUER (for himself, Mr. BLUMENAUER, Mr. HARE, Mr. KILDEE, Ms. DEGETTE, Mr. SPRATT, Mr. COURTNEY, Mr. GUTIERREZ, and Mr. LEWIS of Georgia):

H.R. 3587. A bill to amend the Food and Nutrition Act of 2008 to reduce the interval for the issuance of benefits; to the Committee on Agriculture.

By Mr. SMITH of New Jersey:

H.R. 3588. A bill to amend chapter 141 of title 10, United States Code, to include disclosures made by Department of Defense contract employees to their immediate employers in the provisions providing protections against reprisals for certain disclosures; to the Committee on Armed Services.

By Mr. WELCH (for himself, Mr. PITTS, Mr. MICHAUD, and Mr. MCMAHON):

H.R. 3589. A bill to reauthorize the National Oilheat Research Alliance Act of 2000; to the Committee on Energy and Commerce.

By Mr. DAVIS of Illinois (for himself, Mr. SHIMKUS, and Mrs. CHRISTENSEN):

H. Con. Res. 186. Concurrent resolution supporting the goals and ideals of Sickle Cell Disease Awareness Month; to the Committee on Oversight and Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 330: Mr. BLUMENAUER and Mr. WATT.
H.R. 438: Mr. BILBRAY and Mr. PITTS.
H.R. 456: Mr. GUTHRIE.
H.R. 502: Ms. GRANGER.
H.R. 571: Mr. FILNER and Mr. PLATTS.
H.R. 616: Mr. COLE.
H.R. 621: Mr. AUSTRIA, Mr. CARNAHAN, Mr. HERGER, and Mr. MEEK of Florida.
H.R. 624: Mr. TOWNS.
H.R. 645: Mr. COHEN.
H.R. 847: Ms. CASTOR of Florida, Mr. SARBANES, and Mr. TIM MURPHY of Pennsylvania.
H.R. 930: Mr. TAYLOR, Ms. ROYBAL-ALLARD, and Mr. HUNTER.
H.R. 980: Mrs. DAVIS of California and Mr. LOBIONDO.
H.R. 988: Mr. CONNOLLY of Virginia and Mr. LARSEN of Washington.
H.R. 997: Mr. CAMP.
H.R. 1118: Ms. GRANGER.
H.R. 1204: Mr. SMITH of New Jersey.
H.R. 1215: Mr. SABLAN.
H.R. 1237: Mr. CONYERS.
H.R. 1245: Mr. SENSENBRENNER and Mr. SESSIONS.
H.R. 1407: Mr. BOUCHER and Mr. COHEN.
H.R. 1458: Mr. STUPAK.
H.R. 1547: Mr. SHULER, Mr. PENCE, and Mr. DAVIS of Tennessee.
H.R. 1570: Mr. HINCHEY.
H.R. 1583: Ms. SLAUGHTER and Mr. MASSA.
H.R. 1590: Mr. KIRK, Mrs. MCCARTHY of New York, Mr. KLEIN of Florida, Mr. GUTIERREZ, Ms. WASSERMAN SCHULTZ, Mr. FALEOMAVAEGA, Ms. BERKLEY, Mr. ENGEL, Mr. HALL of New York, and Mr. FILNER.
H.R. 1646: Mr. TERRY and Mr. SCHOCK.
H.R. 1677: Mr. WHITFIELD, Ms. CORRINE BROWN of Florida, and Mrs. BONO MACK.
H.R. 1700: Mr. STARK and Mr. CONNOLLY of Virginia.
H.R. 1826: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1831: Mr. MARSHALL, Mr. LATOURETTE, Mr. BONNER, Mr. SMITH of New Jersey, Mr. MOORE of Kansas, Ms. SLAUGHTER, and Mr. ROGERS of Alabama.
H.R. 1846: Mr. TEAGUE.
H.R. 1880: Mr. CLAY.
H.R. 1908: Mr. LATTA and Mr. WHITFIELD.
H.R. 1924: Mr. LARSEN of Washington.
H.R. 1990: Ms. FALLIN.
H.R. 2000: Mr. WEXLER.
H.R. 2016: Mr. DOYLE.
H.R. 2021: Mr. OLSON.
H.R. 2138: Mr. RODRIGUEZ.
H.R. 2161: Mr. CONNOLLY of Virginia.
H.R. 2214: Mr. COHEN.
H.R. 2223: Mr. CUMMINGS.
H.R. 2254: Mr. RYAN of Ohio, Mr. TAYLOR, Mr. GUTHRIE, Mr. ELLISON, and Mr. WALZ.
H.R. 2261: Mr. WU.
H.R. 2266: Ms. WOOLSEY.
H.R. 2267: Ms. WOOLSEY.
H.R. 2269: Mr. FRANK of Massachusetts.
H.R. 2324: Mr. WAXMAN.
H.R. 2404: Mr. PRICE of North Carolina.
H.R. 2452: Mr. LANCE, Ms. KOSMAS, Mr. CARDOZA, Mrs. LOWEY, Mr. WEXLER, and Mr. BARTLETT.
H.R. 2455: Mr. ROTHMAN of New Jersey, Mr. HOLT, Mr. PAYNE, Mr. CUMMINGS, Mr. GEORGE

MILLER of California, Mr. MOORE of Kansas, Mr. SERRANO, and Ms. LINDA T. SÁNCHEZ of California.

H.R. 2480: Ms. SPEIER.

H.R. 2521: Mr. BERMAN.

H.R. 2555: Ms. LORETTA SANCHEZ of California.

H.R. 2567: Mr. DOYLE.

H.R. 2575: Mr. WAMP and Mrs. MCCARTHY of New York.

H.R. 2628: Ms. TSONGAS.

H.R. 2698: Mr. BARTLETT.

H.R. 2699: Mr. BARTLETT.

H.R. 2733: Mr. POSEY.

H.R. 2743: Mr. CAMP.

H.R. 2753: Mr. HARPER, Mr. MORAN of Kansas, and Mr. LUETKEMEYER.

H.R. 2756: Mr. KAGEN.

H.R. 2766: Mr. PRICE of North Carolina and Ms. MOORE of Wisconsin.

H.R. 2773: Mr. NADLER of New York, Mr. CONNOLLY of Virginia, Ms. SCHWARTZ, Mr. HONDA, and Mr. BRIGHT.

H.R. 2866: Ms. KOSMAS and Ms. WOOLSEY.

H.R. 2935: Mr. CAMPBELL, Mr. SESTAK, and Ms. WASSERMAN SCHULTZ.

H.R. 2995: Mr. CARSON of Indiana.

H.R. 3075: Mr. GRAYSON.

H.R. 3078: Mr. SPACE.

H.R. 3116: Mr. HARE, Mr. MCINTYRE, and Ms. KAPTUR.

H.R. 3173: Mr. CAMP.

H.R. 3226: Mr. JONES, Mr. WITTMAN, Mrs. MYRICK, Mr. YOUNG of Florida, and Mr. TURNER.

H.R. 3238: Mr. LANGEVIN.

H.R. 3245: Mr. STARK.

H.R. 3250: Mr. NADLER of New York, Mr. MEEKS of New York, Mr. TONKO, and Mr. MAFFEI.

H.R. 3284: Ms. CHU, Mr. HOLT, and Mr. MCMAHON.

H.R. 3286: Mr. SCOTT of Georgia, Mr. CLAY, and Mr. KLEIN of Florida.

H.R. 3295: Mr. POLIS of Colorado.

H.R. 3310: Mr. KINGSTON and Mr. GOHMERT.

H.R. 3328: Ms. LEE of California.

H.R. 3381: Mr. MICHAUD.

H.R. 3382: Mr. SCHRADER.

H.R. 3404: Mr. COSTA, Mr. RYAN of Ohio, and Mr. KUCINICH.

H.R. 3407: Mr. LINCOLN DIAZ-BALART of Florida and Mr. MCCOTTER.

H.R. 3415: Mr. SHIMKUS.

H.R. 3421: Mr. COHEN.

H.R. 3439: Ms. ZOE LOFGREN of California.

H.R. 3468: Mr. KIRK, Mr. TIBERI, Mr. LANCE, and Mr. PLATTS.

H.R. 3472: Ms. SCHWARTZ and Mr. TONKO.

H.R. 3488: Mr. COURTNEY.

H.R. 3508: Ms. GINNY BROWN-WAITE of Florida, Mr. MCHENRY, Mr. LATTA, Mr. BARTLETT, Mrs. BLACKBURN, and Mr. PAUL.

H.R. 3524: Mr. PUTNAM, Mr. COSTA, and Mr. CARDOZA.

H.R. 3535: Mr. COHEN and Mr. BRADY of Pennsylvania.

H.R. 3536: Mr. RUPPERSBERGER, Mr. SCHAUER, and Mr. LEWIS of Georgia.

H.R. 3548: Mr. PETERS, Mr. NADLER of New York, Mr. CAPUANO, Mr. FARR, Mr. DOYLE, Mr. KUCINICH, Mr. VAN HOLLEN, Mr. WU, Mr. LEWIS of Georgia, Mr. DELAHUNT, and Mr. COSTA.

H.R. 3549: Ms. KILROY and Mr. PAYNE.

H.R. 3551: Ms. KAPTUR.

H.R. 3554: Mr. ALTMIRE and Mr. LOBIONDO.

H.R. 3569: Mr. GINGREY of Georgia, Mr. GARRETT of New Jersey, Mr. PITTS, Mr. OLSON, Mr. SMITH of Texas, Mr. LAMBORN, Mr. GOHMERT, Mr. SHADEGG, Mr. MANZULLO, Mr. KINGSTON, Mr. NEUGEBAUER, Mrs. LUMMIS, Mr. AKIN, Mr. AUSTRIA, Mrs. BONO MACK, and Mr. MARCHANT.

H.R. 3571: Mr. SMITH of New Jersey, Mr. ROE of Tennessee, Mr. BILBRAY, Mr. YOUNG of Alaska, Mr. KING of Iowa, Mr. ROONEY, Mr. STEARNS, Mr. KIRK, Mr. ROGERS of Michigan, Mr. MICA, Mr. MARIO DIAZ-BALART of Florida, Mr. TIM MURPHY of Pennsylvania, Mr. HUNTER, Mr. AUSTRIA, Mr. CASSIDY, Mr. BURGESS, Mr. CAMPBELL, Mr. COBLE, Mr. CRENSHAW, Mr. FLAKE, Mr. GINGREY of Georgia, Mr. GOHMERT, Mr. HALL of Texas, Mr. HASTINGS of Washington, Mr. JOHNSON of Illinois, Mr. LATHAM, Mr. POE of Texas, Mr. RYAN of Wisconsin, Mrs. SCHMIDT, and Mr. PRICE of Georgia.

H.J. Res. 21: Mr. MANZULLO.

H.J. Res. 61: Mr. SMITH of Washington.

H. Con. Res. 98: Ms. MATSUI.

H. Con. Res. 129: Mr. ORTIZ, Mr. BRIGHT, Mr. ELLSWORTH, Mr. SNYDER, Mr. AKIN, and Mr. CULBERSON.

H. Con. Res. 144: Mr. MCDERMOTT, Mr. BUTTERFIELD, Mr. PLATTS, Mr. BOOZMAN, and Mr. INSLEE.

H. Con. Res. 149: Mr. CHAFFETZ.

H. Con. Res. 170: Mrs. EMERSON.

H. Con. Res. 181: Mr. HIGGINS.

H. Con. Res. 185: Mr. SMITH of Texas, Mr. LEE of New York, Mr. ALEXANDER, Mr. SAM JOHNSON of Texas, Mr. KING of Iowa, Mr. FLAKE, Ms. GINNY BROWN-WAITE of Florida, Mr. SHUSTER, Mr. SIMPSON, and Mrs. BONO MACK.

H. Res. 90: Mr. PASCRELL.

H. Res. 159: Mr. NADLER of New York, Mr. CHILDERS, Mrs. MCCARTHY of New York, Mr. CARNAHAN, Mr. FOSTER, Ms. SPEIER, and Mr. MAFFEI.

H. Res. 167: Mr. PALLONE and Mr. SESTAK.

H. Res. 255: Mr. BILBRAY.

H. Res. 395: Mr. REICHERT.

H. Res. 569: Mr. LEWIS of Georgia and Mr. MCDERMOTT.

H. Res. 599: Mr. NEAL of Massachusetts.

H. Res. 611: Mr. LATHAM, Mr. MORAN of Virginia, Mr. BOUCHER, and Mr. SESTAK.

H. Res. 615: Mr. RADANOVICH.

H. Res. 692: Mr. PATRICK J. MURPHY of Pennsylvania, Mr. HALL of New York, Mr. CLAY, Mr. YARMUTH, Mr. MOORE of Kansas, Ms. SHEA-PORTER, Mr. HINCHEY, Mr. LOEBSACK, Mr. ADLER of New Jersey, Mr. MURPHY of Connecticut, Ms. KOSMAS, Ms. DEGETTE, Mr. ACKERMAN, Mr. BOCCIERI, Mr. WEINER, Mr. SCHAUER, Ms. DELAURO, Mr. HILL, Mr. HEINRICH, Mr. MARSHALL, Mr. JORDAN of Ohio, Mr. SHIMKUS, and Mr. KING of New York.

H. Res. 693: Mr. CAPUANO, Mr. PASCRELL, Mr. CARNEY, Mr. SHUSTER, Mr. KANJORSKI, Mr. DOYLE, Mr. THOMPSON of Pennsylvania, Ms. NORTON, Mr. ALTMIRE, Mr. CONYERS, Mr. SHULER, Mr. BACA, Mr. REYES, Ms. MARKEY of Colorado, Mrs. MALONEY, Mr. ABERCROMBIE, Mr. PLATTS, Mr. SOUDER, Mr. PASTOR of Arizona, Mr. ROTHMAN of New Jersey, Mr. SIRES, Mr. RAHALL, Mr. MURTHA, Mr. BUTTERFIELD, Mr. CUMMINGS, Mr. RYAN of Ohio, Mr. MORAN of Virginia, Mr. HONDA, Mr. WEINER, Mr. ADLER of New Jersey, and Mrs. MCCARTHY of New York.

H. Res. 701: Mr. CONNOLLY of Virginia.

H. Res. 704: Ms. MCCOLLUM and Mr. JOHNSON of Georgia.

H. Res. 716: Mr. FOSTER.

H. Res. 717: Mr. COHEN, Ms. BORDALLO, Ms. JACKSON-LEE of Texas, Mr. LOEBSACK, Mr. FARR, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. NORTON, Mr. BUTTERFIELD, and Mr. MCDERMOTT.

H. Res. 721: Mr. OLSON, Mr. PLATTS, Mr. WILSON of South Carolina, and Mr. ROGERS of Michigan.

H. Res. 725: Mr. HALL of New York, Mr. DONNELLY of Indiana, Mr. BARROW, and Mr. SIRES.

H. Res. 727: Mr. MEEKS of New York and Mr. LATHAM.

H. Res. 729: Ms. NORTON and Mr. ROGERS of Alabama.

H. Res. 733: Mr. MCCOTTER, Mr. JORDAN of Ohio, Mr. SHADEGG, Mr. PENCE, Mrs. BLACKBURN, and Mr. CULBERSON.

H. Res. 735: Mr. SENSENBRENNER.

H. Res. 736: Mr. DAVIS of Illinois and Mr. RUSH.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3251: Ms. FALLIN.

H. Res. 648: Mr. WESTMORELAND.

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PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, WEDNESDAY, SEPTEMBER 16, 2009 No. 131

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.

Holy God, sustainer of humanity, if it were not for Your love, our burdens would be too heavy and the journey would seem too difficult. But because of Your mercies, we can mount up on wings like eagles, run and not become weary, and walk and not faint.

Draw near to our Senators today. Keep them from confusion and perplexity and the fatigue of fruitless quests. Breathe upon their thinking with Your truth and illuminate their understanding with Your light. May the pressures of the world not mold them, but may they receive Your strength so that they can shape our Nation and world according to Your purposes. Lord, maintain in them the fidelity of those to whom much has been given and from whom much will be required. May this be for them a productive day because they have placed their trust in Your strong and guiding hand.

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, September 16, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period for the transaction of morning business until 11 a.m. Morning business will need to cease at 11 a.m. because we have Senator COBURN coming to give a statement at that time, preparatory to a vote that will occur after he completes his remarks. Senators will be permitted during the time until 11 o'clock to speak for up to 10 minutes each. The Republicans will control the first half of that time, the majority will control the next half, and the remaining time will be equally divided and controlled between the two leaders or their designees.

Following morning business, the Senate will resume consideration of H.R. 3288, the Transportation appropriations bill. There will be 30 minutes for Senator COBURN and 10 minutes for Senator MURRAY to debate the pending Coburn amendments. Upon the use or yielding back of that time, the Senate will proceed to a series of up to five rollcall votes. Therefore, Senators should expect votes beginning around 11:30 a.m. Senator COBURN may not use all of his time. If that is the case, when he completes his remarks, Senator MURRAY or someone she chooses will speak and then we will start the votes.

Last night, I filed cloture on the committee amendment and the underlying bill. I am confident and hopeful that is not going to be necessary, as I am told we should be able to complete action on this bill today. As a result, there will be a 1 p.m. filing deadline for first-degree amendments to this Transportation bill. We hope we can move immediately to the Interior appropriations bill. We should be able to wrap that up fairly quickly.

RECOGNITION OF THE MINORITY LEADER

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

HEALTH CARE

Mr. MCCONNELL. Mr. President, the debate over health care continues to be a top concern for most Americans, but it is important to realize that this debate is not taking place in a vacuum. It is taking place in the context of a nation that is increasingly concerned about the size and the scope of government.

Over the past year, Americans have seen the government take over automakers and insurance companies. They have seen government spend hundreds of billions of dollars to bail out banks and other financial institutions. They have seen government run up unprecedented debt. And now they are seeing the government trying to take over health care.

If the White House wants an explanation for all the unrest it is witnessing across the country, all the worry and concerns Americans have about their health care plans, this is a crucial piece. Democrats in Washington may see all these government

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

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programs and interventions as separate, individual events. But to most Americans who are weathering a recession, it seems as if every time they pick up a newspaper or turn on the television, Democrats in Washington are pushing another trillion-dollar bill, calling for more spending, more taxes, and more debt. That is why people are becoming more vocal, and that is why they have been delivering a consistent message for weeks: no more government takeovers, no more spending money we do not have, no more tax increases, and no more debt. Americans are concerned about government running their lives and ruining their livelihoods, and they do not get the sense that either the administration or Democrats on Capitol Hill are listening.

Nowhere is this disconnect between the people and the politicians in Washington more apparent than in the debate over health care. Americans do not think a bigger role for government in health care would improve the system. Yet despite this, every single proposal we have seen would lead to a vast expansion of the government's role in the health care system.

It is not that the Democrats in Congress do not sense the public's unease about a new government plan for health care. I think they do. It is the primary reason some of them are backing away from proposals that include it. What some Americans do not realize, however, is that even without a government plan, the health care plans Democrats are proposing would still vastly expand the government's role in our health care. That is what I would like to discuss in a little more detail this morning.

Let me list just a few examples of how government's role in health care would expand even without a government-run plan.

Even without a government plan, the proposals we have seen would force employers to pay a tax if they cannot afford insurance for their employees. Employers have warned that this provision would kill jobs. At a time when the Nation's unemployment rate stands at a 25-year high of 9.7 percent, we should help businesses create jobs not kill them.

Even without a government plan, these proposals would require all Americans to choose only from health insurance plans with standards set by the government and would let government bureaucrats dictate what benefits are available to families. On this point, Americans have been equally clear. People want more choice and competition in the health care market so they can pick a plan that will work for their family, not one dictated by politicians in Washington. Yet even without a government plan, that is what they would get under the proposals we have seen. Anyone who saw any of the townhall meetings last month knows this idea is about as popular as chicken pox.

Even without a government plan, these health care proposals would require States to expand their Medicaid Programs, something the Senator from Tennessee, who is here on the floor, has spoken about frequently. Governors from both political parties have expressed serious concerns about the effect this particular proposal would have on their State budgets. They think these kinds of decisions should be left up to them, the States, not the Federal Government, and, frankly, so do most Americans.

Even without a government plan, these health care proposals would impose new taxes on small businesses and on individuals. Under the House bill, for example, taxes on some small businesses could rise as high as roughly 45 percent, a rate that is approximately 30 percent higher than the rate for big corporations. Under the same House bill, the average combined Federal and State top tax rate for some individuals would be about 52 percent—more than half of their paychecks.

Finally, the President has said his plan will not require any Americans to give up the health insurance they have and like. But what about the 11 million seniors who are currently enrolled in Medicare Advantage? Nearly 90 percent of them say they are satisfied with it. This program has given seniors more options and more choices when it comes to their health care. Yet under the administration's plan the government would make massive cuts to Medicare Advantage, forcing some seniors off this plan that so many of them have and like. When it comes to Medicare Advantage, Democratic rhetoric just does not square with reality.

Let me sum it up. While getting rid of the government plan would be a good start, the Democratic bills we have seen would still grant the government far too much control over the health care system.

Over the past few months, Americans have been saying they have had enough of spending, enough of debt, and enough of government expansion. How are the Democrats in Washington responding? By trying to rush through another trillion-dollar bill Americans do not even want and cannot afford.

The American people do want health care reform—not with more government but with less. They do not want a new government-run system; they want us to repair the system we have.

On all of these points, the American people are sending a clear and persistent message. It is time we in Congress started to listen.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period for the transaction of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the Republicans controlling the first 30 minutes, the majority controlling the next 30 minutes, and the remaining time equally divided and controlled between the two leaders or their designees.

The Senator from Tennessee is recognized.

HEALTH CARE REFORM

Mr. ALEXANDER. Mr. President, I congratulate the Republican leader, the Senator from Kentucky, on his remarks. He made it very clear that we on the Republican side of the aisle want health care reform, but our definition of that is a little different from that on the other side of the aisle. We want health care reform that reduces costs—costs to the American people when they buy health insurance and the costs of the government of the American people. We do not want more debt and another Washington takeover, which we are seeing so much of these days.

President Obama said in his address to us that he ''will not sign a plan that adds one dime to our deficits—either now or in the future. Period.'' That is good.

As David Brooks wrote in the New York Times this past Friday:

> This sound bite [of the President] kills the House health care bill.

It kills the House health care bill, because it would add $220 billion to the deficit over the first 10 years of its operation and another $1 trillion over the next 10 years after that.

The President's sound bite about the deficit would effectively knock out the bill passed by the Senate HELP Committee as well. According to a recent letter from the Congressional Budget Office to the ranking member of the Senate HELP Committee, Senator ENZI of Wyoming:

> The 10-year cost of the coverage expansion [of that bill] to the Federal Government, including such a change in Medicaid eligibility, would probably exceed $1 trillion.

So that is off the table.

There appears to be growing bipartisan concern about a health care bill that might add to the debt. Senator WARNER of Virginia said on Monday:

> My feeling is, [health care reform] can't just be paid for in a 10-year window. It has to be paid for in the out years as well.

That is Washington-speak for over the long term. He says:

> This is so much bigger than health care. It goes to the deficit. It goes right to the heart of our competitiveness.

That is Senator WARNER of Virginia. I couldn't agree more. All of the health care reform bills produced so far by the Democratic Congress—either in the Senate or in the House—flunk the first test, which is reducing cost—cost to the American people and cost to the American government.

In July, the Congressional Budget Office Director, Douglas Elmendorf, said

that the House bill and the Senate HELP bill did not propose ''the fundamental changes that would be necessary to reduce the trajectory of Federal health spending by a significant amount.''

Additionally, the Congressional Budget Office has indicated that the House bill would result in a ''net increase in the Federal budget deficit of $239 billion'' over 10 years. This is likely a low-ball estimate, because it assumes that Congress will increase taxes by $583 billion over the next 10 years.

So if we are going to implement health care reform without increasing our debt, how are we going to pay for it? Who is going to pay for it is the more precise question. Here are some of the answers that have been proposed so far by the Democratic side of the aisle.

No. 1, grandma's Medicare is going to pay for it. The bills—and the President's own plan, which we have yet to see the details of—propose ''Medicare savings.'' Nice words for Medicare cuts. If there is $500 billion in savings to be found in Medicare, we should use it to keep Medicare solvent, because the trustees of Medicare say that we are now spending at such a rapid rate that we will run out of money for Medicare by 2017. We should not use Medicare cuts to pay for a new government program. We should use any Medicare savings to make Medicare stronger.

No. 2, the way to pay for these bills we have been seeing in the House and the Senate is to shift the costs to the States. This is done by expanding Medicaid, which is the largest government-run program we have today. Almost 60 million low-income Americans have their health care from Medicaid, which the Federal Government pays about 60 percent of and the States 40 percent. The plans we have been hearing about have the Federal Government expanding Medicaid coverage—this is the State plan I was talking about—from 60 million to 80 million or 90 million people and, after a few years, asking the States to pick up their additional share of the cost of that expansion.

According to the National Governors Association, expanding Medicaid to 133 percent of the Federal poverty level would cost the States an additional $31 billion per year. Although details are still lacking—and we may find out more today about the proposals from the Senate Finance Committee—the Democratic Governor of Tennessee, Governor Bredesen, said on Friday that he is concerned about the plan being proposed by Senator BAUCUS and that his guess was it might cost our State as much as $600 million to $700 million per year.

In Washington that doesn't sound like a lot of money, but to Tennessee that is a lot of money. We had a big fight a few years ago over whether to have a new State income tax. We don't now have one, and our former Governor didn't succeed on that. People got very upset about that. That would only have raised $400 million. But this is an increase of $600 million or $700 million that would, after a few years, be shifted to the States.

That is not all. Since States only reimburse doctors and hospitals for about 60 percent of their cost of serving the 60 million patients on Medicaid, these expansion proposals of Medicaid usually also require States to increase reimbursements to doctors and hospitals. Increasing reimbursements to doctors and hospitals would basically double the increased cost to States. So you can see why earlier in the debate many of the Governors—including many of the Democratic Governors of this country—objected to this proposal. Governor Bredesen called those proposals ''the mother of all unfunded mandates.'' We know where unfunded mandates lead in our State, and that is higher State taxes.

No. 3, in addition to cutting Medicare and increasing State taxes by expanding Medicaid, the bills we have seen ask small businesses to help pay for the bills through employer mandates and fines. Under the Senate HELP Committee bill, for example, firms with more than 25 workers would have to pay the new tax, with penalties equal to $750 per year per full-time employee and $375 for part-time employees. The Congressional Budget Office estimated that this would raise $52 billion over 10 years. The House bill would impose over $200 billion in fines on businesses who cannot afford to finance their workers' health coverage.

There is another consequence to that. We have often heard the President say: Well, if you like your health care plan, you can keep it. But, what he doesn't go on to say is that if we create this government plan and if we require employers to pay $750 per full-time employee and $375 for a part-time employee, many employers are going to look at that and decide it is much cheaper to pay the $750 or the $375 for an employee. So they will just pay the government a fine and let the government plan offer health care to their employees. It is estimated by most groups that have looked at the plans we have seen that the combination of a government plan and an employer tax will result in millions of Americans losing their employer-provided health insurance.

Then there is one other way of paying for the bill: to tax people who have health care insurance. That is why the Democratic Senator from West Virginia, Mr. ROCKEFELLER, is quoted as saying today that the bill coming out of the Finance Committee—which we haven't seen yet—has a big tax on coal miners, on the middle class. That is according to Senator ROCKEFELLER.

So we are barking up the wrong tree. This debate about health care should be about reducing costs. That should be the first goal of what we mean when we say the words ''health care reform''—reducing the cost to individuals and families and small businesses that are buying health care plans and paying for insurance—that is 250 million individuals in the country today—reducing the cost to the government in higher health care spending.

That is why Republicans have suggested we should start over. A lot of good work has been done. A great many of us understand much better this complex subject we are dealing with. There is no embarrassment in saying we have gotten to this point; we are headed in the wrong direction. The Mayo Clinic, the Democratic Governors, the Congressional Budget Office, millions of Americans in town meetings are saying: You are heading in the wrong direction. You say: Ok, fine. We hear you. Let's start over.

How should we start over? Instead of passing 1,000-page bills that add to the debt and increase costs, we should work step by step to re-earn the trust of the American people. The era of 1,000-page bills is over. Smaller steps in the right direction are still a very good way to get where we want to go. There are some steps we can take, some things we can do today to move step by step in the right direction and to lower costs.

No. 1, allowing small businesses to pool and reduce health care costs by putting their resources together would increase accessibility for small business owners, unions, associations and their workers, members and families to health care. This legislation has already been considered in the Senate and in the House. It is nearly ready to pass. Estimates are that passing a small business health insurance plan would permit small businesses to offer coverage to one million more Americans.

No. 2, reform medical malpractice laws so runaway junk lawsuits don't continue to drive up the cost of health care. The President mentioned that the other night in his remarks. I congratulate him for that. But, we should do even more than he suggested. We have 95 counties in Tennessee, and in 60 of them we don't have an OB/GYN doctor because they will not practice there anymore. Their medical malpractice insurances premiums are too high—over $100,000. So pregnant women have to drive a long way—to Memphis or to Nashville or to other large cities—for their prenatal health care or to have their babies. That is a way to lower costs—reduce junk lawsuits.

There is some disagreement about how much that would save, but there is no disagreement that junk lawsuits contribute to higher medical costs.

No. 3, allow individual Americans the ability to purchase health insurance across State lines. As a former Governor, I jealously protect States rights. I like States to have responsibilities. But, I think, in terms of health care, we should allow more purchasing of policies across State lines, as people do with their car insurance today. That is a third way to take a step toward

health care reform that actually begins to lower costs.

No. 4, we don't have to pass a new bill in order to insure more Americans. About 20 percent of the uninsured Americans—maybe 10 million or 11 million—are already eligible for existing programs, such as Medicaid and the Children's Health Insurance Program. They are not enrolled. We should sign them up.

No. 5, we could create health insurance exchanges. I hear that from the Democratic side; I hear it from the Republican side. These are marketplaces in each State so individuals and businesses can shop around and find a cheaper and a better source of health insurance.

No. 6, all of us have talked about encouraging health information technology, which the Government Accountability Office has said ''can improve the efficiency and quality of medical care and result in costs savings.''

I have suggested six areas we could work on together to reduce cost. We have forgotten, in this health care debate, what we set out to do. The first goal of health care reform is to reduce cost—the cost of health care to Americans, to American businesses, and the cost to Americans of their government, which is spiraling out of control in debt because of the cost of health care. We are spending 17 percent of everything we produce in this country—and we produce 25 percent of all the wealth in the world year in and year out—on health care; twice as much on health care as a percentage as most industrialized countries. If we don't reduce costs, we will bankrupt the government and make health care unaffordable for most Americans.

The President of the United States was right to say he will not sign a bill that increases the deficit. Since that eliminates all the legislation the Democratic Congress has produced so far, I hope we will now take Republican advice and start over and get it right. A good way to begin would be for the President to send us a health care reform bill that not only doesn't add to the debt but that begins step by step to reduce costs to the American people and to the American Government. And by taking those steps, we can re-earn the trust of the American people.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. NELSON of Florida. Mr. President, I ask that the time I use be allocated on the Democratic time and that the Republican time be reserved.

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

HEALTH CARE REFORM

Mr. NELSON of Florida. Mr. President, I am here to talk about health care and health care reform today. A lot is happening today. The chairman of our Finance Committee, Senator BAUCUS, is, as we speak, making his chairman's mark become available publicly. Then later on today, around noon, he is going to have a public statement about it.

Clearly this is one of the most pressing issues. Throughout this long hot summer we have had, people across the country have debated this issue, discussed it. It has helped lay the groundwork for where we are right now on this historic issue. I personally believe the President of the United States is committed that we are going to pass health care reform legislation.

I believe the President of the United States back in the early 1990s was equally committed, but it did not happen. I think the big difference between then, in 1993, and now is that in fact it is going to happen. I want you to know this Senator is optimistic that when it gets around to 60 votes in this Chamber in order to shut off debate, I think we will get those 60 votes, and I think we will get them in a bipartisan fashion.

Of course, right now all the commentary you hear is what is this problem and what is happening on this fight and who is not on board, and so forth. That is all natural. That is natural kind of talk. But when the moment of truth comes in casting yea or nay on this floor, I think people are seeing, day by day, examples of why we have to have health care reform.

This happened just this past week in my own State of Florida. A woman undergoing cancer treatments has a reasonable degree of success by virtue of the enormous advances in cancer treatment. As the research doctors will tell you, people can live with cancer now. This lady was told by her insurance company they were disapproving the payments for the continuation of her treatments for cancer. That is the kind of stuff we cannot tolerate. It is another example of how insurance is not available even if an American citizen can afford it.

I will give another example. One of the prominent citizens in a big city in Florida told me, for her corporation the health insurance is being jacked up 47 percent. This is for a major telecommunications company that has thousands of lives they can spread the health risk over, and it is being jacked up 47 percent. She said they negotiated that down from 55 percent. The question of affordability is there as well as the availability. In other words, the American people need stability when it comes to them knowing that health insurance and health care are going to be there for them. That is what we do not have and that is why this Senator is optimistic that when the moment of truth comes that we have to indicate to the President of the Senate if our vote is yea or nay, we are going to have 60 votes to cut off debate to get to the bill to start the amendatory process.

We are going to start that amendatory process in the Finance Committee of the Senate next week. The chairman is going to come out with a mark—the chairman's suggestion, called the chairman's mark—today. There is a bunch of stuff in there this Senator doesn't agree with. But we are going to have an opportunity to change it.

Every one of us has received a lot of commentary about this from our constituents. In our office, just in the last few weeks, just on this issue we have received 56,000 calls or e-mails or letters. I happen to think this is good. It is bringing out passions. Unfortunately, it is bringing out, sometimes, hot passions.

During August I was inside giving a speech to the greater Miami Chamber of Commerce while outside on the road were demonstrators with signs. Along came a pickup truck, a fellow got out, got into an argument, and he hauled off and knocked out a 65-year-old demonstrator. Of course, the TV cameras arrive when the poor 65-year-old is just coming to consciousness.

There is no place for that, but that indicates some of the hot passions this has brought out. Remember what President Lincoln said:

> With public sentiment, nothing can fail. Without it, nothing can succeed.

He was specifically talking about the way we do government and the way we make law in this country.

Recall also what President Kennedy said about 50 years ago. He said specifically about health care:

> The consent of the citizens of this country is essential if this or any other piece of progressive legislation is going to be passed.

He was specifically talking about health care. So every one of us Senators can say, from the personal meetings, the calls, the letters, the e-mails—we can tell you there are a lot of folks out there who do not have access to affordable health care or in many cases to quality health care. We can tell you the stories we have heard about people being systematically excluded by some of the Nation's major managed care insurance companies and/or just insurance companies. Unfortunately, those are not rare cases. That is why we are here, to do something about it.

Regardless of where you stand on the specifics of the issue, I think we can agree the current system, if continued, would be unfair, too costly, and as a result it needs to be fixed. It affects every one of us. It is also a truth that sooner or later every American, 9 out of 10 times, 9 out of 10 of us are going to end up in the hospital at some point.

What do we do? I think the President laid down a good marker. His speech before the joint session was excellent. It gave some clear answers about his views on reform. It is true he has been more hands-off and is letting it be done by the Senate and the House. But, interestingly, when he got more specific,

as he did in his speech to the joint session, he described or tracked pretty close to what is coming out in Senator BAUCUS's mark that the Finance Committee is going to take up next week.

This legislation is going to let folks who are happy with their insurance keep it, including our senior citizens who are on Medicare and our veterans who have their health care. But it is also going to create a marketplace, a marketplace called the health insurance exchange, for those who do not have insurance. And in the case of the State of Florida, I will give you a percentage. That is 21 percent of our people who do not have insurance in Florida.

That number is a little less nationwide, but if you take Florida as a bellwether, it is 21 percent who do not have insurance. This legislation is going to create an exchange, a health insurance exchange, for those who do not have it, cannot get it, or those who are unhappy with their coverage. They can go get it at an affordable price.

It is a private sector solution of insurance companies competing with an insurance co-op, which is owned by the policyholders, not a government-insurance company, where in that competition of the free marketplace, they can offer insurance at lower prices. And for those poor souls who all they can get is not a group policy because they do not get insurance through an employer, the only way they can get it is to buy an individual policy, and, therefore, because it is an individual policy their rates are through the Moon—they are going to have an opportunity also to go into this health insurance exchange where they can get good coverage at a lower price. So what the legislation is going to do, in the creation of this health insurance exchange, it is going to hold the insurance companies' feet to the fire to require them to cover everyone and prevent them from dropping people when they get sick. That is called ''guaranteed coverage'' without any exemption from preexisting medical conditions.

That is why a lot of people cannot get insurance. They have had a heart attack before or they had some malady or you have heard the horror cases that they had a skin rash previously 3 years ago, and the insurance company will not cover them because they said that is a preexisting condition.

We are going to stop all of that with this legislation that I think will ultimately become law. It is going to contain several additional measures aimed at reducing other medical and prescription drug costs, and it is going to go right at the waste and the fraud in the system.

This is a starting point. This is not the end all to be all. This is the starting point. We are going to do the amendments probably for 2 weeks in the Finance Committee. Then it is going to come out here, and it is going to get amended here. Then it is going to go to a conference committee, and it is going to get amended more.

There are some concerns I want to share with the Senate and anybody who is listening through the lens of that TV camera. We have emphasized the importance of making sure that the insurance available on that health insurance exchange is affordable. We emphasized the importance of addressing the high health care costs of retirees who are not yet ready, because they are not eligible, for Medicare.

We have urged and expressed our concerns about how small business is treated under this bill. Then, when it comes to senior citizens, those who are on Medicare, who generally are very favorable about their Medicare coverage, it is certainly a concern of this Senator who has a substantial population in my State of Florida of senior citizens on Medicare that they not have something taken away from them they have come to expect and to rely on in Medicare.

That particularly is so with regard to a program called Medicare Advantage, which is a fancy term for a Medicare HMO, a health maintenance organization. The way the system was set up in a bill that passed 5 years ago, which this Senator did not vote for because it was severely flawed—nevertheless, it is the law and it has been the law for the last 5 years. It set up a system whereby Medicare HMOs, called Medicare Advantage, bid for senior citizens by offering them attractive premiums that are below what the standard Medicare fee-for-service is in a community. The law requires whatever that differential is between what the Medicare HMO has bid and what the fee for service is, that a quarter of that has to be given back to Medicare, but 75 percent of that differential is given to the senior citizen's Medicare beneficiary, through either lower premiums or no copays, or through extra benefits, such as hearing devices, or eye glasses or maybe even a membership in a fitness club.

Needless to say, the senior citizens who have this do not want it taken away from them. Although people will say these high subsidies to Medicare Advantage, to those insurance companies need to be adjusted, I think it would be intolerable to ask the senior citizens on Medicare who have it to give up substantial health benefits they are enjoying under Medicare.

For hundreds of thousands of seniors who did not conceive of Medicare Advantage but who have come to rely on it, this Senator is going to offer an amendment that will shield them from those benefit cuts on existing senior citizens on Medicare. I do not think we can punish senior citizens who signed up, and if changes need to be made for the future solvency of Medicare, then the senior citizens currently with Medicare Advantage should be grandfathered in. That is what my amendment is going to be. It is going to say that on the date of the bill, once it is signed into law, those who have that benefit should not have it taken away, and that a competitive arrangement for Medicare Advantage in the future would be done on a going-forward basis.

I have another reason I am offering that amendment, because Senator Claude Pepper was one of the people who nurtured me along as a young Congressman in the House of Representatives. A lot of young people today do not remember who Senator, then Congressman, Claude Pepper was. He had been a Senator back when Roosevelt was President. He came back into the Congress after a 12-year hiatus out of office as a new Congressman from South Florida. He became the champion of the seniors of America, first, chairman of the Aging Committee in the House of Representatives, and then as chairman of the Rules Committee of the House of Representatives.

What Claude Pepper said everybody listened to, because he spoke with great credibility and he spoke with great passion and eloquence. He spoke for a good cause, and that was standing up for the rights of senior citizens. He had been there at the outset. He had been a Senator when Social Security came into being in the midst of the Great Depression. Claude Pepper, who died in office at about age 87, on many private talks would say: BILL, I want you to look out for our seniors. Someone has to look out for them.

I have never forgotten those admonitions, those instructions that were done with such love and compassion. So I feel it is my duty to try to protect our seniors as we get into the midst of this debate.

There are other areas where we can certainly improve what is expected to come out today at noon. Another amendment would require the pharmaceutical companies to provide rebates to Medicare, as they have been doing for years, for decades, to Medicaid.

Medicaid has roughly 49 million people in this country. Medicare has roughly 44 million people in this country. We give big discounts because we are buying for 49 million Medicaid recipients. The drug companies give those discounts back in the form of a rebate to the governments, the Federal and State governments.

Why shouldn't they do that with regard to the 44 million Medicare recipients? If it is good enough for Medicaid, and it makes drugs a lot cheaper, why not do it for Medicare recipients? By the way, it would save Medicare a ton of money.

There are serious issues to be resolved. This Senator is optimistic, and I believe we are going to be able to achieve this goal of expanding affordable health care to nearly all Americans. We must do so without raising taxes on the middle class or upending their coverage. And we must do so without lowering the quality of health care for any American, including our senior citizens.

I am, by nature, an optimist. In the midst of everything that is wrong about this health care bill, I remain an optimist. The moment of truth is coming when we cast that vote yea or nay.

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

The PRESIDING OFFICER (Mr. BENNET.) The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. NELSON of Florida. Mr. President, how much time remains in morning business?

The PRESIDING OFFICER. In the first segment of the time, 4½ minutes remains.

Mr. NELSON of Florida. I ask unanimous consent to be recognized.

The PRESIDING OFFICER. The Senator is recognized.

NASA FUNDING

Mr. NELSON of Florida. Mr. President, this afternoon I am chairing a hearing of our Science and Space Subcommittee of the Commerce Committee on the future of NASA. The National Aeronautics and Space Administration is at a crossroads. There is only one person who can lead America's space program, and that is the President. The direction our country's space program, both manned and unmanned, is going to take will be square in the lap of the President. I discussed this with him on several occasions when he was Senator and when he was a candidate. I have discussed it with his staff, I am sure from their standpoint, ad infinitum.

This afternoon, we have the Chairman of the blue ribbon panel created by the President to look at the future of human spaceflight for America and to report to the President. The Chairman, former aerospace CEO Norman Augustine, is testifying in front of our committee.

It is the contention of this Senator's, who loves the space program, both manned and unmanned, and wants to see it continue as a part of our American character as explorers and adventurers, that if we ever give it up, we become a second-rate power because we give up a part of ourselves. We have always been pioneers, adventurers, and explorers. We used to go westward when this country was discovered and built. Now we go upward. Clearly, it is no secret where this Senator comes from.

What I would like to get Dr. Augustine to bring forth, out of this extensive deliberation and extensive and detailed and very good report he has come forth with, is just how important it is that you can't do a human space program on the cheap and that NASA has been underfunded for the last decade. We see the results, that we are going to be shutting down the space shuttle in the near future when we have completed construction of the international space station. And because NASA has been underfunded, we don't have the next rocket ready. We have to go and hire rides to our own space station that we have bought and paid for and built. We have to buy rides from the Russians to get there. That is inexcusable, but that is what happened. It happened over the last decade. NASA was underfunded.

The Augustine Commission has come out in early reports—and I want to hear this directly from him, I want the committee to hear this directly from Dr. Augustine—indicating that if we are going to fund a human spaceflight program that gets us out of low Earth orbit where our space station is and allows us to explore other worlds, be it the Moon, be it Mars, be it asteroids, whatever it is, NASA needs an additional $3 billion a year for the next decade. I want to hear Dr. Augustine say that, in fact, we do need to get out of low Earth orbit, because that is what we need to do as discoverers, as adventurers.

Finally, I want to hear him say that because NASA has been underfunded and mismanaged, in fact, we have a huge personnel problem in that suddenly there is not going to be work for that personnel. Those people who are space pioneers, who have lived it and breathed it and dedicated their lives to it, need to be taken into consideration instead of summarily dismissed and laid off. That is what I am looking to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. COBURN. Mr. President, I wish to spend a few minutes this morning on some amendments I have offered. I ask unanimous consent to withdraw amendment 2373.

The PRESIDING OFFICER. The Senate is in morning business and the measure is not pending at this time.

Mr. COBURN. Will the Chair advise when we will be out of morning business?

The PRESIDING OFFICER. At 11 o'clock.

TRANSPORTATION APPROPRIATIONS

Mr. COBURN. Mr. President, I will spend some time discussing the amendments we have. There is some opposition to our amendment to allow the States to opt out of being required to fund transportation enhancements. This does not eliminate the enhancements. What it simply does is give the State of Colorado or the State of Oklahoma the opportunity to say, with roads in such disrepair and 138,000 bridges in disrepair, that we have the ability, if we so choose, to take all of the money, instead of 90 percent, and apply it to solve the problems we have.

So it will not force California to not do enhancements. It will not force any State to not do them. It will give them the privilege of electing whether they want to do those enhancements when, in fact, we have such a critical need in terms of roads, highways, and bridges.

So the goal of this—and it is important to know where the money comes from. The money is taxes that are collected from individuals in Colorado and Oklahoma and every other State that are then sent here and then sent back. In my State—I do not know about Colorado—we have never gotten more than 93 percent of what we have sent here. We used to average about 74 percent. But now, as to the money that does come back, 10 percent has to be spent on enhancements, whether that is sound barriers or walking paths or bicycle paths or numerous other enhancements, as under the SAFETEA-LU bill.

So what this amendment does, it does not force anybody to not, but it gives them the option to fix the problems in their State.

I would note that the National Transportation Safety Board notified us that last year 13,000 people died on our highways, not because they made a driving error, not because someone else made a driving error, not because they had a problem with their automobile or with their truck, they had the accident because the roads were substandard. Thirteen thousand people lost their lives.

So the question of priority, of whether my department of transportation in Oklahoma ought to have the ability to fix roads and bridges instead of building sound barriers ought to be left to us.

This amendment is for this year only. It does not eliminate, does not change the law. It just says: We are going to give you the option this year with this money, if your State has needs—and Oklahoma has significant needs; I know Colorado does because I am there a lot—that we do not necessarily spend it on sound barriers, that we can actually spend it on something that is going to save somebody's life. So it does not force anybody to not do enhancements but gives them the right to choose the priority of saving lives over enhancements, if they so desire.

The Senator from California made a statement yesterday about what this amendment would do. There is no force in this amendment other than to allow. It allows the States the freedom to do what is best for their citizens rather than saying 10 percent of the money they get back has to be spent on things that are not going to save lives, are not going to enhance safety, but, in fact, are going to enhance aesthetics.

So I think it is a commonsense amendment. There is no force; that if California wants to continue to spend 10 percent of their money on enhancements, they can. There will be nothing that will keep them from doing that. It will be what the State decides to do rather than what we decide to do.

Since it is money taken from those States, it would seem we would want to give the States the option to make the best priority choice for those dollars for their individual citizens.

I am very appreciative of Senator MURRAY's agreement to take two of our amendments that are based on transparency to the American public. One requires HUD to report to Congress on homes that are owned and the cost to taxpayers so the American people see what the Department of Housing and Urban Development is doing. The other is an amendment to make available to the public all the reports—and there are numerous reports required in this bill of the Transportation Department—to make those available to the public as well so it is in the light of transparency. I am very thankful for Senator MURRAY's agreement on those two amendments.

I have two other amendments I will talk about when Senator MURRAY gets to the floor. Otherwise, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 3288, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3288) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

Pending:

Coburn/McCain amendment No. 2371, to remove an unnecessary and burdensome mandate on the States, by allowing them to opt out of a provision that requires States to spend 10 percent of their surface transportation funds on enhancement projects such as roadkill reduction and highway beautification.

Coburn/McCain amendment No. 2370, to fully provide for the critical surface transportation needs of the United States by prohibiting funds from being used on lower-priority projects, such as roadkill reduction programs, transportation museums, scenic beautification projects, or bicycle paths, if the Highway Trust Fund does not contain amounts sufficient to cover unfunded highway authorizations.

Coburn/Mccain amendment No. 2372, to fully provide for the critical surface transportation needs of the United States by prohibiting funds from being used on lower-priority projects, such as transportation museums.

Coburn amendment No. 2374, to determine the total cost to taxpayers of Government ownership of residential homes.

Coburn Amendment No. 2377, to require public disclosure of certain reports.

Wicker modified amendment No. 2366, to permit Amtrak passengers to safely transport firearms and ammunition in their checked baggage.

Vitter amendment No. 2376, to affirm the continuing existence of the community service requirements under section 12(c) of the United States Housing Act of 1937.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, for the information of all Senators, we are now here on our fifth day of considering the transportation and housing appropriations bill. We do have a number of amendments that have been offered. The Senator from Oklahoma is here. He has the first 30 minutes under the previous order. I have the following 10 minutes. I would like all Senators to know that if all time is not used, we intend to yield back and we expect that these votes may occur as early as 11:30.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I join with my colleague, the Senator from Washington, in saying please let's get on with it. This will fill out a full week now. This will be Thursday through Wednesday we have been on the floor. We want to bring these amendments forward. I understand we may not need 40 minutes, and we certainly would like to get these votes started so we can wrap them up before we break for the scheduled lunches.

Again, if the Senators could be ready for a vote, we hope as early as 11:30, no later than 11:40, and we will have a series of votes. We look forward to dealing with these amendments and moving on to others.

I thank our colleagues for their attention and let's get on with it. I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 2370, AS MODIFIED

Mr. COBURN. Mr. President, I believe the desk has a modification to amendment No. 2370, and I ask unanimous consent for that modification.

The PRESIDING OFFICER. Is there objection to modifying the amendment?

Without objection, the amendment is so modified.

The amendment (No. 2370), as modified, is as follows:

At the appropriate place, insert the following:

SEC. ____. (a) None of the funds made available by this Act may be used for any purpose described in subsection (b) until the date on which the Secretary of Transportation certifies, based on the estimates made under section 9503(d)(1) of the Internal Revenue Code of 1986 of unfunded highway authorizations in relation to net highway receipts (as those terms are defined in that section) for the period of fiscal years 2010 through 2013, that the Highway Trust Fund contains or will contain amounts sufficient to cover all such unfunded highway authorizations for those fiscal years.

(b) The purposes referred to in subsection (a) are——

(1) transportation museums;

(2) scenic beautification projects; and

(3) pedestrian or bicycle facility projects.

AMENDMENT NO. 2371

Mr. COBURN. Mr. President, I wish to talk about all three of the amendments I plan on getting votes on. I will give a little summary on amendment No. 2371.

The way the highway trust fund spending is set up now is that if we send your State $100 million, $10 million of that $100 million has to be spent on enhancement projects, regardless of the condition of your roads, regardless of the condition of your highways, regardless of the condition of the bridges in your State. All this does is allow States to not have to follow that in this, No. 1, tough economic time; No. 2, when we know highway deaths related to roads and bridges alone account for 13,000 deaths a year. So we will intend to ask for a vote on that. It does not prohibit the States from doing these enhancements, much as was claimed in debate yesterday but, rather, gives an opportunity for the States to make good value judgments about what is in the best interests of their State in terms of highways, roads, and bridges.

AMENDMENT NO. 2372

Amendment No. 2372 is an amendment which requires us to prioritize. Unbeknownst to most Americans, money that is collected from the purchase of your gasoline has been used—$28 million of it, as a matter of fact—to fund transportation museums. That may be a great use in a time when we are not in the economic situation and circumstances we find ourselves in today. What this amendment does is say, until we get out of the trouble we are in and until the trust fund gets back to where it needs to be, we shouldn't be prioritizing and we shouldn't be earmarking money for transportation museums. It goes back to common sense. The money we are collecting in gas taxes ought to be used to repair and build highways and bridges and roads, not fund museums.

As a matter of fact, several of the museums that have been funded in the last 5 years are already closed. They came through earmarks. We spent millions of dollars. Nobody had any interest in them; consequently, they were closed. In this one bill we have one that has been earmarked. It may be the right thing to do, but now is not the right time to do it.

So what this amendment simply does is say that for this year—this year only—we are not going to allow lower priority items such as a transportation museum to displace money that could be used to enhance somebody's safety or protect their life. I don't know what the outcome on this will be, but I think it will be a telling statement for the Congress that if we decide museums

are more important than somebody's life—more important—the priority is there—it will show a disconnect in this Congress as to whether we are willing to make good priorities with Americans' taxpayer dollars or do we continue to ignore common sense and spend the money the way some or one or many individuals would like to do it, without regard to what the original intended purpose for the money was and without regard to the very serious situation we find with our roads, highways, and bridges.

Senator MCCAIN and I asked the Government Accountability Office to look at where the money was spent over the last 4 years prior to this year, and $3.7 billion of highway money went for transportation enhancements, of which museums are one. Granted, it wasn't a lot of money, but when you take $38 million and apply it to defective bridges in Oklahoma, what you can do is fix 75 of our defective bridges—bridges that are putting people's lives at risk and money that Oklahomans paid out that ought to come back and take care of the problems we have. The same for Colorado. The same for Missouri. The same for all these States. We are behind.

We have 137,000 or so bridges that are suspect in this country. We recently had an individual in Tulsa, OK, who was seriously injured when a chunk of concrete fell from a bridge through his windshield. So it wasn't the people driving over the bridge; it is the people going under the bridge who are put at risk, simply because we have focused money on things other than highways, bridges, and roads. So it is by law right now that we have to spend 10 percent of that money, and some of it goes to museums.

All this amendment says is, right now, let's not spend money on museums and let's fix roads and highways and bridges. We authorized $4.1 billion over the last 5 years for transportation enhancement set-asides. All of that comes out of the 10 percent mandatory—and I have the other amendment I talked about before.

Let me go through what the GAO report said: $850 million had to be spent on scenic beautification and landscaping projects. Well, $850 million could have built a lot of highways in this country. It could have repaired a lot of those 137,000 bridges. Yet we mandated that the money got spent on something other than roads, highways, and bridges. We allocated $488 million for behavioral research. There is no question that some of that is absolutely necessary in terms of us making decisions. We allocated $224 million for 366 projects to rehabilitate or operate historic transportation buildings—$224 million. That is half of what Oklahoma spends a year on what they get from the trust fund, and we did it to preserve historic buildings and transportation novelties rather than spend it on highways, roads, and bridges. We allocated $84 million for road-kill prevention, wildlife habitat connectivity; $28 million, as I said, to establish 55 transportation museums; $19 million to control outdoor advertising.

What this GAO report says is we refuse to make the hard choices about priorities. All this museum amendment says is not now. For 1 year, let's spend the money we were going to spend on museums and put it into real infrastructure, real highways, real bridges.

AMENDMENT NO. 2370

I have one other amendment I wish to discuss—and then I will reserve the remainder of my time and give the chairman her time—and that is amendment No. 2370. We know, because of the increased price of gasoline, and we know because of the economic recession we find ourselves in, that dollars going into the highway trust fund have been added. As a matter of fact, twice in the last 2 years, we have borrowed money from our children and grandchildren to keep the trust fund viable because the taxes coming in off the trust fund have not kept up with the pace of spending we have authorized and subsequently obligated to be spent. We know the highway trust fund is on the brink of insolvency. Within a year, if we don't get the 18-month extension which I think is being planned, we will go back and steal another $7 billion or $8 billion from our kids to keep this system viable.

What this amendment says is, if we are going to do that or until it becomes viable on its own, we should preclude the transportation enhancement program. We know we don't have enough money to take care of the very serious problems we have on our roads, on our highways, and with our bridges. Yet we continue to force the States to spend 10 percent of their money not on highways, roads or bridges. That doesn't make any sense. So this is a much stronger amendment than my earlier amendment that says, until the highway trust fund becomes solvent, until we quit stealing money from our kids and our grandkids and actually pay as we go, pay for what we are wanting to do, at least that 10 percent of the money is going to get spent on real roads, real bridges, and real highways, not on enhancements.

I know many do not agree, and I am readily perceptive of their disagreement. The fact is, if you go out and poll the American people and you ask them: Should we fix the highways that allow 13,000 people a year to die because of the quality of the highway or should we build a walking trail or a sound barrier, they will all say: Fix the highways first.

Come back and do these other things later. Should we build a museum when we have roads in disrepair? No. They will all say that—unless they are the ones benefiting directly from the money going to an earmarked project for a museum.

So it is not a question of common sense, and it is not a question of priority; it is a question of whether we will break the chain of how things are done here and, in fact, say: American taxpayers, you are paying this money every time you pump a gallon of gas, and we are going to make sure that goes for roads, bridges, and highways first; and when we get extra money, we will then enhance the areas around or surrounding the highways.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, the Senator from California will be here shortly to respond to a number of these amendments, since they fall into the jurisdiction of her full committee.

The Senator from Oklahoma has offered three amendments to this bill that are related to transportation. Each of those amendments would limit the ability of States and local governments to spend their highway grants on activities that are eligible for funding under the Federal aid highway program.

Those limitations would not only apply to funds that have been earmarked in this bill. I think Senators should understand they would also apply to the formula grants that go to our States and local governments, which plan their own transportation investments.

The Senator's amendments would take away funding from transportation enhancement, especially streetscaping, bike and pedestrian paths, and the mitigation of highway runoff pollution.

Today, all of these activities are eligible for funding under the current highway authorization law, the SAFETEA–LU Act. Under that act, communities are required to prepare and provide comprehensive transportation plans in order to receive their Federal highway and transit grants. Those plans have to include the communities' plans for bike and pedestrian pathways, because those transportation plans are meant to be comprehensive, and our national policy, which has been debated on the floor of the Senate and the House, has been to recognize bike and pedestrian paths as one component of a complete transportation system. They cannot constitute the largest part of the system but a plan that ignores that element is incomplete.

When we provide bike paths and walkways, we help keep our families and our neighbors safe. Without these paths, many more bicyclists, pedestrians, people who commute to work that way would compete with vehicle traffic. Everybody on a bike or footpath is vulnerable when they are mixed in with heavy traffic. But school-age children are the most vulnerable.

When we debated this policy under SAFETEA-LU, we determined that bikeways and walkways are an important part and are components of our transportation system for people who cannot afford a car and have to walk to work. People who walk to school are impacted by the Senator's amendment.

I don't believe that this bill—the current transportation appropriations bill—is an appropriate time that we should be debating and changing our highway policy, which is so important to all of our communities across the country.

The chairman of the appropriate committee is on the floor. I know she wants to respond. I yield the floor to her at this time.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, what is the order right now? How much time remains before we vote?

The PRESIDING OFFICER. Six-and-a-half minutes remain.

Mrs. BOXER. Mr. President, I thank the chairman of the subcommittee for setting aside some time for me because, as the chairman of the Environment and Public Works Committee, I am concerned about the Coburn amendment. I want to discuss why.

The particular program that the Senator is going after is the transportation enhancements program, created in 1991, in a very bipartisan way in the transportation bill. The purpose of the program is to encourage investment in some very important priorities for the Nation. I want to talk about that.

I particularly want to say that, on average, this program provided $650 million for these important activities each year. I want to point out that if you relate that $650 million to jobs, we are talking about many jobs, because $11.5 billion was made available since 1992, and that translates to 400,000 jobs—good-paying jobs, jobs that do important things, jobs that can't be shipped overseas. And of all the times to come to the floor and go after a program that is a job creator and, in addition, does many important things that actually save lives, I don't think this is the time. Frankly, I don't think there is any time for that.

For example, one of the uses of these funds is that we try to stop highway runoff—runoff that has very harmful chemicals and pollution in it, and it goes right into waterways. That is something we should not stop. That is something we owe to our children, to protect them from pollution.

We also use the funds to reduce vehicle-caused wildlife mortality. Anybody who has seen the result of a collision with a deer or other large animal, as I have in the county where I have lived for 40 years, knows you are dealing with danger for all the parties involved. Why on Earth would we come down here and strike the funding for a program that protects our kids from pollution and saves lives by making sure that our local people do the right thing and make sure these animals don't have ready access or easy access to our freeways?

Let me put this into exact numbers. I know my friend is an exacting debater, and he is a great debater. A study under the National Cooperative Highway Research Program estimated that each year wildlife collisions are responsible for 200 human deaths, 29,000 injuries, and more than $1 billion in property damage. So even with the funding that we have, this is an issue, and we don't want to make matters worse.

I am going to be specific. In Washington State, $75,000 in TE funds, which my friend wants to strike, provided in 1999 for radio collars for elk and an alert system for motorists to reduce elk-vehicle collisions on Highway 101 in the Sequim Valley. As a result of the project, elk-vehicle collisions have dropped from an average of 2.5 every year to only 1 in the past 7 years. Why on Earth do we want to pull money from a fund that saves lives?

In Colorado, $108,000 in TE funds were provided in 2007 to remove broken one-way deer gates and replace them with escape ramps and extend the fencing, which was first set up in 1980, to guide wildlife off of U.S. 550. So those funds certainly are improving safety and saving lives.

Bicycle paths, pedestrian facilities are provided, and the chairman spoke about that. In Georgia, TE funds helped transform the 5th Street bridge span over Atlanta's I–75/I–85 into a pedestrian/bicycle-friendly park, hovering 17 feet above the highway that safely connects buildings of Georgia Tech's campus. The bridge was widened to incorporate bicycle paths, landscaping, lamp posts, trellises, and benches.

I guess there is a different view of what is essential. I think saving lives is essential. These funds are used to save lives. Also, if I could say it, because I know my friend doesn't think it should be a priority to beautify our highways, freeways and roads, I point out that the taxpayers of this country care about their communities, care about how their highways and freeways and their roads look. It is a big difference when you have a highway and a freeway that is taken care of, just as we take care of our homes. That is our job.

In Illinois, a tunnel was constructed beneath the busy Center Grove Road that will provide safer passage for students walking between their school and a nearby sports complex. The tunnel was constructed with the help of TE funds—the very funds my friend wants to cut.

In Plymouth, IN, they can now enjoy 2.2 miles of paved trails that meander throughout the community, connecting schools, parks, rivers, and neighborhoods. And a TE award of $1.2 million helped fund the trail. It was matched by local dollars.

In Minneapolis, TE funds helped construct the Midtown Greenway project that provides a safe bicycle commuter freeway for up to 4,500 cyclists a day.

In Oklahoma, new and existing businesses and shops are thriving after a streetscaping project in downtown Norman. TE funds helped to renovate the downtown area, which included improvements in historical lighting.

I hope we will vote against the series of Coburn amendments. I think they hurt, they will stop creation of jobs, and they will make us less safe.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. I think, first, the Senator doesn't understand amendment 2371. It doesn't eliminate any money. It allows the States to opt out of the enhancement if, in fact, it is better.

The Senator talks about life. With 13,000 people killed on bad roads last year, that didn't have anything to do with driving skills or the cars or anything else, other than we didn't put good roads into place. It is a question about priorities.

There will be no job loss at all. There will be no decrease in spending under amendment No. 2371. What it simply says is that you don't have to take 10 percent of your funds anymore and spend it on enhancements, if you know you have people who are going to die because you don't fix a road.

She talks about 200 deaths versus 13,000 deaths. There are 137,000 deficient bridges. Should we fix the roads or build a sound barrier? Which one is important? Should we fix the roads or build another museum? Should we fix the roads or enhance walkways? It is not as if we don't have walkways and trails. The question is, where is the greatest need? And will we make prudent judgments about giving freedom back to the States and say if, in fact, they don't want to enhance in this tough economic time, they don't have to? It doesn't preclude California or Washington State from doing enhancements. They still can. It just says that in those States that have significant critical infrastructure needs and roads that are at high risk, under amendment No. 2371, they get a chance to opt out and do what is best for their citizens and their State, and to fix some of the bridges, instead of building a walkway or a bicycle trail. They will be able to fix a bridge or fix a road and take a curve out where people are dying, instead of building a museum. It is not onerous. The arguments are specious.

The fact is, we are giving back to the States and saying they can prioritize this. If you think enhancements are not as important as the risks you have on your highways, you can opt out—this year only—and put it into roads, bridges, and highways.

Mrs. BOXER. Will the Senator yield?

Mr. COBURN. I want to finish my point. The Department of Transportation in every State is not run by idiots. Their No. 1 goal is for the protection and enhancement of their citizens. We are now saying to Oklahoma or Colorado or Delaware, you don't get to make the decision about what the priority is because 10 percent of the money you get has to be spent this way.

All this is saying is for this year alone—for this year alone—you can opt out of certain provisions. Some you

may want to do, some you may not want to do. But if you choose to put $7 million in to take a curve out of a road that is killing people versus building a bike trail or a sound barrier, you can do it. You are actually going to save more lives. It will make no difference in the number of jobs created or saved. It has no effect on that whatsoever. The exact same amount of money is going to be spent, and it is all going to be spent on construction of what the highway trust fund was—I am not saying these are not good ideas. I am saying it is the priority of placing them ahead of safety and improving roads, improving bridges. How do we explain to the family of the person who was injured in Tulsa, OK, that we are going to build a sound barrier rather than the bridge where a piece of concrete fell through his windshield and critically injured him? That noise is more important than that individual's life?

I say give the freedom back to the States for this one year to not require a mandatory 10-percent allocation to enhancements. Most of the States probably will not take that. But I can tell you, in my State, where we have the second or third largest number of deficient bridges, we are going to build bridges, we are going to fix the broken bridges, we are going to save people's lives, and we are going to save more people's lives.

By the way, our taxpayers put the money into the highway trust fund for this with every gallon of gas. Oklahoma has never gotten more than 94 percent back and over the last 20 years has averaged less than 80 percent of what we send here. So it is highly insulting in this year of tough, difficult times for us to get less than what we send up, one, and then say: 10 percent of it you cannot spend on the greatest need in your State; that we know better, Washington knows better. Washington does not know better.

We do not preclude any of the enhancements anywhere else. If the State departments of transportation want to do every enhancement and go to the 10 percent, they can go to it. What we are saying is, if your State has a need that is critical to saving people's lives, maybe you don't build a sound barrier right now but, in fact, you fix the road or you repair the bridge. It is common sense.

The question will be, Do we do what is best for the American people or do we stand with the dogma that says we know better? Can we trust Governors and State departments of transportation to make good decisions for the safety of their individual citizens in their States? I think we can.

I am not excited about what will be the outcome of this vote, but I tell you that this kind of common sense—it does not eliminate it. It just says we should do that.

To save the Chamber time, I will ask unanimous consent to withdraw—Mr. President, I want Chairman MURRAY to hear this, if she will. I would ask unanimous consent to withdraw amendment No. 2370 which puts a limit until the trust fund is stable. I will stop that. I will withdraw it, if I can have unanimous consent to do that.

The PRESIDING OFFICER (Mr. KAUFMAN). Is there objection?

Mrs. BOXER. Yes. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. COBURN. We will spend the time voting on something I don't think will be adopted anyway.

On amendment No. 2371, none of the claims the Senator from California made are accurate. They are not accurate. There will be no decrease in jobs. There will actually be the opposite of what she said—enhancement and saving lives. There will be a real ability for the States to make the best decisions for their citizens.

With that, I yield back the remainder of my time.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on amendment No. 2374, offered by the Senator from Oklahoma.

Mr. COBURN. 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.

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

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

AMENDMENTS NOS. 2374 AND 2377

Mrs. MURRAY. Mr. President, I have talked with the Senator from Oklahoma, and two of the amendments he has offered, No. 2374 and No. 2377, are amendments the committee agrees to. I ask unanimous consent that both of these amendments be adopted.

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

The amendments (Nos. 2374 and 2377) were agreed to.

AMENDMENT NO. 2371

Mrs. MURRAY. Mr. President, what is the pending amendment?

The PRESIDING OFFICER. The pending amendment is No. 2371, and there will be 2 minutes of debate equally divided.

The Senator from Oklahoma.

Mr. COBURN. Mr. President, we just had the debate. All it does is allow States to opt out, if they find critical infrastructure needs, from the mandatory 10-percent enhancement rule.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, the Senator does not describe his amendment properly. I ask colleagues to read it. The amendment says:

None of the funds made available by this Act may be used to implement section 133(d)(2) of title 23, United States Code.

That means none of the funds could be used for this very important part of our transportation program which has created 400,000 jobs since 1992. This is not the time to cut these good jobs. This is not the time to say to the States: In your purpose, you can do whatever you want, but then in the real amendment they cannot get any Federal funds anymore to keep wildlife off the freeways, they cannot get funds anymore to do highway beautification, they cannot get funds anymore to stop runoff from highways that will pollute our waterways.

I say the purpose may be what the Senator says, but because he is forced into doing this on an appropriations bill, he says none of the funds can be used for these TE programs, and that will cause injuries and death.

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

The Senator from Oklahoma.

Mr. COBURN. Mr. President, the amendment is very carefully written so it will not allow the enforcement of administration of funds. If you will carefully read public law—that is how we got it germane—it does not allow the enforcement. It doesn't mean they can't do it. The money can still go out. If you still want to do the enhancements, you can. It simply says you may not have to if you don't want to.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 2371. 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 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. 277 Leg.]

YEAS—39

Alexander	Ensign	LeMieux
Barrasso	Enzi	Lieberman
Bayh	Feingold	Lugar
Bennett	Graham	McCain
Brownback	Grassley	McCaskill
Bunning	Gregg	McConnell
Burr	Hatch	Risch
Chambliss	Hutchison	Roberts
Coburn	Inhofe	Sessions
Corker	Isakson	Thune
Cornyn	Johanns	Vitter
Crapo	Klobuchar	Webb
DeMint	Kyl	Wicker

NAYS—59

Akaka	Conrad	Lautenberg
Baucus	Dodd	Leahy
Begich	Dorgan	Levin
Bennet	Durbin	Lincoln
Bingaman	Feinstein	Menendez
Bond	Franken	Merkley
Boxer	Gillibrand	Mikulski
Brown	Hagan	Murkowski
Burris	Harkin	Murray
Cantwell	Inouye	Nelson (NE)
Cardin	Johnson	Nelson (FL)
Carper	Kaufman	Pryor
Casey	Kerry	Reed
Cochran	Kohl	Reid
Collins	Landrieu	Rockefeller

Sanders	Specter	Voinovich
Schumer	Stabenow	Warner
Shaheen	Tester	Whitehouse
Shelby	Udall (CO)	Wyden
Snowe	Udall (NM)	

NOT VOTING—1

Byrd

The amendment (No. 2371) was rejected.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2370 WITHDRAWN

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on amendment No. 2370, offered by the Senator from Oklahoma.

Mr. COBURN. Mr. President, I ask unanimous consent to withdraw the amendment; amendment No. 2370.

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

AMENDMENT NO. 2372

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on amendment No. 2372, offered by the Senator from Oklahoma.

The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, 13,000 people died on American roads last year because of the quality of the roads and bridges. We have spent $48 million in the last 4 years on museums, some of which are already closed. The money we collect from taxpayers should be prioritized to build roads, bridges, and highways. This amendment is a simple amendment. It says we should be spending right now, this next year only, no money for museums until we get the roads back.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. I yield my 1 minute to the Senator from Delaware.

Mr. CARPER. Mr. President, when you take the train up the Northeast corridor and the train stops in Wilmington, DE, you are in the middle of what was, 60 years ago, a vibrant shipbuilding area. We built ships to help win World War II. When the war was over, what had been a vibrant shipbuilding industry turned into an industrial wasteland.

Fifteen years ago we began transforming it, and today it is river walks, it is places for people to live, work, recreate, we have parks—it is a beautiful place, an urban wildlife refuge. We are going to build a children's science museum there as well. It costs $11 million. We raised the money from our local sources.

In this bill is the HUD funding, $190,000, to help us complete the package. It is a small amount of money for a great payoff for a lot of kids, tens of thousands of kids who will visit that science museum, who will be excited about science and, hopefully, will go on to have careers as scientists, inventors, and engineers. I ask you to help me defeat this amendment.

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

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing on the amendment. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

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

The result was announced—yeas 41, nays 57, as follows:

[Rollcall Vote No. 278 Leg.]

YEAS—41

Barrasso	Enzi	Lugar
Bayh	Feingold	McCain
Brownback	Graham	McCaskill
Bunning	Grassley	McConnell
Burr	Gregg	Murkowski
Chambliss	Hatch	Risch
Coburn	Hutchison	Roberts
Collins	Inhofe	Sessions
Conrad	Isakson	Snowe
Corker	Johanns	Thune
Cornyn	Klobuchar	Udall (CO)
Crapo	Kohl	Vitter
DeMint	Kyl	Voinovich
Ensign	LeMieux	

NAYS—57

Akaka	Feinstein	Nelson (NE)
Alexander	Franken	Nelson (FL)
Baucus	Gillibrand	Pryor
Begich	Hagan	Reed
Bennet	Harkin	Reid
Bennett	Inouye	Rockefeller
Bingaman	Johnson	Sanders
Bond	Kaufman	Schumer
Boxer	Kerry	Shaheen
Brown	Landrieu	Shelby
Burris	Lautenberg	Specter
Cantwell	Leahy	Stabenow
Cardin	Levin	Tester
Carper	Lieberman	Udall (NM)
Casey	Lincoln	Warner
Cochran	Menendez	Webb
Dodd	Merkley	Whitehouse
Dorgan	Mikulski	Wicker
Durbin	Murray	Wyden

NOT VOTING—1

Byrd

The amendment (No. 2372) was rejected.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion upon the table.

The motion to lay upon the table was agreed to.

AMENDMENT NO. 2366, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate, equally divided, on amendment No. 2366 offered by the Senator from Mississippi, Mr. WICKER.

The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I would let all fellow Senators know, we have two more votes remaining. If the Senators would allow the speakers to speak, we will be able to move through these expeditiously.

I ask unanimous consent that the remaining amendment votes be 10 minutes in length.

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

Mr. BOND. Mr. President, I would urge all Members to stay around and vote and we can get on with the business and anybody who wants to have lunch can have lunch.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Mr. President, very simply, this amendment would allow law-abiding Amtrak passengers to securely transport firearms in their checked baggage. Under current practices, all the American domestic airlines permit firearms in their checked luggage. Other American passenger railroads also allow checked firearms.

Only the federally subsidized Amtrak prohibits law-abiding American citizens from exercising their second amendment right in checked baggage. On April 2 of this year, the Senate passed a similar amendment to the budget with 63 votes in favor of the Wicker Amendment and only 35 against.

During the time since then, Amtrak has made no efforts to respond to this overwhelming bipartisan vote. It is my hope that we get a similar overwhelming bipartisan vote today which results in Amtrak ending this unfair practice. I urge a vote in favor of the amendment.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I would ask all our Senators to pay attention to what we are being asked to vote on. We did vote on a similar amendment during the budget debate. But these amendments are very different. The amendment to the budget resolution never put Amtrak's funding at risk. That amendment would have only prohibited an extra reserve fund from going to Amtrak if it did not allow firearms.

The amendment we are now considering does something much more drastic, it will put at risk Amtrak's appropriations. In order to receive any Federal funding under this amendment, Amtrak would have 6 months to build a process for checking and tracking firearms, it would have to find the manpower necessary to screen and guard firearms, and would have to purchase the equipment necessary.

There is nothing in the underlying appropriations to pay for any of that. So this amendment is going to put a severe burden on them, and if they do not comply, Amtrak will shut down.

I think it is very important that we be careful what we are voting on. I ask my colleagues to oppose the Wicker amendment.

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

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

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

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 (Mrs. HAGAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 68, nays 30, as follows:

[Rollcall Vote No. 279 Leg.]

YEAS—68

Alexander	Ensign	McConnell
Barrasso	Enzi	Merkley
Baucus	Feingold	Murkowski
Bayh	Graham	Nelson (NE)
Begich	Grassley	Nelson (FL)
Bennet	Gregg	Reid
Bennett	Hagan	Risch
Bingaman	Hatch	Roberts
Bond	Hutchison	Sanders
Brownback	Inhofe	Sessions
Bunning	Isakson	Shaheen
Burr	Johanns	Shelby
Casey	Johnson	Snowe
Chambliss	Klobuchar	Tester
Coburn	Kohl	Thune
Cochran	Kyl	Udall (CO)
Collins	Landrieu	Udall (NM)
Conrad	Leahy	Vitter
Corker	LeMieux	Voinovich
Cornyn	Lincoln	Warner
Crapo	Lugar	Webb
DeMint	McCain	Wicker
Dorgan	McCaskill	

NAYS—30

Akaka	Franken	Mikulski
Boxer	Gillibrand	Murray
Brown	Harkin	Pryor
Burris	Inouye	Reed
Cantwell	Kaufman	Rockefeller
Cardin	Kerry	Schumer
Carper	Lautenberg	Specter
Dodd	Levin	Stabenow
Durbin	Lieberman	Whitehouse
Feinstein	Menendez	Wyden

NOT VOTING—1

Byrd

The amendment (No. 2366), as modified, was agreed to.

Mr. BOND. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2376

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on amendment No. 2376, offered by the Senator from Louisiana, Mr. VITTER.

The Senator from Louisiana.

Mr. VITTER. Madam President, this should be a noncontroversial amendment. It simply retains in present law the current community service requirement which Congress passed into law for public housing tenants who are able-bodied over a decade ago. The House has tried to take out this requirement. It is a very modest 8 hours per month of community service for able-bodied tenants. Automatically exempted are folks over 62, folks who have a disability, caretakers, folks who meet the TANF work requirements, et cetera. It is a modest, reasonable work requirement which has been in the law for years. I urge all Members to retain it through this vote.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. The Senator from Louisiana is offering an amendment that would require continued enforcement of public service for people who live in public housing. I oppose this amendment for two reasons. First, it is current law. Secondly, I am concerned, in this economic downturn, when we have a lot of families struggling, the most struggling families, we are putting this requirement on them. Therefore, I am going to oppose this amendment and will be voting no.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana has 6 seconds remaining.

Mr. VITTER. This excludes folks who have a work requirement under TANF.

The PRESIDING OFFICER. The time of the Senator from Louisiana has expired.

The question is on agreeing to amendment No. 2376.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

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

The result was announced—yeas 73, nays 25, as follows:

[Rollcall Vote No. 280 Leg.]

YEAS—73

Alexander	Ensign	McConnell
Barrasso	Enzi	Merkley
Baucus	Feingold	Murkowski
Bayh	Feinstein	Nelson (NE)
Begich	Gillibrand	Nelson (FL)
Bennet	Graham	Risch
Bennett	Grassley	Roberts
Bingaman	Gregg	Rockefeller
Bond	Hagan	Schumer
Boxer	Hatch	Sessions
Brownback	Hutchison	Shelby
Bunning	Inhofe	Snowe
Burr	Isakson	Specter
Chambliss	Johanns	Tester
Coburn	Kaufman	Thune
Cochran	Klobuchar	Udall (CO)
Collins	Kohl	Udall (NM)
Conrad	Kyl	Vitter
Corker	Leahy	Voinovich
Cornyn	LeMieux	Warner
Crapo	Lieberman	Webb
DeMint	Lincoln	Wicker
Dodd	Lugar	Wyden
Dorgan	McCain	
Durbin	McCaskill	

NAYS—25

Akaka	Inouye	Pryor
Brown	Johnson	Reed
Burris	Kerry	Reid
Cantwell	Landrieu	Sanders
Cardin	Lautenberg	Shaheen
Carper	Levin	Stabenow
Casey	Menendez	Whitehouse
Franken	Mikulski	
Harkin	Murray	

NOT VOTING—1

Byrd

The amendment (No. 2376) was agreed to.

Mrs. MURRAY. 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.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, we have made great progress on the transportation and housing appropriations bill, and I thank all Senators for working with us. We have several amendments left to do.

I now ask unanimous consent that Senator LANDRIEU be given 5 minutes to speak on amendment No. 2365, followed by Senator GREGG with 20 minutes equally divided on amendment No. 2361.

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

Mrs. MURRAY. Madam President, at this time, then, we will move to those two amendments. We have several other Senators who have notified us they wish to offer amendments.

For the information of all Members, we hope to have votes on at least the two amendments I have just spoken of, the Landrieu and Gregg amendments, at 2:30. If there are other amendments we are able to move at that time, we will then vote on those as well. But, again, we are making great progress. We have a few amendments left, and I urge any Senator who has an amendment, you have a few hours left to get it to us so we can work it out.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 2365

Ms. LANDRIEU. Madam President, I appreciate the chairman allowing me the opportunity to offer this amendment, and also working with Senator BOND, who I understand supports this amendment as well.

I offer this amendment on behalf not only of myself but Senator HARKIN, Senator HUTCHISON, Senator GRASSLEY, and Senator CORNYN. So we have a strong bipartisan group of Senators who are coming to the floor to ask our colleagues to approve an amendment that has to do with a change and modification in the Community Development Block Grant Program that has been put in place to help communities prepare for and recover from disasters. This amendment is going to affect all communities in a positive way across the country that received community development block grant funding and in a very significant way. If this amendment is passed by this body today and continues in this bill, the communities that have received special allocations of community development block grant money will be able to use those funds to match other Federal funds available.

This is the way the normal Community Development Block Grant Program has operated, I understand, since its inception. As my colleagues can see from this chart, in every single situation, except for two, in the last 17 years, that has been the case. So my amendment is basically allowing the floods and natural disasters of 2008 to be included in this effort; in other words, to say, if you received community development block grant funding, you can use those funds as a local and State match for other Federal funding.

This is important for two reasons. One, it has been done in that way the

last 17 years for good reason. For good reason because these communities, you could argue, have even greater challenges than normal, considering that in any time it is tough to provide housing or to build roads or to help their small businesses get back on their feet, but after a catastrophic disaster it is sometimes 5, if not 10, times harder. So why restrict their money at a time when they need the greatest flexibility? That is all this amendment does.

Again, this is the way it has been done in general community development block grants since the beginning of the program. It is the way it was done with disaster community development in every case. Our amendment would simply make that uniform policy for the States affected by the 2008 disasters.

This will be a great help to Texas that is still recovering from the storms of Ike. I will be visiting and having a field hearing through my Committee on Small Business as well as Disaster. Senator HUTCHISON will be attending that field hearing to visit Galveston just on Friday. So approval of this amendment would bring a lot of hope and encouragement to the people on the Gulf Coast, not just in Louisiana but, as I said, in Texas as well. California will be benefited as well as Iowa and some of the States that were affected by the floods.

So, again, this is amendment No. 2365. I think my explanation is sufficient about what this amendment does and what a great help it will be to mayors and parish officials and county officials struggling to rebuild and what a smart way to use and to leverage moneys to get these communities rebuilt quickly in these very difficult economic times.

I ask unanimous consent that the CDBG allocation chart to which I referred to be printed in the RECORD at this time.

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

CDBG ALLOCATIONS

(Prepared by Ben Billings)

FUNDING SUMMARY

Rank	State	Total CDBG received	First allocation	Second allocation
1	Texas	$3.058 b	$1.315 b	$1.743 b
2	Louisiana	1.059 b	438 m	620 m
3	Iowa	798 m	281 m	516 m
4	Indiana	415 m	162 m	253 m
5	Illinois	187 m	59 m	127 m
6	Wisconsin	124 m	49 m	75 m
7	Missouri	104 m	25 m	79 m
8	Arkansas	95 m	25 m	70 m
9	Tennessee	92 m	21 m	72 m
10	Florida	81 m	17 m	64 m
11	California	39 m	0	40 m

Ms. LANDRIEU. Madam President, I see my good friend, Senator GREGG. I yield the floor.

The PRESIDING OFFICER. Has the Senator offered the amendment?

Ms. LANDRIEU. Yes, I believe I have, but if I have not, let me submit it at this time. It is amendment No. 2365.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Louisiana, [Ms. LANDRIEU], for herself, Mr. HARKIN, Mrs. HUTCHISON, Mr. GRASSLEY, and Mr. CORNYN, proposes an amendment numbered 2365.

Ms. LANDRIEU. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with. I suggest we don't have to read the whole amendment and we will leave it lying until we can vote on it later today.

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

The amendment is as follows:

(Purpose: To amend the Disaster Relief and Recovery Supplemental Appropriations Act, 2008)

On page 318, between lines 11 and 12, insert the following:

SEC. 234. The matter under the heading ''COMMUNITY DEVELOPMENT FUND'', under the heading ''COMMUNITY PLANNING AND DEVELOPMENT'', under the heading ''DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT'' in chapter 10 of title I of division B of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110–329; 122 Stat. 3601) is amended by striking '': *Provided further*, That none of the funds provided under this heading may be used by a State or locality as a matching requirement, share, or contribution for any other Federal program''.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 2361

Mr. GREGG. Madam President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 2361.

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

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for himself, Mr. COBURN, and Mr. BENNETT, proposes an amendment numbered 2361.

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

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

The amendment is as follows:

(Purpose: To prohibit the use of stimulus funds for self-congratulatory signage that allows lawmakers to promote their spending of taxpayer dollars on stimulus projects)

On page 194, after line 23, add the following:

SEC. 1_____. (a) This section may be cited as the ''Axe the Stimulus Plaques Act''.

(b) Notwithstanding any other provision of law, none of the funds made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) may be used for physical signage to indicate that a project is being funded by that Act.

Mr. GREGG. Madam President, this is an amendment that shouldn't have to be offered, to be very honest with you. Today there are a lot of projects being pursued under the stimulus package, and every one of those projects that is a road project, unfortunately, finds itself having to put up a sign that says this is a good project being paid for with tax dollars. These are self-congratulatory signs. They are political signs. They are there so lawmakers can pat themselves on the back and say: Wow, look at this project we are doing.

But these signs cost money. Actually, when you add them all up, they cost a lot of money. They are a total waste of money. There is no reason to have these signs by every project that occurs in America. It is projected there will be somewhere around 20,000 to 22,000 projects. The signs cost about $400 in New Hampshire, and they cost as much as—I think it was around $3,000 in New Jersey for each sign. New Hampshire is a little more efficient. I suspect in North Carolina they probably don't cost much more than $400, but if you add that up, we are talking about a cost of somewhere between $6 million and $15 million being spent on signs. That is an inexcusable waste of money. That money could be used for something valuable, for example, rather than a sign.

The practical effect of this is, the signs should say ''Wasting taxpayers' dollars; project funded by the future generations of Americans,'' if they are going to be honest signs. But I am not asking for any signs. There shouldn't be any signs.

Instead, the highway departments across this country are being basically required to put up these signs as the projects are built. In fact, there was one example in New Hampshire—there were lots of examples in New Hampshire, but there was one community in New Hampshire where the leadership of that community said: We don't want to put the signs up because we think they are a waste of money, and they were told, if they didn't put up the signs, they wouldn't get the money. That is happening all across the country.

So this amendment should be unnecessary. It should be obvious—obvious—that we don't have to put these signs up; that we shouldn't be spending money in this way. If we are going to spend $6 million to $18 million to $20 million on something, let's spend it on what actually produces some value rather than creates a self-congratulatory event for the local political leaders and for the Congress. We do enough self-congratulating around here. We shouldn't have to make the taxpayers pay for it. Instead, we should be a little more responsible with the taxpayers' money.

It is a very simple amendment. That is why I am not going to spend a lot of time on it, because I think it is so obvious it should be accepted and passed, that it should occur. It is one of those amendments where you sort of scratch

your head and say: Why did we even have to offer this? Why should we have to offer this amendment saying you don't put up signs spending taxpayers' dollars to congratulate yourself for a project the taxpayers paid for. But we do, of course, in this instance because the Department has insisted on these signs across America.

That is what the amendment does. I reserve the remainder of my time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays are ordered.

The Senator from California.

Mrs. BOXER. Madam President, I rise in opposition to Senator GREGG's amendment and I wish to say why I think there are many reasons not to support it. I started off my political career as a county supervisor. It is through that agency that when we are undertaking a major road project, we put up a sign first of all to let people know work is underway and what it is about because a lot of times people don't know if it is going to be a month-long project or a day-long project. We would put up a sign to let people know who is funding the program, to let people know whether it is a State project, a local project. No big deal. We did this—and we do this—under Republican leadership, under Democratic leadership. It is information.

I think the true source of this amendment is a frustration. This is my own opinion. I am sure my friend absolutely would not agree with me, but it is my sense that there is a frustration by the people who voted no on the Economic Recovery Act, the stimulus bill; there is a frustration that it is working. They predicted gloom and doom.

Let me tell you what is happening in this great Nation of ours. We have a long way to go to get jobs up and running, there is no question about it, but the stimulus bill has already saved or created a million jobs. Let me tell you what else. We are looking at growth for the first time in this economy. When we were faced with the worst recession since the Great Depression—and I know it because the Presiding Officer had the same issue as she looked at what to do—we had to decide whether it made sense to do some job creation here, and we didn't get many Republican votes, but thank goodness we got three. Thanks to those good people for joining us because I can tell you this: In my home State, we are starting to see it happen. We are going to get tens of billions of dollars.

So now I think the issue is a frustration with the fact that we won that vote and we got that done and those jobs are being created as we speak. Slowly but surely we are being lifted out of this darkness.

Here we have a small amendment, I agree. You know what. If it passes, no harm. But I have to say, why on Earth would you want to hide from the American people the fact that the recovery package we passed is putting people to work? People want to know. Not everybody has a computer. Not everybody is going to follow up on the transparency this administration has put in place. They are showing that every day it is working, where it is happening, and so on and so forth—not by name but how many jobs are created and the like.

It seems to me, if you are improving our highways, our transit systems, our water infrastructure, our government buildings, and the source of funding is the stimulus program, the Economic Recovery Act, let people know. Why would we prohibit funds under this act from being used for these signs that simply inform taxpayers that a project is being made possible by taxpayer dollars from the stimulus program? I think it is a question of making our people more informed, giving them information.

My friend says it costs money to do a sign. I couldn't agree more. Everything costs money. It costs money to do a sign. Guess what. People work in those places where those signs are made. People proudly work on those jobs and get paid a good amount and can support their families. So this is a jobs program. Part of it is to tell the people, yes, the funding for this project is paid for by the stimulus program, the economic recovery program, and, yes, people were paid to work in places that make these signs. I don't think it is logical to keep this information from the people. What purpose is served? It is going to save a little bit of money, but the fact is, the purpose of the stimulus bill was to create jobs, and you are going to take away jobs from people who are making those signs. I think this is an antijobs amendment we have before us.

Look, the Recovery Act is working. I think it is frustrating those who predicted it would never work, and they will predict it will never work until they have their last breath because that is the nature of politics; you have to spin it one way or another. But we know the economy is turning around. We also know we need to create many more jobs, and this amendment will not create one more job. I don't believe it will. The fact that we are doing some good things with this funding, including making buildings more energy efficient, upgrading flood protection, let the American people know that their funds are being spent well. I think that is money spent well.

Some people may see a program, by the way, I say to my good friend, and they don't like it. They say: Why on Earth are they using my money to do this particular project? Let them know. Let them know. So if they like what they see, they understand where it came from. If they don't like what they see, they understand where it came from.

I urge my colleagues to oppose the Gregg amendment. I agree with my friend, it is not a major amendment, but I think it speaks to the point that the American people should have an easy way of knowing where these funds are going and the projects they are building. We certainly had a big enough battle on the floor of the Senate—oh, boy, did we have a battle—trying to find those three votes. So it passed. It was controversial. Some in America don't support it; others in America do. I think they should have a right to know if a project is being brought to them by way of this important bill that I think is helping turn our economy around.

I thank the Chair, and I yield the floor.

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

Mr. GREGG. Madam President, the issue isn't the stimulus package, although I have reservations about that. I would be happy to debate that with the Senator from California at some length because I think adding almost three-quarters of a trillion dollars of new debt to our children's backs on a package that will spend out through 2019 is hardly stimulus, especially when we see only 20 percent of that package will spend out by the end of this year, and maybe 50 percent next year.

We had Chairman Bernanke saying, essentially, that we are out of the recession. That all comes from borrowing that our children will have to pay. In my opinion, it is not fair to pass that debt on to our children, that $787 billion. That is not the debate. This debate is about whether we should be congratulating ourselves with tax dollars. It is self-aggrandizement at the expense of the taxpayer. This is going out and buying advertising to promote ourselves and having the taxpayer pay for it.

We can clearly spend these dollars more efficiently doing something else. Sure, it is not a lot of dollars, but when we add it all up, $18 million is a lot of money. We can do something more constructive besides putting up a sign that says we are wonderful because we are spending their money. If we want to say we are doing great things for them, we can say here is a sign telling them that. But rather than having the people pay for that sign and telling them they are going to have to pay for it, let's have the Democratic Senatorial Committee or the Republican Senatorial Committee pay for that sign. Let's do that if we think it is that important as a piece of political promotion. But it is not. I don't think the Democratic Senatorial Committee would pay for that sign because they would see it as a waste of money. I don't speak for them, but I don't think the Republican Senatorial Committee would pay for this either. I would recommend that they not do it.

These signs are a waste of money. Do they create jobs? Well, actually the signs in New Hampshire are made in prisons. They cost money because the materials cost money. I guess that is why we get them for $300. In New York,

it is $3,000 a sign. As a practical matter, I don't think we can argue that making these signs is somehow stimulating the economy. All it is doing is saying: Hey, we are wonderful; we are going to take your money and use it to tell you what a wonderful job we are doing with your money. It is not fair or appropriate.

I hope people will support the amendment. As has been mentioned by the Senator from California, this is not a major amendment, but it is one that states an attitude toward how we spend money. I think it is important in that context.

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

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

MOTION TO RECOMMIT

Mr. ENSIGN. Madam President, I will have a motion momentarily. I will wait for the manager of the bill to come on the floor.

I will be offering a motion to recommit the bill back to the Appropriations Committee at last year's spending level. On the front of this bill, it says that last year's spending level was at a level which included last year's spending, plus the stimulus money. So when they say this year's spending level, it looks as if there is a huge cut, when in fact, there is actually a 23-percent increase in this year's spending bill over last year's.

So the motion I am about to make is asking to report the bill back to the committee, where the committee can make whatever specific recommendations within that level but to do that at last year's spending level.

I have heard the rhetoric from politicians in the House, Senate, and the President talking about how serious a problem we have with the deficit and how serious a problem we have with the debt in our country. That is one of the reasons you saw hundreds of thousands of people on the Mall here this last weekend. People are really concerned about the direction of our country. We have heard economic experts talking about America actually approaching its borrowing capacity. If our country ever reaches its borrowing capacity, it will be an economic disaster. It would be like a business having many expenses and no cash in the bank. The bank and all its lenders saying: Sorry, we are not giving you any more money.

Well, we owe people from all over the world. We owe sovereign wealth funds. We owe China, Japan, European countries and other sovereign wealth funds all over the world. They hold a lot of our debt. The more we continue to borrow, the more we become beholden to these other countries. And when the next trillion dollars needs to be borrowed, what if these other countries say to us: No, we are not going to do it. The other thing they could also say is: Yes, we will give you that next trillion dollars. We will loan the money to you, but it is going to be at a higher interest than you want to pay. And by the way, the other debt we also hold that you owe us, we are going to raise the interest on that.

You see, we are not going to be in a position to say: No, that is not exactly what we want to do. The more debt we run up, the less of a position we will be in as a country to be able to bargain. We literally cannot sustain the level of debt we are developing here in the United States.

I see the pages down in front of us here—this younger generation. The younger generations across our country are being saddled with the debt this Congress, this President, the past President, and past Congresses have run up. Unfortunately, instead of slowing that borrowing down, we are increasing it at a faster and faster rate.

So this is a very simple motion. This just says: Let's start taking these appropriations bills and let's at least start freezing spending. That is basically what this motion suggests. It just says: Freeze spending.

By the way, a lot of the programs that are in this bill were already dramatically increased in the stimulus bill. So not only did we increase last year over the previous year with the regular appropriations process, we then added money to the stimulus bill on top of that.

So what did they do this year? Instead of being fiscally responsible and saying: Let's at least freeze spending—which I will bet the American people would even suggest since we are in tough economic times, that maybe we should do a little haircut and cut spending a little bit—no, no, the majority has said we are actually going to increase the level of spending in this bill by 23 percent, way above inflation, and this is at a time in our country when we cannot afford it. So I think this is a place to start showing some fiscal responsibility, and there will be other opportunities where we can as well.

We all know entitlement spending is out of control in this country. We all know that needs to be addressed. Medicare and Medicaid alone can bankrupt the country. The President talked about that the other night. That is one of the reasons we need to actually get entitlements under control in our health care bill—which, by the way, none of the health care bills do.

We need to get entitlement spending under control, but we also need to get what is called discretionary spending, or these annual appropriations bills, under control as well. We are not talking about small amounts of money anymore. Even though the entitlements are the biggest part of the budget, the discretionary or the annual spending bills are a very significant amount of money these days.

As I mentioned before, this year's bill is a 23-percent increase over last year's. The committee report says it isn't, that it is actually a cut from last year. But let me explain exactly how they do that. They took last year's bill and added on the money we spent in the stimulus bill to last year's bill. They say that is what we spent last year, so that this year we are going to spend less than we did in the combination of those two bills. They call that a cut in spending. Well, that is phony Washington math. That is how we end up with the kinds of deficits and the debt we have in this country. People claim a cut in spending when it is actually, if you compare apples with apples, a 23-percent increase over last year.

So I think it is time. It really is time. Republicans and Democrats should join together in thinking about not even the next generation, but let's think about today. Let's think about what we are doing to this country today. Let's start showing some fiscal responsibility around here. Let's start joining together as Americans in not running up this massive amount of government debt. Let's start saying no to some of the special interests that come into our office. Let's start by saying that.

So, Madam President, I have a motion at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] moves to recommit the bill (H.R. 3288) to the Committee on Appropriations with instructions to report the same back to the Senate with changes that reduce the aggregate level of appropriations in the Act for fiscal year 2010 by $12,713,000,000 from the level currently in the Act.

Mr. ENSIGN. So just to summarize, this is a motion to recommit the bill back to the Appropriations Committee. It does not take away the power of the Appropriations Committee. It does not say that it cuts any one individual program. The Appropriations Committee would have the authority to be able to put its priorities within the bill. But it does say we are not going to spend more money than we spent last year. That is, very simply, what it says. We are going to freeze the level of spending to last year instead of having a 23-percent increase over last year.

To reiterate, in the stimulus bill last year, tens of billions of dollars were added to these very same programs that are in this spending bill. So I believe the responsible thing to do is for us to vote on this motion and to show we are really serious about controlling the debt and the deficit in the United States of America.

Madam President, I yield the floor.

Mrs. MURRAY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCAIN. 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. 2403

Mr. McCAIN. Mr. President, I ask unanimous consent that the pending business before the Senate be set aside in order to consider amendment No. 2403.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Arizona [Mr. McCAIN] proposes an amendment numbered 2403.

Mr. McCAIN. Mr. President, I ask unanimous consent that further 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 prohibit the use of funds to carry out the Brownfields Economic Development Initiative program administered by the Department of Housing and Urban Development)

On page 318, between lines 11 and 12, insert the following:

SEC. 2_____. None of the funds made available by this Act may be used to carry out the Brownfields Economic Development Initiative program administered by the Department of Housing and Urban Development.

Mr. McCAIN. Mr. President, the amendment is very simple. It prohibits, as recommended by the President, the use of funds under this act to carry out the Brownfields Economic Development Initiative grant program that is administered by the Department of Housing and Urban Development.

In May of this year, President Obama released a list of 121 programs that he recommended be terminated or reduced. One of the programs the President recommended for termination is the Brownfields Economic Development Initiative.

The administration stated specifically that this grant program is extremely small relative to other programs that address this need. They added that local governments have access to other public and private funds that can address this same purpose.

In justification for the termination, the administration wrote—and I quote from the document ''Terminations, Reductions and Savings, Budget of the U.S. Government, Fiscal Year 2010,'' that is issued by the Office of Management and Budget. In other words, it is a number of terminations and reductions that the administration wants carried out, with justification for doing so.

So far I have had amendments on several of these and they have all been overridden. Our amendments have not carried and I imagine I will lose this also. The moral is why didn't OMB stop this? Because clearly it is being totally disregarded by the appropriators. The American people pay attention to the President's recommendations. But now I have had a number of amendments that have been in keeping with the President's request—the same President who said we will go line by line in the appropriations bills and eliminate those that are unnecessary.

Again, the Office of Management and Budget has said:

The Brownfields Economic Development Initiative (BEDI) is a competitive grant program whose purposes are served through much larger and more flexible Federal programs. BEDI is designed to assist cities with the redevelopment of abandoned, idled, and under-used industrial and commercial facilities where expansion and redevelopment is burdened by real or potential environmental contamination. These funds are targeted for redevelopment of brownfield sites for the purposes of economic development and job creation. While these are very important objectives, the program is very small, and local governments have access to other public and private funds, including the much larger Community Development Block Grant (CDBG). The 2010 Budget funds CDBG as $4.5 billion, or 14 percent above the 2009 enacted level.

We are talking about trying to reduce spending and the CDBG program is now 14 percent, $4.5 billion, above 2009-enacted levels.

A 1999 Government Accountability Office (GAO) report (RCED–99–86) found that about $469 million was planned and $413 million in Federal funds were obligated for brownfields activities in 1997 and 1998. Of the planned total, BEDI appropriations ($25 million) contributed just five percent of the planned expenditure.

By terminating this program, the Department of Housing and Urban Development is also able to reduce the administrative workload associated with managing a small and duplicative program. Focusing staff on higher impact and higher return activities is a priority for the agency.

I am sure that the opponents of my amendment will argue that the Senate did not include funding for this program in the underlying bill. The committee report states that ''The Committee does not recommend an appropriation for the Brownfield Redevelopment program, consistent with the budget request. The Committee notes that other Federal appropriations are available for the same purpose through the Environmental Protection Agency. Communities may also use CDBG funds to redevelop Brownfield's sites''

If that is the case, and the committee agrees with the President that Brownfield Redevelopment under HUD is duplicative, then why does the committee report also contain three specific earmarks totaling $1.3 million for the redevelopment of Brownfields properties as Economic Development Initiatives? It makes no sense. In here, despite the committee saying they are eliminating the program, we have $600,000 for the redevelopment of Brownfields property into a business park in Cincinnati, OH; $500,000 for the redevelopment of Brownfields properties in Waterbury, CT; $200,000 for Brownfield redevelopment in Pittsburgh, PA.

Americans are hurting. The Nation's unemployment rate is nearly 10 percent, the deficit for this year is estimated to be $1.6 trillion, the projected 10-year deficit jumped from $7.1 trillion to $9.1 trillion, our public debt is expected to reach $12.1 trillion by mid-October. When is it going to stop?

Again, I urge my colleagues to listen to the American people. The American people are rising up everywhere. Although it is a bit derided and underestimated, at the TEA parties and demonstrations and the marches last weekend, at conservative estimates 70,000 people came from all over the country to march. In Yuma, AZ 1,000 to 2,000 people decided to demonstrate and it is still pretty warm in Yuma, AZ this time of the year and all over my State.

So what did we do? We say we are going to terminate a program in the committee report and then of course we cannot resist earmarks and porkbarrel spending which has led to corruption.

There is a trial going on right now of a lobbyist who some years ago engaged in paying off legislators for earmarks. That person, if convicted, will be the 23rd person convicted or who pled guilty in the Abramoff scandal. I would like to tell the American people that things have improved, that things have improved since the Abramoff scandal broke and people pled guilty and went to prison, but I can't. I can't tell them there has been any improvement. I can't tell them that corruption doesn't go on here in Washington. I can't tell them that there are no more Duke Cunninghams out there who are residing in Federal prison.

You know what, they are sick and tired of it. This is only $1.3 million. That is less than chickenfeed around this place. But we have to start somewhere and we might start with implementing the recommendations of the President of the United States and the Office of Management and Budget and get rid of a program that is obviously unneeded.

I don't want to take too much more time of the body, except to again say there is a peaceful revolution going on out there. It is not just over health care reform. It is over the out-of-control spending and the trillions and trillions of dollars of debt we are laying on future generations. Our children and our grandchildren are inheriting an unsustainable situation while we do business as usual here in the Senate.

I could go back to Coast Guard vessels that the Coast Guard and the Navy never needed. I could go back to museums that were funded that are now closed all over America, and a lot of other abuses that have taken place. But I hope my colleagues will vote in favor of this amendment. Those who do not, I hope people at home will pay attention, will pay attention to the out-of-control spending that continues here and the mortgaging of our children's futures and what we are doing in the commission of generational theft.

I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mrs. MURRAY. I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

Mr. MCCAIN. Mr. President, there seems to be some possibility of ambiguity in the amendment. I appreciate the Senator from Washington bringing that to my attention. I ask unanimous consent, if necessary, to be able to modify the amendment before the vote with the intent of the elimination of these three earmarks as I have argued on the amendment.

The ACTING PRESIDENT pro tempore. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I say to the Senator, he doesn't need to ask unanimous consent. We are happy to work with his staff so as to modify it with the intent of what he was trying to do. I will not object.

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

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

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

The bill clerk proceeded to call the roll.

Mr. DEMINT. 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. 2410

Mr. DEMINT. Mr. President, I ask unanimous consent to set aside the pending amendment and call up DeMint amendment No. 2410.

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

The clerk will report.

The bill clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 2410.

Mr. DEMINT. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

AMENDMENT NO. 2410

(Purpose: To limit the use of funds for the John Murtha Johnstown-Cambria County Airport)

On page 179, between lines 4 and 5, insert the following:

SEC. 118. LIMITATION ON USE OF FUNDS FOR JOHN MURTHA JOHNSTOWN-CAMBRIA COUNTY AIRPORT.

None of the funds appropriated or otherwise made available by this title (including funds derived from the Airport and Airway Trust Fund) may be obligated or expended by the Secretary of Transportation, the Administrator of the Federal Aviation Administration, or any other officer or employee of the Department of Transportation for use at, or in connection with operations (other than air traffic control operations) at, the John Murtha Johnstown-Cambria County Airport, including to provide subsidized air service to or from that Airport.

Mr. DEMINT. Mr. President, I will take a few minutes to talk about this amendment to the transportation-HUD bill we are on this week. I think if there is one expenditure by the Federal Government over the last 10 years that has drawn the attention of the American people more than the ''bridge to nowhere,'' it is probably the $200 million that has gone to the John Murtha Airport in Johnstown, PA.

Americans are greatly concerned about the level of spending and debt, particularly the spending they consider wasteful or maybe even corrupt. There have been a number of media documentaries on the John Murtha Airport.

I would like to talk about it a little bit today because my amendment would disallow the use of any funds in this bill to be used to administer any additional subsidies or grants to this particular airport.

We disagree a lot on Federal spending; here and there are different things, different priorities we can debate about. But if there is any such thing as waste, it is this airport. I will tell you why. Over the last 10 years, or actually 20 years, this little airport in Johnstown, PA, has received about $200 million in Federal funds, $150 million of that was steered directly by Congressman MURTHA himself, who uses the airport to come back and forth to Washington and for campaign stops.

It only has three commercial flights a day to one destination and that is to Washington, DC. Only an average of about 20 passengers a day use this airport. The American taxpayers are on the hook for about $1.5 million a year in Federal subsidies. Every ticket to Washington and back is subsidized for about $100, which means the American taxpayers pay almost as much for the ticket as the passenger does, not just for one trip or two but continually year after year.

In spite of the fact that major media outlets for a number of months have used this as an example of the fleecing of America, this continues to go on. In effect, when the stimulus bill was passed with all the promises of transparency and priority use, $800,000 of funds went to this airport to repave an alternate runway which is seldom, if ever, used.

A lot of us in the Congress and the Senate have worked for years on small rural airports to try to get some money to extend a runway so corporate aircraft could come in, so maybe businesses could locate in areas where there was not commercial air traffic. Getting $100,000 for an airport is a major accomplishment sometimes, but $200 million for an airport that averages 20 passengers a day, that many times there are more people handling security at this airport than there are people going through the lines, is something we need to stop.

If we cannot stop it, we cannot stop anything. Last Saturday in front of the Capitol, hundreds of thousands of people gathered. It was not a Republican gathering, I can tell you that because I was there. It was average Americans, moms and dads with their children, grandmas, grandpas, people who had never been involved in politics before who were very concerned about the level of spending, not just this administration.

This is not a criticism of this administration. We are talking about the last 15 or 20 years. People are concerned about the level of spending and borrowing and debt, taxes and government takeovers in all areas of our economy.

Health care is certainly something that brought it to a head, but these people are here concerned by the fact that they believe our country is on the edge of the cliff. They would like to see us in the Congress begin to move back away from the cliff and take some of the things that are not necessary here in Washington and begin to trim them back.

But I think we can say here, if we cannot cut the funding for this little airport in Pennsylvania named after the Congressman who has helped to get $200 million, if we cannot stop funding it, stop subsidizing tickets, if we cannot look at the facts in this particular case and decide as a Congress to stop this, then there is nothing we can cut. Then there is no such thing as waste, and there is no such thing as fraud and corruption throughout this Federal Government. If we cannot agree, as Members of the Senate, to stop this—we are not taking away the $200 million they have already gotten, the $800,000 for the alternative runway which they have there, which did not need repaving in the first place, we are not closing down the airport or stopping any air travel there. We are just saying: Enough is enough.

We have bought equipment there, radar equipment, spent millions of dollars that is not even being used. It is not being staffed. It is time we at least focus on one thing and say that we can begin the process of moving this country away from a cliff of economic and financial disaster.

I hope on this bill, with this amendment, that we can, in a bipartisan way, agree this is one thing we do not have to have at the Federal level, that we can begin to shift priorities to those things we are supposed to do at the Federal level. It is certainly not to fund a pet project of one Congressman to the tune of $200 million.

I encourage all my Senate colleagues, Republican and Democratic, to

support an amendment that would simply disallow the use of any funds in this bill to be used to continue the administration of subsidies or grants to this airport.

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

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

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. 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.

Mrs. MURRAY. Mr. President, for the information of all Senators, we are about to set up a series of votes to occur shortly. We will make that unanimous consent agreement in the next few minutes.

In the pending time, I will speak against one of the amendments that will be considered; that is, the one that was offered by the Senator from Nevada. It is a motion to recommit and reduce spending for our transportation and housing bill.

I would like to point out to all our colleagues, the funding levels that are contained in this bill are consistent with the budget resolution this entire Senate agreed to in the spring and are $1.2 billion below the level of funding that was requested by the President in his request.

The majority of the funding increases that are contained in our bill support our Nation's vulnerable citizens and the needs of the communities. Those increases include funding to support rental assistance for low-income families, elderly and disabled tenants who use Section 8 vouchers, living in project-based housing or those who live in public housing.

The funding provided ensures that families receiving assistance will maintain that. This is critical because, without assistance, these individuals and families would be at the risk of homelessness, at a time that all of us know that many of our citizens are struggling today.

We have increased funding for homeless programs, which will help prevent more families from becoming homeless. Last year we should all note there was an increase of 9 percent in family homelessness in this Nation.

We have increased funding to support our States and our local communities to address their housing needs and support economic activities ties through the Community Development Block Grant Program. We increased funding in our Nation's infrastructure that will both improve the safety of our Nation's roads and bridges and create and sustain critical jobs.

We have increased funding for safety inspectors at the Federal Aviation Administration, as well as funding for a new program to invest in railroad safety technologies such as positive train control.

In comparison, there are drastic consequences, we should note, to freezing funding for this bill at last year's level. Funding frozen at the fiscal year 2009 level could result in tens of thousands of people who currently hold vouchers to lose their housing. During this economic crisis, we should not be putting our low-income families at risk and out on the street.

In addition, a funding level frozen at the 2009 level would put at risk our critical funding for air traffic controllers. My colleague from Missouri has talked about the importance of increasing the air traffic controllers, and we know the Federal Aviation Administration is facing a shortage of experienced air traffic controllers. We cannot afford to ignore the safety needs of the aviation system.

This subcommittee carefully weighed the merits of all programs before us. We cut programs below the President's request and achieved additional savings. Further reductions now requested by this amendment would seriously undermine critical transportation safety activities. I ask colleagues to reject the amendment when we vote.

We should have a unanimous consent agreement shortly to have votes begin in the next several minutes.

I suggest the absence of a quorum.

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

The assistant bill clerk proceeded to call the roll.

Mrs. MURRAY. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate proceed to vote in relation to the following amendments and motion in the order listed; that no amendments be in order to the amendment or the motion prior to a vote; that prior to the stacked votes in this sequence there be 2 minutes of debate equally divided and controlled in the usual form; that after the first vote, the succeeding votes be limited to 10 minutes each: the Gregg amendment, No. 2361, and the Ensign motion to recommit.

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

Mrs. MURRAY. I suggest the absence of a quorum.

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

The assistant bill clerk proceeded to call the roll.

Mr. GREGG. 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. 2361

Under the previous order, there will be 2 minutes of debate equally divided prior to a vote on the Gregg amendment.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, this amendment does a very simple thing. It says taxpayers don't have to pay for signs which tell them their money is being spent well. It makes no sense that taxpayers should be spending millions of dollars to put up signs to tell them their money is being spent well. It has to be extraordinarily frustrating to taxpayers to see that happening. It certainly is not a good use of their money. The money can be used on a lot of other things—building a road, repairing bridges, improving buildings that need to be improved, improving parks. Let's not put up signs on every one of these sites across America saying we congratulate ourselves for doing the project. It is self-congratulatory, it is political, and it is inappropriate. These truly are signs to nowhere. A total waste of money. They should not be required. We should reject them as being required. That is what the amendment does.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired. Who yields time in opposition?

The Senator from California.

Mrs. BOXER. Mr. President, this is a most political amendment. I got to thinking, after Senator GREGG said we can't show a sign where economic recovery funds are being put to use on a road or a bridge or highway. We should keep it from the people because he says it is self-congratulatory.

It is not self-congratulatory. Some people may not like the project; some people may. It is about transparency and openness.

I have to say to you, this makes no sense. Where were Senator GREGG and his friends on the Republican side when George Bush and the Republican Congress spent $33 million to send out a letter telling everyone their Economic Recovery Act was working by way of refunds? I never heard one word out of the Senators from the other side of the aisle. That cost $33 million.

Mr. President, I ask unanimous consent that a copy of the tax rebate letter that went to every American be printed in the RECORD.

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

TEXT OF IRS TAX REBATE LETTER

NOTICE OF STATUS AND AMOUNT OF IMMEDIATE TAX RELIEF

We are pleased to inform you that the United States Congress passed and President George W. Bush signed into law the Economic Growth and Tax Relief Reconciliation Act of 2001, which provides long-term tax relief for all Americans who pay income taxes.

The new tax law provides immediate tax relief in 2001 and long-term tax relief for the years to come.

As part of the immediate tax relief, you will be receiving a check in the amount of $XXX during the week of XX/XX/01.

Your amount is based on information you submitted on your 2000 federal tax return and is just the first installment of the long-term tax relief provided by the new law. The amount of the check could be reduced by any outstanding federal debt you owe, such as

past due child support or federal or state income taxes. You need to take no additional steps. Your check will be mailed to you. You will not be required to report the amount as taxable income on your federal tax return.

On the reverse side of this letter is information on how your check amount was calculated. If you need additional information, please visit the IRS web site at www.irs.gov or call 1–800–829–4477. Please keep a copy of this notice with your tax records.

Mrs. BOXER. I would say to you, this is politics. This is going to save—Senator GREGG's amendment—$4 million. This cost $33 million.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mrs. BOXER. I yield the floor. I hope we vote ''no.''

Mr. GREGG. Mr. President, I ask for one point of personal clarification.

I did not vote for President Bush's stimulus package either.

Mrs. BOXER. Mr. President, I ask for a rebuttal.

This is not about whether you voted for the stimulus. It is about whether you objected to spending money to tell people what the stimulus does. It seems to me, under Republican leaders we did not hear anything. Now we hear it.

I yield the floor.

Mr. GREGG. Mr. President, do two wrongs make a right?

The ACTING PRESIDENT pro tempore. All time has expired.

Mrs. MURRAY. Mr. President, regular order.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the Gregg 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) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

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

The result was announced—yeas 45, nays 52, as follows:

[Rollcall Vote No. 281 Leg.]

YEAS—45

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

NAYS—52

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

NOT VOTING—2

Byrd	Rockefeller

The amendment (No. 2361) was rejected.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, for the information of all Senators, we have one more vote right now. We expect to be debating several amendments over the next hour or so. I believe there are about four or five amendments left. We want to finish this bill this afternoon. If you have any issues, please bring them to the committee during this vote or when this vote is over so that later this evening or early this evening, I hope, we can move to the final votes on this bill.

With that, I believe the motion to recommit by the Senator from Nevada is in order.

MOTION TO RECOMMIT

The PRESIDING OFFICER. Who yields time on the Ensign motion to recommit?

Mr. ENSIGN. Mr. President, this is a committee report here. It says, ''2009 appropriations, $117 billion.'' This is the kind of fuzzy math we deal with here in Washington, DC. Last year's appropriations bill was $55 billion, it wasn't $117 billion. It is only $117 billion if you count in the money from the stimulus bill. That looks as if it is being counted here so that they can claim they are actually cutting last year's bill. This bill has a 23-percent increase over last year. What this motion to recommit says is, let's show some fiscal restraint around here and let's freeze spending to last year's level.

So we want to recommit the bill back to the Appropriations Committee. The Appropriations Committee can determine where it wants the spending to go, but it needs to be at last year's level.

Every State in our country right now is—they are not freezing their budgets, they are cutting their budgets. Yet here in Washington we have an appropriations bill in front of us that increases spending by 23 percent. This is outrageous. We need to show some fiscal discipline in this case, so I urge my colleagues to vote for this amendment.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, for the information of my colleagues, the funding levels contained in the bill are consistent with the budget resolution the Senate passed and agreed to this Spring. We are $1.2 billion below the level of funding requested by the President.

We worked very hard to balance the important safety, transportation and accounting needs of this Nation. We urge you to defeat this amendment.

Mr. BOND. Mr. President, I join with my colleague in urging a defeat of the amendment.

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

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The 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.

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

The result was announced—yeas 33, nays 64, as follows:

[Rollcall Vote No. 282 Leg.]

YEAS—33

Barrasso	Enzi	Lugar
Bayh	Graham	McCain
Bunning	Grassley	McCaskill
Burr	Gregg	McConnell
Chambliss	Hatch	Risch
Coburn	Hutchison	Roberts
Corker	Inhofe	Sessions
Cornyn	Isakson	Snowe
Crapo	Johanns	Thune
DeMint	Kyl	Vitter
Ensign	LeMieux	Wicker

NAYS—64

Akaka	Feingold	Murray
Alexander	Feinstein	Nelson (NE)
Baucus	Franken	Nelson (FL)
Begich	Gillibrand	Pryor
Bennet	Hagan	Reed
Bennett	Harkin	Reid
Bingaman	Inouye	Sanders
Bond	Johnson	Schumer
Boxer	Kaufman	Shaheen
Brown	Kerry	Shelby
Brownback	Klobuchar	Specter
Burris	Kohl	Stabenow
Cantwell	Landrieu	Tester
Cardin	Lautenberg	Udall (CO)
Carper	Leahy	Udall (NM)
Casey	Levin	Voinovich
Cochran	Lieberman	Warner
Collins	Lincoln	Webb
Conrad	Menendez	Whitehouse
Dodd	Merkley	Wyden
Dorgan	Mikulski	
Durbin	Murkowski	

NOT VOTING—2

Byrd	Rockefeller

The motion was rejected.

Ms. CANTWELL. 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.

Ms. CANTWELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. 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. SESSIONS. Mr. President, I am concerned that we in this Congress are not properly attached to reality. I spent time in my State over the recess, and people talked to me repeatedly about their concerns about excessive government spending. It is a real national issue.

We know our national debt, the total debt is on track to double in 5 years and triple in 10. That is the public debt this country owes, and we have to pay interest on it to countries such as China and individuals all over the world. We pay a lot of interest every year. The interest is going to surge over the next 10 years under this proposal.

I feel as if we are not connected, we are not hearing it. We think it is business as usual, and it is not business as usual. States throughout our country, cities throughout our country are cutting spending, trimming budgets, finding more ways to be efficient, looking for ways to save money and be within their budgets. Most States have a balanced budget amendment, and they have to stay within their budget. We do not. We came within one vote several years ago passing out of the Senate a balanced budget amendment, but it failed. Now we are proceeding on a stunningly reckless course of spending.

I have always tried to support agriculture. It is a big thing in my State. But I could not vote for the last agriculture bill we had. There was a 14-percent increase in agriculture spending. We know the rule of 7—most people do. If you increase something at the rate of 7 percent a year, it will double in 10 years; at 14 percent, it will double in 5 years. So the entire agriculture bill of the United States is on track to double in 5 years at that rate, and that does not include the extra money that came out of the stimulus bill, which is significant. If you include that, it would amount to a 67-percent increase in agricultural funding. I just bring that up. This is a bill I care about.

The transportation and HUD bill that is before us today is worse. It has a 23-percent increase in spending which is on top of a 13-percent increase in spending in the bill last year. That does not include the stimulus package spending. At a 23-percent rate, spending on Housing and Urban Development, and Transportation would double in 3 to 4 years. If you include the stimulus package money which we passed in February it is a 165-percent increase in spending from fiscal year 2008 to fiscal year 2010. That is a stunning increase, at a time when we do not have the money, and the American people know it.

That is one of the complaints about health care. It is all part and parcel of a concern by the American people. What I understand them to say to me is: Have you guys lost your minds up there? Do you no longer feel a sense of responsibility? You are going to triple the national debt in 10 years? How can you justify that? We have vote after vote and they fail. We need to be containing spending.

We had an amendment that was offered to deal with a shortfall in transportation money. We have a problem. We have a real problem. People are using less gasoline, and the taxes for our highways primarily come from people paying a tax per gallon. If they use less gallons, we have less money coming into the basic highway fund.

I would like to see that number lifted. How can we do it? Senator VITTER proposed a very commonsense amendment. He said: Let's put up, I think it was $18 billion, out of the stimulus bill—most of which was promised for roads anyway, but they have not been fixed—he said take that money and fix the shortfall in the transportation bill. I voted for that. It failed because they preferred to fix the shortfall in transportation by borrowing more on top of the stimulus bill; every penny of it is borrowed. We don't have the money. We have to borrow it. We pay interest on it. Somebody has to pay that for the indefinite future because the 10-year budget the President has submitted to us has no hint it will contain spending. In fact, the deficits grow in the out years, which is why we have such a terrible problem.

Earlier today we had an amendment by Senator ENSIGN that said: Let's freeze spending. Let's show some restraint such as our States are doing, such as our families are doing. No. Just flat spending. You see, transportation and these other programs that are in this bill, they are getting stimulus money out of the $800 billion on top of that. So why do they need a baseline increase of 23 percent? Next year, we will be hearing: We are only going to do a 15-percent increase on the baseline and be proud of that.

I don't like the way we are doing this. I don't think we are listening to the American people. It is not the right thing to do.

I have a few charts I would like to share that bear repeating because I am not making up these numbers. These are numbers by the Congressional Budget Office. They are basically a nonpartisan group of fine folks who try to give us honest data on which we can make decisions. The chairman of it is selected by the Congress. Of course, the Congress is a Democratic majority, and they were able to select a Director. This is what they scored President Obama's budget. This is the public debt of the United States of America, much of it held by China and other countries around the world, individuals around the world. They buy our T-bills, and we pay them interest.

This chart is in trillions. In the entire history of our country up through 2008, we had accumulated a public debt of $5.8 trillion. A lot of people think that is too high. I think that is too high. We are carrying a big debt, and we do not need it to continue. Under the budget that is before us today, that we passed, it looks like we are spending at least on that level, if not more, based on the bills we see coming forward. Our spending will double the entire national debt in 5 years to $11.8 trillion, and in 10 years, according to the Congressional Budget Office, it will be $17.3 trillion.

That is a stunning figure. It should put chills through the backbones of everybody in this Congress. How can we justify this? States are trimming their budgets, and we had a 14-percent increase in agriculture, which we not long ago voted on, and now we have a 23-percent increase in HUD. This is not responsible.

We came into this year with a deficit. The President said we had to rush through a stimulus bill, and they passed it by just a couple of votes—$800 billion, every bit of it borrowed because we did not have the money. We were already in debt. If you spend more money when you are in debt, how do you get it? You borrow it. You have to get people to buy your Treasury bills. The interest rate on 10-year Treasury bills was over 2 percent in January. In July, they reached 3.6 percent or so because people are getting worried. They think we might have an inflationary spiral. They think interest rates may go up. So they are not so willing to loan money at a low interest rate for 10 years like they were at the beginning of the year. This causes a problem.

Let me show this chart, which I think brings the numbers home in a way we can comprehend them because it is difficult to comprehend numbers this big. People assume, when I throw these billion-dollar figures around, surely people up there know what they are doing, and, SESSIONS, you are just exaggerating. You don't like to spend money, and you are exaggerating.

It is not an exaggeration. I am talking about the entire debt of America tripling in 10 years.

Look at the interest. We spend approximately $100 billion now on highways. I said $40 billion, but I think with the stimulus and the spending from gas taxes, we spend about $100 billion on our highways. We spend about $100 billion on education. On September 30, 2009, the estimate is that we will pay $170 billion in interest. We get nothing for it. It is just like paying interest on your credit card. The bank gets it. You don't get it. They loaned you money. You owe them money—interest—to keep the money they loaned you.

As the debt increases and we have a modest adjustment in the interest rate—not a big adjustment but one the Congressional Budget Office projects will occur, a raising from the relatively low interest rates we have today—as those go up, the interest we will pay each year, the burden we pay first before we can buy anything with the taxpayers' money is increasing.

We see the numbers here. In 2019, 10 years from today, the Congressional Budget Office estimates the U.S. Government will be paying out $799 billion

a year in interest. We don't get anything for that. It goes out to people all over the world who bought our Treasury notes, and we send out this interest. We send it to some Americans who buy it. They get this interest. It is money we do not have to do things we want to do for our constituents. And, in essence, as a moral matter, we are reaching into the future and we are taking money from the future and spending it today to meet our desires today, without doing what our States and cities and counties are doing—figuring out how to get by with less in tough times and looking forward to the day they will be able to see growth again and be able to not have to be on such a spare budget. But that is life. We are not able to pass a law to reverse life and the challenges and difficulties and uncertainties we face every year in our personal lives and in our national lives and in our economic lives.

So that is the lower number. That is assuming things are going pretty well. Look at the interest rates that the blue chip forecast of economists, who are a good group of people—and they make forecasts that are pretty accurate. They have been more accurate than the government over the years. The Blue Chip Forecast says the interest rate is going to be more than CBO scores. They say the interest rate in the tenth year would be $865 billion. And interest rates could surge to the level of the 1980s, which would be 10 percent interest rates. If you had that kind of interest rate, we would spend $1.29 trillion on interest before we could do anything to purchase things for our constituents.

Remember, the highway money is about $100 billion; education is about $100 billion. We will be spending $800 billion on interest—$600 billion plus more than we spent this year, just on interest, because of irresponsible spending. So I would say, count me as somebody who is getting the message, both from my own study of what is occurring here, being on the Budget Committee, and from what I am hearing from my constituents. They say: It is time for you guys to get responsible. We are upset. And why shouldn't they be upset? Somebody comes to a town meeting and they are a little hot with their Congressman or their Senator. Are we supposed to think this is a threat to democracy, when we have this kind of behavior going on in the Congress? They ought to be hot. There is every reason to be hot. We do not need to be doing this.

You may say: Well, we are having a hard time economically, Senator. We have to spend a little money now to get this thing going. The outyear budget projection, according to the Congressional Budget Office, assumes robust growth. In 2012 and 2013 they are projecting over 4 percent growth. We may not have 4 percent growth. If we don't have 4 percent growth, we are going to have larger deficits than they are projecting. And in the outer years they are projecting a solid 2- or 3-percent growth out there. No recession in this. So this is not a projection based on the assumption of a recession putting us in this kind of debt.

How much do we spend each year? Well, it is about $3.5 trillion. That is how much a trillion dollars is. We have $1.8 trillion in debt this year. We will be short this year $1.8 trillion. We will spend $1.8 trillion more than we take in. That is $1,800 billion. And those are things that should cause us to think about what we are doing. We have done nothing like this before, I don't think, except maybe a life-and-death struggle in World War II, when people all over the country were drafted. I would note that 43 cents out of every dollar we are spending this year is borrowed. That is not acceptable.

We have heard from administration officials, from Alan Greenspan and other experts, that this whole budget picture is unsustainable. That is what they say. TV commentators, editorial writers say it is unsustainable, the debt cycle we are in. Let me ask this: What does unsustainable mean? It means just that. It cannot be allowed to continue.

I had somebody ask me recently in the airport: Well, when are you going to start paying it down? When are you going to start paying the debt down? The same way I have to do in my house with my credit cards, my mortgage. The answer is: There is no prospect of paying it down. Last year was the highest deficit we have had—$450 billion in 1 year. This year it will be $1,800 billion. In the next 10 years, according to CBO, the least deficit we will have—and they are projecting 2 or 3 years from now—is $600-plus billion. That is the lowest. Then it starts back up again, and in the tenth year it is over $1 trillion.

There is no prospect of a balanced budget anywhere out there, and we act as though it is business as usual. We can spend and spend—so 23 percent on this bill, 14 percent on that bill on top of the stimulus money we put in. What we should do is have at least level funding with the stimulus money piling into the economy—the $800 billion there.

In closing, I would say we are not getting it. We are not listening to the American people. We are not even reading our own budget numbers, and we are hurting our country. This $800 billion in interest every year? This will devastate our ability to fund the government. Not only that, it will require either more and more and more borrowing or more and more and more taxes, neither one of which is good for this economy. It is not good for America.

We do not have to do this. I don't mean to be partisan about it. Republicans' hands are not clean on this either. But the leadership in this Senate needs to understand these fundamental principles and needs to send some signals that they understand it and are prepared to do something about it. And that includes the President of the United States of America. He needs to understand what is happening to this country as a result of his budget and take some steps that will show in reality we are going to bring this ship back on course again.

You say: Well, you have this health care bill and that is what is driving it. The health care bill is not in there. This budget analysis was done before health care even came up. It will cost more, of course, and make these numbers look even bigger. So we have to grow up and be responsible. Our Republic is depending on us to lead and tell the truth, and the truth is we are on an unsustainable course. The truth is this administration and the leadership in this Senate and the House of Representatives has no plan to get us off this unsustainable course. The American people are the only ones, it looks like, who have sense enough to know what is occurring, and I hope they will continue to make their voices heard.

I thank the Chair, and I yield the floor.

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

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

AMENDMENT NO. 2359, AS MODIFIED

Mr. VITTER. Mr. President, I ask that any pending amendment be set aside and that amendment No. 2359 be called up.

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

Mr. VITTER. Mr. President, I ask that the modified version of the amendment be made pending.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment (No. 2359) as modified.

The amendment is as follows:

(Purpose: To prohibit the use of funds for households that include convicted drug dealing or domestic violence offenders or members of violent gangs that occupy rebuilt public housing in New Orleans)

At the appropriate place, insert the following:

SEC. ___. PROHIBITION ON USING FUNDS FOR CERTAIN HOUSEHOLDS.

(a) IN GENERAL.—No funds made available under this Act may be used for or provided to a household that—

(1) includes a covered offender; and

(2) resides in federally-subsidized housing in New Orleans, Louisiana.

(b) DEFINITIONS.—In this section—

(1) the term ''covered offender'' means an individual that—

(A) has been convicted of an offense under Federal, State, or tribal law involved in manufacturing, distributing, or possessing

with intent to manufacture or distribute, a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); or

(B) is a member of a criminal street gang, as defined in section 521 of title 18, United States Code;

(2) the term ''federally-subsidized housing'' means any housing for which housing assistance is being provided; and

(3) the term ''housing assistance'' means any assistance, loan, loan guarantee, housing, or other housing assistance provided under a housing-related program administered, in whole or in part, by the Secretary of Housing and Urban Development.

Mr. VITTER. This amendment is very straightforward, and it is very narrowly drawn. First of all, it only affects public housing assistance in New Orleans, LA, nowhere else, and it prohibits funds in this bill from going to any housing assistance to benefit drug dealers or members of violent gangs, folks who have actually been convicted of these offenses—drug dealing, not simple possession, drug dealing, a conviction of that—or convicted of crimes that involve a member of a violent gang.

After Hurricane Katrina, there was an enormous rebuilding effort in New Orleans that continues. Part of that effort involves public housing in New Orleans. Quite frankly, that system has been plagued for many years with tremendous problems, the biggest of which is crime in those projects. There has been an ongoing effort to rid those projects of violent crime. That effort continues and certainly that battle has not yet been won because, unfortunately, New Orleans continues to be a capital in the country for violent crime, with very high violent crime levels.

As we are rebuilding these projects using a fundamentally different model—a mixed-income model, less density—certainly one of the changes we need to make is to ensure that drug dealers and members of violent gangs do not set up shop once again in those public housing projects and do not get other taxpayer assistance.

In this bill is $7.25 billion for public housing assistance. Some of that will go to New Orleans. Certainly it is reasonable and productive and positive that we simply say we are not going to send this assistance to folks who have been convicted of being a violent gang member, have been convicted of drug dealing, not simple possession but drug dealing.

This is very important policy, very important for the continued recovery of New Orleans coming out of Hurricane Katrina. I urge my colleagues to accept this amendment and support this amendment and pass it into law.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. MURRAY. I ask unanimous consent to speak as in morning business for 10 minutes.

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

WTO RULING

Mrs. MURRAY. Mr. President, 2 weeks ago, the World Trade Organization handed down a ruling in one of our Nation's most important trade cases to date. The ruling was in a case that the U.S. Government, through our Trade Representative, brought against the European Union for providing market-distorting subsidies for the European aerospace company, Airbus. It was a case brought against the EU not because of minor trade infractions or insignificant manipulation of the international market. It was brought because of decades of playing outside the rules, billions in government subsidies, and repeated warnings by the United States to end the unfair practice of providing a damaging subsidy called launch aid. What the WTO ruled by all accounts is very clear. Launch aid is illegal. It creates an uneven playing field. It has harmed American workers and companies. It needs to end.

For me, this is an important decision that is long overdue. That is because in my home State, the State of much of our country's aerospace industry, the consequences of competing with the treasuries of large European governments has been very real for a very long time. It has been felt in communities, in local economies, and in lost jobs. That is why, as my colleagues know, I have been speaking out against Europe's market-distorting actions in commercial aerospace for many years. I have raised my concerns with other Senators, with foreign leaders, and administrations of both parties.

In 2005, I helped pass a unanimous resolution in the Senate on the need to level the playing field for fair global aerospace competition. In that same year, after the European Union mocked our efforts to negotiate in good faith by continuing to provide launch aid, I urged the Bush administration to move forward with this WTO case. Make no mistake about it, I understand the value of healthy competition in the international marketplace. But I also believe that competitors must abide by the same set of rules.

One reason I have fought so hard to end illegal subsidies is because I know there is a fundamental difference in how our country and Europe view the aerospace industry and fair competition. For us in America, commercial aerospace is seen as a private business. Some companies will win; some companies will lose. But we allow the marketplace to decide. American aerospace companies, such as Boeing, take tremendous financial risks when they develop and market a new aircraft. Their workers and developers and researchers put their jobs and billions of dollars on the line each time. They literally bet the company with each new plane they develop. But in Europe, aerospace is a jobs program. To fund that program, they use billions of dollars in what is called launch aid. So they are not quite as concerned when Airbus loses money. In fact, they don't even require Airbus to repay that launch aid, if the aircraft they develop is unsuccessful. It is no risk, all reward.

But as the WTO has now ruled, it is also a violation of international trade rules and fair competition. The plain truth is that these illegal subsidies have cost American jobs. The commercial aerospace industry employs well over half a million Americans with family-wage salaries. But in the past 20 years, as Airbus has continued to grow, thanks to billions in subsidies, we have lost hundreds of thousands of American aerospace jobs. These are scientific and technical jobs. They are jobs that keep the economies of communities large and small stable in States all throughout the country. They are jobs that support families to pay mortgages and create other jobs. They are jobs that are increasingly precious at a time when we are facing double-digit unemployment.

American innovation led to the birth of the aerospace industry over 100 years ago. Since that time, we have made air travel safer and brought growth and innovation to our economy. Although we led in the first century of flight, unless we recognize the damages these subsidies pose and fight for our workers, we might not have a major role in the next century in aerospace. That is why the WTO ruling is so important. This ruling is much more than a confirmation that Airbus has been breaking the rules. It is a victory for American workers who produce the world's best planes and who have been forced to fight an uphill battle. It is a warning to other countries considering entering the aerospace marketplace that launch aid is the wrong example to follow. It reaffirms the spirit of free and fair trade in the international marketplace and reminds us that we have to be vigilant because this is certainly not the end of this fight.

In fact, there are already signs that the EU and Airbus will flaunt the will of the WTO. Already, very publicly, the Governments of France, Germany, and the United Kingdom have said they will move forward with plans to provide Airbus with nearly $5 billion in launch aid for the development of Airbus's latest generation of airplane, the A350, despite any ruling by the WTO. In other words, in the face of a clear condemnation of their practices, they said they will do as they please. That is why, on Monday, I wrote to President Obama urging him and his administration to take the strongest possible actions to prevent European governments from providing Airbus with an additional illegal trade-distorting subsidy. But it will be all of our responsibilities to ensure that the rules are followed, American jobs are not further endangered, and the future of the aerospace industry is protected.

Unless we wake up to the threat that continued illegal subsidies pose, we will lose an industry we created that is critical to our economic recovery and will help sustain our Nation's continued growth.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. BOND. 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. BOND. Mr. President, while we have an opportunity, there are some important comments I want to make about this bill.

We have heard from some people who are concerned about the deficit and the national debt. They are tremendous concerns. Any discussion of our overall economy must take into consideration the debt we are running up that will be on the backs of our children and our grandchildren. I have opposed many spending packages that have come through and many of the things that have gone on.

But when we are looking at priorities—which are funding ongoing programs which are within the budget of our committees—then we need to focus on spending that will prove beneficial for the American people and the economy.

The bill before us, the Transportation and Housing and Urban Development appropriations bill, funds infrastructure development for everything from roads, to bridges, to airports, which is critical to attracting businesses, creating jobs and economic growth in our communities.

The bill also provides funding to help the Nation's most vulnerable populations: the homeless, low-income families and seniors, housing for the disabled, and housing for our returning veterans who have served overseas.

This bill provides increased investment in the Federal Aviation Administration. The FAA gets money for 200 additional safety inspectors. I have spoken on this floor about the need for safety inspectors because we have airlines flying with very subpar qualifications, and too often they get away with sending out people who are not qualified, should not be pilots, have not been properly trained. For all of us who fly and all of our constituents, that is a major concern. But we need to accelerate programs as well related to reducing congestion and increasing safety. That means getting us to the next generation air traffic system.

Nobody will claim this is a perfect bill, but it is one that provides needed funds for programs that not only make a difference in the lives of everyday Americans but also enables job creation, economic growth, and the kind of treatment we wish to provide for those in need, especially in the housing area.

I have asked my colleagues, and will continue to ask them, to support this bill. There have also been attacks—and there will be some more before we get out of here—on earmarks. Every year we have a debate about whether Congress should have a role in setting priorities or simply pass the buck to those in the executive branch of government.

Within my State are State and local experts I turn to, as well as people whose lives are inextricably linked to housing, transportation, and economic development. Most of these people know a great deal about these issues. They know a lot more about these issues and how they affect the people of Missouri than most folks sitting in a bureaucracy in Washington, DC, who may never have been there, do not know what the challenges are, do not know where the local people are putting their priorities, do not know what their plans are, do not know how they see their communities grow, their State grow. I think a lot of these people know more about housing, transportation, and economic development than people at OMB and those who ultimately produce budget submissions from their distant Washington offices.

We have heard a lot of talk about bad earmarks. I am opposed to bad earmarks, and people who abuse the system, who do so criminally, should be punished and put in jail, as they have been. There is no debate there. The debate is not what is written about, but it is who should earmark because every dollar that is spent by the government is directed by somebody. Who is making the decisions?

Some argue it should be a mix where Congress earmarks roughly 2 percent of discretionary funds, with the balance, roughly 98 percent, being earmarked by agency employees of the executive branch. I think you could make a good argument that it should be even higher.

However, under this scenario, with full disclosure, elected officials have a role in listening to and speaking for the people of their State, the leaders of their communities, the leaders of the institutions. We can make those recommendations, and the full Congress can look at them and the President can ratify them. This is reflected in the bills before us this session.

Others argue Congress should have no role; executive branch officials, elected by no one, should have 100 percent monopoly power over spending. Their position is people unaccountable to the voters should have this monopoly power. Congress can, however, and does set criteria, but the more criteria we set, the more it becomes a congressional earmark. The less criteria we set, the more it remains an executive branch earmark.

In executive agencies, people have their own agendas and political leanings. Their own political bosses—in either the Bush administration or the Obama administration—have their own agenda. I do not like monopoly power of the Obama administration on spending and I did not support it during the Clinton or either Bush administration as well.

I have to admit I find it puzzling to hear some of my self-professed conservative friends suggesting that the way to reform spending is to turn it all over to the Obama administration to earmark. I am not arguing they should have no role. I am arguing today that Congress should have a role.

The Constitution, in article I, section 9, says very clearly that it gives the Congress the power of the purse. It states:

> No money shall be drawn from the Treasury but in consequence of Appropriations made by law.

Guess what. That is what we are supposed to do, as stated in article I, section 9. I think it would be extreme, probably excessive, to suggest that Congress should earmark all money, just as I believe it would be extreme and wrongheaded to suggest that the Obama administration should earmark all money.

A bad earmark is a bad earmark, no matter who does it. Frankly, when I left the governorship of my State, one of the reasons I believed it was important to run for the Senate was to be able to exercise the voice and the views of Missourians in the spending process because I had seen too many instances where bureaucrats in Washington made very bad decisions.

They made bad decisions that absolutely turned the priorities around. They told us we had to spend all of our money for cleaning up wastewater, putting tertiary treatment on major metropolitan sewer systems, which would then have to put cleaner water into the Missouri and Mississippi Rivers than was already there.

The State's priority was to clean up many of the pristine streams in our State which had, in too many instances, raw sewage flowing into them—streams which were vital parts of our scenic rivers, our scenic waterways, places for hunters and fishermen, where people would like to swim and boat but could not.

But we have seen even more instances of bad earmarks. I thought it was a horrible Pentagon earmark to award an Air Force tanker project worth billions of dollars to a European company—a process which, under pressure, has since been subjected to review and will cost thousands of Missouri jobs if undertaken.

Fundamentally, I see this as a role of Congress and one that should be transparent, self-limiting, and subject to scrutiny. We get that scrutiny. I accept it. I am happy to argue with anybody who disagrees with my views, but at least we do so out in the open. When earmarks are made in the executive branch, nobody knows who did them. If you don't like a decision, you don't even know whom to yell at because it is somebody who is not appointed, not accountable, not obvious to the people we are supposed to serve.

A lot of people criticize me for putting out statements, news releases, when I get some funds for the State, which is another way of saying I was too transparent. I use this process to help empower local people who have local ideas on how best to improve their local communities after having set their own local priorities.

If a Senator doesn't want to request an earmark, that is fine. Some people request earmarks and then vote to strip them out. I think that is a little bit self-contradictory, but I will leave that to the Senators who choose to request them and then move to strike them. If a Senator thinks it is inappropriate or does not trust himself or his local leaders to establish priorities and petition Congress for funding, that is his or her business. But I do trust local officials who answer to their voters and neighbors, as I do, who invest their money and the tax money at the local level, and who understand their own conditions better than anyone else, over the geniuses at OMB who may or may not have had the privilege of traveling to Missouri, to Washington State, to Pennsylvania, to Minnesota, to wherever the Senator comes from.

In short, someone earmarks discretionary money, and I am glad that a small fraction of that earmarking is reserved for those who can be questioned and disparaged and voted out of office if people disagree. I disagree that earmarking and making all spending decisions should be a responsibility exclusive to the typically anonymous executive branch people.

I ask my colleagues to ensure that bureaucrats and politicians in the executive branch are not the sole source of power when it comes to setting spending priorities. In this case, local citizens outside of Washington who live with the project purposes and who are not agency officials should have a stronger voice in setting local priorities, not a weaker voice.

I urge my colleagues to support this bill and to oppose efforts to take away from Congress not only our constitutional power and authority over the purse but what I view as a high responsibility of someone who holds an office and carries out the duties of a U.S. Senator.

Mr. President, I thank the Chair, and I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Chair recognizes the Senator from Pennsylvania.

AMENDMENT NO. 2410

Mr. CASEY. Mr. President, I rise today in opposition to an amendment proposed by my colleague from South Carolina. The amendment is No. 2410. I believe this amendment sets a dangerous precedent for a number of reasons.

First of all, it singles out one airport, which happens to be an airport in southwestern Pennsylvania, in Cambria County on the southwestern corner of our State.

It is important to note about this particular debate on this amendment that none of the funds in the underlying bill we are talking about here provide for direct funding to this airport. In my view, the decision as to whether this particular airport should receive funding should be left to the Federal Aviation Administration.

The Senator from South Carolina noted that the airport received funding under the America Recovery and Reinvestment Act, known as the stimulus bill. Let me read something from the spokesperson from the U.S. Department of Transportation. This spokesperson said: ''The bottom line is it,'' meaning this airport, ''deserved the money based on the merits.'' ''It,'' meaning the funding under the recovery bill, ''is not an earmark.''

The Essential Air Service Program, which as many here know was created by Congress in 1978 to help small airports—we have a lot of them in Pennsylvania, and we need them—to survive after airline deregulation. That is the primary source of Federal funding for the airport in this case, not an earmark, not a congressional earmark.

According to Congressional Quarterly, more than 150 airports across the country qualify for this assistance and many of the 150 airports have a higher per-passenger subsidy with lower passenger loads than the airport we are talking about here, the Johnstown Airport.

Let me say in conclusion, the city of Johnstown, as well as the wider Cambria County region but especially this county—and so many places have been hit hard in this recession, but historically this particular community has been hit very hard. In the 14 labor regions of our State where they measure unemployment, very often the Johnstown labor market has the highest in the State. If it is not the highest unemployment, it is often in the top three. This is a community that has suffered tremendously over many decades with job loss.

When we consider what happens when people go to an airport, sometimes it is not just civilians. A lot of military personnel leave from an airport such as this. Johnstown, PA, including Cambria County, PA, has transported on a per capita basis as many or more soldiers in Iraq, for example, than almost anyplace in the country.

So this is a community that has contributed mightily to the success of this country under adverse economic circumstances. The least we should do is not target this community and target this airport in the midst of a debate on such a significant Transportation appropriations bill.

So we are grateful for this opportunity.

I yield the floor.

Mrs. MURRAY. 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. SPECTER. 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. SPECTER. Mr. President, I have sought recognition to speak on the pending amendment relating to the Mount Washington Community Development Corporation. There has been an effort to delete an appropriation of $200,000 to help the Mount Washington Community Development Corporation clean up and remove hazardous waste and prepare the site for future development.

In phase I, there will be a cleanup of asbestos and hazardous waste, with a total cost of $1.2 million. On phase II, there will be construction for a total cost of $90 million to $100 million.

The project is a brownfield redevelopment site preparation for the future construction of One Grandview Avenue in the city of Pittsburgh.

The site currently includes a blighted structure in a state of total disrepair. The dilapidated building has been vacant since 1979 and was recently condemned by the city of Pittsburgh.

Historically, this property has been the hub of illegal activities and has been a public safety hazard for the city. Since 1989, there have been over 30 documented incidents of assault, vandalism, and theft at the location.

The residents of the area have signed a petition in favor of the Grandview apartment development, which cites the chaotic history of this particular locale. Three hundred people have signed on urging that the development take place, and the petition reads in part:

> Since the summer of 2008, the developer and his representatives have attended countless meetings with the MWCDC [the development project].

It goes on to recite the details of what is needed there. What the $200,000 will be designed for is, arguably, a responsibility of the Federal Government for failure to take steps to avoid that kind of contamination or, once the contamination occurs, to make remedial action to improve it. The total cost is going to be in the neighborhood of $1.2 million. The Federal contribution, which we are asking for on this earmark, is, I submit, a very modest matter and a good reason for the Federal Government to undertake greater responsibility than $200,000.

In addition to the citizens, the request has been made by the mayor of the city of Pittsburgh. I ask unanimous consent that the petition from his chief of staff be printed in the RECORD.

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

PETITION IN SUPPORT OF THE ONE GRANDVIEW AVENUE DEVELOPMENT

We the undersigned hereby support the development at One Grandview Avenue (the location of the former Edge restaurant) proposed by Mr. Steve Beemsterboer.

Since the summer of 2008, the developer and his representatives have attended countless meetings with the MWCDC and individual residents concerned about implications of this development. Mr. Beemsterboer

has had many private meetings with residents who have had the most concerns about this project, and countless times, the developer has responded to concerns of size and scale, storm water runoff, height, traffic flow and property values. The developer has gone out of his way to listen to concerns and make changes to his plans to accomodate a few residents. As an example, the size and scope of the proposed development has changed three (3) times due to the concerns of a few residents.

The former Edge restaurant has been vacant for three (3) decades. It has sat condemned by the city of Pittsburgh for over one (1) year. Historically, the property has been a hub for illegal activity and has been a public safety hazard for the City of Pittsburgh for 30 years. Since 1989, there have been over 30 documented incidents of assault, vadalism and theft at the location, not to mention countless accounts of suspicious and illegal activities like drug deals and prostitition.

There have been many development plans for the former Edge restaurant over the years, but resident resistance has been strong. In fact, so strong, the community put an end to plans for a Ritz Carlton. That was several years ago, and things are different today.

There will be hundreds of City residents upset and outraged if the developer meets all of the city's code and legal requirements and somehow cannot get this project moving forward. Our City leaders have an obligation to support the neighborhoods that are asking for assistance and who are collectively behind a development such as this one. The community asks for your support and assurance that this project will not be derailed due to a few people with personal agendas.

Again, we the undersigned wholeheartedly support the development proposed at One Grandview Avenue and expect to see progress at the location.

Mr. SPECTER. Mr. President, this has also been supported by Senator CASEY, Congressman MIKE DOYLE, in whose district it is, and by Allegheny County Executive Dan Onorato, the county council, the Mount Washington community, and by two representatives of the Pennsylvania General Assembly, Senator Wayne Fontana and Representative Chelsa Wagner.

It is hard to envisage a more appropriate use of $200,000 than is present here. It is a clear-cut matter of looking to the Federal Government to fulfill its responsibility to an area that has become blighted, a waste site that should have been cleaned up a long time ago under Federal law.

AMENDMENT NO. 2410

Mr. President, in addition to the considerations on the Mount Washington Community Development Corporation, I am opposed to the amendment No. 2410, which would prohibit the use of funds for the John Murtha Johnstown-Cambria County Airport.

A similar amendment was defeated in the House of Representatives by a decisive vote of 263 to 154. This airport supports 45,000 takeoffs and landings per year.

The Cambria County Airport receives Federal funding from the Essential Air Service, a program run by the Department of Transportation on a formula basis to rural regions. The recently passed stimulus also provides funding but on a purely competitive basis.

The Johnstown Airport is one of many airports across the United States that receive Essential Air Service annual funding. The current subsidy is $1.4 million or just over $100 per passenger. There are 152 similar regional airports around the country, including a number in my State, in Altoona, Bradford, Dubois, Lancaster, and Oil City. Johnstown Airport ranks only 40th in the per-passenger subsidies.

The majority of the $150 million that critics cite was funded for military purposes.

There are over 1,000 Guard and Reserve troops stationed at the airport, and they use these facilities daily. These troops have been involved in over 19 overseas deployments in the last 5 years alone to Iraq, Afghanistan, and other areas around the world. The upgrades funded in previous years were essential to keep these troops in a proper state of readiness to sustain such a high rate of deployment.

National Guard LTC Christopher Cleaver had this to say:

The airport is a vital part of the Guard's strategic deployment plans. In today's climate of warfare, it's extremely prudent to be able to move fast.

We have a commitment to mobilize in 96 hours. It's a great advantage to have a runway at your doorstep to quickly move to anywhere in the world.

On this basis, I think the appropriation is entirely warranted.

AMENDMENT NO. 2366

Mr. President, I have sought recognition to discuss my vote against an amendment offered to the fiscal year 2010 Transportation and Housing and Urban Development Appropriations bill. the amendment, offered by Senator ROGER WICKER, would cut off funding for Amtrak unless it amends its current policy and allows passengers to transport firearms by March 31, 2010. It is my understanding that Amtrak implemented the firearm ban in 2004 after it conducted a review and evaluation of security measures following the attacks on passenger trains in Madrid on April 11, 2004.

Though Amtrak ought to have authority to set policy that is in its best interest, I am reluctant to support a policy that prohibits law abiding citizens from carrying permitted firearms. This policy was the subject of a similar amendment that Senator WICKER introduced on April 2, 2009, to the fiscal year 2010 budget resolution. The budget resolution established a reserve fund for multimodal transportation projects and Senator WICKER's amendment to the budget disqualified Amtrak from accessing this proposed reserve fund if it did not allow passengers to transport firearms. I supported that amendment and it passed 63–35. However, the passage of that amendment did not jeopardize Amtrak's regular annual appropriation.

On the other hand, Senator WICKER's amendment on September 16, 2009, to the Appropriations bill may ultimately result in a complete cutoff of Federal funding for Amtrak. The legislation we are considering includes $1.574 billion for Amtrak and this funding is critical to maintaining our national passenger rail system. Amtrak provides a vital service for the entire Nation and I have consistently advocated for robust Federal funding to support its operations. Cutting off Federal funding would cause passenger rail operations to cease and deprive millions of Americans from an important mode of transportation. I am not willing to risk stranding Amtrak users in order to compel Amtrak to amend its firearm policy.

We ought to consider Amtrak's firearm policy independently from the appropriations process. Should Congress decide to mandate a revision to this policy, Amtrak ought to be given sufficient time to ensure it has proper personnel and infrastructure in place without the threat of funding cuts for not meeting an unrealistic implementation deadline.

Mr. President, I also wish to describe an amendment I have introduced to the fiscal year 2010 Transportation, Housing and Urban Development, and Related Agencies Appropriations bill. This amendment preserves funding which has already been secured for a critical project in Pennsylvania.

The corridor along U.S. route 422 in southeastern Pennsylvania has experienced rapid population growth over the past decade including many daily commuters to Philadelphia. This population expansion has led to significant congestion along route 422 in Montgomery and Berks Counties. Transportation officials and community leaders in the area have for years worked diligently developing proposals to mitigate the congestion and expand mobility options for residents living along the corridor.

The community has made considerable progress in this effort over the past 2 years, including completion in 2008 of a study to consider the feasibility of extending an existing rail line and commencement in 2009 of a study to explore long-term financing options for a commuter rail system and maintenance of route 422. Additionally, on August 24, 2009, Transportation Secretary Ray LaHood joined me for a roundtable meeting with local public officials and transportation leaders to discuss the problem and these recent developments.

The amendment I have introduced would simply preserve funding that was included in appropriation bills from previous years to support the local effort in this important undertaking.

I urge my colleagues to support this amendment.

Mrs. MURRAY. Mr. President, I ask unanimous consent to set aside the pending amendment.

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

AMENDMENT NOS. 2402, AS MODIFIED, NO. 2405, AS MODIFIED, AND NO. 2415

Mrs. MURRAY. Mr. President, we have managers' amendments at the desk—amendment No. 2402, as modified; 2405, as modified; and 2415. I ask unanimous consent that the amendments be considered and agreed to en bloc, and the motions to reconsider be considered laid upon the table.

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

The amendments were agreed to, as follows:

AMENDMENT NO. 2402, AS MODIFIED

(Purpose: To provide that amounts in the bill provided for the Transportation Planning, Research and Development program shall be used for the development, coordination, and analysis of data collection procedures and national performance measures)

At the appropriate place, insert the following:

SEC. _____. Such amounts as are required from amounts provided in this Act to the Office of the Secretary of Transportation for the Transportation Planning, Research and Development program may be used for the development, coordination, and analysis of data collection procedures and national performance measures.

AMENDMENT NO. 2405, AS MODIFIED

(Purpose: To provide the Secretary of Housing and Urban Development the authority to use previously appropriated funds to prevent the termination of housing assistance to eligible families)

At the appropriate place, insert the following:

SEC. ____. The first numbered paragraph under the heading ''Tenant-Based Rental Assistance'' in the Department of Housing and Urban Development Appropriations Act, 2009 (Public Law 111–8) is amended by adding the following before the period at the end:

'': *Provided further*, That up to $200,000,000 from the $4,000,000,000 which are available on October 1, 2009 may be available to adjust allocations for public housing agencies to prevent termination of assistance to families''.

AMENDMENT NO. 2415

(Purpose: To provide technical and financial assistance to Illinois transportation officials to conduct a feasibility study for consolidated freight and passenger rail through Springfield, Illinois)

On page 215, between lines 2 and 3, insert the following:

SEC. 156. The Administrator of the Federal Railroad Administration, in cooperation with the Illinois Department of Transportation (IDOT), may provide technical and financial assistance to IDOT and local and county officials to study the feasibility of 10th Street, or other alternatives, in Springfield, Illinois, as a route for consolidated freight and passenger rail operations within the city of Springfield.

The PRESIDING OFFICER. The Senator from Arizona.

MOTION TO RECOMMIT WITH AMENDMENT NO. 2421

Mr. KYL. Mr. President, I ask unanimous consent to lay aside the pending amendment for the purpose of sending a motion to recommit with instructions to the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. Kyl] moves to recommit the act H.R. 3288 to the Committee on Appropriations with instructions to report the same back to the Senate forthwith with the following amendment No. 2421.

The amendment is as follows:

(1) Any amounts that are unobligated amounts for fiscal year 2010 for the American Recovery and Reinvestment Act that are available in a non-highway account receiving funds in this Act for fiscal year 2010 are rescinded.

Mr. KYL. Mr. President, I will take just a moment to explain what this motion is. It is very simple. Incidentally, I wish to say at the outset that because of the way it reads, as the clerk read, ''forthwith,'' there is no intention in this motion to delay the bill whatsoever. It requires the committee to report back forthwith.

Although I believe the discretionary spending increase in this bill, which is 23 percent above last year's level, excluding the stimulus bill, is far too high, my motion does not touch spending in this appropriations bill.

Let me repeat that. This amendment does not change in any way the spending in this appropriations bill. My motion simply instructs that the bill be sent back to the Appropriations Committee so it can be amended and sent back here forthwith to provide for rescissions of any amounts that are unobligated for the fiscal year 2010 in the stimulus bill that are available in nonhighway spending accounts. In other words, whatever has not been obligated under the stimulus and relates to the spending in this appropriations bill that is duplicative of that spending and does not relate to highway spending would be rescinded.

Why is it necessary? The stimulus, I do not believe, has provided what was promised—namely, jobs. A report at the end of August issued by the President's Chief Economist, Christina Romer, found that only $151.4 billion of the original $787 billion had been spent. The real total cost of the stimulus is over $1.1 trillion when you include interest.

That is a mere 19.2 percent—less than a quarter of the total package. In other words, the majority of this funding will be spent over the next several years, by which time the recession, hopefully, will be long over.

The administration claimed this spending would halt the unemployment level at 8 percent. Seven months after we passed the stimulus, unemployment levels are now at 9.7 percent and growing. We have lost over 2 million jobs.

I know the administration likes to say the stimulus has saved or created 1 million jobs, but most people recognize there is no way to measure saved jobs. In fact, Christina Romer stated recently:

You know, it's very hard to say exactly what the jobs effect is because you don't know what the baseline is.

My point is this: This discussion of the wasteful and nonjob-producing stimulus is important to this bill because our Nation is about to hit its debt ceiling of $12.1 trillion in October. This Congress will have to, again, raise the debt limit after having done so through the so-called stimulus. The public debt level is currently at $11.8 trillion.

This motion will lead to more than $11.6 billion in savings, which is less than 1 percent of our Nation's debt level. But we need to start somewhere, sometime.

I urge my colleagues to support this amendment which, to reiterate, does not take one dime out of this appropriations bill. It simply says the committee should go back and rescind from the stimulus bill any funding in the stimulus bill that is duplicated in this transportation and housing bill as long as the money has not yet been obligated and does not relate to highway spending. We would save about $11 billion. That is a good thing to do.

I urge my colleagues to support this motion when we are able to call it up and vote on it.

Mr. BURRIS. Mr. President, today, this Senate will act on a sweeping Transportation appropriations bill. My colleagues have spoken about this measure as an important part of the Federal budget for 2010. And they are right. This is sound fiscal policy that represents an investment in transportation and infrastructure. But we are also talking about much more than Federal spending over the next year. With this legislation, we are plotting a course for America's future. We are investing in public transportation projects and laying the groundwork for high-speed rail. We are developing renewable energy sources such as biodiesel and ethanol, which will allow us to keep efficient cars and trucks on America's roads. All of these efforts will help us achieve energy independence and protect the environment. So this bill has implications far beyond the next fiscal year. It is the beginning of a major step toward our new renewable energy paradigm. Let's talk about what that means for America.

As a Chicagoan, I am fortunate to live in a city with a world-class public transportation system. Millions of people ride the CTA trains and buses every year. This reduces traffic on the streets, cuts greenhouse gas emissions, and saves money. Unfortunately, it also places a strain on the existing infrastructure. That is why we need to increase our support for the CTA and other public transportation systems across the country. We need to help the CTA and similar agencies expand service, refurbish aging infrastructure, and continue to operate safely. This will make our cities more accessible for everyone. It will help usher all urban centers into a new era of prosperity.

But we should not stop there. It is time to renew our focus on transportation between cities and towns. As just about anyone can tell you, America's highways are heavily congested. Additional roads would be expensive to build, and they wouldn't make it any easier to get around. We need a solution that is both affordable and energy

efficient. For me, this means only one thing: high-speed rail.

I am proud to be a member of the Midwest High Speed Rail Association. And I believe it is time to weave this country together, from coast to coast, with a new network of clean, safe high-speed trains. This will create thousands of jobs, serving as a boon to the national economy. It will also save money. Laying track is four times cheaper than building highways, and railroads can transport up to five times as many people. There is no question that high-speed rail will increase the ease and affordability of travel between States. This will bring fresh opportunity to every community, large or small, that touches the new rail lines.

Mr. President, 140 years ago, the great American railway first connected the east coast to the west coast. Rail travel helped give definition to this country. It is an integral part of America's past. And it will be just as important to America's future.

This Transportation bill funds important projects and initiatives like these, all across the country. But it is about more than public transportation. It also helps to lay the groundwork for a renewable energy paradigm. It is a blueprint to create jobs, protect the environment, and save money.

If we pass this legislation, it will be a significant step in the right direction. And if we build upon this progress in the years to come, we can secure a brighter future for ourselves and for our children, because it's not just a matter of dollars and cents, and it's not just about jobs or the environment. It is about all of that, and it is about national security. It is about reducing our dependence on foreign oil. It is about renewable energy, safer modes of transportation, and an electric grid that is more secure and more efficient. This Transportation bill is a piece of that puzzle. It is a great start. So I urge my colleagues to join with me in supporting this measure. Let's invest in America's future once again.

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.

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

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

Mrs. MURRAY. Mr. President, I ask unanimous consent that except for the amendments provided for in this agreement, no further amendments be in order to H.R. 3288; that the following be the only first-degree amendments and motion to recommit remaining in order to H.R. 3288; that second-degree amendments which are relevant to the first-degree to which offered be in order but not prior to a vote in relation to the first-degree amendment; that the listed Kyl motion to recommit be the only motion to recommit in order, except motions to reconsider votes or motions to waive applicable budget points of order; that a managers' amendment that has been cleared by the managers and the leaders also be in order, and that if the amendment is offered, then it be considered and agreed to and the motion to reconsider be considered made and laid upon the table; Landrieu amendment No. 2365, which is pending; Vitter amendment No. 2359, pending and as modified; DeMint amendment No. 2410, pending; McCain amendment No. 2403, pending, as modified; Kyl motion to recommit with instructions, pending; that upon disposition of the amendments and the motion to recommit, the substitute amendment, as amended, if amended, be agreed to and the motion to reconsider be considered made and laid upon the table; that the bill, as amended, be read a third time and the Senate then proceed to vote on passage of the bill; that upon passage, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and that the subcommittee and Senators INOUYE and COCHRAN be appointed as conferees; further, that if a point of order is raised against the substitute amendment, it be in order for another substitute amendment to be offered, minus the offending provisions but including any amendments which had been agreed to prior to the point of order; that no further amendments be in order; that the new substitute amendment, as amended, if amended, be agreed to and the motion to reconsider be considered made and laid upon the table; that the remaining provisions beyond adoption of the substitute amendment remain in effect; that on Thursday, September 17, following a period of morning business, the Senate then resume consideration of H.R. 3288 and proceed to vote in relation to the amendments and motion as specified above, with 2 minutes of debate equally divided and controlled prior to each vote, and that after the first vote in a sequence, the remaining votes be limited to 10 minutes each; further, that the cloture motion be withdrawn.

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

Mrs. MURRAY. Mr. President, with that, I would like all Members to know that what we have just agreed to is the final amendments of this bill. If any Senator would like to speak on any of them, they are welcome to come to the floor to do so this evening. But with this agreement, all those amendments will be voted on tomorrow morning, as will be announced at the end of the session today.

Mr. President, just to let all Senators know, with this agreement, there will be no further rollcall votes tonight.

MORNING BUSINESS

Mrs. MURRAY. Mr. President, if there are no other Senators who wish to speak on that—I know a number of Senators are waiting to speak in morning business—I ask unanimous consent that the Senate proceed to morning business, with Senators permitted to speak for up to 10 minutes each.

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

The Senator from Connecticut.

AFGHANISTAN

Mr. LIEBERMAN. Mr. President, I rise—and soon will be joined by Senate colleagues, Senators MCCAIN and GRAHAM—to speak about the war in Afghanistan.

For the first time since 9/11, a national debate is underway about the future of our fight in Afghanistan. This is appropriate. Whenever our Nation sends our brave men and women in uniform into harm's way, it is both natural and necessary that we should have a vigorous national conversation about why we are doing so, whether it is necessary for our national security, and what the right strategy is to achieve our objectives. The truth is, we have not had such a debate since the decision was made unanimously to go into Afghanistan after 9/11 to overthrow the Taliban, which had given safe haven to al-Qaida, which planned and trained for the attacks on us in Afghanistan.

The most direct answer to the question of why we are fighting in Afghanistan and why we must succeed there is exactly that: Afghanistan is where the attacks of 9/11 originated, where al-Qaida made its sanctuary under the Taliban, and where the same Taliban is on the offensive today in Afghanistan and has seized the initiative with the clear aim of gaining control of all of Afghanistan, or major parts of it, and once again providing sanctuary for al-Qaida. It remains self-evident to be a clear and vital national interest of the United States to prevent this from happening. It is also because, although Afghanistan may seem geographically remote, we found out on September 11, 2001, in this modern technological world where great spaces are passed over quickly, that it is not remote when it comes to the safety and security of the American people, and Afghanistan is in the heart of a region in which we have critical national interests.

The fact is, Afghanistan and Pakistan are today at the epicenter of global Islamist extremism and terrorism, with which we are at war. This is the test of our age so far as our security is concerned.

Mr. MCCAIN. Mr. President, will the Senator yield for a question?

Mr. LIEBERMAN. I will be glad to yield.

Mr. MCCAIN. Is it true that yesterday, when we had the hearing with Admiral Mullen for renomination as Chairman of the Joint Chiefs of Staff, and who I think we would all agree has done an outstanding job of serving our

country, it was pretty clear that Admiral Mullen felt a sense of urgency for us to act in Afghanistan because al-Qaida and the Taliban—especially the Taliban—are making inroads and we, in his words, are not seeing the progress we want, that we are losing, basically, in Afghanistan?

Didn't he say to you and to Senator GRAHAM such that the important thing is that time is not on our side and we need to get troops over there as quickly as possible, in keeping with the strategy that was devised in March of this year and agreed to by the President? That was my understanding.

And Senator GRAHAM said: OK, now as to the civilians, I just got back from a visit. I appreciate all our civilians who are over there from different agencies. They are very brave, but, quite honestly, they can't go anywhere.

Admiral Mullen said: Right.

Senator GRAHAM said: You could send 10,000 lawyers from the State Department to deal with rural law programs, but they are sitting on the base because if they leave the base, they are going to get shot.

Admiral Mullen:

Right.

Then Graham said:

The only way to get off the base is if they have a military convoy, is that right?

Mullen said:

Right.

Senator GRAHAM said:

So I just want our colleagues to know the security environment in Afghanistan, from my point of view, will prevent any civilian success until we change the security environment. How long would it take to train enough Afghan troops to change the momentum, in your view, if we did it just with Afghan forces?

And he said:

Two or three years.

Then Senator GRAHAM said:

What will happen in that two or three year period in terms of the security environment while we are training.

Mullen said:

If it's just training?

GRAHAM said:

Yes.

Mullen said:

I think the security environment will continue to deteriorate.

I ask my friend, doesn't that lend urgency, which is certainly not apparent in the President's statement today? After meeting with the Canadian Prime Minister, basically saying he is going to go through a long process of evaluation and another strategy, claiming he didn't have one before. That is what is disturbing, is the total lack of urgency in the President's statement today.

Mr. LIEBERMAN. Mr. President, I say to my friend from Arizona, I was surprised and puzzled by that statement of the President today, particularly because the President, I think, has been very strong about Afghanistan. He has called Afghanistan a war of necessity—for the reason that I said, because we cannot allow al-Qaida and the Taliban to come back into control. Forgive the analogy, but anymore than after World War II if the Nazis had somehow reassembled and attempted to retake control of part or all of Germany, we would have sat back? We simply cannot let that happen.

We also know if Afghanistan falls, if we accept defeat or for some reason retreat from Afghanistan, it will profoundly destabilize neighboring nuclear Pakistan and encourage the Islamist extremists throughout that region and the world.

My friend from Arizona is right. There is a sense of urgency that he and our colleague and friend from South Carolina, Senator GRAHAM, who is on the floor, saw when we visited with General McChrystal and Admiral Eikberry and the Afghan national security leadership a month ago. Admiral Mullen yesterday said we have lost the initiative in Afghanistan. It is why President Obama deployed the additional 21,000 troops in March and announced this new strategy.

Mr. MCCAIN. Will the Senator yield for one more question quickly?

Mr. LIEBERMAN. I will be glad to.

Mr. MCCAIN. Isn't it true this is where the contradiction is? It is so paradoxical it is hard for me to comprehend. Admiral Mullen—in a question I said:

Admiral Mullen, didn't you say ''time is not on your side''?

Admiral Mullen:

No, sir, I have a sense of urgency about this. I worry a great deal that the clock is moving very rapidly and there are lots of clocks, as you know. But the sense of urgency—and I, believe me, share that with General McChrystal who, while he is very focused on the change which includes partner—focus on the Afghan people, he is alarmed by the insurgency; he is in a position where he needs to retake the initiative from the insurgents who have grabbed over the last 3 years.

Then to contrast that with the President's statement today he said:

I am absolutely clear, you have to get the strategy right and then make determinations about resources. You don't make determinations about resources—certainly you don't make determinations about sending young men and women into battle without having absolute clarity about what the strategy is going to be.

He said:

My determination is to get this right and that means broad consultation not only inside the U.S. government but also our ISAP partners and our NATO allies, and I am going to take a very deliberate process in making these decisions.

I don't know what to make of that.

Mr. LIEBERMAN. I think the statement by our top uniformed military officer, ADM Mike Mullen, Chairman of the Joint Chiefs of Staff, reflects what General McChrystal and everybody on the ground in Afghanistan has said, this is an urgent matter. The President recognized that when he sent the 21,000 additional troops.

Most everybody in this Chamber and in the House will accept the fact that it would have a devastating effect on America's national security and the security of the world if we lost Afghanistan. But then comes the question—incidentally, President Obama himself said this in a statement he made a while ago. He said we cannot muddle through in Afghanistan. It requires a decisive commitment to achieve victory.

We learned that in Iraq. Counterinsurgency, such as we are involved in in Afghanistan, is manpower intensive.

That is the question the administration and we here in Congress have. If you agree it is in the vital national security interests of the United States to succeed in Afghanistan, then you have to decide how we can best do that. To me the answer is clear. We need more troops there, American troops, while the Afghans are being trained to take over themselves. They cannot just be trainers. As Admiral Mullen made clear yesterday, they need to be combat troops. They need to be combat troops because, without the security that the American combat troops can singularly and uniquely provide in the short term, there cannot even be training of the Afghans. There certainly cannot be governance as we know it and there cannot be a prospect for economic development.

We need to make this decision soon. Weather has an effect.

Mr. GRAHAM. Will the Senator yield for a question?

Mr. LIEBERMAN. I will yield to my friend from South Carolina.

Mr. GRAHAM. As I understood the situation, in the last couple of months casualties among American forces are at an all-time high since the invasion. Do you agree with that, I ask the Senator?

Mr. LIEBERMAN. That unfortunately is true.

Mr. GRAHAM. It is also my understanding that IED attacks by the enemy have gone up about 1,000 percent and in reaction to that, Secretary Gates has sent 3,000 people over to deal with the IED problem. From my understanding of the testimony yesterday, Admiral Mullen said the force structure we have in place, between the combination of coalition forces and Afghan forces, is not enough to reverse the trends and to regain lost momentum. I thought it was pretty clear that he was telling us something has to change beyond training the Afghan Army.

Would you agree that the longer we leave people in that environment, where the momentum is on the enemy's side, we are doing a great disservice to the 68,000 people who are there? And if you are going to send troops, send them while it matters, send them in enough number to save lives and get the job over sooner rather than later? That is what I think all three of us are saying.

Mr. President, we appreciate your commitment in Afghanistan. Sending troops to get the election conducted

was a wise move. Understanding that Afghanistan is the central battle in the overall war on terror now is a deep understanding on the President's part. The only thing we are saying, the three of us and I think others, is that our military commanders have told us we have lost momentum and the only way to get it back in the short term is more combat power, and every day that we wait makes it much harder for those who are in theatre, and they are dying at levels and being injured at levels we have not known before. That is what drives our thinking. Would you agree with that?

Mr. LIEBERMAN. I am totally in agreement with my friend from South Carolina. This in fact is the lesson we should have learned and I think did learn in Iraq. When did the number of American casualties in Iraq begin to go down? It was when we sent more American troops there. Because the addition of American troops, and a new strategy—not just the numbers but a new strategy, a strategy quite similar to the new strategy we have in Afghanistan—protects the civilian population, gives them the confidence that we are not leaving. When you do that, something significant happens. It happened in Iraq and it will happen in Afghanistan. When we commit more troops, the people in the country decide we are not going to cut and run.

The Afghan people despise the Taliban. The progress the Taliban is making in controlling more land in Afghanistan is totally the result of violence and intimidation. The Afghan people, however, are watching us and wondering are we going to begin to pull back? Should they hedge their bets? Should they be careful not to join the fight against the Taliban?

If we begin to sound an uncertain trumpet—you remember that phrase from Scriptures: ''If the sound of the trumpet is uncertain, who will follow into battle?'' I will tell you one group that will not follow into battle if America begins to sound an uncertain trumpet in Afghanistan is the people of Afghanistan. We have a desire now that most everybody here shares. Let's break some of the Taliban away, the ones who are not zealots, the ones who, in a sense are foot soldiers, followers. They are the comparable group to the Sons of Iraq in Anbar Province. But when did the Sons of Iraq decide they were going to turn against al-Qaida? When we convinced them we were going to stay in Anbar and protect them.

In fact, how did we convince them? By sending more troops. It was after that the Iraqi security forces grew in capability, that the American casualties went down.

I would say to my friend, he has touched a very important point here. The only way we will reduce American casualties, which are now going up, and create an environment in which more Afghans will join the war against the Taliban and al-Qaida is for us to give them the confidence we are not going to leave. The best way we can do that and provide the security to do that is by sending more troops.

Incidentally, a final word and then I will yield to my friend from South Carolina. There are those, including my dear friend and respected chairman of the Armed Services Committee, Senator LEVIN, who are focused on sending more Americans only for training purposes, not combat troops. But here is something else we learned in Iraq. The fact is you need more than trainers to train the indigenous forces. One of the great tactical breakthroughs in Iraq that General McChrystal wants to put into effect in fact has begun in Afghanistan: There is no better way to train the Afghan forces than to partner them with American and coalition forces in Afghanistan. It is not just sending somebody to a school run by Americans to train them; it is having the Afghan units out there in the field, side by side, working with, fighting with, living with American soldiers that is the best source of training.

I couldn't agree with my friends from South Carolina and Arizona more. The situation in Afghanistan is a vital national interest. Everybody agrees with that. You can't listen to ADM Mike Mullen yesterday and decide the initiative is ours now. It is not. It is slipping away from us. The best way to regain the initiative is to send as many troops as we can. Listening to General McChrystal, a lot of them have to be combat troops, and to do so as quickly as possible.

I said ''the weather'' a moment ago. The winters are harsh in Afghanistan. That is not to say all conflict stops, but there is a fighting season in Afghanistan. This year, we did not have adequate forces there until the new wave the President, President Obama, deployed got there. They didn't get there until June. We were together in Helmut Province with GEN Larry Nickelson, an extraordinary Marine general, a patriot, great soldier, great fighter, great leader. Those Marines are turning back the tide against the Taliban there because they have the numbers.

And that is exactly what we have to do throughout the country. I thank my friend. I am glad to yield the floor to him at this time.

Mr. GRAHAM. I ask unanimous consent to be recognized for 5 minutes.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from South Carolina.

Mr. GRAHAM. I would like to pick up where my colleague, Senator LIEBERMAN, left off. The question to ask is, how did the Taliban regain momentum? How do a bunch of fighters, who do not have one airplane, no navy, no heavy weapons to speak of, how could they have regained momentum and begun to reoccupy parts of Afghanistan?

The only answer I can come up with is a vacuum has been created. That vacuum has two components to it: the lack of governance and not enough troops to prevent the Taliban from coming back in some areas of Afghanistan.

I would submit this: If we wait to train the Afghan Army as the only way to stabilize Afghanistan, we are going to waste 2 or 3 years. It is going to get so bad we cannot stand the casualties, and the American people will not tolerate a 2- or 3-year period of where we are just training the Afghan forces, sending them from the training cycle into combat. They are going to fold, just like they did in Iraq. We cannot train an army and have them fight at the same time. We need a little bit of breathing space.

So this idea that we are going to train the Afghan Army, that is the way we will regain momentum against the Taliban, quite frankly will not work. I think Admiral Mullen understood that. What will work is to send more combat power to clear the Taliban from the areas that the Taliban have reoccupied. The Marines are telling us in no uncertain terms, with the right mix of troops they are delivering punishing blows to the Taliban. But we can send 1 million troops to Afghan and still not deal with the fundamental problems they face and the world faces, the legitimacy of the Afghan Government in the eyes of the Afghan people. That is why the Taliban have come back because the Afghan Government has failed. They have failed in almost every respect to give the Afghan people the governance and the hope they need to stand up to the Taliban.

So this is one Senator who believes the way to regain lost momentum is to add more combat power and, yes, train the Afghan Army and police force with a new strategy which we now have in place.

It is labor intensive. It is going to take a lot of time. We have to understand, if we get the Afghan Army up to 400,000, the whole budget of Afghanistan is $800 million a year. It will take $5 billion a year to maintain that army. We are going to end up paying. I hope the American taxpayer understands that. But it is cheaper for us to do that than it is for us to be the 400,000-person army.

So when it comes to cost, it is better to train them and help them with their training and funding than it is for us to stay over there in large numbers forever. But we are going to have to plus up to regain lost momentum. Then we are going to have to focus on the real cause of the deterioration—governance.

The Karzai government has failed in many ways. Corruption is rampant. If, in the next 6 months, some major figures in Afghanistan are not prosecuted for ripping off the Afghan people, then nothing will ever change over there.

I have been a military lawyer serving as a reservist in Afghanistan. I can tell you that everyone who has looked at the Rule of Law Programs will tell you that corruption, narcotics corruption,

is rampant in that country. They need a legal system in Afghanistan that can stand up to the corruption. That means we have to protect the judges from being assassinated; we have to build capacity.

There are less than 500 lawyers in all of Afghanistan. There are 16,000 people in jail. Most of them went to jail without ever seeing a lawyer. We have our work cut out for us. We need benchmarks and measurements so I can go back to South Carolina and every Senator can go back to their constituents and say: We are not throwing good money after bad. We are going to push the Afghan Government to prosecute corruption, to provide security for judges, to find a way to empower the economy beyond the drug trade, and start making hard decisions about how tribal justice systems can be incorporated into the formal justice system.

There are so many decisions that politicians in Afghanistan have failed to make that have allowed the Taliban to come back. We need to put them on notice that with new resources and new troops, a new dynamic will be in place, and they will be making the decisions necessary to provide governance to their people. If they fail to do that, then they will not have our support because, at the end of the day, they have to want it more than we do.

Senator LIEBERMAN is right about this. The good news amidst all of this bad news is the Taliban is very much reviled and hated in the country. But put yourselves in one of these villages out in the middle of Afghanistan. What would you do, knowing that by night the Taliban comes in and rains terror? We have to replace that dynamic and give the people assurance that we are not only going to provide them security but the Afghan Government is going to provide them schooling and education, health care, and some hope.

Finally, I cannot tell you that we will succeed with more troops. I can tell you, we will fail if we do not send more troops. It is so much harder in Afghanistan than in many ways it is in Iraq. We are not the Russians. We are not the British. This is not Vietnam. This is not Iraq.

This is Afghanistan where 9/11 was planned and executed. We can get this right.

Mr. MCCAIN. Would the Senator yield so I can ask a question? I see we have one of our colleagues waiting to speak.

I wonder what the Senator thinks. We held a hearing yesterday with the Chairman of the Joint Chiefs of Staff, who is highly regarded. He conveys to every questioner, no matter which Member it is, a sense of urgency because of his belief and that of our military commanders on the ground that we are not winning.

In fact, in the words of Admiral Mullen: Time is not on our side.

Yet today, the President of the United States came out, after meeting with the Canadian Prime Minister, and basically said he is—after his spokesperson said he is going to take weeks and weeks to make a decision, he came out and basically said there is not a sense of urgency; that the strategy that was developed in March was not the operative strategy, even though Admiral Mullen said the March strategy was the operative strategy, and all we need to do is fill in the resources and the strategy.

My question to my friend from South Carolina is, how do you account for this apparent contradiction or difference in view about the sense of urgency that exists in the conflict in Afghanistan?

Mr. GRAHAM. Well, the one thing I can tell you is Admiral Mullen is going to be reappointed with probably every person in this body voting for him because he has gained our trust, and it speaks well of the President that he would renominate him. So he has obviously gained the President's trust.

I am not a military commander. But I do not have to be much of a military expert to understand his testimony. His testimony was pretty clear: We have lost momentum. The Taliban is reemerging, stronger than ever, and the capability of the coalition forces and the Afghan Army and security forces combined cannot reverse the momentum. Something new has to happen.

When we put on the table training the Afghan Army without additional combat power, how long would it take before they could have enough numbers to change things? Two or three years.

What would happen during that training period? It would deteriorate further.

What did he tell us? The pathway forward is that we have a new strategy, it needs to be properly resourced. I think what he was telling us more than anything else is that time is not on our side. Casualties in July and August were at an all-time high. We have 68,000 people wearing our uniform in Afghanistan who are getting killed in larger numbers than ever, and the dynamic on the ground will not change the momentum. To do nothing puts them in an environment where they are going to get killed in higher numbers, and what Admiral Mullen is telling us, and I hope the President will listen, is that time is not on our side, but, more importantly, it is not on their side.

This decision about troops, to me, is pretty easy. We need more, but troops alone will not fix Afghanistan. But without more troops in a hurry and with a sense of urgency, we are going to let the Taliban get stronger, the Afghan people are going to get weaker in their resolve, and more Americans are going to die than if we had more troops.

That is what I got out of the hearing. I hope the President is listening.

Mr. MCCAIN. Again, I also would ask my colleague, have we forgotten the lessons of history? We were there and we assisted the Afghans in driving out the Russians. Our assistance was critical. The Russians left and we left.

When we left, it left a vacuum that ended up with the fighting between warlords, and the Taliban filled the vacuum, the Taliban had an arrangement with al-Qaida and Osama bin Laden, and the terrorists who attacked us on 9/11—which we just commemorated—were able to be trained in Afghanistan.

I hope our memories are not so short that we are willing to risk a repetition of that kind of threat, which the President, during the campaign, seemed to recognize very accurately; called it the ''good war.'' He said it ''was a war we had to win,'' ''do what is necessary to win.''

Now I worry—I wonder if my colleague does—that every day we delay doing what we all know is necessary puts the lives of young Americans who are already there at risk and makes it a longer period of time before we can prevail.

Mr. GRAHAM. The last thought about that: I think our memory, the event that we need to remember is even later than 9/11. It is actually in Iraq. I remember very well this whole debate, and I would urge this administration not to do what the last administration did. That is exactly what is going on in Afghanistan right now. It is as if we have learned nothing.

It is clear, just as it was in Iraq, that we did not have enough combat power to secure the country, not enough mentoring programs to actually train the Iraqi Army, and only when we changed the strategy of adding more troops and gave the Iraqi people and the army some breathing space, the politicians, from the violence did things change. It is exactly the same thing here.

But right now we have a dynamic on the ground that is not much different from Iraq the first 3 years after the fall of Saddam Hussein. It is clear that Admiral Mullen recognizes that. The new strategy in March is a counterinsurgency strategy, and Senator MCCAIN, the one thing I remember is numbers matter. We need enough troops per population center to effect change, and we do not have the ratios to enact an effective counterinsurgency strategy unless we add more troops, and that means more than just trainers.

So my frustration is, as you said yesterday: We have seen this movie before. We are putting 68,000 troops in harm's way, and unless we properly resource them, give them more assistance, more people to help them fight, they are not going to change the battle momentum, and they are going to get killed in the process.

There is not enough people to effect the counterinsurgency strategy, just like there was not enough in Iraq. Have we learned nothing? So let's act.

Mr. President, we will support you to the nth degree to get the combat power and the trainers and the civilians into Afghanistan to turn this place around. But the sooner you act, the quicker we

can do it, and the sooner we will come home and the less lives we will lose in the long run. That is our message.

We respect you. You are the Commander in Chief. You won the election. But you have an opportunity, and it is clear to me that we are losing momentum. This is not a time to deliberate. This is a time to act.

The PRESIDING OFFICER. The Senator from Louisiana.

TRANSPORTATION APPROPRIATIONS

Ms. LANDRIEU. Madam President, I come to the floor to speak about three amendments to the Transportation-HUD appropriations bill. I do wish to comment on the Afghan discussion and thank my colleagues who just spoke so eloquently. All three have been leaders on the issue of international engagements. I hope the Senators, particularly Senator MCCAIN and Senator GRAHAM, as we contemplate the right moves forward, will think about and be willing to fund nonmilitary programs as well. Many such programs have been shown, in front of the Armed Services Committee and the Appropriations Committee, through testimony given by Secretary Gates himself, as well as many military leaders, to actually help reduce violence by supporting development in Afghan villages, empowering individuals, particularly women in Afghanistan who, with a little bit of help and a little bit of support, can be the strength and cement that holds communities together. Educating girls is an important strategy.

One thing we have learned from the failed policies of the previous administration is that we have to use both hard and soft power combined, to make it smarter so we can actually win some of these battles. That is probably what President Obama and his team are thinking about: How do we unite the Congress, get past partisan rhetoric, and come up with a smart strategy to win in Afghanistan. In that way we might not only protect our troops, but we might be able to get them home a little bit sooner. I am sure that is what the President is thinking about. I look forward to working with Senators Lieberman, McCain, and Graham as we move forward, hopefully, in a bipartisan fashion, to protect our troops and to win in a place that we most certainly need to and keep the Taliban at bay.

I came to talk about three amendments. One is an amendment I have pending. It is amendment No. 2365. I see my colleague, Senator HUTCHISON, is in the Chamber. She is a cosponsor of the amendment. Although we are not going to vote on it tonight, I wished to speak for a moment about the amendment. Unfortunately, I will be away from the Senate tomorrow for a longstanding commitment. Tomorrow I will deliver a speech that I promised to give on behalf of Senator Domenici in New Mexico, so I will not be here for the vote. But I know my colleagues who are supporting this amendment will stand in and carry the torch.

My amendment will help disaster-stricken communities in Texas, Louisiana, Iowa, Indiana, Illinois, Wisconsin, Missouri, Arkansas, Tennessee, Florida and California. Congress appropriated $6.5 billion in a Community Development Block Grant for the series of disasters that afflicted these states in 2008. The problem was, that in this particular allocation, we prohibited these communities from using that money to match other Federal moneys that might be available, which makes no sense. Congress has appropriated funds using the Community Development Block Grant to respond to 19 other disasters, and virtually never resorted to adding such a prohibition.

What my amendment will do is revert to the regular language so that communities, such as Galveston—I see my colleague Senator HUTCHISON here. She and I will be together in Galveston on Friday to monitor recovery efforts there and she has been such a leader in this effort. However, there are still many communities in New Orleans and in southwest Louisiana and other parts of south Louisiana for which this amendment is crucial. It doesn't add money to the bill. It just allows us to use money more intelligently.

For communities that are struggling not just because of disasters but because of the atmosphere of tough economic times, it gives local and State leaders a little bit more flexibility to pull down some of the Federal money that has already been allocated to communities that need it the most. It is amendment No. 2365. Senator GRASSLEY is supportive, as are Senator MURRAY and Senator BOND. I thank them so much. We will consider that amendment tomorrow.

Now I want to turn to a new topic and I wish to speak against an amendment offered by my colleague from Louisiana, Senator VITTER, that will be considered tomorrow. I will not be here to vote against this amendment but will submit a statement for the RECORD. I strongly oppose that amendment—amendment number 2359, which will be voted on tomorrow.

This is an amendment I oppose for two reasons. No. 1, it is bad policy. The other reason I am against it is because this amendment only deals with public housing residents and other HUD-housing assistance recipients in the city of New Orleans. It doesn't address the problems of public housing residents right here in the District of Columbia, nor public housing residents in Chicago or New York, nor Baton Rouge, nor Lafayette. Only in New Orleans.

That is perplexing to me, that it is focused on only one city in our State and only one city in the whole country. That is one reason to vote against the amendment, no matter what it says, because it does not include other communities.

But the real reason to vote against the amendment is because it is mean-spirited and counterproductive. What this amendment basically says is that you can be evicted from public housing if anyone in your family commits a crime or gets in trouble with the law.

I understand family members. I am one of nine siblings. I am married and now have two children. I have many brothers and sisters and 38 cousins in our extended family and two wonderful parents. The Presiding Officer has met many members of my family. I like to try to take responsibility for everyone in my family. But parents, no matter how hard they try, sometimes somebody in your family does something that is wrong. Should the entire family become homeless? That is what the Vitter amendment will do. It is such poor policy. It is so mean-spirited. It is so counterproductive. It will mean an increase in homelessness for a city that has already seen our homeless population quadruple.

More than that, the nature of this amendment is so punitive. It penalizes grandmothers or great aunts or moms and dads, or siblings who are trying to do the best they can with very little. Children sometimes do very bad things. Sometimes you will have a family of five children. Four are wonderful and straight-A students. Then you have one child who gets in trouble with drugs or becomes an alcoholic, and causes trouble for the family. Senator VITTER has put in an amendment which he will ask this body to support that would do this: when one member of the family gets in trouble with the law, the whole family gets thrown out on the street.

If this amendment passes, I would like for him to have to go to the sister in fourth grade, because, let's say, the teenage son who is 17 is the one who is causing the problems. I don't want people to think I just pick on boys, but I think people understand we have lots of trouble with this age group of all genders. I would like maybe for my colleague to be the one who has to knock on the front door and tell the mother and the fourth grade little girl, who got an A on her test, performed in the band and has straight A's, that she can pack her bags and spend the night on the street. If I could modify this amendment to make him have to do that, I would. This is not compassionate conservatism. This is mean, and it is nonsense. It needs to be voted down.

To repeat the number, for my colleagues, both Democrats and Republicans, it is amendment No. 2359, only for New Orleans and only for people in public housing. I hope Members will vote no.

Let me say one other thing about this. Unfortunately, my colleague and some people supported tearing down all the public housing units in New Orleans after the storm because some of them were destroyed. Some people took this as an opportunity to say: We never liked them anyway. They

weren't run very well. Which was often true. So let's knock them all down and too bad for the people who used to live there, even though most of those people worked. I am going to remind my colleague and others, they don't live there for free. Under the law, they pay 30 percent of their income to live in that housing. He wanted to knock them all down.

Some of us fought back and said: OK, we want to reform them. We want to build better communities. We will work with you here. So because I stepped in and a bunch of others stepped in, Catholic Charities and many activists from all walks of life, including the business community, we said: We are going to rebuild these communities. Well here is the most amazing thing about it: it is working. Shawn Donovan, our Housing Secretary, was just there. We had standing room only, with people from every different race and walk of life. We are patting ourselves on the back saying: It was bad 10 years ago. It was bad 5 years ago. But now we are all working together in the spirit of unity in a city that has been absolutely brought to its knees by flooding and by political bickering and bomb throwing. And we made things better. Then this amendment has to hit the floor. It is a disgrace. I urge my colleagues to vote no on amendment 2359.

While I am here, I will say a word about another amendment that has been agreed to this afternoon by 73 votes, unfortunately. It was another Vitter amendment. It was amendment No. 2376. I voted no. There were 26 of us who voted no, but 73 Senators voted yes. I know I am in the minority, but that is what the Senate is about, giving the minority a voice. I wish to say something about this. This amendment reinstated a law that says that if you live in public housing, you have to do 8 hours of community service. That sounds pretty good. People think, we are providing housing for people. They should be grateful. The least they can do is community service.

I am a big supporter of community service. I try to do it when I can. I support community service and I support calling all of our citizens to community service. What I don't support is making poor people and mostly minorities do community service, while other people sit on the sideline and never are required to do it, even though the largesse they receive from our government is much greater than a resident of public housing could ever hope to get even if they lived there for 50 years.

If you lived in public housing for 50 years, you could not possibly benefit as much from the General Treasury as if you would if you were the executive of AIG to whom we gave a gazillion dollars. Did we ask them to do 8 hours of community service? We didn't even ask him to pay the money back. Somebody has to wake up in this Chamber.

I am not fussing at my colleagues because I know people have a different view about this. But if we want to require law students to do 8 hours of community service for the loans they get, fine. But don't just pick on the poor because they can't fight back, and they don't have any lobbyists up here for them.

Those are the two amendments my colleague could come up with today. I can't wait to see what he comes up with tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

AFGHANISTAN AND THE NATO ALLIANCE

Mrs. HUTCHISON. Madam President, Senators LIEBERMAN, MCCAIN, and GRAHAM took the floor a few minutes ago. I have some concerns about the direction we are heading in Afghanistan as well.

Yesterday the Chairman of the Joint Chiefs of Staff, ADM Mike Mullen, came before the Senate Armed Services Committee and said that success in Afghanistan would probably require more forces and certainly more time. I think all of us who are aware of what is going on there—and certainly I was there last year myself; many of us have gone over there to see for ourselves what the conditions are—and I think clearly we can all agree we are going to have more time in Afghanistan.

While the Chairman did not specifically ask for more troops, and had not had a request from GEN Stanley McChrystal, who is the senior American officer and NATO commander in Afghanistan, he did, however, indicate he ''believed—having heard General McChrystal's views—and having great confidence in his leadership,'' as we all do—''a properly resourced counterinsurgency probably means more forces, and, without question, more time and more commitment to the protection of the Afghan people and to the development of good governance.''

There are currently approximately 64,000 American troops in Afghanistan. But it is becoming increasingly clear that we cannot achieve our goals in Afghanistan unless we add additional troops and anticipate a protracted effort.

To his credit, President Obama laid out a new strategy in March. It properly put primary emphasis on building the governance capacity of Afghanistan and building up Afghan security forces. He also said he would send—and has—21,000 additional U.S. troops. We know now that was probably not enough and more troops will be needed.

Just this week, the President said we should ''not expect a sudden announcement of some huge change in strategy,'' and he further pledged that the issue was ''going to be amply debated, not just in Congress, but across the country.''

I welcome that debate. We need to agree as a nation on a strategy for victory, on the resources necessary to complete the mission. We need to block attempts by the cut-and-run crowd to limit the deployments and operations of U.S. troops or to tie their hands as to what they can do while they are there. We do need more Afghan forces. It should also be abundantly clear that if our strategy is going to work, we must have another resource.

I want to call attention to the role of NATO. With the Taliban resurgent and casualties rising to levels never seen before in Afghanistan, we must have more security forces in Afghanistan, and it is well past time for our NATO allies to step up and do their part.

The security of the free world is at stake in Afghanistan. Sometimes there has been legitimate argument about whether there is a legitimate American interest in some of the places we have gone. It cannot be questioned that in Afghanistan our security interests are at stake. In fact, the credibility of the NATO alliance is at stake, and I think whether the NATO alliance proves it can be successful and relevant in today's world is at stake in Afghanistan.

NATO countries need to realize how much it is in all of our interests to defeat the Taliban resurgence and prevent a new al-Qaida safe haven from developing there. We need to prevent ungoverned territory in Afghanistan from being used by terrorists with global reach, and the only way to ensure this is through a strong and stable Afghan Government. But they are not going to get there without the help of the NATO alliance. The horrors of September 11 were only a taste of what the terrorists, with global reach, might accomplish if they have uncontested territory from which to operate.

Our NATO partners need to realize that the credibility and relevance of the alliance itself is now being tested in Afghanistan. NATO no longer faces a threat on the continent of Europe or even on the periphery of Europe. For NATO to be relevant, it must have a global expeditionary role in the defense of our common interests, particularly against the threat of global terrorism. If NATO cannot succeed in Afghanistan, where we all agree NATO must succeed, the alliance will be weakened to the point that will call into question: Will it succeed anywhere?

Many NATO countries are present in Afghanistan, but among them only a few are bearing the brunt of combat operations: Great Britain, Canada, the Netherlands, Denmark, and, of course, the United States. But just this week, Canada announced its intention to pull out all forces by 2011. Other NATO allies have limited operations of their troops through restrictions on their missions—restrictions that I think are a little embarrassing, frankly.

For example, some nations that have signed up—part of NATO, willing to do their part in Afghanistan—refuse to conduct any operations at night. Others refuse to carry Afghan soldiers on their helicopters. Others are prohibited from participating in combat unless

they are fired on and protecting their own base. In other words, they are prohibited from coming to the aid of an ally under attack.

Let's be frank. If a NATO member cannot handle the responsibilities of alliance membership, they should not enjoy the privileges and prestige of membership. Our NATO allies need to remember what was agreed to in Bonn in December of 2001. The alliance gave their solemn word to help Afghanistan overcome the ravages of terrorism and civil war. The credibility of our allies is at stake.

The NATO alliance has a very simple mission. It is: If one is attacked, we are all attacked. America has come to the aid of European nations well into the last century—throughout the last century. America was attacked on 9/11, 2001, and we have not seen the response that would meet the test of the mission of NATO. We have not seen our allies on the field in Iraq, with notable exceptions. Great Britain has always been there. Others have been there part time. But America has carried the lion's share. They are carrying, by far, the lion's share in Iraq today.

Afghanistan is the hotbed in that area, between Afghanistan and Pakistan, of al-Qaida, which was the attacker of our country on 9/11. NATO agreed in December of 2001 that they would be engaged in Afghanistan, and yet NATO has not fulfilled its responsibility, even though the lion's share of our troops—our troops who have done an outstanding job, our troops who are fatigued from overdeployment have done their jobs—have not had the help of NATO.

NATO is supported by the taxpayers of America because we thought it would be an alliance that would come to our aid, as we have come to the aid of every member of NATO. The United States pays 24 percent of the operating costs of NATO.

I am the ranking member of the Military Construction Subcommittee of Appropriations, and I can tell you that the military enhancements and military construction for NATO are in the range of $230 million in this year's bill. It is usually in that range—sometimes a little more, sometimes a little less. But basically America is paying a quarter of a billion dollars every year for military construction and enhancements for NATO.

There are not NATO bases in America. They are in other places. Yet we are having to now put more troops on the line because our NATO allies have restrictions, except for the ones I have named that are in full combat and full partners and doing their jobs, and we appreciate that so much.

But I think the NATO alliance must step up to the plate. As we are debating more troops, I know we will do what is necessary because America always does what is necessary, and I think our NATO allies know that, but sometimes they just sit back and let us do it. They let our taxpayers pay the tab. They let our troops be the ones who lead in the field.

We went to Bosnia. Bosnia was in their backyard, but they needed us to step in; also in Kosovo. We have been there for them to step in because when it is necessary America is there. But when we are debating the increase in troop strength in Afghanistan—which everyone who has been there knows we are going to need—let's not forget to bring in another source that would help America in this time of need, while we are continuing to keep our commitments in Iraq with very little help from the outside, while we still have troops in Bosnia, and while we have 64,000 troops, the lion's share, in Afghanistan.

Now we are looking at sending more, and I think now is the time for us to put it on the table for our NATO allies, that they have a commitment, if the NATO alliance is relevant. ''If one is attacked, we are all attacked'' is a great, simple, clear mission. But it is not simply successful because we have the right mission. It takes every member doing its fair share. And, most certainly, at a time when America is doing so much more, this is the time for our allies to take the shackles off, to engage, to be in combat, to put our treasure on the line with their treasure and not just our treasure alone.

I think it is time for us—and I call on the President—and fulfill the mission. Terrorism is the enemy of every NATO country. This is not an American fight. It is a global fight for freedom. If we lose in Afghanistan and give unfettered territory for operations of al-Qaida, every NATO country will be attacked. Don't they see it? Don't they have the commitment and the courage to stand up? Just because it is in another country and seems far away, can they be so naive?

When we talk about more American troops, as the President has said we will, I ask the President to look for more troops from other sources as well and to ask our allies to step to the plate and be our partners as NATO envisioned.

Madam President, I yield the floor.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from Maryland.

(The remarks of Mr. CARDIN pertaining to the introduction of S. 1678 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

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

IN PRAISE OF ORLANDO FIGUEROA

Mr. KAUFMAN. Mr. President, I rise once again to recognize the service of one of America's great Federal employees.

Last week I spoke about an outstanding public servant who refused to give up when she was faced with life-changing trauma. My friend Vice President BIDEN says America's greatest attribute is that when it gets knocked down, it gets right back up.

Perseverance is one of our national strengths. It has seen us through the lean years and the times of war. It has also seen us through the setbacks of our march of science and discovery. In one such setback a few years ago, NASA experienced a string of failures to land an exploratory probe on Mars. After the inspirational voyages of Viking 1 and 2, which landed on the red planet of the 1970s, NASA did not send spacecraft to the surface of Mars for 20 years. After a brief but successful return in 1997 by the Mars Pathfinder, NASA prepared a series of missions aimed at exploring the Martian surface and laying the groundwork for a future astronaut mission.

The enthusiasm at NASA and in our Nation's scientific community quickly turned to disappointment as two consecutive missions failed to reach their destination. Some of my colleagues may remember how frustrating it was to learn that one craft burned up in Mars' atmosphere because a contractor measured in English units instead of the metric system used by NASA.

When Orlando Figueroa took charge of NASA's Mars Exploration Rover project in 2001, he set out to change the mood. Optimism and excitement had long been the driving force behind NASA's successes, and Orlando knew that despite recent setbacks, NASA could once again achieve and inspire.

Less than 3 years later, under Orlando's leadership, NASA's Mars Exploration Rover project successfully landed some of the most advanced technology ever created onto the Martian surface.

He pushed his team to look forward, not backward, and Orlando's leadership was critical as the team faced challenges in advance of a rapidly approaching launch date.

The Mars Exploration Rovers—called Spirit and Opportunity—successfully landed on opposite ends of Mars in January 2004 after a 6-month journey.

Together, they traversed several miles of the planet's surface and captured over 100,000 high resolution photographs for use by scientists studying the Martian climate and soil.

The tests conducted by Spirit and Opportunity have brought our researchers closer to finding evidence of water and possibly past life on our neighboring planet.

The Mars Exploration Rover project also reignited the imaginations of countless students.

I have spoken a number of times already about the importance of supporting education in the fields of science, technology, engineering, and mathematics or ''STEM.'' The success

of Orlando and his team at NASA contributes greatly to our efforts to renew interest in space exploration and scientific discovery among our Nation's youth. It was this same enthusiasm that first led us to orbit the Earth and reach the Moon.

Orlando exemplifies the kind of perseverance endemic to America's civil servants.

He and his team demonstrated once again that our Nation, when we get knocked down, can get back up and accomplish any task we set for ourselves.

It was for this reason that Orlando was awarded the Service to America—Federal Employee of the Year medal in 2005.

I hope that all the members of this body will join me in recognizing the important contribution made by Orlando Figueroa and all of the hard-working employees of NASA.

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. BROWN. 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 REFORM

Mr. BROWN. Mr. President, as others of my colleagues have done, I have come to the floor periodically—pretty much every day we have been in session in the last couple months—and shared letters from people from Ohio who are in the midst of a personal health care crisis—small businesspeople who want to cover employees but simply cannot afford to, and individual young people who are removed from their parents' insurance when finishing school or who come back from the Army and cannot get insurance, and people who have preexisting conditions—all kinds of people who, in many cases, thought they had good health care insurance, and they got very sick, it got expensive, and they lost the insurance.

I wish to share some letters again tonight. These are new letters and stories I have heard. Over the last month or so, I have done townhall meetings in Cincinnati, where 1,500 people showed up, and this is the most conservative part of Ohio. Two-thirds of them supported the President's health care effort and about a third opposed it. I did a large townhall meeting also in Columbus, and I did roundtables—135 or so—around Ohio in the last couple years, where I have listened to people talk about issues and what we can do to make my State better. I have been in all 88 counties doing that. I did an electronic townhall meeting the other night, where several hundred people were on and I took questions and explained the health care legislation; and I especially tried to answer questions about some of the misinformation.

It is important to understand that the insurance industry has a lot to lose with this health care bill. They like the system the way it is. It works for them and they are immensely profitable. Their executives are making $10 million, $20 million a year. Some of their CEOs and top management put out some significant misinformation about this bill to protect their economic interests. That is important to remember.

Elizabeth is from Clermont County, along the Ohio River, east of the Cincinnati, a fast-growing suburban county. She writes:

> I am 25 years old and unemployed. Years ago, I was diagnosed with a blood disorder. Up until I turned 25, I was covered under my father's health insurance through his work.
>
> When I turned 25, I had to find my own health insurance, but because of my pre-existing condition, I was denied by most insurances.
>
> The best one I could get is of very poor quality and it's very expensive.

That happens with a lot of young people. They are under their parents' insurance and they finish school and move out and the insurance companies drop them when they are 22, 23, 24 years old, even when they are employed, because people at that age—similar to the pages in front of us—are probably on their parents' insurance, but when they finish school and get jobs—and they are probably not going to be the kind of jobs, in many cases, that have health insurance—except that, by that time, we are going to have passed this health insurance bill. But one of the things our bill does is says no insurance company may drop you from their plan until you turn 26. So a young person who finishes school and is trying to get on their feet or who goes to the Army for 3 years and then comes back out and maybe is living at home trying to get on his or her feet, until he or she turns 26, he or she can continue to be on their parents' insurance plan. Once they turn 26 and they don't have insurance, they can go into the insurance exchange, which we can talk about later.

So this bill will absolutely matter to somebody such as Elizabeth.

Sharon is from Portage County. She says:

> My husband will turn 65 at the end of the year. He wants to retire, and after working hard for his company for 30 years, he deserves it.
>
> But I'm only 62 and recently lost my job. If my husband retires, I will have no coverage for three years.

She has to wait until she is 65.

> We will not be able to afford insurance for me based on his retirement savings.
>
> Please help us and many others who are struggling.

Sharon lives east of Akron, the home of Kent State University, near Ravenna, Aurora, and other communities there. Sharon's situation would allow her, regardless of her income, to be able to go into the insurance exchange, which means that if she is fairly low income, she will get subsidies from the government to help pay her premium. With the insurance exchange, she will be able to choose, under the plan we have written so far, whether she wants to go with Aetna, Blue Cross, Medical Mutual, a not-for-profit insurance company in Ohio, or perhaps into SummaCare in the Akron area or into the public option. The legislation provides for an option that is not private—a government option—that will do several things. First, the public option will keep the private insurance companies honest. They will quit gaming the system if they have to compete against a public Medicare look-alike plan.

Second, the public option will help to drive costs down because they will compete against these private insurance companies, and that is so very important.

Third, the public option will be available particularly in rural areas where there is not a particularly competitive market. In southwest Ohio, for instance, two insurance companies have 85 percent of the market. A public option would inject needed competition where there is not any today.

Margaret from Greene County in the Xenia and Jamestown area said:

> My husband works for a small business. Although we have health insurance through his employer, my husband has not been to a doctor for a few years.
>
> I believe he is putting off regular checkups because he is afraid the doctor will diagnose one of those conditions, such as diabetes, that blacklists people from health insurance.
>
> Small businesses cannot afford to have even one person with a chronic illness on their insurance because it raises the rates so much for the company.
>
> I understand that the insurance and drug industries have too much money and political power, but my husband can't afford to lose his job.

First, about that last point, 5 years ago I was in the House of Representatives. In those days, when President Bush was in the White House, he pushed a bill through the Congress to partially privatize Medicare. It was a total giveaway to the drug companies and insurance companies. Those days are over. With the legislation we pass, the drug companies are going to be unhappy with it and insurance companies are going to be unhappy with it. I want them to be treated fairly, but I don't want them to have the power in this health care system they have had in the last few years, and they won't under this legislation.

Margaret is right about a small business. If you work for a company that has 20 employees—say you own a small business with 10, 15, 20 employees and one of them gets very sick and they have to take expensive biologics or go into the hospital and their costs are high. The insurance company will do one of two things: It will either cut you out of the plan or cut the small business out of the plan or it will raise rates so high on that small business—because they have 1 or 2 really expensive cases, the insurance companies will raise their rates so much for that

small business that the small business won't be able to afford it anymore.

What Margaret's husband's employer could do, so that Margret's husband could go to the doctor even if he had major health problems to be taken care of, is if he chose to take his employees into this exchange, again, they could go to Aetna, Medical Mutual, BlueCross, or the public option. And the small business is going to get tax credits that are not available now to bring down the cost of the insurance.

Once a small business goes into a larger pool, the rates come down because small businesses and individuals always pay more than large businesses that can spread their risk to a much wider pool.

The last one I will share is from Jamie from Fairfield County:

> I am a married 40-year old mother of three sons. I am currently uninsured, but my husband is self-employed and has insurance for him and our children.
>
> The insurance companies refuse to insure me due to a preexisting condition. My condition does not require any treatment and I haven't followed up on it since my diagnosis 4 years ago.
>
> Without insurance, I am nearly 3 years overdue for my mammogram and 4 years overdue for my OB/GYN exam. I have not had any of the preventive testing that begins in your forties.
>
> My family is plagued by heart disease, cancer, and diabetes. I fear that without the opportunity for health care, I will not be able to be here for my children and my future grandchildren.
>
> I ask that you please give me a voice with those opposed to health care reform.

Jamie, from Fairfield County, a suburban county southeast of Columbus, is in a situation in which far too many people are. She needs the preventive care, but she does not get the preventive care because she cannot get insurance because she has a preexisting condition. Imagine that: You are 40 years old—people in this body, it is hard for us to be as sympathetic as we should be. We make a good income here. We have status in the community. Most Members of this body generally have pretty good health insurance, but it is pretty hard to empathize. But we need to with people such as Jamie—40 years old, preexisting condition, but she does not go to the doctor to get preventive care. She doesn't get the OB/GYN exams. She does not get the mammogram. She does not get the preventive testing a 40-year-old woman should get. What happens? At some point, she may come down with an illness, a significant, serious expensive illness that will not only compromise her health or worse, but it will mean the health care system will spend a lot more money on Jamie than it would have if she had insurance to get preventive care.

That is what is so important about this legislation. One of the things our bill does is insurance companies under our bill—the public option, Aetna, CIGNA, or any of the insurance providers, public or private—the legislation we are passing will say to them—they are charged a premium, but they can't make them pay a copay for preventive care. Nobody under our plan who goes to a doctor in the health care exchange will pay a preventive care copayment. That means more people will get mammograms, more men tested for prostate cancer, more men and women will get colonoscopies when they turn 50, women will get OB/GYN exams. All these exams will help people live longer and more prosperous lives and help prevent them from getting huge medical bills that so often lead to all kinds of bankruptcies and other financial problems.

I get hundreds of these letters a week—most of us do—from people who simply want a fair shake. With this legislation, as we know, if you have insurance and are happy with it, you can keep your insurance. We are building consumer protections around that insurance, so no more cutting people off with preexisting conditions and no more annual caps or lifetime caps if they get sick, and they can't take their insurance away, no more discrimination based on gender, age, geography, or disability. That will be in the past.

The second thing the bill does so very well is it provides insurance for people who don't have insurance, decent, affordable, high-quality insurance.

Third, it helps small businesses so they can provide insurance for their employees, because most small businesses I know, whether they are in Toledo, Youngstown, Athens, Gallipolis, Dayton, or Springfield, want to provide insurance. Most small businesses want to provide insurance to their employees, but so many can no longer afford the insurance they provided 10, 20 years ago.

The last thing our bill does is it provides a public option. That means people will have the choice. It is another choice they can make, another choice they can make if they don't want private insurance. They can go with the public option, and they will see the public option keep prices down, provide choice, and keep the insurance companies honest.

This legislation makes sense. It is time we move this legislation in the next few weeks and get it to the President's desk by Thanksgiving.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AFGHANISTAN

Mr. CASEY. Mr. President, I appreciate the statement my colleague, Senator BROWN from Ohio, just made about health care. It is a critically important issue we all have been working on. He and I were fortunate to serve this summer and throughout the year, but especially this summer, working on the bill he spoke of—the Health, Education, Labor and Pensions Committee bill.

I rise tonight to talk about another significant challenge we face as Americans; that is, the really grave challenge we face in Afghanistan.

I had the opportunity this summer toward the end of August to travel to both Afghanistan and Pakistan with Senator BROWN of Ohio and his colleague from Ohio, ZACK SPACE, a Member of the House of Representatives. They would agree with me, and I believe most Americans would agree, that when we have troops on the ground in harm's way in such an important part of the world for our security, we must have a very serious debate, a sober deliberation, an objective assessment of where we are right now.

The administration has expressed, and I support, the overall goal in Afghanistan to ensure that al-Qaida or any other terrorist group does not gain the sanctuary it requires to plot, plan, or train for another terrorist attack on American soil or against our allies.

We have seen the direct impact of an unstable Afghanistan right in my home State of Pennsylvania. Last week, I traveled to Shanksville, PA, in southwestern Pennsylvania, as the world knows now as the place where the plane went down in September of 2001. That was an unspeakable act of terrorism. Thank goodness for this Capitol and for our country that a group of brave Americans took control as best they could and made sure that plane, which was headed for Washington, did not get here. And they gave their lives in that effort. The men responsible for those attacks conducted their planning from Afghanistan, not from anywhere else. It is in our national security interest to make sure that Afghanistan today never again becomes a safe haven for the likes of Osama bin Laden or any other terrorist who may confront us in the future and continues to confront us today.

As of this week, at least 822 members of the U.S. military have died in Afghanistan, including 35 from the State of Pennsylvania. Those who gave, in Lincoln's words, ''the last full measure of devotion'' to their country, we are thinking of them and their families tonight, as we do every day.

We are also remembering those who have sacrificed time in Afghanistan in this effort and some who have been wounded, so many who have been wounded—thousands have been wounded in just this conflict itself.

We turn again to Lincoln when he talked about ''he who has borne the battle''—in the modern context of that, him or her, fighting men and women on the ground in Afghanistan, in Iraq, and other places around the world. We are thinking of them tonight, and we pray for them. But we also pray for ourselves that we may be worthy of their valor.

I know there have been a lot of reports lately and discussions about what has been happening in Afghanistan. We have seen recent reports of heavy Taliban activity across 80 percent of Afghanistan. That doesn't mean they control 80 percent, but there is a lot of activity in 80 percent. That number is up from 72 percent in November 2008

and way up from 54 percent a year before that. That is just their activity. But a substantial Taliban presence, one or more attacks per month—that is the measurement of this—was seen in another 17 percent of the country.

It is critical that we have taken measures to recalibrate our efforts in Afghanistan. General McChrystal, a great military leader, a great mind, with whom we had a chance to spend some time on our trip, was confirmed by the Senate in June to take command of NATO and U.S. operations in Afghanistan and arrived in Afghanistan a few weeks later. General McChrystal recently submitted his strategic review to the White House, and we look forward to hearing the results of that review. We need to give General McChrystal and his team an opportunity to implement his strategy and to put it into action. That has just begun over the last couple several months.

Having spent so much of the last 8 years since September 11, 2001, not focused on Afghanistan, we cannot expect results there overnight. This is why I stand in support of Chairman CARL LEVIN, the chairman of our Armed Services Committee, of his call for an expansion, a rapid expansion of the Afghan national security forces, both the Afghan National Army and the Afghan National Police. I traveled with Chairman LEVIN in May of 2008 to both countries, and I learned on that trip and many days before and after that trip of his leadership, his experience, and his understanding of the issues we confront in both Afghanistan and Pakistan and other places around the world. I believe his understanding of these issues is unparalleled. There may be some here who know as much, but few could make the case they know more. I have confidence in CARL LEVIN's assessment of where we are today and his recommendations for where we should go in the future.

In July, General McChrystal assessed that the Afghan Army could expand from 134,000 troops to about 240,000, and the police force could go from 92,000 personnel to about 160,000 personnel by 2013. Chairman LEVIN wishes to see those same numbers but on a shorter timeline, to be accomplished in 2012. So that is something we should debate here. But I think any acceleration, any strategy that gets us to a higher number of Afghan Army and Afghan national police at a faster rate is what we have to be committed to.

Because of low levels of literacy and experience, in some cases, it will take time to build a competent Afghan officer corps—the highest level of training in the Army. This will require that we use every possible resource and enhanced U.S. training capacity to get the job done. To get to those numbers will not be easy, but I believe we can do it, and so do officials in the Afghan Government. While in Afghanistan last month, I met with Defense Minister Wardak and the Interior Minister, Mr. Atmar, who both feel confident they can adequately accelerate training of these security forces.

There is a growing insistence here in the Congress and across the country that the Afghan Government begin to assume more responsibility for its own security. In my visit to Afghanistan just after the recent Afghan Presidential election, I met with President Karzai and explained that the United States does not plan an open-ended commitment to Afghanistan. The Afghan Government, whether led by Hamid Karzai or anyone else, needs to recognize the critical need to provide security, goods, and services to the Afghan people. While we certainly are committed to assistance and development, it is ultimately the responsibility of the Afghan Government—the government itself—to reform and rebuild the country. Good governance and the fight against corruption are crucial elements to garnering public support and strengthening the effort against the extremist forces in the country. An Afghan public that can trust its government not to steal from them is more likely to support this hard-fought counterinsurgency effort—the effort that General McChrystal has talked about and will continue to tell us about.

I have to be very candid, though—and I have said this publicly already in different ways—that when I asked President Karzai specific questions about what we can tell the American people about his efforts going back a number of years, including his efforts at present—on a lot of these critical questions, such as, how are you doing on delivering services to your people; how are you doing on anticorruption efforts; how are you doing on improving your governance—he had, at best, inadequate answers to those questions. I was much more impressed, candidly, by his ministers—Minister Wardak and Minister Atmar—who are charged with the responsibility for the army and the police. That is the good news, despite the bad news I just reported about President Karzai, in my judgment. It is only my opinion, but I have met with him twice and I have read a lot about him.

Our challenge in Afghanistan comes not only from a resurgent Taliban but development needs across the country. Farmers grow poppy because they can get a good rate of return and because the Taliban threatens them if they do not. Basic development projects are threatened and extorted by Taliban forces. U.S. political relationships with local officials are often tenuous, as these leaders are often the main targets of Taliban attacks—brutal attacks and threats on people's lives, on their families, and on their property.

That is one reason why the courageous work of the Provincial Reconstruction Teams—the so-called PRTs—is essential to our success. These teams, composed of able and brave personnel from USAID, the Department of State, and the Department of Agriculture, supported by the U.S. military, are on the front lines of providing security such that political and development progress can flourish in these places across Afghanistan. These teams are operating in the most difficult environments in the country, and I want to thank them for their remarkable efforts and their sacrifice in contributing to our mission. I know General McChrystal not only respects and appreciates but works closely with all of these parts of our government that are doing such a great job for us. While the enhanced presence of Afghan forces is our ultimate goal, these Provincial Reconstruction Teams are a substantial part of how we are going to get there.

This approach is comprehensive and smart, but it does require time. The courageous work performed by the PRTs, combined with an enhanced effort by the Afghan national security forces, I believe, can finally put us in a position where a stable Afghanistan is achievable.

The challenge is not limited to Afghanistan and the Obama administration has adopted the correct holistic approach to include Pakistan, the neighbor to the east of Afghanistan. We have begun to rebuild important ties with the Pakistani Government based on trust and a common understanding that extremist forces are a serious threat to the Pakistani state, and not an asset to be expended on its other national security interests. In Congress, we have also worked to ensure that our relationship with Pakistan is based on mutual trust and a commitment to build links at all levels of Pakistani and American society; among governments but also with nongovernmental organizations—academics, businessmen and businesswomen, humanitarian workers, and across the board. We have a lot of Pakistani Americans who are helping us do this. While we will also maintain our support for Pakistani's military, this new multitiered approach will be critical to building the solid foundation for a new relationship between our two countries—the United States and Pakistan.

Despite our efforts to deepen our relationship, the news from Pakistan in recent days has not been encouraging. We are happy that they took the fight into the Swat Valley and had success there. Thank goodness they did that. But when I say the recent days, I mean the last several days and weeks. Over the weekend, Pakistan's Government announced the sacking of more than 700 police working in the Khyber tribal region. These police were fired after not showing up for work because they were threatened by militant leaders in the region. This is not a new trend in Pakistan. Two years ago, hundreds of police resigned under threat from local Taliban forces in the Swat Valley. So we have to monitor this, as we do developments in Afghanistan. Without the basic security provided by the police in these volatile border areas, the

difficulty of our efforts is compounded. I hope that the Pakistani national government can do more to properly train and equip these important front-line defenses against extremist elements in Pakistan and/or the border region.

Human rights questions have been raised in recent days in news accounts. That is also a concern we have. I had the opportunity, as well as Senator BROWN and Congressman SPACE, when we were there, to visit a camp where they are taking care of those who were displaced by the fighting in the Swat Valley—so-called IDP camps, internally displaced person camps. So far, that effort has met with success, and thank goodness the Pashtun tradition in Pakistan has meant as many as 80 percent of the people displaced were taken into homes and the government and military didn't have to help them directly, not until they had to go back to their homes and their communities.

We also had a chance to meet with General Kiyani, a very strong and capable military leader, who gave us a briefing on the efforts against the Pakistani Taliban. I believe our national security—literally the safety of our families from another grievous attack here in the United States—depends on our success in South Asia. I applaud Chairman CARL LEVIN for his vision and leadership on this important issue at this critical time, and I encourage my colleagues to do the same.

We ought to have a full debate in the Senate, in the House, and across America about troop levels. We are not there yet. There has been no recommendation made by the administration beyond the 17,000 combat troops and the 4,000 trainers, but it is never too early to start an important debate about troop levels. We also should debate and continue to get more information about evaluating the progress we are making there. President Obama and his administration are committed to doing that. They have presented to the Congress a series of metrics or benchmarks—pick your word—weighing and evaluating how we are doing on our progress there. A series of tough questions has to be asked on a frequent basis. They have to be answered by the administration if Congress is going to be satisfied with our support, both military and nonmilitary.

I believe we can get this right if we debate it, if we ask tough questions and demand answers to those tough questions of the administration, of the military, and any other question that Congress and the American people want to have asked and answered.

Finally, I mentioned the great work General McChrystal and our fighting men and women are doing every day of the week across the world in places such as Afghanistan and Iraq, but let me also highlight, before I conclude, three people on the ground there who are leading our efforts on the nonmilitary side representing our State Department: General Eikenberry, a great military leader who is serving as our Ambassador to Afghanistan and who is doing great work there; Ambassador Paterson in Pakistan, who has served now in that capacity under two administrations working very hard in a difficult situation in Pakistan; and finally, Ambassador Holbrooke, who has served this country in a number of capacities, now put in charge of monitoring the work and being a constructive force in both countries—both Afghanistan and Pakistan. We are grateful for their public service, their commitment to our security, the commitment to our troops they have made, and the commitment to getting this right so the American people can have confidence in this policy going forward.

We are not there yet. We are just beginning a full debate. But I would urge our colleagues here to pay close attention and to continue to ask these questions so we can make sure that Afghanistan is stable—as we hope for Pakistan as well—so we can protect our people from another terrorist attack or the threat of that kind of an attack.

I thank the Chair. I yield the floor.

REMEMBERING OUR FALLEN SOLDIERS

Mr. DURBIN. Mr. President, this week, an Illinois family who lost a son in Iraq will remember the anniversary of his death. Their son was 19 when he was killed in a vehicle accident in Baghdad, 1 year ago.

Thousands of American men and women have given their lives in the wars in Iraq and Afghanistan. They have not been the first to do so in service to our country. Sadly, we know they will likely not be the last.

How do we pay tribute to those lost who have served? The Illinois poet Archibald MacLeish asked that we remember them. In his well-known war poem, written during the depths of the Second World War, a young, dead soldier speaks. ''We were young,'' the soldier entreats. ''We have died. Remember us.''

And so we do. We remember them in our communities, in ways big and small. We remember them here on the floor of the Senate.

And we remember them when we debate issues of national security that will dramatically affect our military forces. The vote to send young Americans to war is the most serious decision any of us will make on this Senate floor. I have written notes to the families of the many Illinois servicemembers who have been killed in Afghanistan or Iraq. Every letter makes plain the burden we have placed on—and the trust we have placed in—military members and their families.

Finally, we remember them when we consider how to honor their friends in service, those in battle today and those who are fortunate to return home. Over the past years, Congress has tried to keep its promise to our troops. We have tried to provide them with the equipment and the resources they need to complete the work we have asked them to do. We have welcomed them back with new opportunities, like the educational benefits in the new GI Bill, that will help them take the next successful step in their lives. And for those who have returned home with injuries, we have worked to provide them with the best medical care available.

The young Illinois soldier who died last year has a strong family: mother, father, sister, brother, and friends. They will remember him. In this Senate, we do, too.

BURMA'S FORGOTTEN POLITICAL PRISONERS

Mrs. FEINSTEIN. Mr. President, I rise today to bring to my colleagues' attention a new report by Human Rights Watch entitled ''Burma's Forgotten Prisoners.''

The report offers moving and compelling stories of political activists in Burma who have put their lives and careers on the line to raise awareness about the human rights situation in their country.

In the face of threats, intimidation and beatings, they have embraced nonviolence to put pressure on the ruling military junta to respect the legitimate aspirations of the people of Burma and support a new government based on democracy, human rights, and the rule of law.

We all have been inspired by the story of Burma's most famous political prisoner, Nobel Peace Prize winner and leader of the democratic opposition, Aung San Suu Kyi.

After leading the National League for Democracy to an overwhelming win in the 1990 parliamentary election—a victory quickly annulled by the military junta—she has spent the better part of the past 19 years in prison or under house arrest.

Recently, a Burmese court sentenced her to an additional 3 years of confinement on trumped up charges of violating the terms of her house arrest.

Yet despite the regime's best efforts, it has failed to stifle her will and her call for free and democratic Burma.

And it has failed to stop her from inspiring thousands of her fellow citizens to take up her cause.

The report by Human Rights Watch reminds us that while Suu Kyi is the most well-known democracy activist, she is by no means alone. In fact, the report notes that there are now more than 2,100 political prisoners in Burma; there are 43 prisons holding political activists in Burma and 50 labor camps; and beginning in late 2008, closed Burmese courts sentenced more than 300 activists to prison terms of, in some cases, more than 100 years for speaking out against the government and forming organizations.

Among those profiled are Zargana, one of Burma's most famous comedians, actors, and human rights activists, who was arrested and sentenced to 59 years in prison for criticizing the

government's response to Cyclone Nargis; U Gambira, a young Buddhist monk who was sentenced to 68 years in prison including 12 years of hard labor for playing a key role in the 2007 demonstrations which became known as the Saffron Revolution; Ma Su Su Nway, a prominent labor rights activist who was sentenced to 12½ years in prison for criticizing the government during the 2007 demonstrations; and Min Ko Kaing, a 46-year-old activist who has spent 17 of the past 20 years in prison, most of it in solitary confinement, for his political beliefs.

At a time when the regime is intent on moving forward with new elections based on a constitution that was drafted behind closed doors and would entrench the military as the country's dominant political force, it is important for us to remember that there are those in Burma who have a different vision.

These brave activists deserve our admiration and respect. More importantly, they deserve to know that we stand in solidarity with them and we will not rest and we will not remain silent until they are free.

I urge my colleagues to read the report and to once again call on the ruling State Peace and Development Council to release all political prisoners and begin a true dialogue on national reconciliation in Burma.

SAFE STREETS CAMPAIGN

Mrs. MURRAY. Mr. President, I wish to commemorate the 20th anniversary of the Safe Streets Campaign of Pierce County, WA.

Twenty years ago, Pierce County residents from all walks of life banded together to form the Safe Streets Campaign and to demonstrate the willpower and strength needed to take back their streets from a plague of drug- and gang-related violence and to improve the quality of life in Pierce County.

Over the next two decades, the Safe Streets Campaign has shown itself to be an effective citizen-led initiative to pressing community problems. It has organized over 250,000 residents throughout Pierce County to fight crime, substance abuse, and youth violence in partnership with local law enforcement, State and local government, community-based organizations, faith-based groups, businesses, Native American Tribes, schools, and youth.

For example, Safe Streets established the Youth Leading Change Initiative in Pierce County high schools to empower young people to lead efforts to address the problems of youth substance abuse and violence. These young people engage their peers and community members in a number of valuable ways. They march against violence. They work to reduce blight in high-risk communities. They engage in peer education on the dangers of youth substance abuse. And they work with Washington State lawmakers to craft innovative solutions to these social problems. I have met with many of these young leaders and been impressed with the work that they do.

The proactive community and neighborhood involvement by the Safe Streets Campaign and similar organizations improves the quality of life for families and helps provide a safe environment to raise and educate our children. Its work has led to lower crime rates, reduced 911 emergency calls, helped close thousands of drug houses, sustained ongoing graffiti removal, supported recovering addicts and healthy neighborhoods, and helped youth involved with gangs choose a life of hope rather than a life of crime.

Safe Streets is a shining example of citizen initiative where communities stand up for themselves and take their neighborhoods back from the control of drug pushers, gang members, and associated violence. It has been sustained over the past 20 years through a mix of State, Federal, and local government funding and corporate and individual donor support.

I commend the staff, founders, board of directors, and volunteers of the Safe Streets Campaign of Pierce County for the dedication that has fueled this community initiative from the beginning, and I congratulate them as they celebrate 20 years of commitment to safe communities.

SMALL BUSINESS ADMINISTRATION NOMINATIONS

Ms. LANDRIEU. Mr. President, today the Senate Committee on Small Business and Entrepreneurship favorably reported out the President's nominations of Dr. Winslow Lorenzo Sargeant to serve as chief counsel for advocacy and Ms. Peggy Elizabeth Gustafson to serve as inspector general of the Small Business Administration.

I am pleased that President Obama nominated such talented individuals to top positions at the SBA. Their confirmation will make the SBA much closer to having an exceptional leadership team in place.

As chief counsel for advocacy, Dr. Winslow Sargeant will bring a unique background to this very important position. With a Ph.D. from the University of Wisconsin-Madison in electrical engineering and a background as a very successful small business owner, he is not only well-educated, but well-educated about the challenges facing small businesses today.

He is currently the managing director of Venture Investors, a Midwest venture capital company with a concentration on starting up health care and technology companies. From 2001 to 2005, he served as a program manager for SBIR in electronics at the National Science Foundation. He has also worked at IBM as a staff engineer, at AT&T as technical staff, and as an associate adjunct professor at the University of Pennsylvania.

As the current general counsel for Senator CLAIRE MCCASKILL, whose interest in and knowledge of oversight issues is well known and respected in the Senate, Ms. Peggy Gustafson is an excellent nominee for inspector general of the SBA. She received her J.D. at Northwestern University and, before working as general counsel for Senator MCCASKILL here in Washington, Ms. Gustafson worked for her when the Senator was the prosecutor for Jackson County, MO, as well as when she was the Missouri State Auditor.

With capable leaders like Dr. Sargeant and Ms. Gustafson at the helm, we are hopeful the agency will be more ready than ever to play an important role in assisting small businesses as they continue to lead this country to an economic recovery. We look forward to working with them and to a new era for the SBA and American small businesses.

REMEMBERING BELLE ACKERMAN LIPMAN

Mr. LEVIN. Mr. President, I wish today to remember the life of an extraordinary woman.

Belle Ackerman Lipman passed away at her home in Memphis, TN, on Aug. 17, 2009, in the 100th year of her remarkable life. A beloved wife, mother, grandmother, great-grandmother, and friend, Mrs. Lipman is a model for all of us who hope to live life fully and for all the years granted us.

A daughter of Romanian immigrants, Belle Ackerman was born in 1910 in Philadelphia, where her parents owned a general store. Just five blocks away from the store lived young Mark Lipman, who would become the love of Belle's life. The businessman and his young wife moved not long after their marriage to Little Rock, AR, where Mark saw new business opportunities, and then in 1958 to Memphis, TN. There, Belle Lipman became a pillar of the community. Her work in civic affairs was extensive, including service as a trustee with the Simon Wiesenthal Center. She was president of the Little Rock chapter of Hadassah, the worldwide Jewish women's organization, among a host of endeavors in charity, service, and the arts.

But it is not those remarkable accomplishments alone that made Belle Lipman such a special woman. As years passed, her zest for life, for new experience, and to learn of new cultures grew apace. A lifelong interest in travel made her one of the first American citizens to travel to China after diplomatic relations with that Nation were reestablished in 1979. Her travels took her to a hot-air balloon over the plains of Kenya, the rivers of the Amazon, and the ancient cities of Peru. She rode the Orient Express at the age of 87. At 92, she crossed the Arctic Circle. At 95, she visited the mountains of Tibet and a host of other places. At her 95th birthday party, she celebrated the only way she knew how, with verve by dancing the Charleston.

Belle Lipman was a model—a model of how to live life to the fullest and

how a thirst for new experiences can fill a lifetime. My wife Barbara and I send our condolences to her beloved children, her son Ira and her daughter Carol, her grandchildren, and her great-grandchildren. We do so with the sure knowledge that the joy of Belle Lipman's life will over time ease the pain of her passing, leaving the warmest of memories to sustain family and friends.

ADDITIONAL STATEMENTS

COMMENDING GEORGE OTT

• Mr. DORGAN. Mr. President, a friend of mine, Walt Jacobs, from New England, ND, writes a column in his local newspaper titled ''Around The Pot.'' On August 28, 2009, he wrote a wonderful column about a courageous man named George Ott and his service to our country as an Air Force pilot in World War II. I wanted to share it with my colleagues. The column is as follows:

Today, as I sit with pen in hand, my thoughts are with a good friend, George Ott, who is spending his days at Hawk's Point in retirement in Dickinson. My first recollection of George is when he was in high school at St. Mary's with his sister, Clara in the 30's, a time when there were no crops, low prices, land was blowing and the future was dismal for everyone.

Crops were better in 1939, and we experienced good weather and a prosperous economy in the early 40's was enhanced by the war in Europe and the United States entry to the conflict in December of 1941. George interrupted his college and volunteered for duty in the Air Force in 1940 and became a bomber pilot. George bombed a Japanese submarine off the west coast of Washington, one of the first of the war. Stationed in England in 1943, his bomber was chosen to fly a secret mission for the State Department which directed him to fly with a courier to Accru, Africa and from there to Brazil, South America and then to complete the secret mission to Washington, D.C. The three-day trip was met in Washington and the military cover and secrecy convinced the pilot of the mission's urgency and its military importance.

He was sent back to England and continued the daylight missions over Europe as squadron commander until Black Friday, the last day of the day-light raids over Germany until the Air Force could provide aerial cover for the bombers. Until that raid on the 14th day of October, the air cover from England had to turn back over Germany when they reached their fuel limit, leaving the bombers to provide their own firepower for defense. As the planes were shot down from their defense formation, the squadrons were left to the mercy of the German planes. On that Friday, George left England, commander of the bomber group to bomb the ball-bearing factory at Schweinfurt. He, in his leading plane, was hit by defensive German antiaircraft fire before he reached the target and fell out of formation. (As were 87 percent of the American bombers shot down on that day on the Schweinfurt raid.) He continued at a slower pace with the loss of motors, but dropped his bombs and turned his plane for home in England. George determined it was best for the crew to bail out of the lumbering air craft over northern Germany, but he continued with one of the four engines running and hoped to make the coast of England. As he flew the plane alone, he spotted a Messerschmitt fighter alongside and gave George a friendly thumbs down sign and George left his plane. As he floated to the earth in his parachute, he saw his bomber shot from the sky.

George landed in a potato patch and as he scrambled to bury his chute, he heard a sound behind him and there stood a civilian home-guard with a pointed gun. George said the bore looked big enough to crawl into with the statement, ''For you the krieg bist fertig.'' (For you the war is over.)

As George walked around his prison camp he reached through the fence and daily brought the tufts of grass to his stalag and replanted the grass until he had a lawn by his barracks, 4x8. As that farm boy spent his time in his prison, the spirit of his farming heritage wanted to lie on the grass while waiting for the war to end.

So, today George is waiting once again, but he is not lying on the grass by his stalag in enemy land, but at Hawk's Point with the comfort he deserves so much.

So on Wednesday we will honor George on his 90th birthday. Thank you, George, a good and honorable servant.•

2009 SECRETARY OF DEFENSE EMPLOYER SUPPORT FREEDOM AWARD

• Ms. LANDRIEU. Mr. President, as we focus on improving the workplace and enhancing benefits for employees throughout the Nation, I would like to take this opportunity to highlight an outstanding group of law enforcement officers from Louisiana.

For the last 8 years, our country has been at war. Thousands of Americans left their usual workplace to honor their commitment to the armed services. America's employers have done an outstanding job of supporting our National Guard and Reserve members both in and outside the workplace. Currently, almost one-half of the U.S. military is comprised of National Guard and Reserve members. This support for our ''Citizen Soldiers'' allows them to continue their invaluable service to our country.

Each year Guard and Reserve members and their families nominate employers who have gone above and beyond in their support of military employees. This year, Sheriff Andy Brown and the Jackson Parish Sheriff's Department in Jonesboro, LA, have been selected as one of the 15 employers to receive the 2009 Secretary of Defense Employer Support Freedom Award. This award is the highest recognition given by the U.S. Government to employers for their outstanding support of employees who serve in the National Guard and Reserve. As an added honor, Sheriff Brown has been selected as one of the attendees to speak on behalf of these 15 recipients at the 14th Annual Awards Ceremony on September 17.

The Jackson Parish Sheriff's Department led by Sheriff Andy Brown was selected out of more than 3,200 nominees from across the Nation. Sheriff Brown and his employees went beyond the call of duty to extend employment support to employees who have volunteered to serve in our Nation's Armed Forces.

The Jackson Parish Sheriff's department employs seven part-time servicemembers. Among the benefits that the Jackson Parish Sheriff's department provides its National Guard and Reserve employees is full pay for servicemembers called away on duty for more than 12 months. The department also provides continuous health care, dental, and life insurance benefits to ensure coverage and support for servicemembers' families while the member is on active duty.

Sheriff Brown has fostered a supportive work environment for servicemembers by requiring every supervisor and employee in his department to thoroughly understand and implement the servicemember rights outlined in the Uniform Services Employment and Reemployment Act. His positive attitude and accommodation for our citizen soldiers demonstrates an unwavering support that exemplifies the spirit of the Employer Support Freedom Award.

I offer my heartfelt thanks and congratulations to Sheriff Brown and the entire Jackson Parish Sherriff's Department. The Employer Support Freedom Award is a tremendous honor and a fitting recognition of Sheriff Brown's commitment to our troops and his service to Louisiana and our Nation.•

COMMENDING CAROLE ROPER PARK VAUGHAN

• Mrs. McCASKILL. Mr. President, I wish to pay tribute to my friend and former colleague, as well as an outstanding woman of service, Carole Roper Park Vaughan. From 1977 through 1994, Carole represented the 51st District of Missouri, which includes the home of President Harry S. Truman, in the Missouri House of Representatives. On September 18, Carole will celebrate her 70th birthday, and I just want to take a few minutes today to honor her and the contribution she made to so many lives in Missouri.

Carole was born to Rudy and Rose Roper of Sugar Creek, MO, both children of Croatian emigrants. Carole's father served as the mayor of Sugar Creek for 40 years, from 1940 until 1980, so she came by her political acumen naturally. In fact, while other little girls were playing with dolls, stuffed animals, or having teas, Carole was with her father learning the art of making a deal, a skill she would later take with her to the State legislature.

Though politics was in her blood, her dedication to public service did not begin with elected office. After graduating from the University of Missouri-Kansas City with a bachelor of arts degree in education, Carole pursued a teaching career in the Kansas City school district. For 12 years, she taught elementary education in some of the poorest school districts in the Kansas City area. It was here that she fully realized the importance of community involvement. Her students

were faced with everyday challenges she had never experienced before, and there was a real need for change. As a teacher, however, Carole felt she was limited in how she could effect the meaningful change that was desperately needed in her community.

Despite her pedigree and desire to make a difference, Carole's ascension into public office happened almost by accident. When the current legislator in her district suddenly became ill and died, those in the community who were impressed by her interest in changing the status quo encouraged her run. She filed for office on the day of the filing deadline, and in 1976, she was elected to represent the 51st District of Missouri. Thankfully, for the people of Missouri, there was nothing accidental about her approach to legislating. Hailing from the home of Harry Truman, Carole had a real no-nonsense style about her, and she could get things done.

During her 18 years as a member of the Missouri House of Representatives, Carole sponsored 93 bills, many of which became law, including the largest insurance reform bill in Missouri history. But what Carole was most known for was her vigorous pursuit to improve the way the State of Missouri delivered health and mental health care. In 1981, she became the first woman in Missouri history to chair a standing appropriations committee, and for 13 years Carole reigned over the Committee on Appropriations for Health and Mental Health. At the time she was appointed to this position, Missouri was headed into a recession, and there was a desperate need to cut health services. Yet Carole was able to make the necessary changes without sacrificing services. In fact, throughout her tenure as chair of the committee, Missouri reduced overall costs of mental health care programs while improving the services it provided.

Carole's dedication to those suffering from mental illness, developmental disabilities, head injuries, and substance abuse was truly unparalleled. While her work with community mental health centers or substance abuse programs seldom made the front page, she worked tirelessly in the pursuit of better treatment for these special citizens. The result of her dedication was the transformation of a badly broken mental health system into a community-based approach that provided real options for some of our most vulnerable.

In 1995, Carole retired from the Missouri House of Representatives, but her commitment to her community and the democratic process has continued. She has remained dedicated to improving services for the mentally ill, substance abusers, and victims of domestic violence. She has worked with Thank You Walt Disney Inc. to help restore Walt Disney's downtown Kansas City Studio. She has worked tirelessly to elect democratic candidates who embody the same steadfast dedication to effect change that she had during her time in public service, including devoting countless hours on the phones and going door-to-door for then Presidential candidate Barack Obama. Once again, her hard work paid off.

Mr. President, I ask the Senate to join me in wishing Carole Roper Park Vaughan a very happy 70th birthday. She has been a remarkable servant to the citizens of the State of Missouri and I am grateful to call her my friend.●

COMMENDING EDGECOMB POTTERS

● Ms. SNOWE. Mr. President, Midcoast Maine is a special place for Mainers and tourists alike. With its beautiful harbors and quintessential Maine villages, the region is a remarkable cross-section of our State. Nestled on route 27 in the heart of this striking area is Edgecomb Potters, a veritable gem in Maine's art world. I rise today to recognize this superb Maine company and the innovative spirit of its founders.

Located in the town of Edgecomb, Edgecomb Potters was started in a small one-room schoolhouse by owners Richard and Chris Hilton in 1976. Before starting the business, Richard had been planning on entering the broadcasting industry, while Chris was an art teacher. Since that time, Edgecomb Potters has crafted over 1.3 million unique pieces of gorgeous pottery, and it averages 200,000 pieces each year. Additionally, the company has expanded to its present day 28-acre complex, where it has eight kilns, and added satellite retail locations in Freeport and Portland. Edgecomb Potters has also grown to a team of more than 30 employees in that time, and over 150,000 people visit the company's three locations each season. Beyond its own pottery, Edgecomb's stores showcase the work of over 400 different artisans, many of them Mainers, specializing in jewelry, sculpture, and glass.

The Hiltons work together on each design. Richard Hilton serves as Edgecomb's master potter, studying the organic composition and history of ceramic glazes from all over the world, and Chris lends her extensive art background to the output of beautiful pieces of pottery. They are consistently producing new and creative glazes and patterns which lend a unique rarity to the company's many pieces. All glazes and porcelains are made on site with glazes named by the colors they evoke, such as Lady Slipper Pink, Apple Green, and Honey Green. In addition to these inventive colors, the potters frequently add golden flecks, shimmering crystals, and flowing artistic tones to give a distinctive finish to each piece.

During the company's 33-year history, Edgecomb Potters has rightfully gained significant national recognition. The Hiltons' passion for glaze development has led them to be considered national leaders in this field, and has propelled their company to be recognized by the Boston Globe, Ceramics Monthly, American Style and numerous other publications. Edgecomb Potters also garnered international attention when trade representatives from Taiwan purchased one of their large vases for that country's president in 2001. The vase was made using Kyoto Forest, a unique glaze Mr. Hilton concocted based on a 17th century Chinese glaze. The company has also been named one of America's ''Best of the Road'' companies by Rand McNally. The global atlas producer lists Edgecomb Potters as ''one of the most highly acclaimed art potteries in America,'' and cites the ''one-of-a-kind'' pottery as an incentive for people to visit this extraordinary facility.

Edgecomb Potters continues to expand because of the Hiltons' constant and abiding passion for art and pottery, and the number of new customers they continuously attract worldwide is impressive. Indeed, Edgecomb's presence in Maine's art scene has placed our State on the national map as a destination for lovers of stunning and matchless pottery. I congratulate Richard and Chris Hilton, and everyone at Edgecomb Potters, for their pioneering spirit, and offer my best wishes for their continued success.●

MESSAGES FROM THE HOUSE

At 10:00 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that it has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 22. An act to amend title 5, United States Code, to reduce the amount that the United States Postal Service is required to pay into the Postal Service Retiree Health Benefits Fund by the end of fiscal year 2009.

H.R. 511. An act to authorize the Secretary of Agriculture to terminate certain easements held by the Secretary on land owned by the Village of Caseyville, Illinois, and to terminate associated contractual arrangements with the Village.

H.R. 940. An act to provide for the conveyance of National Forest System land in the State of Louisiana.

H.R. 1002. An act to adjust the boundaries of Pisgah National Forest in McDowell County, North Carolina.

H.R. 2947. An act to amend the Federal securities laws to make technical corrections and to make conforming amendments related to the repeal of the Public Utility Holding Company Act of 1935.

H.R. 3137. An act to amend title 39, United States Code, to provide clarification relating to the authority of the United States Postal Service to accept donations as an additional source of funding for commemorative plaques.

H.R. 3146. An act to make improvements to the FHA mortgage insurance programs of the Department of Housing and Urban Development, and for other purposes.

H.R. 3175. An act to direct the Secretary of Agriculture to convey to Miami-Dade County certain federally owned land in Florida, and for other purposes.

H.R. 3179. An act to amend the Emergency Economic Stabilization Act of 2008 to require the Special Inspector General for the Troubled Asset Relief Program to include the effect of the Troubled Asset Relief Program on

small businesses in the oversight, audits, and reports provided by the Special Inspector General, and for other purposes.

H.R. 3386. An act to designate the facility of the United States Postal Service located at 1165 2nd Avenue in Des Moines, Iowa, as the ''Iraq and Afghanistan Veterans Memorial Post Office''.

H.R. 3527. An act to increase the maximum mortgage amount limitations under the FHA mortgage insurance programs for multi-family housing projects with elevators and for extremely high-cost areas.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 95. Concurrent resolution recognizing the importance of the Department of Agriculture Forest Service Experimental Forests and Ranges.

ENROLLED BILL SIGNED

At 7:06 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1243. An act to provide for the award of a gold medal on behalf of Congress to Arnold Palmer in recognition of his service to the Nation in promoting excellence and good sportsmanship in golf.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 511. An act to authorize the Secretary of Agriculture to terminate certain easements held by the Secretary on land owned by the Village of Caseyville, Illinois, and to terminate associated contractual arrangements with the Village; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 940. An act to provide for the conveyance of National Forest System land in the State of Louisiana; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 1002. An act to adjust the boundaries of Pisgah National Forest in McDowell County, North Carolina; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 2947. An act to amend the Federal securities laws to make technical corrections and to make conforming amendments related to the repeal of the Public Utility Holding Company Act of 1935; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3137. An act to amend title 39, United States Code, to provide clarification relating to the authority of the United States Postal Service to accept donations as an additional source of funding for commemorative plaques; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3146. An act to make improvements to the FHA mortgage insurance programs of the Department of Housing and Urban Development, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3175. An act to direct the Secretary of Agriculture to convey to Miami—Dade County certain federally owned land in Florida, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry .

H.R. 3179. An act to amend the Emergency Economic Stabilization Act of 2008 to require the Special Inspector General for the Troubled Asset Relief Program to include the effect of the Troubled Asset Relief Program on small businesses in the oversight, audits, and reports provided by the Special Inspector General, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3386. An act to designate the facility of the United States Postal Service located at 1165 2nd Avenue in Des Moines, Iowa, as the ''Iraq and Afghanistan Veterans Memorial Post Office''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3527. An act to increase the maximum mortgage amount limitations under the FHA mortgage insurance programs for multi-family housing projects with elevators and for extremely high-cost areas; to the Committee on Banking, Housing, and Urban Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 95. Concurrent resolution recognizing the importance of the Department of Agriculture Forest Service Experimental Forests and Ranges; to the Committee on Agriculture, Nutrition, and Forestry.

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–2968. A communication from the Acting Chief of the Child Nutrition Division, Food and Nutrition Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''School Food Safety Inspections'' (RIN0584–AD64) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2969. 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 ''Boscalid; Pesticide Tolerances'' (FRL No. 8431–1) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2970. 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 ''Ametryn, Amitraz, Ammonium Soap Salts of Higher Fatty Acids, Bitertanol, Coppers, et al.; Tolerance Actions'' (FRL No. 8431–7) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2971. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((44 CFR Part 64)(Docket ID FEMA–2008–0020; Internal Agency Docket No. FEMA–8089)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–2972. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Sudanese Sanctions Regulations'' (31 CFR Part 538) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–2973. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, a report entitled ''Assessment of Demand Response and Advanced Metering''; to the Committee on Energy and Natural Resources.

EC–2974. A communication from the Assistant Secretary of Land and Minerals Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Outer Continental Shelf—Technical Corrections'' (RIN1010–AD52) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Environment and Public Works.

EC–2975. 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 ''National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries—Technical Correction'' (FRL No. 8954–3) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Environment and Public Works.

EC–2976. 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 ''EPAAR Prescription and Clauses—Government Property—Contract Property Administration'' (FRL No. 8956–4) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Environment and Public Works.

EC–2977. A communication from the Secretary of Health and Human Services and the Attorney General, transmitting, pursuant to law, an annual report relative to the Health Care Fraud and Abuse Control Program for fiscal year 2008; to the Committee on Finance.

EC–2978. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Physician Group Practice Demonstration Evaluation Report''; to the Committee on Finance.

EC–2979. A communication from the Secretary of Labor, transmitting, pursuant to law, a report entitled ''The Department of Labor's 2008 Findings on the Worst Forms of Child Labor''; to the Committee on Health, Education, Labor, and Pensions.

EC–2980. A communication from the Secretary of Labor, transmitting, pursuant to law, a report entitled ''The Department of Labor's List of Goods Produced by Child Labor or Forced Labor''; to the Committee on Health, Education, Labor, and Pensions.

EC–2981. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Audit of Advisory Neighborhood Commission 8C for Fiscal Years 2007 through 2009, as of March 31, 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–2982. A communication from the Solicitor, Federal Labor Relations Authority, transmitting, pursuant to law, a report relative to action on a nomination for the position of General Counsel, Federal Labor Relations Authority received in the Office of the President of the Senate on September 10, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–2983. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the semi-annual report of the Attorney General relative to Lobbying Disclosure Act enforcement actions taken for the period beginning on July 1, 2008; to the Committee on the Judiciary.

EC–2984. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Low Altitude Area Navigation Route (T-Route); Rockford, Illinois'' ((Docket No. FAA–2008–1114) (Airspace Docket No. 08–AGL–17)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2985. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class D Airspace; Grand Prairie, Texas'' ((RIN2120–AA66)(9–3/9–8/0363/ASW–11)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2986. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class D Airspace; Arlington, Texas'' ((RIN2120–AA66)(9–3/9–8/0362/ASW–10)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2987. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class D Airspace and Amendment of Class E Airspace: North Bend, Oregon'' ((RIN2120–AA66)(8–24/8–26/0006/ANM–1)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2988. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Quinhagak, Alaska'' ((RIN2120–AA66)(9–3/9–3/0763/AAL–22)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2989. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Standards; Aircraft Engine Standards Overtorque Limits'' (RIN2120–AJ06) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2990. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146–100A and 146–200A Series Airplanes'' ((RIN2120–AA64)(9–10/9–2/0432/NM–168)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2991. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Service and Eligibility Rules for FM Broadcast Translator Stations'' [MB Docket No. 07–172) as received during adjournment of the Senate in the Office of the President of the Senate on August 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2992. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment Section 73.202(b), Table of Allotments, FM Broadcast Stations (Batesville, Texas)'' [MB Docket No. 08–227) received in the Office of the President of the Senate on September 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2993. 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 (Ann Arbor, Michigan)'' [MB Docket No. 09–118) received in the Office of the President of the Senate on September 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2994. 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 (Hutchinson and Wichita, Kansas)'' [MB Docket No. 09–129) received in the Office of the President of the Senate on September 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2995. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Designation of Critical Habitat for Endangered Distinct Population Segment of Smallmouth Sawfish'' (RIN0648–AV74) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2996. A communication from the Director, Census Bureau, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Foreign Trade Regulations (FTR): Eliminate the Social Security Number (SSN) as an Identification Number in the Automated Export System (AES)'' (RIN0607–AA48) as received during adjournment of the Senate in the Office of the President of the Senate on August 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2997. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Final Amendment Fee Rule'' (RIN3084–AA98) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2998. A communication from the Acting Division Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''IP–Enabled Services'' ((WC Docket No. 04–36)(FCC09–40)) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2999. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations for Marine Events; Port Huron to Mackinac Island Sail Race'' ((RIN1625–AA08)(Docket No. USG–2009–0659)) as received during adjournment of the Senate in the Office of the President of the Senate on August 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3000. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulation, Fran Schnarr Open Water Championships, Huntington Bay, NY' ((RIN1625–AA08) (Docket No. USG–2009–0520)) as received during adjournment of the Senate in the Office of the President of the Senate on August 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3001. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Naval Training August and September, San Clemente Island, CA' ((RIN1625–AA00) (Docket No. USG–2009–0456)) as received during adjournment of the Senate in the Office of the President of the Senate on August 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3002. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; AVI September Fireworks Display, Colorado River, Laughlin, NV' ((RIN1625–AA00) (Docket No. USG–2008–1262)) as received during adjournment of the Senate in the Office of the President of the Senate on August 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3003. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747–100, –100B, –100B SUD, –200B, and –300 Series Airplanes; and Model 747SP and 747SR Series Airplanes' ((RIN2120–AA64) (ae /''/8–27/8–27/0477/NM–191)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3004. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Air Tractor, Inc. Models AT–802 and AT–802A Airplanes' ((RIN2120–AA64)(8–27/8–27/0489/CE–025)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3005. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA), Model CN–235, CN–235–100, CN–235–200, and CN—235–300 Airplanes' ((RIN2120–AA64)(8–27/8–27/0386/NM–184)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3006. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pilatus Aircraft Ltd. Models PC–6, PC–6–H1, PC–6–H2, PC–6/350, PC–6/350–H1, PC–6/350–H2, PC6/A, PC–6/A–H1, PC–6/A–H2, PC–6/B–H2, PC–6/B1–H2, PC–6/B2–H2, PC–6/B2–H4, PC–6/C–H2, and PC–6/C1–H2 Airplanes' ((RIN2120–AA64)(8–27/8–27/0622/CE–034)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3007. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Fokker Model F.27 Mark 050 and F.28 Mark 0100 Airplanes'' ((RIN2120–AA64)(8–27/8–27/0496/NM–139)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3008. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule

entitled ''CFM International, S.A. CFM56–5B1/P; –5B2/P; –5B3/P; –5B3/P1; –5B4/P; –5B4/P1; –5B5/P; –5B6/P; –5B7/P; –5B8/P; 5B9/P; –5B1/3; –5B2/3; –5B3/3; –5B4/3; –5B5/3; –5B6/3; –5B7/3; –5B8/3; –5B9/3; –5B3/3B1; and –5B4/3B1 Turbofan Engines'' ((RIN2120–AA64)(8–27/8–27/0174/NE—03)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3009. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier Model DHC–8–400 Series Airplanes'' ((RIN2120–AA64) (9–10/9–9/0526/NM–029)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3010. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Airplanes'' ((RIN2120–AA64) (9–10/9–9/0563/NM–180)) received in the Office of the President of the Senate on September 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3011. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Series Airplanes'' ((RIN2120–AA64) (9–10/9–9/0515/NM–071)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3012. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls-Royce plc. (RR) RB211 Trent 900 Series Turbofan Engines'' ((RIN2120–AA64)(9–10/9–9/0771/NE–14)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3013. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 737–600, –700, –700C, –800, –900 and –900ER Series Airplanes'' ((RIN2120–AA64)(9–10/9–9/0212/NM–122)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3014. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 707 Airplanes, and Model 720 and 720B Series Airplanes' ((RIN2120–AA64)(9–10/9–9/0476/NM–188)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3015. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; ATR Model ATR42 and Model ATR72 Airplanes' ((RIN2120–AA64)(9–10/9–9/0786/NM–145)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3016. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A330–300, A340–200, and A340–300 Series Airplanes' ((RIN2120–AA64)(9–10/9–9/0264/NM–174)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3017. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A310–203, –204, –221, –222, –304, –322, –324, and –325 Airplanes' ((RIN2120–AA64)(9–10/9–9/0465/NM–244)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3018. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; 328 Support Services GmbH Dornier Model 328–100 and –300 Airplanes' ((RIN2120—AA64)(9–10/9–9/0522/NM–127)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3019. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 B2–1C, B2–203, B2K–3C, B4–103, B4–203, and B4–2C Airplanes' ((RIN2120–AA64)(9–10/9–9/0397/NM—023)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3020. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A330–200 and –300 Series Airplanes and Model A340–200 and –300 Series Airplanes' ((RIN2120–AA64)(9–10/9–9/0381/NM–008)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3021. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 737–300, –400, and –500 Series Airplanes' ((RIN2120–AA64)(9–10/9–8/0787/NM–090)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3022. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Agusta S.p.A. Model AB412 and AB412EP Helicopters' ((RIN2120–AA64)(9–10/9–4/0804/SW–56)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3023. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Models A330–200 and –300 Series Airplanes, Model A340–200 and –300 Series Airplanes, and Model A340–541 and –642 Airplanes' ((RIN2120–AA64)(9–10/9–3/0781/NM—111)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–78. A joint resolution adopted by the Alaska State Legislature urging the United States Senate to ratify the United Nations Convention on the Law of the Sea; to the Committee on Foreign Relations.

HOUSE JOINT RESOLUTION NO. 22

Whereas in August 2007, Russia sent two small submarines into the Arctic Ocean to plant that nation's flag under the North Pole to support its territorial claim that its continental shelf extends to the North Pole; and

Whereas Denmark is exploring whether a mountain range under the Arctic Ocean is connected to Greenland, a territory of Denmark; and

Whereas Canada is considering the establishment of military bases to protect its claim to the Northwest Passage; and

Whereas the actions taken by Russia, Denmark, and Canada have been exercised under the United Nations Convention on the Law of the Sea; and

Whereas the United Nations Convention on the Law of the Sea permits member nations to claim an exclusive economic zone out to 200 nautical miles from shore, with an exclusive sovereign right to explore, manage, and develop all living and nonliving resources, including deep sea mining, within that exclusive economic zone; and

Whereas the United States Arctic Research Commission estimates that the United Nations Convention on the Law of the Sea would permit the United States to lay claim beyond the present 200–mile exclusive economic zone to an area of the northern seabed off Alaska that is equal in size to California; and

Whereas 155 nations have ratified the United Nations Convention on the Law of the Sea, including all allies of the United States and the world's maritime powers; and

Whereas ratification of the current form of the United Nations Convention on the Law of the Sea has been pending before the United States Senate since 1994, and hearings on the treaty were held by the United States Senate Committee on Foreign Relations in 1994, 2003, and 2004, and on September 27, 2007, and October 4, 2007; and

Whereas, despite favorable reports by the United States Senate Committee on Foreign Relations regarding the United Nations Convention on the Law of the Sea in 2004 and 2007, the United States Senate has yet to vote on the ratification of the Convention; and

Whereas the United States, with 1,000 miles of Arctic coast off of the State of Alaska, remains the only Arctic nation that has not ratified the United Nations Convention on the Law of the Sea; and

Whereas, until the United States Senate votes to ratify the United Nations Convention on the Law of the Sea, the United States may not have the authority to promote its claims to an extended area of the continental shelf, refute the claim of authority by other nations to exercise greater control over the Arctic, or take a permanent seat on the International Seabed Authority Council; and

Whereas, until the United States ratifies the United Nations Convention on the Law of the Sea, the United States cannot participate in deliberations to amend provisions of the Convention that relate to the

(1) oil, gas, and mineral resources in the Arctic Ocean and other northern waters;

(2) conduct of essential scientific research in the world's oceans;

(3) right of the United States to the use of the seas;

(4) rules of navigation;

(5) effect of the use of the seas on world economic development; and

(6) environmental concerns related to the use of the seas; and

Whereas the United Nations Convention on the Law of the Sea will have an important and beneficial effect on virtually all states, both coastal and noncoastal, because the United States is heavily dependent on the use, development, and conservation of the world's oceans and their resources; and

Whereas the United Nations Convention on the Law of the Sea will not interfere with the intelligence-gathering efforts of the United States or the navigational freedom of the United States Navy; and

Whereas ratification of the United Nations Convention on the Law of the Sea has wide bipartisan support; be it

Resolved, That the Alaska State Legislature urges the United States Senate to ratify the United Nations Convention on the Law of the Sea.

Copies of this resolution shall be sent to the Honorable Joseph R. Biden, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable John F. Kerry, Chair of the U.S. Senate Committee on Foreign Relations; the Honorable Richard G. Lugar, ranking Republican on the U.S. Senate Committee on Foreign Relations; the Honorable Lisa Murkowski and the Honorable Mark Begich, U.S. Senators, members of the Alaska delegation in Congress; and all other members of the United States Senate.

POM–79. A joint resolution adopted by the Alaska State Legislature relative to claiming sovereignty for the state under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the Constitution of the United States; to the Committee on the Judiciary.

JOINT RESOLUTION

Whereas the Tenth Amendment to the Constitution of the United States reads, ''The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people''; and

Whereas the Tenth Amendment defines the total scope of federal power as being that specifically granted by the Constitution of the United States and no more; and

Whereas some federal actions weaken states' rights protected by the Tenth Amendment to the Constitution of the United States; and

Whereas the Tenth Amendment assures that we, the people of the United States of America and each sovereign state in the Union of States, now have, and have always had, rights the federal government may not usurp; and

Whereas art. IV, sec. 4, Constitution of the United States, reads, ''The United States shall guarantee to every State in this Union a Republican Form of Government,'' and the Ninth Amendment to the Constitution of the United States reads, ''The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people''; and

Whereas the United States Supreme Court has ruled in New York v. United States, 112 S.Ct. 2408 (1992), that the United States Congress may not simply commandeer the legislative and regulatory processes of the states; and

Whereas all states, including Alaska, find themselves regularly facing proposals from the United States Congress that weaken states' rights protected by the Tenth Amendment; be it

Resolved, That the Alaska State Legislature hereby claims sovereignty for the state under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the Constitution of the United States; and be it further

Resolved, That this resolution serves as Notice and Demand to the federal government to cease and desist, effective immediately, mandates that are beyond the scope of these constitutionally delegated powers.

Copies of this resolution shall be sent to the Honorable Barack Obama, President of the United States; the Honorable Joseph R. Biden, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Nancy Pelosi, Speaker of the U.S. House of Representatives; the Honorable Lisa Murkowski and the Honorable Mark Begich, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress; all other members of the 111th United States Congress; the presiding officers of the legislatures of each of the other 49 states; and the governors of each of the other 49 states.

POM–80. A joint resolution adopted by the Alaska State Legislature urging Congress to provide a means for consistently sharing, on an ongoing basis, revenue generated from oil and gas development on the Outer Continental Shelf with all coastal energy-producing states to ensure that those states develop, support, and maintain necessary infrastructure and preserve environmental integrity; to the Committee on Energy and Natural Resources.

JOINT RESOLUTION

Whereas there are presently 697 active oil and gas leases off Alaska's coast, covering more than 1,500,000 hectares; and

Whereas the United States Department of the Interior, Minerals Management Service, estimates there are nearly 27,000,000,000 barrels of oil and 132,000,000,000,000 cubic feet of natural gas that are technically recoverable offshore of Alaska; and

Whereas responsible oil and gas development in federal waters off Alaska's coast would significantly decrease reliance by the United States on foreign oil and gas, making the United States more energy independent and enhancing our national security; and

Whereas, under the Mineral Lands Leasing Act of 1920, the federal government shares with the states 50 percent of revenue from mineral production on federal land within each state's boundaries; and

Whereas the shared mineral production revenue is distributed to the states automatically, outside of the budget process, and is not subject to appropriation; and

Whereas, other than in water immediately adjacent to a state's coastline, there is not a similar authority for the federal government to share federal oil and gas revenue generated on the outer continental shelf with adjacent coastal states, despite the vital contribution made by those states to our nation's energy, economic, and national security needs in support of production from the outer continental shelf; and

Whereas the states that sustain this critical energy production and development deserve a share of the revenue generated because they provide infrastructure to support offshore operations and because of the environmental effects and other risks associated with oil and gas development on the outer continental shelf; and

Whereas, under the Gulf of Mexico Energy Security Act of 2006, the federal government recognized the contributions made by Alabama, Louisiana, Mississippi, and Texas to national security and agreed to give them 37.5 percent of revenue from oil and gas development in newly leased federal waters in the Gulf of Mexico; and

Whereas other coastal states, including Alaska and California, also support and should receive, on a regular and ongoing basis, a fair share of revenue generated through development on the outer continental shelf as compensation and reward for their contributions to the nation's energy supply, security, and economy; and

Whereas, since statehood, oil and gas lease sales from the outer continental shelf off Alaska's coast have generated millions of dollars in revenue for the federal government; and

Whereas the February 2008 lease sale in the Chukchi Sea generated an additional $2,600,000,000 in revenue for the federal government; be it

Resolved, That the Alaska State Legislature supports responsible development of the oil and gas resources in federal waters offshore of Alaska's coast as a means to ensure energy independence, security for the nation, and jobs for Alaskans; and be it further

Resolved, that the Alaska State Legislature urges the United States Congress to provide a means for consistently sharing, on an ongoing basis, revenue generated from oil and gas development on the outer continental shelf with all coastal energy-producing states to ensure that those states develop, support, and maintain necessary infrastructure and preserve environmental integrity.

Copies of this resolution shall be sent to the Honorable Barack Obama, President of the United States; the Honorable Joseph R. Biden, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Ken Salazar, United States Secretary of the Interior; the Honorable Nancy Pelosi, Speaker of the U.S. House of Representatives; the Honorable Steny H. Hoyer, Majority Leader of the U.S. House of Representatives; the Honorable John Boehner, Minority Leader of the U.S. House of Representatives; the Honorable Harry Reid, Majority Leader of the U.S. Senate; the Honorable Mitch McConnell, Minority Leader of the U.S. Senate; the Honorable Jeff Bingaman, Chair of the U.S. Senate Committee on Energy and Natural Resources; the Honorable Lisa Murkowski and the Honorable Mark Begich, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress; and all other members of the 111th United States Congress.

POM–81. A joint resolution adopted by the Alaska State Legislature urging Congress to pass legislation to open the coastal plain of the Arctic National Wildlife Refuge to oil and gas exploration, development, and production, and that the Alaska State Legislature is adamantly opposed to further wilderness or other restrictive designation in the area of the coastal plain of the Arctic National Wildlife Refuge; to the Committee on Energy and Natural Resources.

JOINT RESOLUTION

Whereas in 16 U.S.C. 3142 (sec. 1002 of the Alaska National Interest Lands Conservation Act (ANILCA)), the United States Congress reserved the right to permit further oil and gas exploration, development, and production within the coastal plain of the Arctic National Wildlife Refuge; and

Whereas the oil industry, the state, and the United States Department of the Interior consider the coastal plain to have the highest potential for discovery of very large oil and gas accumulations on the continent of North America, estimated to be as much as 10,400,000,000 barrels of recoverable oil; and

Whereas the ''1002 study area'' is part of the coastal plain located within the North

Slope Borough, and many of the residents of the North Slope Borough, who are predominantly Inupiat Eskimo, are supportive of development in the ''1002 study area''; and

Whereas oil and gas exploration and development of the coastal plain of the refuge and adjacent land could result in major discoveries that would reduce our nation's future need for imported oil, help balance the nation's trade deficit, and significantly increase the nation's security; and

Whereas the state's future energy independence would be enhanced with additional natural gas production from the North Slope of Alaska, including what are expected to be significant gas reserves in the Arctic National Wildlife Refuge, and the development of those reserves would enhance the economic viability of the proposed Alaska Natural Gas Pipeline; and

Whereas domestic demand for oil continues to rise while domestic crude production continues to fall, with the result that the United States imports additional oil from foreign sources; and

Whereas development of oil at Prudhoe Bay, Kuparuk, Endicott, Lisburne, Ooguruk, and Milne Point has resulted in thousands of jobs throughout the United States, and projected job creation as a result of coastal plain oil development will have a positive effect in all 50 states; and

Whereas Prudhoe Bay production is declining; and

Whereas the Trans Alaska Pipeline System, a transportation facility that is a national asset and that would cost billions of dollars to replace, would have its useful physical life extended for a substantial period if the additional reserves of recoverable oil from the coastal plain were produced; and

Whereas while new oil field developments on the North Slope of Alaska, such as Alpine, Northstar, Lisburne, Ooguruk, and West Sak, may temporarily slow the decline in production, only giant coastal plain fields have the theoretical capability of increasing the production volume of Alaska oil to a significant degree; and

Whereas opening the coastal plain of the Arctic National Wildlife Refuge now allows sufficient time for planning environmental safeguards, development, and national security review; and

Whereas the 1,500,000-acre coastal plain of the refuge makes up only eight percent of the 19,000,000-acre refuge, and the development of the oil and gas reserves in the refuge's coastal plain would affect an area of 2,000 acres or less, which is less than one-half of one percent of the area of the coastal plain; and

Whereas 8,900,000 of the 19,000,000 acres of the refuge have already been set aside as wilderness; and

Whereas the oil industry has shown at Prudhoe Bay, as well as at other locations along the Arctic coastal plain, that it is capable of conducting oil and gas activity without adversely affecting the environment or wildlife populations; and

Whereas the state will strive to ensure the continued health and productivity of the Porcupine Caribou herd and the protection of land, water, and wildlife resources during the exploration and development of the coastal plain of the Arctic National Wildlife Refuge; and

Whereas the oil and gas industry is developing directional drilling technology that will allow horizontal drilling in a responsible manner thereby minimizing the development footprint within the Arctic National Wildlife Refuge, and this directional drilling technology may be capable of drilling from outside of the boundaries of the 1002 study area; and

Whereas the oil industry is using innovative technology and environmental practices in the new field developments at Alpine and Northstar, and those techniques are directly applicable to operating on the coastal plain and would enhance environmental protection beyond traditionally high standards; and

Whereas the continued competitiveness and stability of the state and its economy require that the Alaska State Legislature consider national trends toward renewable energy development; and

Whereas the Alaska State Legislature encourages the use of revenue from any development in the Arctic National Wildlife Refuge for the development of renewable energy resources in the state; be it

Resolved by the Alaska State Legislature, That the United States Congress is urged to pass legislation to open the coastal plain of the Arctic National Wildlife Refuge to oil and gas exploration, development, and production, and that the Alaska State Legislature is adamantly opposed to further wilderness or other restrictive designation in the area of the coastal plain of the Arctic National Wildlife Refuge; and be it further

Resolved, That that activity be conducted in a manner that protects the environment and the naturally occurring population levels of the Porcupine Caribou herd on which the Gwich'in and other local residents depend, that uses directional drilling and other advances in technology to minimize the development footprint in the 1002 study area, and that uses the state's workforce to the maximum extent possible; and be it further

Resolved, That the Alaska State Legislature urges the United States Congress to pass legislation opening the 1002 study area for oil and gas development while continuing to work on measures for increasing the development and use of renewable energy technologies; and be it further

Resolved, That the Alaska State Legislature opposes any unilateral reduction in royalty revenue from exploration and development of the coastal plain of the Arctic National Wildlife Refuge and any attempt to coerce the State of Alaska into accepting less than the 90 percent of the oil, gas, and mineral royalties from the federal land in Alaska that was promised to the state at statehood.

Copies of this resolution shall be sent to the Honorable Barack Obama, President of the United States; the Honorable Joseph R. Biden, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Ken Salazar, United States Secretary of the Interior; the Honorable Nancy Pelosi, Speaker of the U.S. House of Representatives; the Honorable John Boehner, Minority Leader of the U.S. House of Representatives; the Honorable Harry Reid, Majority Leader of the U.S. Senate; the Honorable Mitch McConnell, Minority Leader of the U.S. Senate; the Honorable Jeff Bingaman, Chair of the Energy and Natural Resources Committee of the U.S. Senate; the Honorable Lisa Murkowski and the Honorable Mark Begich, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress; and all other members of the 111th United States Congress.

POM–82. A joint resolution adopted by the Alaska State Legislature urging Congress to preserve its right to enact a law providing for the environmentally responsible exploration and development of oil and gas resources in the Arctic National Wildlife Refuge by not passing any legislation that designates land in Area 1002 of the Arctic National Wildlife Refuge as wilderness; to the Committee on Energy and Natural Resources.

Whereas Area 1002 of the Arctic National Wildlife Refuge is considered the most promising onshore oil and gas prospect in the United States; and

Whereas the United States Department of the Interior estimates that there may be 10,400,000,000 recoverable barrels of oil and significant quantities of natural gas in the Arctic National Wildlife Refuge; and

Whereas the potentially enormous oil and gas prospects are located in Area 1002 of the Arctic National Wildlife Refuge, and Area 1002 comprises only eight percent of the total area of the Arctic National Wildlife Refuge; and

Whereas the United States Congress, in 16 U.S.C. 3121 (sec. 1002, Alaska National Interest Lands Conservation Act), authorized oil and gas exploratory activity within the coastal plain of the Arctic National Wildlife Refuge and reserved the right to enact future laws to allow for entry into and development of oil and gas resources in the Arctic National Wildlife Refuge; and

Whereas Area 1002 of the Arctic National Wildlife Refuge was excluded from wilderness designation in 1980 as a result of a compromise in the negotiations that led to the conversion of the Alaska Wildlife Range into the Arctic National Wildlife Refuge, with the Arctic National Wildlife Refuge encompassing an area that is approximately double the size of the Alaska Wildlife Range; and

Whereas 16 U.S.C. 3101(d) (sec. 101(d), Alaska National Interest Lands Conservation Act) expresses the belief of the United States Congress that the need for future legislation designating new conservation system units, new national conservation areas, or new national recreation areas in Alaska has been obviated by the enactment of the Alaska National Interest Lands Conservation Act; and

Whereas development of the oil reserves in the Arctic National Wildlife Refuge would reduce the dependence of the United States on unstable sources of foreign oil and would make the economy of the United States stronger and more stable; and

Whereas the economy of the United States would suffer further if the large natural gas resources in Area 1002 of the Arctic National Wildlife Refuge are not available for transportation in the proposed Alaska natural gas pipeline; and

Whereas clean-burning natural gas delivered by way of the proposed Alaska natural gas pipeline could be used as an environmentally friendly energy source for homes and businesses in the lower 48 states for decades to come; and

Whereas new technology and environmental practices used by the oil and gas industry provide for efficient production and environmental protection; and

Whereas 8,900,000 acres of the 19,000,000 acres in the Arctic National Wildlife Refuge are already designated as wilderness areas; and

Whereas, assuming development of major oil and gas prospects and full leasing, oil and gas operations will have a footprint on only 2,000 acres out of a total of 1,500,000 acres in Area 1002 of the Arctic National Wildlife Refuge, approximately 0.13 percent of the area; be it

Resolved, That the Alaska State Legislature urges the United States Congress to preserve its right to enact a law providing for the environmentally responsible exploration and development of oil and gas resources in the Arctic National Wildlife Refuge by not passing any legislation that designates land in Area 1002 of the Arctic National Wildlife Refuge as wilderness.

Copies of this resolution shall be sent to the Honorable Barack Obama, President of the United States; the Honorable Joseph R. Biden, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Ken Salazar, United States Secretary of the Interior; the Honorable Nancy

Pelosi, Speaker of the U.S. House of Representatives; the Honorable John Boehner, Minority Leader of the U.S. House of Representatives; the Honorable Harry Reid, Majority Leader of the U.S. Senate; the Honorable Mitch McConnell, Minority Leader of the U.S. Senate; the Honorable Jeff Bingaman, Chair of the Energy and Natural Resources Committee of the U.S. Senate; the Honorable Lisa Murkowski and the Honorable Mark Begich, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress; and all other members of the 111th United States Congress.

POM–83. A joint resolution adopted by the Alaska State Legislature urging the President and Congress not to adopt any policy, rule, or administrative action or enact legislation that would restrict energy exploration, development, and production in federal and state waters around Alaska, the outer continental shelf within 200 miles of shore, and elsewhere in the continental United States; to the Committee on Energy and Natural Resources.

Whereas the future growth of the United States economy is energy-dependent and requires access to domestic oil and gas resources, alternative and renewable energy resources, and increased conservation; and

Whereas the United States, as a matter of national policy, needs to reduce its long-term dependence on foreign energy sources for the purposes of economic and national security; and

Whereas responsible development and expansion of domestic energy resources will generate thousands of much-needed jobs; result in billions of dollars in new investment in and tax revenue for federal, state, and local governments; reduce oil imports; stem the flow of United States dollars to foreign governments for the purchase of energy supplies; and generally ensure the health of the United States economy in the short and long term; and

Whereas wind, solar, hydro, geothermal, and other alternative energy resources hold the potential for meeting future energy demands and deserve support, but are incapable of meeting current domestic energy needs; and

Whereas current domestic energy needs require increased access to domestic oil and gas while alternative energy resources are developed for the future; and

Whereas vast energy resources in the United States, including billions of barrels of oil and trillions of cubic feet of natural gas in areas on the North Slope and offshore from Alaska remain untouched and could be developed economically; and

Whereas new drilling techniques and environmentally sound exploration, development, and production technologies enable the development of oil and gas reserves in the continental United States and on the outer continental shelf as domestic energy resources; and

Whereas the safe and responsible exploration and development of all domestic energy resources to provide economic and national security is in the best interests of the citizens of the United States; and

Whereas the people of Alaska support the safe and responsible development of domestic energy resources and recognize the economic benefits of a balanced energy policy that includes increased development of domestic oil and gas resources; be it

Resolved, That the Alaska State Legislature urges the President of the United States and the United States Congress not to adopt any policy, rule, or administrative action or enact legislation that would restrict energy exploration, development, and production in federal and state waters around Alaska, the outer continental shelf within 200 miles of shore, and elsewhere in the continental United States; and be it further

Resolved, That the Alaska State Legislature urges the President of the United States and the United States Congress to encourage and promote continued responsible exploration, development, and production of domestic oil and gas resources.

Copies of this resolution shall be sent to the Honorable Barack Obama, President of the United States; the Honorable Joseph R. Biden, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Ken Salazar, United States Secretary of the Interior; the Honorable Nancy Pelosi, Speaker of the U.S. House of Representatives; the Honorable John Boehner, Minority Leader of the U.S. House of Representatives; the Honorable Harry Reid, Majority Leader of the U.S. Senate; the Honorable Mitch McConnell, Minority Leader of the U.S. Senate; the Honorable Jeff Bingaman, Chair of the Energy and Natural Resources Committee of the U.S. Senate; the Honorable Lisa Murkowski and the Honorable Mark Begich, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress; and all other members of the 111th United States Congress.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Ms. LANDRIEU for the Committee on Small Business and Entrepreneurship.

Peggy E. Gustafson, of Illinois, to be Inspector General, Small Business Administration.

*Winslow Lorenzo Sargeant, of Wisconsin, to be Chief Counsel for Advocacy, Small Business Administration.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. AKAKA:

S. 1675. A bill to implement title V of the Nuclear Non-Proliferation Act of 1978 and to promote economical and environmentally sustainable means of meeting the energy demands of developing countries, and for other purposes; to the Committee on Foreign Relations.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 1676. A bill to allow for the use of existing section 8 housing funds so as to preserve and revitalize affordable housing options for low-income individuals; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DODD (for himself and Mr. SHELBY):

S. 1677. A bill to reauthorize the Defense Production Act of 1950, and for other purposes; considered and passed.

By Mr. CARDIN (for himself, Mr. ENSIGN, Mr. REID, Mr. ISAKSON, and Ms. STABENOW):

S. 1678. A bill to amend the Internal Revenue Code of 1986 to extend the first-time homebuyer tax credit, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MENENDEZ (for himself, Mr. REID, Mr. BINGAMAN, Mrs. HUTCHISON, Mr. CORNYN, Mr. LIEBERMAN, Mr. UDALL of New Mexico, Mr. UDALL of Colorado, Mr. SCHUMER, Mrs. GILLIBRAND, Mr. LEVIN, Mr. CASEY, and Mrs. MURRAY):

S. Res. 269. A resolution designating the week beginning September 20, 2009, as ''National Hispanic Serving Institutions Week''; considered and agreed to.

By Mrs. HAGAN (for herself and Mr. BURR):

S. Res. 270. A resolution congratulating the High Point Furniture Market on the occasion of its 100th anniversary as a leader in home furnishing; considered and agreed to.

By Mrs. GILLIBRAND (for herself, Mr. SCHUMER, Mr. ALEXANDER, Mr. BEGICH, Mr. REID, Mr. MENENDEZ, and Mr. LUGAR):

S. Res. 271. A resolution expressing support for the ideals and goals of Citizenship Day 2009; considered and agreed to.

By Mr. HARKIN (for himself, Mr. GRASSLEY, Mrs. LINCOLN, Mr. CHAMBLISS, Mr. LUGAR, Mr. LEAHY, Ms. KLOBUCHAR, Mr. CORNYN, Mr. BROWN, Mr. CONRAD, Mr. FRANKEN, Mrs. HUTCHISON, Mr. BAUCUS, Mr. CASEY, Ms. STABENOW, Mr. BENNET, Mr. JOHANNS, Mr. ROBERTS, Mr. NELSON of Nebraska, Mr. COCHRAN, and Mr. THUNE):

S. Res. 272. A resolution commemorating Dr. Norman Borlaug, recipient of the Nobel Peace Prize, Congressional Gold Medal, Presidential Medal of Freedom, and founder of the World Food Prize; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 451

At the request of Ms. COLLINS, the names of the Senator from Washington (Mrs. MURRAY), the Senator from New Hampshire (Mr. GREGG), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of S. 451, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

S. 461

At the request of Mrs. LINCOLN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 461, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 694

At the request of Mr. DODD, the name of the Senator from Nebraska (Mr. JOHANNS) was added as a cosponsor of S. 694, a bill to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes.

S. 902

At the request of Mr. KERRY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 902, a bill to provide grants to establish veterans' treatment courts.

S. 908

At the request of Mr. BAYH, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 908, a bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

S. 941

At the request of Mr. CRAPO, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 941, a bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearm laws and regulations, protect the community from criminals, and for other purposes.

S. 984

At the request of Mrs. BOXER, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 984, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 1052

At the request of Mr. CONRAD, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1052, a bill to amend the small, rural school achievement program and the rural and low-income school program under part B of title VI of the Elementary and Secondary Education Act of 1965.

S. 1056

At the request of Mr. VOINOVICH, the names of the Senator from Tennessee (Mr. CORKER) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 1056, a bill to establish a commission to develop legislation designed to reform tax policy and entitlement benefit programs and ensure a sound fiscal future for the United States, and for other purposes.

S. 1065

At the request of Mr. BROWNBACK, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1065, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1152

At the request of Mr. DODD, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1152, a bill to allow Americans to earn paid sick time so that they can address their own health needs and the health needs of their families.

S. 1362

At the request of Mr. REED, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1362, a bill to provide grants to States to ensure that all students in the middle grades are taught an academically rigorous curriculum with effective supports so that students complete the middle grades prepared for success in high school and postsecondary endeavors, to improve State and district policies and programs relating to the academic achievement of students in the middle grades, to develop and implement effective middle grades models for struggling students, and for other purposes.

S. 1422

At the request of Mrs. MURRAY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1422, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

S. 1446

At the request of Mrs. GILLIBRAND, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1446, a bill to amend title XIX of the Social Security Act to provide incentives for increased use of HIV screening tests under the Medicaid program.

S. 1492

At the request of Ms. MIKULSKI, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from North Carolina (Mrs. HAGAN) were added as cosponsors of S. 1492, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 1542

At the request of Mr. SCHUMER, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 1542, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. 1558

At the request of Mrs. LINCOLN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1558, a bill to amend title 37, United States Code, to provide travel and transportation allowances for members of the reserve components for long distance and certain other travel to inactive duty training.

S. 1655

At the request of Mr. NELSON of Nebraska, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1655, a bill to authorize the Secretary of Education to award grants for the support of full-service community schools, and for other purposes.

S. 1674

At the request of Mr. WYDEN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1674, a bill to provide for an exclusion under the Supplemental Security Income program and the Medicaid program for compensation provided to individuals who participate in clinical trials for rare diseases or conditions.

S. CON. RES. 14

At the request of Mr. BARRASSO, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. Con. Res. 14, a concurrent resolution supporting the Local Radio Freedom Act.

S. RES. 266

At the request of Mrs. GILLIBRAND, the names of the Senator from Maryland (Mr. CARDIN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. Res. 266, a resolution recognizing the contributions of John Sweeney to the United States labor movement.

At the request of Mr. DORGAN, his name was added as a cosponsor of S. Res. 266, supra.

S. RES. 268

At the request of Mr. MENENDEZ, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. Res. 268, a resolution recognizing Hispanic Heritage Month and celebrating the heritage and culture of Latinos in the United States and their immense contributions to the Nation.

At the request of Mr. ENSIGN, his name was added as a cosponsor of S. Res. 268, supra.

AMENDMENT NO. 2361

At the request of Mr. GREGG, the names of the Senator from Oklahoma (Mr. COBURN) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of amendment No. 2361 proposed to H.R. 3288, a bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2365

At the request of Ms. LANDRIEU, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of amendment No. 2365 proposed to H.R. 3288, a bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA:

S. 1675. A bill to implement title V of the Nuclear Non-Proliferation Act of 1978 and to promote economical and environmentally sustainable means of meeting the energy demands of developing countries, and for other purposes; to the Committee on Foreign Relations.

Mr. AKAKA. Mr. President, I rise today to introduce The Energy Development Program Implementation Act

of 2009. This legislation provides a mechanism to guide the implementation of title V of the Nuclear Non-Proliferation Act of 1978, which requires the United States to work with developing countries in assessing and finding ways to meet their energy needs through non-nuclear, alternative energy sources.

Although title V of the Nuclear Non-Proliferation Act was passed into law more than 30 years ago, Congress did not put an implementation framework into place, and the Executive Branch never implemented the provisions. Back then, there may have been skepticism about the economic viability of alternative energy resources, but in the past 30 years there have been significant advances in the technology supporting alternative energy resources, and today there is broader agreement that the development of these resources is important for economic development, environmental sustainability, and national security.

This bill provides economic and environmental benefits to developing countries and diplomatic benefits for the U.S. Through the implementation of the Energy Development Program supported by this bill, developing countries will be provided energy assessments, receive support in evaluating energy alternatives, and be able to work on cooperative projects with United States energy experts on resource exploration, production, training, and research and development. This bill will further international collaboration around alternative energy sources and allow the United States to take on a stronger leadership role in this effort.

In addition to providing economic and environmental benefits, this bill supports international efforts to prevent nuclear proliferation. The bipartisan Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism recently recommended the implementation of title V because it will lower the risk of nuclear proliferation as developing countries are encouraged to focus more on non-nuclear, alternative energy sources. Providing concrete technical assistance to promote those energy sources in developing countries reduces the inherent risk that accompanies the wider proliferation of nuclear technology and materials.

We should remain mindful that the same nuclear technology that can be used for peaceful, civilian uses may in some cases be used to support covert or potentially dangerous nuclear programs. At my request, the Government Accountability Office, GAO, reviewed the International Atomic Energy Agency's, IAEA, Technical Cooperation, TC, Program, which supports peaceful uses of nuclear energy, including nuclear power, by providing nuclear equipment, training, and fellowships to IAEA member states. The U.S. provides approximately 25 percent of its annual budget. GAO found that the U.S. faces difficulty in assessing the nature of the nuclear assistance provided under that program, and that state sponsors of terrorism, including Iran, Syria, Sudan, and Cuba had received funding under the program. For instance, GAO reported that Iran requested assistance to complete a research reactor that could have been used for both civilian and military applications. Fortunately, IAEA denied this assistance, but this example highlights the inherent proliferation risks of nuclear power and the benefit of focusing more on alternative energy sources.

This bill puts into place an implementation mechanism to support this effort. It requires the Secretary of Energy, in cooperation with the Secretary of State and the administrator of the U.S. Agency for International Development, to develop strategic and implementation plans for the Energy Development Program. The Secretary of Energy will then be required to carry out the implementation of the program according to those plans.

The Energy Development Program would be supported by the exchange of energy experts, scientists, and technicians with developing countries. Federal employees will have an opportunity to work with developing countries on energy assessments and projects focused on finding and developing non-nuclear, alternative sources of energy, while retaining their seniority and other rights and benefits within their home agencies. They will be able to share their expertise with professionals in developing countries and also bring back new ideas and perspectives from overseas that could help us in our own efforts to develop alternative energy sources.

The time has come to implement title V of the Nuclear Non-Proliferation Act. This legislation will put that process in motion. The benefits of this program have global impact as we assist developing countries in meeting their energy needs with alternative energy sources, reduce the risk of nuclear proliferation, and take a more prominent leadership role in developing alternative energy sources.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1675

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 ''Energy Development Program Implementation Act of 2009''.

SEC. 2. FINDINGS.

Congress finds that—

(1) title V of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3261 et seq.) requires the United States to work with developing countries in assessing and finding ways to meet their energy needs through alternatives to nuclear energy that are consistent with economic factors, material resources, and environmental protection; and

(2) in December 2008, the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism noted that the Federal Government had failed to implement title V of that Act and recommended that the Federal Government implement title V of that Act to help reduce the risk of nuclear proliferation.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Homeland Security and Governmental Affairs, the Committee on Foreign Relations, the Committee on Energy and Natural Resources, and the Committee on Appropriations of the Senate; and

(B) the Committee on Oversight and Government Reform, the Committee on Foreign Affairs, the Committee on Energy and Commerce, and the Committee on Appropriations of the House of Representatives.

(2) ENERGY DEVELOPMENT PROGRAM.—The term ''energy development program'' means the program established under title V of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3261 et seq.).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Energy, in cooperation with the Secretary of State and the Administrator of the United States Agency for International Development.

SEC. 4. ENERGY DEVELOPMENT PROGRAM IMPLEMENTATION.

(a) STRATEGIC AND IMPLEMENTATION PLANS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall develop—

(A) strategic plans for the energy development program consistent with title V of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3261 et seq.); and

(B) implementation plans for the energy development program consistent with title V of that Act.

(2) REVIEW OF PLANS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit the strategic and implementation plans to the appropriate congressional committees for review.

(b) IMPLEMENTATION.—Not later than 180 days after the date on which the plans are submitted to the appropriate congressional committees for review under subsection (a), the Secretary shall implement the plans.

(c) ALLOWANCES, PRIVILEGES, AND OTHER BENEFITS.—

(1) IN GENERAL.—A Federal employee serving in an exchange capacity in the energy development program shall be considered to be detailed.

(2) EMPLOYING AGENCY.—For the purpose of preserving allowance, privileges, rights, seniority, and other benefits with respect to the Federal employee, the employee shall be—

(A) considered an employee of the original employing agency; and

(B) entitled to the pay, allowances, and benefits from funds available to the original employing agency.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for fiscal year 2010 and each fiscal year thereafter.

SEC. 5. REPORTS.

(a) ANNUAL REPORT.—Not later than 1 year after the date of implementation of the plans under section 4(b) and every year thereafter, the Secretary shall report annually to the appropriate congressional committees on the plans consistent with section 501 of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3261).

(b) REPORT ON THE ALTERNATIVE ENERGY CORPS.—

(1) COOPERATIVE ACTIVITIES.—Not later than 1 year after the date of implementation of the plans under section 4(b), the Secretary shall report to the appropriate congressional committees on the feasibility of expanding the cooperative activities established pursuant to section 503(c) of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3262 note; Public Law 95-242) into an international cooperative effort.

(2) REQUIREMENTS.—The report required under paragraph (1) shall include an analysis and description of—

(A) an Alternative Energy Corps that is designed to encourage large numbers of technically trained volunteers to live and work in developing countries for varying periods of time for the purpose of engaging in projects to aid in meeting the energy needs of those countries through—

(i) the search for and use of non-nuclear indigenous energy resources; and

(ii) the application of suitable technology, including the widespread use of renewable and unconventional energy technologies; and

(B) other mechanisms that are available to coordinate an international effort to develop, demonstrate, and encourage the use of suitable technologies in developing countries.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 1676. A bill to allow for the use of existing section 8 housing funds so as to preserve and revitalize affordable housing options for low-income individuals; to the Committee on Banking, Housing, and Urban Affairs.

Mr. WYDEN. Mr. President, today I rise to introduce the Affordable Housing Preservation and Revitalization Act. I am delighted and honored to be joined in this effort by my good friend and colleague, Senator JEFF MERKLEY. It has been my privilege to work with Senator MERKLEY and his staff on an issue that is so important to our state of Oregon and to folks around the country.

There has been a lot of talk about housing in the media over the past year. The topic of most of these conversations has been the turmoil in lending industry and the fallout from the mortgage meltdown. So much so that many Americans have by now become familiar with terms like ''subprime'' and ''securitization.''

But there is another housing story here, even though it may not get the same attention or airtime: It is the story of homelessness and the struggle to find affordable housing, and for thousands of Oregonians it's a daily reality.

Like many States, Oregon is experiencing a sharp rise in homelessness.

In Multnomah County this past January, a count found 2,438 people homeless on a particular night. That was 13 percent higher than in 2007. The deterioration in the economy since January means there are probably more homeless on Portland streets now, officials said.

In July, the Department of Housing and Urban Development released a report that listed Oregon as the State with the highest concentration of homeless people.

According to a September report by the National Alliance to End Homeless, Central Oregon now ranks sixth in the Nation in overall homelessness rates and third among rural communities.

In times like these, the Federal Government can hardly stand to lose its stock of affordable housing. Sadly, that is exactly whats happening.

As long term contracts are coming due, many landlords are leaving the business of affordable housing for the private market. As these owners convert to market rents, which is in their economic interest, the low-income tenants will be unable to afford their homes. With fewer and fewer places to turn, many of these folks will end up on the street.

Some of properties have what are known as residual receipts—funds left over once the operating expenses and owner's distribution have been paid. Currently, this money can only be used in the most extreme of situations. As a result, many of these residual receipts have accumulated for nearly 3 decades. In Oregon alone, estimates suggest there are more than $10 million in untapped residual receipts.

Senator MERKLEY and I believe these funds represent a substantial asset that could be used to help preserve affordable housing projects with expiring contracts. That is why we are introducing the Affordable Housing Preservation and Revitalization Act.

Our legislation would permit residual receipts to be transferred with affordable housing properties that are sold to non-profits, provided the non-profits commit to preserving and maintaining the housing stock as affordable.

Our legislation isn't a magic bullet and it certainly will not ensure that every American can put a roof over their head. But we think it's the kind of common sense approach that Americans can get behind. I hope that our colleagues will join us in supporting this bill.

By Mr. CARDIN (for himself, Mr. ENSIGN, Mr. REID, Mr. ISAKSON, and Ms. STABENOW):

S. 1678. A bill to amend the Internal Revenue Code of 1986 to extend the first-time homebuyer tax credit, and for other purposes; to the Committee on Finance.

Mr. CARDIN. Mr. President, I rise to introduce a bill to extend the current first-time home buyers' tax credit for 6 months to June 1, 2010. I am pleased to have Senators ENSIGN, HARRY REID, ISAKSON, and STABENOW as original cosponsors of this legislation.

I know my colleagues remember that it was housing that led us into this recession. Remember how in the housing market the values fell, there were mortgage foreclosures, and housing starts stopped. Well, housing can help lead us out of this recession.

The Housing and Economic Recovery Act of 2008 initially established a credit at $7,500, and that was repayable over 15 years. The American Recovery and Reinvestment Act of 2009 increased that credit to $8,000, dropped the repayment obligation, and extended the credit to December 1, 2009.

The legislation I am introducing today with my colleagues Senators ENSIGN, HARRY REID, ISAKSON, and STABENOW would change the expiration date from December 1, 2009, to June 1, 2010. I know my colleagues understand the time delay here which requires that the houses go through settlement in order to qualify for the credit. So I think it is important that we act timely, not waiting until November 1, but to try to get this bill moving quickly. It has been an incredibly important tool to help the housing market to help restore our economy.

This is a direct extension, a clean extension. It basically extends it for 6 months. I have talked with my colleagues about ways this credit perhaps could be improved, and I know we will get into that debate. But I want to make sure we don't have a lapse in this credit being available to help first-time home buyers. It has been very valuable. As we work to perhaps modify this proposal, let us make sure we continue it so as we are fighting to get our economy back on track, we don't regress and lose this tool that is available to help the housing market.

The credit has been a huge success in helping to revive a depressed housing market. As of March 6, 2009, the Treasury inspector general for tax administration identified nearly 530,000 returns claiming more than $3.9 billion in the first-time homeowners' tax credit.

As many as 40 percent of all home buyers this year will qualify for a credit. That tells us this credit is working. It is getting people who have never owned a home before into the homebuying market, knowing that the Federal Government is providing an incentive. It is estimated the credit is directly responsible for roughly 300,000 to 400,000 purchases this year. According to the National Association of Realtors, those additional sales have pumped approximately $22 billion into the economy. This is a modest tax incentive to help an industry that is vital to our economy, that produces an incredible amount of economic activity and jobs. Mortgage applications increased nearly 10 percent for the week ending September 3 from late August, the largest gain since early April.

Economists such as Mark Zandi of Moody's and James Glassman of JPMorgan Chase support extending this credit. While there are signs that the housing market is stabilizing, we are not out of the woods yet. The industry and part of the economy still needs help. I have talked to many of the realtors in my community in Maryland and they tell me the inventory of property on the market is at high levels. There is a lot of inventory out there. More people are wanting to sell than people willing to buy. The number of new housing starts for residential homes is at a very low level. Each

housing start creates jobs. It creates jobs in the material industry. It creates all types of ripples in our economy. So getting the housing market back on track will not only help in getting more homeowners into homes and helping the economy that direct way, it also creates the jobs and maintains the jobs of those who supply the network which will create new housing stock for America.

Dean Baker, the codirector for the Center for Economic and Policy Research, notes that price declines could resume later this fall. I quote:

> The uptick in sales driven by the credit has led to a substantial increase in the number of homes offered for sale at just the time that the boost from the credit is dwindling. The inventory will also be a much larger drag in the slow-selling winter months. . . .

So we now have a large inventory, and if the credit is not available, I think it will have a very negative impact on the ability to continue housing sales at a level of recovery for our economy.

Extending the credit is prudent and a fiscally responsible measure. It provides the help. We know it works. We know what has happened. We know we are still in difficult times. It is not the time to eliminate this tool that we have available. That is why I am recommending an extension, not a permanent extension, because we want this credit to be available to get us out of our current economic problems. We know we still need it. A 6-month extension is the minimum we should do. At the same time, we should look at other ways to improve and help the housing industry and to help the recovery of our Nation.

I appreciate my colleagues who have joined me in this effort. I hope my colleagues in this body will help us with moving this legislation as promptly as possible.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 269—DESIGNATING THE WEEK BEGINNING SEPTEMBER 20, 2009, AS ''NATIONAL HISPANIC SERVING INSTITUTIONS WEEK''

Mr. MENENDEZ (for himself, Mr. REID, Mr. BINGAMAN, Mrs. HUTCHISON, Mr. CORNYN, Mr. LIEBERMAN, Mr. UDALL of New Mexico, Mr. UDALL of Colorado, Mr. SCHUMER, Mrs. GILLIBRAND, Mr. LEVIN, Mr. CASEY, and Mrs. MURRAY) submitted the following resolution; which was considered and agreed to:

S. RES. 269

Whereas Hispanic Serving Institutions play an important role in educating Hispanic students and helping them contribute to the economic vitality of this Nation;

Whereas there are approximately 268 Hispanic Serving Institutions currently in operation in the United States;

Whereas Hispanic Serving Institutions are actively involved in stabilizing and improving their local communities;

Whereas celebrating the vast contributions of Hispanic Serving Institutions adds to the strength and culture of our Nation; and

Whereas the achievements and goals of Hispanic Serving Institutions are deserving of national recognition: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the achievement and goals of Hispanic Serving Institutions across this Nation;

(2) designates the week beginning September 20, 2009, as ''National Hispanic Serving Institutions Week''; and

(3) calls on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for Hispanic Serving Institutions.

SENATE RESOLUTION 270—CONGRATULATING THE HIGH POINT FURNITURE MARKET ON THE OCCASION OF ITS 100TH ANNIVERSARY AS A LEADER IN HOME FURNISHING

Mrs. HAGAN (for herself and Mr. BURR) submitted the following resolution; which was considered and agreed to:

S. RES. 270

Whereas, since the first home furnishings market was held in High Point, North Carolina in the spring of 1909, the High Point Furniture Market has gained a worldwide reputation as the premier place to experience the newest ideas in home furnishings;

Whereas, as the home furnishings market that has more new product premieres than any other, the High Point Furniture Market has become known around the world as the launching pad for the home furnishings trends that will shape the culture and homes of the people of the United States for years to come;

Whereas, every spring and fall for 100 years, as many as 85,000 people have traveled to the small city of High Point from all parts of the United States and more than 110 countries to participate in one of the largest and most influential commercial events in the world;

Whereas the High Point Furniture Market is the intellectual and creative nerve center of the home furnishings industry in the United States, and the centerpiece of the furniture industry cluster in the region;

Whereas a study conducted by High Point University in 2007 estimated the economic impact of the furniture industry cluster in the region at $8,250,000,000 annually and found that the furniture industry cluster was responsible for more than 69,000 jobs in the region;

Whereas an economic impact study carried out at the University of North Carolina at Greensboro found that the High Point Furniture Market contributes approximately $1,200,000,000 each year to the economies of the City of High Point, the Piedmont Triad, and the State of North Carolina;

Whereas the High Point Furniture Market is responsible for approximately 13,516 jobs, just under 20 percent of the furniture-related jobs in the Piedmont Triad;

Whereas the High Point Furniture Market is a nonprofit organization described in section 501(c)(3) of the Internal Revenue Code of 1986;

Whereas the Department of Commerce has awarded the High Point Furniture Market ''International Buyer Program'' status for 3 years;

Whereas, as a participant in the International Buyer Program, the High Point Furniture Market represents the United States and the State of North Carolina to the world, and positions the home furnishings industry in the United States front and center on the world stage; and

Whereas, as the first century of the High Point Furniture Market comes to a close in fall of 2009, the High Point Furniture Market continues to expand and improve, securing its position as the most important domestic and international event in the home furnishings industry: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the High Point Market on the occasion of its 100th anniversary as a leader in home furnishing;

(2) honors and recognizes the contributions of the High Point Furniture Market during the last 100 years; and

(3) encourages the High Point Furniture Market to continue as the world-wide premier event of the home furnishings industry.

SENATE RESOLUTION 271—EXPRESSING SUPPORT FOR THE IDEALS AND GOALS OF CITIZENSHIP DAY 2009

Mrs. GILLIBRAND (for herself, Mr. SCHUMER, Mr. ALEXANDER, Mr. BEGICH, Mr. REID, Mr. MENENDEZ, and Mr. LUGAR) submitted the following resolution; which was considered and agreed to:

S. RES. 271

Whereas Constitution Day and Citizenship Day are observed each year on September 17;

Whereas, the Joint Resolution of February 29, 1952 (66 Stat. 9, chapter 49), designated September 17 of each year as ''Citizenship Day'', in ''commemoration of the formation and signing, on September 17, 1787, of the Constitution of the United States and in recognition of all who, by coming of age or by naturalization have attained the status of citizenship'';

Whereas section 111(c) of Division J of the Consolidated Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 3344) amended section 106 of title 36, United States Code, to designate September 17 as ''Constitution Day and Citizenship Day'';

Whereas Citizenship Day is a special day for all United States citizens, including those who were born in the United States and those who chose to become citizens;

Whereas Citizenship Day is a day to take pride in being a United States citizen and to appreciate the rights, freedoms, and responsibilities inherent in United States citizenship;

Whereas, on Citizenship Day, naturalization ceremonies will be held at historic landmarks throughout the United States;

Whereas United States citizens are viewed with respect, honor, and dignity in the United States and throughout the world; and

Whereas, on September 17 of each year, ''The civil and educational authorities of States, counties, cities, and towns are urged to make plans for the proper observance of Constitution Day and Citizenship Day and for the complete instruction of citizens in their responsibilities and opportunities as citizens of the United States and of the State and locality in which they reside'', section 106(d) of title 36, United States Code: Now, therefore, be it

Resolved, That the Senate—

(1) supports the ideals and goals of Citizenship Day 2009;

(2) recognizes that citizens from all backgrounds have made countless contributions to the strength of the United States, making the United States a symbol of success, promise, and hope;

(3) recognizes the initiative taken by immigrants to learn about the responsibilities and significance of United States citizenship and wishes immigrants well in their future efforts to contribute to the United States; and

(4) calls on the people of the United States to observe Citizenship Day with appropriate ceremonies, activities, and programs in support of all United States citizens.

SENATE RESOLUTION 272—COMMEMORATING DR. NORMAN BORLAUG, RECIPIENT OF THE NOBEL PEACE PRIZE, CONGRESSIONAL GOLD MEDAL, PRESIDENTIAL MEDAL OF FREEDOM, AND FOUNDER OF THE WORLD FOOD PRIZE

Mr. HARKIN (for himself, Mr. GRASSLEY, Mrs. LINCOLN, Mr. CHAMBLISS, Mr. LUGAR, Mr. LEAHY, Ms. KLOBUCHAR, Mr. CORNYN, Mr. BROWN, Mr. CONRAD, Mr. FRANKEN, Mrs. HUTCHISON, Mr. BAUCUS, Mr. CASEY, Ms. STABENOW, Mr. BENNET, Mr. JOHANNS, Mr. ROBERTS, Mr. NELSON of Nebraska, Mr. COCHRAN, and Mr. THUNE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 272

Whereas Dr. Norman E. Borlaug was born on March 25, 1914, of Norwegian parents on a farm in Cresco, Iowa, and was educated in a 1-room school house throughout grades 1 through 8;

Whereas Dr. Borlaug attended the University of Minnesota, where he earned a Ph.D. degree in Plant Pathology;

Whereas, beginning in 1944, Dr. Borlaug spent 2 decades in rural Mexico working to assist the poorest farmers through a pioneering Rockefeller Foundation program;

Whereas Dr. Borlaug's research and innovative ''shuttle breeding'' in Mexico enabled him to develop a new approach to agriculture and a new disease-resistant variety of wheat with triple the output of grain;

Whereas this breakthrough achievement in plant production enabled Mexico to become self-sufficient in wheat by 1956, and concurrently raised the living standard for thousands of poor Mexican farmers;

Whereas Dr. Borlaug was asked by the United Nations to travel to India and Pakistan in the 1960s, as South-Asia and the Middle East faced an imminent widespread famine, where he eventually helped convince those 2 warring governments to adopt his new seeds and new approach to agriculture to address this critical problem;

Whereas, Dr. Borlaug brought miracle wheat to India and Pakistan, which helped both countries become self-sufficient in wheat production, thus saving hundreds of millions of people from hunger, famine, and death;

Whereas Dr. Borlaug and his team trained young scientists from Algeria, Tunisia, Egypt, Jordan, Iraq, Turkey, and Afghanistan in this same new approach to agriculture, which introduced new seeds but also put emphasis on the use of fertilizer and irrigation, thus increasing yields significantly in those countries as well;

Whereas Dr. Borlaug's approach to wheat was adapted by research scientists working in rice, which spread the Green Revolution to Asia, feeding and saving millions of people from hunger and starvation;

Whereas Dr. Borlaug was awarded the Nobel Peace Prize in 1970 as the ''Father of the Green Revolution'' and is only 1 of 5 people to have ever received the Nobel Peace Prize, Presidential Medal of Freedom, and Congressional Gold Medal;

Whereas Dr. Borlaug headed the Sasakawa Global 2000 program to bring the Green Revolution to 10 countries in Africa, and traveled the world to educate the next generation of scientists on the importance of producing new breakthrough achievements in food production;

Whereas Dr. Borlaug tirelessly promoted the potential that biotechnology offers for feeding the world, while also preserving biodiversity, in the 21st century when the global population is projected to rise to 9,000,000,000 people;

Whereas Dr. Borlaug continued his role as an educator as a Distinguished Professor at Texas A&M University, while also working at the International Center for the Improvement of Wheat and Maize in Mexico;

Whereas Dr. Borlaug founded the World Food Prize, called by several world leaders ''The Nobel Prize for Food and Agriculture'', which is awarded in Iowa each October so as to recognize and inspire Nobel-like achievements in increasing the quality, quantity, and availability of food in the world;

Whereas the Senate designated October 16 as World Food Prize Day in America in honor of Dr. Borlaug; and

Whereas it is written of Dr. Borlaug that throughout all of his work he saved 1,000,000,000 lives, thus making him widely known as saving more lives than any other person in human history: Now, therefore, be it

Resolved, That—

(1) the Senate has received with profound sorrow and deep regret the announcement of the passing of Dr. Norman Borlaug;

(2) the Senate directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the family of the deceased; and

(3) when the Senate adjourns today, the Senate stands adjourned as a further mark of respect to the memory of Dr. Norman Borlaug.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2407. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 2408. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2409. Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2410. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra.

SA 2411. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2412. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2413. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2414. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2415. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra.

SA 2416. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2417. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2418. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2419. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2420. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2421. Mr. KYL proposed an amendment to the bill H.R. 3288, supra.

SA 2422. Mr. CASEY (for Mrs. FEINSTEIN (for herself and Mr. BOND)) proposed an amendment to the bill S. 1494, to authorize appropriations for fiscal year 2010 for intelligence and intelligence—related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

TEXT OF AMENDMENTS

SA 2407. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 304, line 19, strike the period and insert the following: '';

''(8) involving manufacturing, distributing, or possessing with intent to manufacture or distribute, a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); and

''(9) is a member of a criminal street gang, as defined in section 521 of title 18, United States Code.''.

SA 2408. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 301, strike lines 4 through 10, and insert the following:

(9) Any financial risk to the FHA General and Special Risk Insurance Fund, as determined by the Secretary, would be reduced as a result of a transfer completed under this section. The Secretary may waive this requirement upon determining such a waiver is necessary to facilitate the financing of acquisition, refinancing, construction, or rehabilitation of the receiving project.

(10) The Secretary determines that Federal liability with regard to this project will not be increased. The Secretary may waive this requirement upon determining such a waiver is necessary to facilitate the financing of acquisition, refinancing, construction, or rehabilitation of the receiving project.

SA 2409. Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 318, between lines 11 and 12, insert the following:

SEC. 234. Section 2301 of the Foreclosure Prevention Act of 2008 (42 U.S.C. 5301 note) is amended—

(1) in subsection (c)(4)—

(A) in subparagraph (A), by striking ''for purchase and redevelopment of foreclosed upon homes and residential properties,'' and inserting ''for the eligible uses or properties described in subparagraphs (B) through (E)''; and

(B) in subparagraph (C), by striking ''for homes and residential properties that have been foreclosed upon'' and inserting ''for properties described in subparagraphs (B), (D), and (E)''; and

(2) in subsection (f)(3)(A)(ii), by striking ''for the purchase and redevelopment of abandoned or foreclosed upon homes or residential properties that will be used''.

SA 2410. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 179, between lines 4 and 5, insert the following:

SEC. 118. LIMITATION ON USE OF FUNDS FOR JOHN MURTHA JOHNSTOWN-CAMBRIA COUNTY AIRPORT.

None of the funds appropriated or otherwise made available by this title (including funds derived from the Airport and Airway Trust Fund) may be obligated or expended by the Secretary of Transportation, the Administrator of the Federal Aviation Administration, or any other officer or employee of the Department of Transportation for use at, or in connection with operations (other than air traffic control operations) at, the John Murtha Johnstown-Cambria County Airport, including to provide subsidized air service to or from that Airport.

SA 2411. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike lines 8 and 9, and redesignate paragraphs (2) through (4) as paragraphs (1) through (3), respectively.

SA 2412. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 9 insert '', unless a State determines that there is a highway safety benefit'' before the semicolon at the end.

SA 2413. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 179, between lines 4 and 5, insert the following:

SEC. 118. AIRLINE PASSENGER BILL OF RIGHTS.

(a) SHORT TITLE.—This section may be cited as the ''Airline Passenger Bill of Rights Act of 2009''.

(b) AIRLINE CUSTOMER SERVICE COMMITMENT.—

(1) IN GENERAL.—Chapter 417 of title 49, United States Code, is amended by adding at the end the following:

''SUBCHAPTER IV—AIRLINE CUSTOMER SERVICE

''§ 41781. Air carrier and airport contingency plans for long on-board tarmac delays

''(a) DEFINITION OF TARMAC DELAY.—The term 'tarmac delay' means the holding of an aircraft on the ground before taking off or after landing with no opportunity for its passengers to deplane.

''(b) SUBMISSION OF AIR CARRIER AND AIRPORT PLANS.—Not later than 60 days after the date of the enactment of this section, each air carrier and airport operator shall submit, in accordance with the requirements under this section, a proposed contingency plan to the Secretary of Transportation for review and approval.

''(c) MINIMUM STANDARDS.—The Secretary of Transportation shall establish minimum standards for elements in contingency plans required to be submitted under this section to ensure that such plans effectively address long on-board tarmac delays and provide for the health and safety of passengers and crew.

''(d) AIR CARRIER PLANS.—The plan shall require each air carrier to implement at a minimum the following:

''(1) PROVISION OF ESSENTIAL SERVICES.—Each air carrier shall provide for the essential needs of passengers on board an aircraft at an airport in any case in which the departure of a flight is delayed or disembarkation of passengers on an arriving flight that has landed is substantially delayed, including—

''(A) adequate food and potable water;

''(B) adequate restroom facilities;

''(C) cabin ventilation and comfortable cabin temperatures; and

''(D) access to necessary medical treatment.

''(2) RIGHT TO DEPLANE.—

''(A) IN GENERAL.—Each air carrier shall submit a proposed contingency plan to the Secretary of Transportation that identifies a clear time frame under which passengers would be permitted to deplane a delayed aircraft. After the Secretary has reviewed and approved the proposed plan, the air carrier shall make the plan available to the public.

''(B) DELAYS.—

''(i) IN GENERAL.—As part of the plan, except as provided under clause (iii), an air carrier shall provide passengers with the option of deplaning and returning to the terminal at which such deplaning could be safely completed, or deplaning at the terminal if—

''(I) 3 hours have elapsed after passengers have boarded the aircraft, the aircraft doors are closed, and the aircraft has not departed; or

''(II) 3 hours have elapsed after the aircraft has landed and the passengers on the aircraft have been unable to deplane.

''(ii) FREQUENCY.—The option described in clause (i) shall be offered to passengers at a minimum not less often than once during each successive 3-hour period that the plane remains on the ground.

''(iii) EXCEPTIONS.—This subparagraph shall not apply if—

''(I) the pilot of such aircraft reasonably determines that the aircraft will depart or be unloaded at the terminal not later than 30 minutes after the 3-hour delay; or

''(II) the pilot of such aircraft reasonably determines that permitting a passenger to deplane would jeopardize passenger safety or security.

''(C) APPLICATION TO DIVERTED FLIGHTS.—This section applies to aircraft without regard to whether they have been diverted to an airport other than the original destination.

''(D) REPORTS.—Not later than 30 days after any flight experiences a tarmac delay lasting at least 3 hours, the air carrier responsible for such flight shall submit a written description of the incident and its resolution to the Aviation Consumer Protection Office of the Department of Transportation.

''(e) AIRPORT PLANS.—Each airport operator shall submit a proposed contingency plan under subsection (b) that contains a description of—

''(1) how the airport operator will provide for the deplanement of passengers following a long tarmac delay; and

''(2) how, to the maximum extent practicable, the airport operator will provide for the sharing of facilities and make gates available at the airport for use by aircraft experiencing such delays.

''(f) UPDATES.—The Secretary of Transportation shall require periodic reviews and updates of the plans as necessary.

''(g) APPROVAL.—

''(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this section, the Secretary of Transportation shall—

''(A) review the initial contingency plans submitted under subsection (b); and

''(B) approve plans that closely adhere to the standards described in subsection (d) or (e), whichever is applicable.

''(2) UPDATES.—Not later than 60 days after the submission of an update under subsection (f) or an initial contingency plan by a new air carrier or airport operator, the Secretary shall—

''(A) review the plan; and

''(B) approve the plan if it closely adheres to the standards described in subsection (d) or (e), which ever is applicable.

''(h) CIVIL PENALTIES.—The Secretary may assess a civil penalty under section 46301 against any air carrier or airport operator that does not submit, obtain approval of, or adhere to a contingency plan submitted under this section.

''(i) PUBLIC ACCESS.—Each air carrier and airport operator required to submit a contingency plan under this section shall ensure public access to an approved plan under this section by—

''(1) including the plan on the Internet website of the air carrier or airport; or

''(2) disseminating the plan by other means, as determined by the Secretary.

"§ 41782. Air passenger complaints hotline and information

''(a) AIR PASSENGER COMPLAINTS HOTLINE TELEPHONE NUMBER.—The Secretary of Transportation shall establish a consumer complaints hotline telephone number for the use of air passengers.

''(b) PUBLIC NOTICE.—The Secretary shall notify the public of the telephone number established under subsection (a).

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section, which sums shall remain available until expended.''.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 417 of title 49, United States Code, is amended by adding at the end the following:

''SUBCHAPTER IV—AIRLINE CUSTOMER SERVICE

''41781. Air carrier and airport contingency plans for long on-board tarmac delays.

''41782. Air passenger complaints hotline and information.''.

SA 2414. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 228, between lines 4 and 5, insert the following:

SEC. 177. No amount appropriated to the Maritime Administration under this Act may be used to provide financial grants of assistance to owners or operators of vessels to which section 3507 of title 46, United States Code, applies for the purpose of retrofitting such vessels to meet the requirements of that section.

SEC. 178. SHORT TITLE; CRUISE VESSEL SECURITY AND SAFETY REQUIREMENTS.

(a) SHORT TITLE.—This section may be cited as the ''Cruise Vessel Security and Safety Act of 2009''.

(b) IN GENERAL.—Chapter 35 of title 46, United States Code, is amended by adding at the end the following:

"§ 3507. Passenger vessel security and safety requirements

''(a) VESSEL DESIGN, EQUIPMENT, CONSTRUCTION, AND RETROFITTING REQUIREMENTS.—

''(1) IN GENERAL.—Each vessel to which this subsection applies shall comply with the following design and construction standards:

''(A) The vessel shall be equipped with ship rails that are located not less than 42 inches above the cabin deck.

''(B) Each passenger stateroom and crew cabin shall be equipped with entry doors that include peep holes or other means of visual identification.

''(C) For any vessel the keel of which is laid after the date of enactment of the Cruise Vessel Security and Safety Act of 2009, each passenger stateroom and crew cabin shall be equipped with—

''(i) security latches; and

''(ii) time-sensitive key technology.

''(D) The vessel shall integrate technology that can be used for capturing images of passengers or detecting passengers who have fallen overboard, to the extent that such technology is available.

''(E) The vessel shall be equipped with a sufficient number of operable acoustic hailing or other such warning devices to provide communication capability around the entire vessel when operating in high risk areas (as defined by the United States Coast Guard).

''(2) FIRE SAFETY CODES.—In administering the requirements of paragraph (1)(C), the Secretary shall take into consideration fire safety and other applicable emergency requirements established by the U. S. Coast Guard and under international law, as appropriate.

''(3) EFFECTIVE DATE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the requirements of paragraph (1) shall take effect 18 months after the date of enactment of the Cruise Vessel Security and Safety Act of 2009.

''(B) LATCH AND KEY REQUIREMENTS.—The requirements of paragraph (1)(C) take effect on the date of enactment of the Cruise Vessel Security and Safety Act of 2009.

''(b) VIDEO RECORDING.—

''(1) REQUIREMENT TO MAINTAIN SURVEILLANCE.—The owner of a vessel to which this section applies shall maintain a video surveillance system to assist in documenting crimes on the vessel and in providing evidence for the prosecution of such crimes, as determined by the Secretary.

''(2) ACCESS TO VIDEO RECORDS.—The owner of a vessel to which this section applies shall provide to any law enforcement official performing official duties in the course and scope of an investigation, upon request, a copy of all records of video surveillance that the official believes may provide evidence of a crime reported to law enforcement officials.

''(c) SAFETY INFORMATION.—The owner of a vessel to which this section applies shall provide in each passenger stateroom, and post in a location readily accessible to all crew and in other places specified by the Secretary, information regarding the locations of the United States embassy and each consulate of the United States for each country the vessel will visit during the course of the voyage.

''(d) SEXUAL ASSAULT.—The owner of a vessel to which this section applies shall—

''(1) maintain on the vessel adequate, in-date supplies of anti-retroviral medications and other medications designed to prevent sexually transmitted diseases after a sexual assault;

''(2) maintain on the vessel equipment and materials for performing a medical examination in sexual assault cases to evaluate the patient for trauma, provide medical care, and preserve relevant medical evidence;

''(3) make available on the vessel at all times medical staff who have undergone a credentialing process to verify that he or she—

''(A) possesses a current physician's or registered nurse's license and—

''(i) has at least 3 years of post-graduate or post-registration clinical practice in general and emergency medicine; or

''(ii) holds board certification in emergency medicine, family practice medicine, or internal medicine;

''(B) is able to provide assistance in the event of an alleged sexual assault, has received training in conducting forensic sexual assault examination, and is able to promptly perform such an examination upon request and provide proper medical treatment of a victim, including administration of anti-retroviral medications and other medications that may prevent the transmission of human immunodeficiency virus and other sexually transmitted diseases; and

''(C) meets guidelines established by the American College of Emergency Physicians relating to the treatment and care of victims of sexual assault;

''(4) prepare, provide to the patient, and maintain written documentation of the findings of such examination that is signed by the patient; and

''(5) provide the patient free and immediate access to—

''(A) contact information for local law enforcement, the Federal Bureau of Investigation, the United States Coast Guard, the nearest United States consulate or embassy, and the National Sexual Assault Hotline program or other third party victim advocacy hotline service; and

''(B) a private telephone line and Internet-accessible computer terminal by which the individual may confidentially access law enforcement officials, an attorney, and the information and support services available through the National Sexual Assault Hotline program or other third party victim advocacy hotline service.

''(e) CONFIDENTIALITY OF SEXUAL ASSAULT EXAMINATION AND SUPPORT INFORMATION.—The master or other individual in charge of a vessel to which this section applies shall—

''(1) treat all information concerning an examination under subsection (d) confidential, so that no medical information may be released to the cruise line or other owner of the vessel or any legal representative thereof without the prior knowledge and approval in writing of the patient, or, if the patient is unable to provide written authorization, the patient's next-of-kin, except that nothing in this paragraph prohibits the release of—

''(A) information, other than medical findings, necessary for the owner or master of the vessel to comply with the provisions of subsection (g) or other applicable incident reporting laws;

''(B) information to secure the safety of passengers or crew on board the vessel; or

''(C) any information to law enforcement officials performing official duties in the course and scope of an investigation; and

''(2) treat any information derived from, or obtained in connection with, post-assault counseling or other supportive services confidential, so no such information may be released to the cruise line or any legal representative thereof without the prior knowledge and approval in writing of the patient, or, if the patient is unable to provide written authorization, the patient's next-of-kin.

''(f) CREW ACCESS TO PASSENGER STATEROOMS.—The owner of a vessel to which this section applies shall—

''(1) establish and implement procedures and restrictions concerning—

''(A) which crewmembers have access to passenger staterooms; and

''(B) the periods during which they have that access; and

''(2) ensure that the procedures and restrictions are fully and properly implemented and periodically reviewed.

''(g) LOG BOOK AND REPORTING REQUIREMENTS.—

''(1) IN GENERAL.—The owner of a vessel to which this section applies shall—

''(A) record in a log book, either electronically or otherwise, in a centralized location readily accessible to law enforcement personnel, a report on—

''(i) all complaints of crimes described in paragraph (3)(A)(i),

''(ii) all complaints of theft of property valued in excess of $1,000, and

''(iii) all complaints of other crimes,

committed on any voyage that embarks or disembarks passengers in the United States; and

''(B) make such log book available upon request to any agent of the Federal Bureau of Investigation, any member of the United States Coast Guard, and any law enforcement officer performing official duties in the course and scope of an investigation.

''(2) DETAILS REQUIRED.—The information recorded under paragraph (1) shall include, at a minimum—

''(A) the vessel operator;

''(B) the name of the cruise line;

''(C) the flag under which the vessel was operating at the time the reported incident occurred;

''(D) the age and gender of the victim and the accused assailant;

''(E) the nature of the alleged crime or complaint, as applicable, including whether the alleged perpetrator was a passenger or a crewmember;

''(F) the vessel's position at the time of the incident, if known, or the position of the vessel at the time of the initial report;

''(G) the time, date, and method of the initial report and the law enforcement authority to which the initial report was made;

''(H) the time and date the incident occurred, if known;

''(I) the total number of passengers and the total number of crew members on the voyage; and

''(J) the case number or other identifier provided by the law enforcement authority to which the initial report was made.

''(3) REQUIREMENT TO REPORT CRIMES AND OTHER INFORMATION.—

''(A) IN GENERAL.—The owner of a vessel to which this section applies (or the owner's designee)—

''(i) shall contact the nearest Federal Bureau of Investigation Field Office or Legal Attache by telephone as soon as possible after the occurrence on board the vessel of an incident involving homicide, suspicious death, a missing United States national, kidnapping, assault with serious bodily injury, any offense to which section 2241, 2242, 2243, or 2244(a) or (c) of title 18 applies, firing or tampering with the vessel, or theft of money or property in excess of $10,000 to report the incident;

''(ii) shall furnish a written report of the incident to an Internet based portal maintained by the Secretary of Transportation;

''(iii) may report any serious incident that does not meet the reporting requirements of clause (i) and that does not require immediate attention by the Federal Bureau of Investigation via the Internet based portal maintained by the Secretary of Transportation; and

''(iv) may report any other criminal incident involving passengers or crewmembers, or both, to the proper State or local government law enforcement authority.

''(B) INCIDENTS TO WHICH SUBPARAGRAPH (A) APPLIES.—Subparagraph (A) applies to an incident involving criminal activity if—

''(i) the vessel, regardless of registry, is owned, in whole or in part, by a United States person, regardless of the nationality of the victim or perpetrator, and the incident occurs when the vessel is within the admiralty and maritime jurisdiction of the United States and outside the jurisdiction of any State;

''(ii) the incident concerns an offense by or against a United States national committed outside the jurisdiction of any nation;

''(iii) the incident occurs in the Territorial Sea of the United States, regardless of the nationality of the vessel, the victim, or the perpetrator; or

''(iv) the incident concerns a victim or perpetrator who is a United States national on a vessel during a voyage that departed from or will arrive at a United States port.

''(4) AVAILABILITY OF INCIDENT DATA VIA INTERNET.—

''(A) WEBSITE.—The Secretary of Transportation shall maintain a statistical compilation of all incidents described in paragraph (3)(A)(i) on an Internet site that provides a numerical accounting of the missing persons and alleged crimes recorded in each report filed under paragraph (3)(A)(i) that are no longer under investigation by the Federal Bureau of Investigation. The data shall be updated no less frequently than quarterly, aggregated by cruise line, each cruise line shall be identified by name, and each crime shall be identified as to whether it was committed by a passenger or a crew member.

''(B) ACCESS TO WEBSITE.—Each cruise line taking on or discharging passengers in the United States shall include a link on its Internet website to the website maintained by the Secretary under subparagraph (A).

''(h) ENFORCEMENT.—

''(1) PENALTIES.—

''(A) CIVIL PENALTY.—Any person that violates this section or a regulation under this section shall be liable for a civil penalty of not more than $25,000 for each day during which the violation continues, except that the maximum penalty for a continuing violation is $50,000.

''(B) CRIMINAL PENALTY.—Any person that willfully violates this section or a regulation under this section shall be fined not more than $250,000 or imprisoned not more than 1 year, or both.

''(2) DENIAL OF ENTRY.—The Secretary may deny entry into the United States to a vessel to which this section applies if the owner of the vessel—

''(A) commits an act or omission for which a penalty may be imposed under this subsection; or

''(B) fails to pay a penalty imposed on the owner under this subsection.

''(i) PROCEDURES.—Within 6 months after the date of enactment of the Cruise Vessel Security and Safety Act of 2009, the Secretary shall issue guidelines, training curricula, and inspection and certification procedures necessary to carry out the requirements of this section.

''(j) REGULATIONS.—The Secretary of Transportation and the Commandant shall each issue such regulations as are necessary to implement this section.

''(k) APPLICATION.—

''(1) IN GENERAL.—This section and section 3508 apply to a passenger vessel (as defined in section 2101(22)) that—

''(A) is authorized to carry at least 250 passengers;

''(B) has onboard sleeping facilities for each passenger;

''(C) is on a voyage that embarks or disembarks passengers in the United States; and

''(D) is not engaged on a coastwise voyage.

''(2) FEDERAL AND STATE VESSELS.—This section and section 3508 do not apply to a vessel of the United States operated by the Federal Government or a vessel owned and operated by a State.

''(l) OWNER DEFINED.—In this section and section 3508, the term 'owner' means the owner, charterer, managing operator, master, or other individual in charge of a vessel.

''§ 3508. Crime scene preservation training for passenger vessel crewmembers

''(a) IN GENERAL.—Within 1 year after the date of enactment of the Cruise Vessel Security and Safety Act of 2009, the Secretary, in consultation with the Director of the Federal Bureau of Investigation and the Maritime Administration, shall develop training standards and curricula to allow for the certification of passenger vessel security personnel, crewmembers, and law enforcement officials on the appropriate methods for prevention, detection, evidence preservation, and reporting of criminal activities in the international maritime environment. The Administrator of the Maritime Administration may certify organizations in the United States and abroad that offer the curriculum for training and certification under subsection (c).

''(b) MINIMUM STANDARDS.—The standards established by the Secretary under subsection (a) shall include—

''(1) the training and certification of vessel security personnel, crewmembers, and law enforcement officials in accordance with accepted law enforcement and security guidelines, policies, and procedures, including recommendations for incorporating a background check process for personnel trained and certified in foreign ports;

''(2) the training of students and instructors in all aspects of prevention, detection, evidence preservation, and reporting of criminal activities in the international maritime environment; and

''(3) the provision or recognition of off-site training and certification courses in the United States and foreign countries to develop and provide the required training and certification described in subsection (a) and to enhance security awareness and security practices related to the preservation of evidence in response to crimes on board passenger vessels.

''(c) CERTIFICATION REQUIREMENT.—Beginning 2 years after the standards are established under subsection (b), no vessel to which this section applies may enter a United States port on a voyage (or voyage segment) on which a United States citizen is a passenger unless there is at least 1 crewmember onboard who is certified as having successfully completed training in the prevention, detection, evidence preservation, and reporting of criminal activities in the international maritime environment on passenger vessels under subsection (a).

''(d) INTERIM TRAINING REQUIREMENT.—No vessel to which this section applies may enter a United States port on a voyage (or voyage segment) on which a United States citizen is a passenger unless there is at least 1 crewmember onboard who has been properly trained in the prevention detection, evidence preservation and the reporting requirements of criminal activities in the international maritime environment. The owner of a such a vessel shall maintain certification or other documentation, as prescribed by the Secretary, verifying the training of such individual and provide such documentation upon request for inspection in connection with enforcement of the provisions of this section. This subsection shall take effect 1 year after the date of enactment of the Cruise Vessel Safety and Security Act of 2009 and shall remain in effect until superseded by the requirements of subsection (c).

''(e) CIVIL PENALTY.—Any person that violates this section or a regulation under this section shall be liable for a civil penalty of not more than $50,000.

''(f) DENIAL OF ENTRY.—The Secretary may deny entry into the United States to a vessel to which this section applies if the owner of the vessel—

''(1) commits an act or omission for which a penalty may be imposed under subsection (e); or

''(2) fails to pay a penalty imposed on the owner under subsection (e).''.

(c) CLERICAL AMENDMENT.—The table of contents for such chapter is amended by adding at the end the following:

''3507. Passenger vessel security and safety requirements

''3508. Crime scene preservation training for passenger vessel crewmembers''.

(d) STUDY AND REPORT ON THE SECURITY NEEDS OF PASSENGER VESSELS.

(1) IN GENERAL.—Within 3 months after the date of enactment of this Act, the Secretary of the department in which the United

States Coast Guard is operating shall conduct a study of the security needs of passenger vessels depending on number of passengers on the vessels, and report to the Congress findings of the study and recommendations for improving security on those vessels.

(2) REPORT CONTENTS.—In recommending appropriate security on those vessels, the report shall take into account typical crewmember shifts, working conditions of crewmembers, and length of voyages.

SA 2415. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 215, between lines 2 and 3, insert the following:

SEC. 156. The Administrator of the Federal Railroad Administration, in cooperation with the Illinois Department of Transportation (IDOT), may provide technical and financial assistance to IDOT and local and county officials to study the feasibility of 10th Street, or other alternatives, in Springfield, Illinois, as a route for consolidated freight and passenger rail operations within the city of Springfield.

SA 2416. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 194, after line 23, add the following:

SEC. 1_____. (a) The table contained in section 3044(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1687) is amended in item 422 by striking the project description and inserting ''Anchorage People Mover transit needs, Anchorage, AK''.

(b) Notwithstanding any other provision of law, amounts made available for item 422 in the table referred to in subsection (a) for fiscal years 2006 and 2007 shall be available for obligation until September 30, 2010.

SA 2417. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 194, after line 23, add the following:

SEC. 1_____. Of the $1,000,000 appropriated under the heading ''GENERAL PROVISIONS'' under title III of division I of Public Law 108–7 (117 Stat. 406) for Juneau Heliport, Alaska, the unobligated balance shall be available for bridges owned by the city and borough of Juneau, Alaska.

SA 2418. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Notwithstanding any other provision of law, any funds available under the heading ''OEA–Fort Wainwright/Eielson AFB Track Realignment'' under the heading ''Operation and Maintenance, Defense-Wide'' in the Joint Explanatory Statement to accompany the Department of Defense Appropriations Act, 2007 (division A of Public Law 109–289) that remain available for expenditure as of the date of the enactment of this Act shall be available instead for ''Joint Tanana Range Access'' as provided in the Department of Defense Appropriations Act, 2009 (division C of Public Law 110–329).

SA 2419. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. The unexpended balance of $1,000,000 appropriated under the heading Next Generation High-Speed Rail under title I of division H of the Consolidated Appropriations Act, 2005 (Public Law 108–447) and designated in the Statement of Managers for ''Alaska RR luminescent grade crossings'', is reprogrammed for use by the Alaska Railroad to implement advanced traveler grade crossing information technology.

SA 2420. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. The $2,000,000 appropriated for surface transportation projects under section 115 of division F of the Consolidated Appropriations Act, 2004 (Public Law 108–199), and designated in the Statement of Managers for ''C Street Railroad Bypass, Alaska'', may be used by the Alaska Railroad for highway-rail crossings.

SA 2421. Mr. KYL proposed an amendment to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the end, add the following:

(1) Any amounts that are unobligated amounts for fiscal year 2010 for the American Recovery and Reinvestment Act that are available in a non-highway account receiving funds in this Act for fiscal year 2010 are rescinded.

SA 2422. Mr. CASEY (for Mrs. FEINSTEIN (for herself and Mr. BOND)) proposed an amendment to the bill H.R. 1494, to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; as follows:

On page 99, between lines 2 and 3, insert the following:

(f) SUBMISSION TO THE CONGRESSIONAL JUDICIARY COMMITTEES.—To the extent that the report required by subsection (a) addresses an element of the intelligence community within the Department of Justice, the Director shall submit that portion of the report, and any associated material that is necessary to make that portion understandable, to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

On page 113, strike line 1 and all that follows through page 116, line 19.

On page 121, strike line 9 and all that follows through page 122, line 9.

On page 161, line 5, insert ''(A)'' after ''(3)''.

On page 161, line 6, strike ''(A)'' and insert ''(i)''.

On page 161, line 10, strike ''(B)'' and insert ''(ii)''.

On page 161, line 14, strike ''(i)'' and insert ''(I)''.

On page 161, line 20, strike ''(ii)'' and insert ''(II)''.

On page 161, line 24, strike ''(iii)'' and insert ''(III)''.

On page 162, line 3, strike ''(C)'' and insert ''(iii)''.

On page 162, line 6, strike ''subparagraph (B)'' and insert ''clause (ii)''.

On page 162, line 7, strike ''(D)'' and insert ''(iv)''.

On page 162, beginning on line 10, strike ''subparagraph (B)'' and insert ''clause (ii)''.

On page 162, line 12, strike ''(E)'' and insert ''(v)''.

On page 162, between lines 18 and 19, insert the following:

''(B) The Inspector General shall submit to the committees of the Senate and of the House of Representatives with jurisdiction over a department of the United States Government any portion of each report under subparagraph (A) that involves an investigation, inspection, audit, or review carried out by the Inspector General focused on any current or former official of a component of such department simultaneously with submission of the report to the congressional intelligence committees.

On page 179, strike line 8 and all that follows through the matter following line 12 on page 188, and insert the following:

SEC. 411. PROTECTION OF CERTAIN FILES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) IN GENERAL.—Title VII of the National Security Act of 1947 (50 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

''PROTECTION OF CERTAIN FILES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

''SEC. 706. (a) INAPPLICABILITY OF FOIA TO EXEMPTED OPERATIONAL FILES PROVIDED TO ODNI.—(1) Subject to paragraph (2), the provisions of section 552 of title 5, United States Code, that require search, review, publication, or disclosure of a record shall not apply

to a record provided to the Office by an element of the intelligence community from the exempted operational files of such element.

''(2) Paragraph (1) shall not apply with respect to a record of the Office that—

''(A) contains information derived or disseminated from an exempted operational file, unless such record is created by the Office for the sole purpose of organizing such exempted operational file for use by the Office;

''(B) is disseminated by the Office to a person other than an officer, employee, or contractor of the Office; or

''(C) is no longer designated as an exempted operational file in accordance with this title.

''(b) EFFECT OF PROVIDING FILES TO ODNI.—Notwithstanding any other provision of this title, an exempted operational file that is provided to the Office by an element of the intelligence community shall not be subject to the provisions of section 552 of title 5, United States Code, that require search, review, publication, or disclosure of a record solely because such element provides such exempted operational file to the Office.

''(c) DEFINITIONS.—In this section:

''(1) The term 'exempted operational file' means a file of an element of the intelligence community that, in accordance with this title, is exempted from the provisions of section 552 of title 5, United States Code, that require search, review, publication, or disclosure of such file.

''(2) Except as otherwise specifically provided, the term 'Office' means the Office of the Director of National Intelligence.

''(d) SEARCH AND REVIEW FOR CERTAIN PURPOSES.—Notwithstanding subsection (a) or (b), exempted operational files shall continue to be subject to search and review for information concerning any of the following:

''(1) United States citizens or aliens lawfully admitted for permanent residence who have requested information on themselves pursuant to the provisions of section 552 or 552a of title 5, United States Code.

''(2) Any special activity the existence of which is not exempt from disclosure under the provisions of section 552 of title 5, United States Code.

''(3) The specific subject matter of an investigation for any impropriety or violation of law, Executive order, or Presidential directive, in the conduct of an intelligence activity by any of the following:

''(A) The Select Committee on Intelligence of the Senate.

''(B) The Permanent Select Committee on Intelligence of the House of Representatives.

''(C) The Intelligence Oversight Board.

''(D) The Department of Justice.

''(E) The Office.

''(F) The Office of the Inspector General of the Intelligence Community.

''(e) DECENNIAL REVIEW OF EXEMPTED OPERATIONAL FILES.—(1) Not less than once every 10 years, the Director of National Intelligence shall review the operational files exempted under subsection (a) to determine whether such files, or any portion of such files, may be removed from the category of exempted files.

''(2) The review required by paragraph (1) shall include consideration of the historical value or other public interest in the subject matter of the particular category of files or portions thereof and the potential for declassifying a significant part of the information contained therein.

''(3) A complainant that alleges that the Director of National Intelligence has improperly withheld records because of failure to comply with this subsection may seek judicial review in the district court of the United States of the district in which any of the parties reside, or in the District of Columbia. In such a proceeding, the court's review shall be limited to determining the following:

''(A) Whether the Director has conducted the review required by paragraph (1) before the expiration of the 10-year period beginning on the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2010 or before the expiration of the 10-year period beginning on the date of the most recent review.

''(B) Whether the Director of National Intelligence, in fact, considered the criteria set forth in paragraph (2) in conducting the required review.

''(f) SUPERSEDURE OF OTHER LAWS.—The provisions of this section may not be superseded except by a provision of law that is enacted after the date of the enactment of this section and that specifically cites and repeals or modifies such provisions.

''(g) ALLEGATION; IMPROPER WITHHOLDING OF RECORDS; JUDICIAL REVIEW.—(1) Except as provided in paragraph (2), whenever any person who has requested agency records under section 552 of title 5, United States Code, alleges that the Office has withheld records improperly because of failure to comply with any provision of this section, judicial review shall be available under the terms set forth in section 552(a)(4)(B) of title 5, United States Code.

''(2) Judicial review shall not be available in the manner provided for under paragraph (1) as follows:

''(A) In any case in which information specifically authorized under criteria established by an Executive order to be kept secret in the interests of national defense or foreign relations is filed with, or produced for, the court by the Office, such information shall be examined ex parte, in camera by the court.

''(B) The court shall determine, to the fullest extent practicable, the issues of fact based on sworn written submissions of the parties.

''(C)(i) When a complainant alleges that requested records were improperly withheld because of improper exemption of operational files, the Office shall meet its burden under section 552(a)(4)(B) of title 5, United States Code, by demonstrating to the court by sworn written submission that exempted files likely to contain responsive records are records provided to the Office by an element of the intelligence community from the exempted operational files of such element.

''(ii) The court may not order the Office to review the content of any exempted file or files in order to make the demonstration required under clause (i), unless the complainant disputes the Office's showing with a sworn written submission based on personal knowledge or otherwise admissible evidence.

''(D) In proceedings under subparagraph (C), a party may not obtain discovery pursuant to rules 26 through 36 of the Federal Rules of Civil Procedure, except that requests for admissions may be made pursuant to rules 26 and 36.

''(E) If the court finds under this subsection that the Office has improperly withheld requested records because of failure to comply with any provision of this section, the court shall order the Office to search and review the appropriate exempted file or files for the requested records and make such records, or portions thereof, available in accordance with the provisions of section 552 of title 5, United States Code, and such order shall be the exclusive remedy for failure to comply with this section.

''(F) If at any time following the filing of a complaint pursuant to this paragraph the Office agrees to search the appropriate exempted file or files for the requested records, the court shall dismiss the claim based upon such complaint.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 705 the following new item:

''Sec. 706. Protection of certain files of the Office of the Director of National Intelligence.''.

On page 214, line 6, insert '', the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives'' after ''committees''.

On page 252, line 8, strike ''2009,'' and insert ''2010,''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on September 16, 2009, at 2:30 p.m., to hold a hearing entitled ''Exploring Three Strategies for Afghanistan.''

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. MURRAY. 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 September 16, 2009, at 10 a.m.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. MURRAY. 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 September 16, 2009, at 2 p.m.

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

COMMITTEE ON THE JUDICIARY

Mr. MURRAY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on September 16, 2009, at 10 a.m. in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Oversight of the Federal Bureau of Investigation.''

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on September 16, 2009.

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

SUBCOMMITTEE ON SCIENCE AND SPACE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Subcommittee on Science and Space of the Committee on Commerce, Science, and

Transportation be authorized to meet during the session of the Senate on September 16, 2009, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

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

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Amy Pope, a Justice Department legislative detailee in my office, be granted the privilege of the floor for the duration of this Congress.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 371, 372, and 373; that the nominations be confirmed en bloc and that 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 appear in the appropriate place in the RECORD as if read; 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 DEFENSE

John M. McHugh, of New York, to be Secretary of the Army.

Joseph W. Westphal, of New York, to be Under Secretary of the Army.

Juan M. Garcia III, of Texas, to be an Assistant Secretary of the Navy.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2010

Mr. CASEY. Mr. President, I ask unanimous consent the Senate proceed to the consideration of Calendar No. 120, S. 1494.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1494) to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mrs. FEINSTEIN. Mr. President, I rise today to speak about the Intelligence Authorization Act for fiscal year 2010, S. 1494, that the Senate has approved by unanimous consent.

The legislation is the product of a bipartisan effort in the Intelligence Committee, which was reflected by the committee's unanimous vote of 15 to 0 on the bill. I thank Vice Chairman BOND for his efforts on the legislation and the full committee staff for their work.

It has been 4 years since the Congress has passed and the President has signed an intelligence authorization act. This has meant that the law has not kept up with changes in the intelligence community and that Congress has not been able to require reforms and provide flexibilities that are sorely needed. I am pleased that the Senate has taken a major step toward enactment.

Before summarizing some of the key provisions of this legislation, let me briefly describe the way in which it was written.

The committee has worked with the Director of National Intelligence, DNI, ADM Dennis Blair, to identify areas where legislation is needed to better run and oversee the Nation's 16 intelligence agencies. Many of these provisions have been proposed and included in previous legislation reported out by the Intelligence Committee but have yet to be passed into law.

At the request of the White House, we have separated issues of terrorist detention and interrogation from this bill and the committee intends to take up legislation on those issues separately. The committee has not changed its position from previous legislation on the need to have an effective and humane interrogation program that operates fully within the nation's laws and international commitments.

The major themes of this bill are to strengthen the Director of National Intelligence to make sure that he has the management authorities and flexibilities needed to direct the intelligence community; insist upon stronger accountability and oversight mechanisms for intelligence activities, both within the executive branch and by the Congress; and to fund fully the intelligence community's share of the war efforts in Iraq and Afghanistan and the continuing counterterrorism operations against al-Qaida and other terrorist organizations worldwide.

There is also a classified annex to this bill, which lays out the authorized funding levels for the National Intelligence Program. The theme of the annex is to shift funds from intelligence activities that are less capable, lower priority, or not performing to those that will provide the Nation with better capabilities for intelligence collection, analysis, counterintelligence, and covert action.

The details of the classified annex are necessarily secret, but all Members are welcome to review them at the committee's offices at any time.

Let me describe some of the notable provisions in more detail.

To add to the management authorities of the Director of National Intelligence, the bill gives the Director of National Intelligence greater flexibility in personnel matters, including extending the length of time that personnel may be detailed to an intelligence agency to 3 years from the current 1 year. It also provides the Director, working with individual intelligence agencies, to shift or hire personnel by up to 5 percent above authorized personnel levels if intelligence requirements demand doing so. The bill authorizes the DNI to conduct accountability reviews of personnel and elements within the intelligence community, further clarifying that the Director is the senior official in the intelligence community. It seeks to prevent repetitions of information sharing problems by enabling the DNI to purchase necessary equipment or technology to improve information sharing with governmental departments or agencies regardless of whether they are part of the intelligence community. The bill also requires the intelligence community to continue putting in place the information technology necessary to assure information flows between its agencies.

The committee has longstanding concerns with the way the intelligence community has briefed, or has failed to brief, the congressional Intelligence Committees on all intelligence activities and covert actions. Two major controversies, over CIA detention and interrogation and over the warrantless surveillance program of the National Security Agency, were both briefed only to the chairman and vice chairman of the Senate Intelligence Committee. The rest of the committee's membership was unaware of these programs for years.

The bill strengthens the statutory requirements to keep the congressional intelligence committees ''fully and currently informed'' of intelligence activities and covert actions. The legislation makes clear that there is no exception to the obligation to brief Congress on intelligence activities and covert actions; requires that notifications include a description of the legal authority on which activities are undertaken; and requires that all committee members be provided with the broad outlines—the ''main features''—of intelligence programs in those instances where the sensitive operational details are provided only to a limited number of Senators.

In addition to ensuring that notifications to the Congress are conducted, the bill includes a number of additional provisions intended to strengthen intelligence oversight. These include creating an independent inspector general, confirmed by the Senate, to help the DNI oversee the intelligence community and strengthening the inspectors general of the National Security Agency, NSA, Defense Intelligence Agency, DIA, National Reconnaissance Office, NRO, and National Geospatial-Intelligence Agency, NGA, by listing them

under the Inspector General Act of 1978.

They include requiring Senate confirmation for the Directors of the National Security Agency, the National Reconnaissance Office, the National Geospatial-Intelligence Agency, and for the Deputy Director of the CIA. For several years, the Intelligence Committee has viewed these positions as holding substantial budgetary and policy responsibilities.

They also include improving the intelligence community's ability to budget, manage finances, and run program acquisitions. I am unable to state publicly why these provisions are so important, but it is fair to say that intelligence agencies have had major failures in this regard. In this bill, we have sought to apply best practices from other parts of the government to intelligence community management and acquisitions with the goal of more efficiently and effectively using taxpayer dollars to fund intelligence activities.

Finally, while I am unable to provide specifics due to reasons of classification, let me highlight five other parts of the bill and its classified annex that merit recognition.

Satellites. To address a problem created by years of mismanagement and acquisition failures, the annex to this bill recommends a more capable and more affordable imagery satellite architecture that addresses the requirements of both our civilian policymakers and military warfighters.

Languages. As our committee report notes, the intelligence community's language capabilities are abysmal. This bill authorizes increased funding to significantly improve language proficiencies. Rather than funding separate initiatives across the various intelligence agencies, this funding is provided to the Director of National Intelligence for allocation and coordination to maximize effectiveness.

Research and Development. The U.S. intelligence community leads the world in the technical collection of intelligence. This success is the result of decades of investment in research and development. The annex to this bill recommends increases in investment on research and development to return to the level of funding necessary to maintain the nation's technological edge.

Cybersecurity. The committee has held numerous hearings with the Acting Senior Director for Cybersecurity in the National Security Council, the Director of the National Security Agency, and the committee's Technical Advisory Group. I believe strongly that cyber attack and espionage by adversary nations and nonstate actors pose a grave threat to our Nation's national and economic security. I also believe, however, that initiatives underway to provide for security of the government's cyber networks need to be implemented and overseen carefully to ensure that privacy rights are upheld.

For this reason, the bill includes a provision that establishes a framework for executive and congressional oversight for cybersecurity. Specifically, it requires reporting to Congress on the legal authorities for cyber-security programs, privacy assessments, and details of the concept of operations for these activities. The provision also requires thorough auditing of cyber-security programs by the relevant inspectors general, especially to determine compliance with law and privacy rights. Finally, the provision authorizes the detail of cyber experts from the intelligence community to the Department of Homeland Security and FBI to assist in their roles in cyber defense and law enforcement. The annex to the bill also adjusts funding levels to ensure that the President's request for cyber-security activities are appropriately funded and are proceeding under clear legal and policy guidance.

Report on compliance with laws related to detention and interrogation. As I noted, the administration and our committee continue to conduct reviews of detention and interrogation practices begun after September 11, 2001. This bill requires the DNI to report on how the intelligence community complies with all laws, international obligations, and executive orders related to the detention and interrogation of persons under their control.

Following the reporting of our bill on July 22, we have worked with three committees of the Senate to resolve several questions.

We have worked with the Armed Services Committee to develop a Senate resolution that will govern the sequence of referral, between that committee and the Intelligence Committee, of nominations for Director of the National Security Agency, the National Reconnaissance Office, and the National Geospatial-Intelligence Agency. That resolution has the support of Chairman LEVIN and Ranking Member MCCAIN of the Armed Services Committee, as well as having my and Vice Chairman BOND's support. I will address the proposed resolution in a separate colloquy today with Chairman LEVIN.

We have worked with Ranking Member COCHRAN of the Appropriations Committee on an agreement to strike, in a managers' amendment, section 341 of the bill that would have expressed the sense of the Senate on an Appropriations Subcommittee on Intelligence. That internal Senate matter will continue to be discussed within the Senate but will not be a part of this bill.

We have worked with Chairman LEAHY of the Judiciary Committee to resolve several matters. The managers' amendment that Vice Chairman BOND and I have offered amends three provisions which require the submission of reports on various matters. The purpose of the amendments to sections 336, 407, and 445 is to ensure that the Judiciary Committee receives reports on matters within its jurisdiction. In consultation with the Office of the Director of National Intelligence, the managers' amendment amends section 411 on a FOIA operational file exemption to state more precisely the intent of the provision. The managers' amendment also strikes section 352 that establishes a FOIA exemption for terrorist identity information that is disseminated for terrorist screening purposes. As a comparable provision has been reported in the House, we expect that the provision will be the subject of further consideration at conference.

Mr. President, the vice chairman and I have worked hard to produce bipartisan legislation that provides the intelligence community with the tools and resources needed to keep the Nation safe and to inform decision-makers. This bill does just that. It strikes a balance between allowing intelligence agencies the latitude to conduct their operations while ensuring their legality and efficiency.

I very much appreciate the Senate's approval of this legislation and look forward to bringing a conference report to the Senate as soon as possible.

Mr. BOND. Mr. President, for too many years, Congress has failed to pass an intelligence authorization bill that could be signed into law. We came close once, only to have our efforts derailed by a problematic interrogation provision. We have solved that problem this year, and now I believe we finally have a product that we can move forward with the hope that it will soon be signed into law.

The intelligence authorization bill before us will give the intelligence community the flexibility and authorities it needs to function effectively and will ensure appropriate intelligence oversight by this committee.

Over the past several months, we have worked closely with the administration and other committees to address their concerns over various provisions. Of course, some concerns were easier to resolve than others. But we are now at a point that I believe we can pass this bill through the Senate.

I have often said that in creating the Director of National Intelligence, we gave him an awful lot of responsibility without all the authority he needed. Well, our bill attempts to address that problem by giving the DNI clearer authority and greater flexibility in overseeing the intelligence community.

There are also a number of provisions in this bill that I believe are essential for promoting good government. Too often, we have seen programs or acquisitions of major systems balloon in cost and decrease in performance. That is unacceptable. We are in difficult economic times and the taxpayers are spending substantial sums of money to ensure that the intelligence community has the tools it needs to keep us safe. If we don't demand accountability for how these tools are operated or created, then we are failing the taxpayers, and we are failing the intelligence community.

So, for the past several years, I have sponsored amendments that require the intelligence community to perform vulnerability assessments of major systems and to keep track of excessive cost growth of major systems. This latter provision is modeled on the Nunn-McCurdy provision which has guided Defense Department acquisitions for years. I am happy to say that these provisions are part of this year's bill too. I believe that these, and other good-government provisions, will encourage earlier identification and solving of problems relating to the acquisition of major systems. Too often, such problems have not been identified until exorbitant sums of money have been spent—and, unfortunately, at that point, there is often reluctance to cancel the project.

Similarly, the intelligence community must get a handle on its personnel levels. Now, I do not share the belief that the Office of the Director of National Intelligence is too large; in fact, I think we need to make sure that our National Counterterrorism Center and National Counterproliferation Center have more resources, not less. However, I am concerned about the number of contractors used by the intelligence community to perform functions better left to government employees. There are some jobs that demand the use of contractors—for example, certain technical jobs or short-term functions—but too often, the quick fix is just to hire contractors, not long-term support. So, our bill includes a provision calling for annual personnel level assessments for the intelligence community. These assessments will ensure that, before more people are brought in, there are adequate resources to support them and enough work to keep them busy.

Finally, the CIA's interrogation program has been a hot topic over the past few months. This spring, the administration declassified several Office of Legal Counsel opinions pertaining to the program but redacted much of the information concerning its effectiveness. I am generally opposed to releasing information about some of our most sensitive intelligence sources and methods, but in this case, I believe the record needed to be set straight. So I sponsored an amendment, that was accepted by the committee, requiring the Director of the CIA to release an unclassified summary of several memos that discuss the effectiveness of the interrogation program. The American people may decide for themselves whether or not the CIA's program was effective in preventing terrorist attacks on our nation and our allies.

These are just a few of the provisions in this bill that I believe are important for the success of our intelligence collection efforts and equally important for ensuring sound oversight by the Intelligence Committee.

I commend Senator FEINSTEIN for her leadership in shepherding this bill through the committee and the Senate. I appreciated her willingness to work through the many issues raised throughout this process.

I ask my colleagues to support this bill so that we can get back on track with performing effective intelligence oversight.

CLARIFYING RESPONSIBILITIES OF COMMITTEES

Mrs. FEINSTEIN. Mr. President, section 432 of S. 1494, the Intelligence Authorization Act for Fiscal year 2010 that is before the Senate today, provides that the Directors of the National Security Agency, the National Geospatial-Intelligence Agency, and the National Reconnaissance Office shall be appointed by the President with the advice and consent of the Senate. For several years, the Select Committee on Intelligence has been seeking the enactment of legislation to provide for Senate confirmation of these important positions. The Senate has previously endorsed this effort by including this requirement in the proposed Intelligence Authorization for Fiscal Year 2008.

It is our strong hope that the time has come to enact this fundamental measure to ensure adequate oversight of these three agencies whose spending constitutes a significant portion of the entire intelligence budget. In preparation for that, my colleague at the Intelligence Committee, our vice chairman KIT BOND, and I have worked with the leadership of the Armed Services Committee, Chairman CARL LEVIN and Ranking Member JOHN MCCAIN, to settle on the process by which our two committees will assist the Senate in a careful examination of the qualifications of nominees to head these agencies. The insights of both committees is important in that process because the three entities are housed in the Department of Defense and perform significant responsibilities there while also being major components of the intelligence community.

The resolution that we have prepared recognizes the contribution that each of our committees should make to a thorough and timely process. It provides that if the nominee is an Active-Duty military officer, the confirmation process will begin in the Armed Services Committee and, if reported, the nomination will be sequentially referred to the Intelligence Committee for a prescribed period of time; namely, 30 days plus an additional 5 days if the 30-day period expires when the Senate is in recess. If the nominee is a civilian, the confirmation process will begin in the Intelligence Committee with a sequential referral to the Armed Services Committee under those same time limits. To ensure that the sequential referral does not delay completion of the committee part of the nomination process, the resolution provides for the automatic discharge of the nominations from the second committee if it has not reported with the prescribed period of time.

This referral system recognizes the equities of each committee and will ensure that the Senate receives the benefit of the recommendations made by the two committees with the expertise necessary to advise the Senate about the qualifications of nominees to head these three important agencies.

Although we are not formally introducing the resolution at this time, Vice Chairman BOND joins me in this public commitment to the Senate that we will ask our committee to report the resolution in time for consideration and adoption by the Senate in conjunction with a conference report on the fiscal year 2010 Intelligence authorization.

I ask unanimous consent that the full text of the resolution, showing its cosponsorship by myself, Senator LEVIN, Senator BOND, and Senator MCCAIN, be printed in the RECORD at the conclusion of the colloquy.

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

[See Exhibit 1.]

Mrs. FEINSTEIN. I should note for the Senate that while the full text of the amendment includes language pertinent to other nominations, such as the Assistant Attorney General for National Security, the substantive change to section 17 of S. Res. 400 only bears on the sequence of responsibilities between the Armed Services and Intelligence Committees.

I now turn to Senator LEVIN for his remarks.

Mr. LEVIN. I would like to express my support for the proposed resolution which I believe will enable both of our committees to fulfill their responsibilities for ensuring that the nominations to head these important intelligence elements within the Department of Defense are thoroughly considered. I thank my distinguished colleague on the Armed Services Committee, our ranking member, Senator MCCAIN, and our colleagues on the Intelligence Committee for reaching this agreement.

EXHIBIT 1

111TH CONGRESS
1ST SESSION

S. RES. ____

Amending Senate Resolution 400 (94th Congress) to clarify the responsibility of committees of the Senate in the provision of the advice and consent of the Senate to nominations to positions in the intelligence community.

IN THE SENATE OF THE UNITED STATES

Mrs. FEINSTEIN (for herself, Mr. LEVIN, Mr. BOND, and Mr. MCCAIN) submitted the following resolution; which was referred to the Committee on _____

RESOLUTION

Amending Senate Resolution 400 (94th Congress) to clarify the responsibility of committees of the Senate in the provision of the advice and consent of the Senate to nominations to positions in the intelligence community.

Resolved, That section 17 of Senate Resolution 400 (94th Congress) is amended to read as follows:

''SEC. 17. (a)(1) Except as provided in subsection (b), the select committee shall have jurisdiction to review, hold hearings, and report the nominations of individuals for positions in the intelligence community for

which appointments are made by the President, by and with the advice and consent of the Senate.

''(2) Except as provided in subsection (b), a committee with jurisdiction over the department or agency of the Executive Branch within which is a position referred to in paragraph (1) may hold hearings and interviews with individuals nominated for such position, but only the select committee shall report such nomination.

''(3) In this subsection, the term 'intelligence community' means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947.

''(b)(1) With respect to the confirmation of appointment to the position of Assistant Attorney General for National Security, or any successor position, the nomination of any individual by the President to serve in such position shall be referred to the Committee on the Judiciary and, if and when reported, to the select committee for not to exceed 20 calendar days, except that in cases when the 20-day period expires while the Senate is in recess, the select committee shall have 5 additional calendar days after the Senate reconvenes to report the nomination.

''(2)(A) With respect to the confirmation of appointment to the position of Director of the National Geospatial-Intelligence Agency, Director of the National Reconnaissance Office, or Director of the National Security Agency, or any successor position to such position, the nomination of any individual by the President to serve in such position, who at the time of the nomination is a member of the Armed Forces on active duty, shall be referred to the Committee on Armed Services, and, if and when reported, to the select committee for not to exceed 30 calendar days, except that in cases when the 30-day period expires while the Senate is in recess, the select committee shall have 5 additional calendar days after the Senate reconvenes to report the nomination.

''(B) With respect to the confirmation of appointment to the position of Director of the National Geospatial-Intelligence Agency, Director of the National Reconnaissance Office, or Director of the National Security Agency, or any successor to such position, the nomination of any individual by the President to serve in such position, who at the time of the nomination is not a member of the Armed Forces on active duty, shall be referred to the select committee and, if and when reported, to the Committee on Armed Services for not to exceed 30 calendar days, except that in cases when the 30-day period expires while the Senate is in recess, the Committee on Armed Services shall have an additional 5 calendar days after the Senate reconvenes to report the nomination.

''(3) If, upon the expiration of the period of sequential referral described in paragraphs (1) and (2), the committee to which the nomination was sequentially referred has not reported the nomination, the nomination shall be automatically discharged from that committee and placed on the Executive Calendar.''.

Mr. LEAHY. Mr. President, today the Senate will pass the amended Intelligence Authorization Act for fiscal year 2010, S.1494. I appreciate the commitment of Senator FEINSTEIN, the chair of the Senate Select Committee on Intelligence, to work with me to strengthen this important legislation. The bill the Senate has approved recognizes the shared jurisdiction of the Committee on the Judiciary, and the Select Committee on Intelligence, in several legislative areas.

The first opportunity to review this legislation arose on August 5, shortly before the Senate was scheduled to recess, and in the midst of the debate on the confirmation of Associate Justice Sonia Sotomayor. At that time, I recognized several provisions in the bill that fall under the jurisdiction of the Judiciary Committee, as well as issues about which the committee shares an interest with the Select Committee on Intelligence. Since that time, Senator FEINSTEIN and I, as well as our staffs, have engaged in serious negotiations concerning these provisions. We negotiated agreements regarding exemptions to the Freedom of Information Act, FOIA, as well as numerous reporting requirements, such as a significant, new requirement for the Federal Bureau of Investigation, FBI, an agency clearly under the jurisdiction of the Judiciary Committee, and an important new cybersecurity oversight provision.

The amendment to the intelligence authorization bill agreed to today identifies the Judiciary Committee as a recipient of relevant reporting provisions, narrows the operational files FOIA exemption for information provided by intelligence agencies to the Office of the Director of National Intelligence, ODNI, and strikes a FOIA (b)(3) exemption for terrorist identity information. Senator FEINSTEIN has told me she is also committed to ensuring that the Judiciary Committee will receive reports required by the bill's section 340, cybersecurity oversight. I appreciate Senator FEINSTEIN's support for these improvements.

The intelligence authorization bill includes several reporting requirements that involve areas of long-standing interest and jurisdiction of the Judiciary Committee. The amended bill ensures that the Judiciary Committee is a recipient of those reports. Section 336 of the bill directs the Director of National Intelligence to provide a comprehensive report on all measures taken by the Office of the Director of National Intelligence and by elements of the intelligence community to comply with the provisions of applicable law, international obligations, and executive orders relating to the detention or interrogation activities of the intelligence community. These include compliance with the Detainee Treatment Act of 2005; the Military Commissions Act of 2006; common Article 3 of the Geneva Conventions; the Convention Against Torture; Executive Order 13492, relating to lawful interrogations; and Executive Order No. 13493, relating to detention policy options.

The amendment to the intelligence authorization bill modifies section 336 to ensure that to the extent that the report addresses an element of the intelligence community within the Department of Justice, it shall be submitted, along with associated material, to the Judiciary Committees of the House and Senate.

I fought for years to obtain information about the Bush administration's detention and interrogation policies and practices, and the legal advice from that administration authorizing those policies and practices. The last administration refused to give this information to Congress, instead issuing secret legal advice that misconstrued our laws and international obligations with regard to the treatment of people in our custody. Years later we found out that the administration had sanctioned cruel interrogation techniques, including torture. It is imperative that the Judiciary Committee be fully informed of the extent to which the government is complying with our laws and international treaties relating to detention and interrogation in order to be able to conduct proper oversight and ensure that our government cannot shield policies that authorize practices in violation of our laws. The Judiciary Committee is an important partner in this oversight.

Section 407 of the bill establishes a new office of inspector general of the intelligence community to conduct independent investigations, inspections, audits and reviews on programs and activities conducted under the authority of the Director of National Intelligence. Under this new authority, the inspector general is required to submit a semiannual report to the Director of National Intelligence summarizing its activities. The amendment incorporated into S.1494 modifies the reporting provision to require the inspector general to submit reports that focus on Government officials to the committees of the Senate and the House of Representatives with jurisdiction over the department that official represents.

Section 407 of the bill creates an entirely new inspector general with significant authority and responsibility in the intelligence community. That authority will implicate agencies within the jurisdiction of the Judiciary Committee, including the Department of Justice and components of the Department of Homeland Security. I believe this modification to the bill provides an important recognition of the Judiciary Committee's need to be involved in the investigations and activities of this new inspector general.

Another significant new provision is section 445 of the bill, report and assessment on transformation of the intelligence capabilities of the Federal Bureau of Investigation, which creates a broad new reporting requirement for the FBI. The Judiciary Committee has always had primary oversight over the FBI. As the FBI takes on more responsibility in the areas of intelligence and national security, its policies and practices in these areas must be subject to the oversight of Congress. The Intelligence Committees have particular expertise that make them an important partner in this oversight. However, it is the Judiciary Committee that has the primary legislative and oversight responsibilities over the FBI.

I am very pleased that the amendment adopted today contains several

important improvements that I recommended to strengthen FOIA. I am particularly pleased that the bill, as amended, deletes a broad and unnecessary exemption to FOIA's disclosure requirements for terrorist identity information.

No one would quibble with the notion that our government can—and should—keep some information secret to protect our national security. But, in the case of terrorist identity information, our government has successfully withheld this sensitive information under the existing FOIA exemptions for classified and law enforcement information. In addition, the many instances of mistaken identities and other errors on terrorist watchlists and ''no-fly'' lists make it clear that FOIA can be a valuable tool to help innocent Americans redress and correct mistakes on these lists.

Lastly, the revised bill also narrows the exemption to FOIA's search requirements for operational files information that the Nation's intelligence agencies share with the ODNI. The bill now makes it clear that operational files that are already exempt from these search requirements retain this exemption under circumstances where the files are disseminated to the ODNI. This carefully crafted compromise will help ensure both effective information sharing among our intelligence agencies and the free flow of information to the American public.

I believe the amendment strengthens this legislation by recognizing the value and significance of the shared jurisdiction in many areas of national security between the Judiciary and Intelligence Committees. I appreciate Senator FEINSTEIN's cooperation in adopting these improvements. In a letter sent to me today, Senator FEINSTEIN has also committed to continuing to work with the Judiciary Committee in the area of cyber matters. I will ask to have her letter printed in the RECORD.

The agreement to proceed with the intelligence authorization bill today includes a commitment to ensure that the Judiciary Committee receives reports required by the bill's section 340, cybersecurity oversight. The Judiciary Committee has long engaged in oversight and legislative activity regarding cyber threats and cybersecurity. Senator FEINSTEIN and I have worked together in the Judiciary Committee for many years on these issues, and we both recognize the shared jurisdiction and responsibilities of the Judiciary and Intelligence Committees with regard to oversight of cyber matters and cybersecurity.

As Senator FEINSTEIN has described it, section 340 of the bill is intended to provide a preliminary framework for executive and congressional oversight of cybersecurity programs, as defined in the section, to ensure that these programs are consistent with legal authorities, preserve reasonable expectations of privacy, and are subject to independent audit and review. Section 340 of the bill creates several reporting requirements with regard to the executive and congressional oversight of cybersecurity programs. These include Presidential notifications to Congress, reports to Congress and the President from the head of a department or agency with responsibility for cybersecurity programs, in conjunction with the inspector general of that department or agency, and a joint report to Congress and the President from the inspector general of the Department of Homeland Security and the inspector general of the intelligence community on the status of the sharing of cyber threat information within one year. I look forward to continuing to work with Senator FEINSTEIN in the Judiciary Committee and in the Senate to ensure strong oversight and legislation with regard to cyber matters.

I am pleased the Senate today will pass the amended Intelligence Authorization Act for Fiscal Year 2010. The progress that Senator FEINSTEIN and I have made to improve this bill demonstrates the success we can have when we work together constructively.

Mr. President. I ask unanimous consent to have the letter to which I referred printed in the RECORD.

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

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, September 15, 2009.

Hon. PATRICK LEAHY,
Chairman, Committee on the Judiciary, Washington, DC.

DEAR CHAIRMAN LEAHY: As you know, our staffs have been in discussions since the beginning of recess over various provisions of S. 1494, the Intelligence Authorization Act for Fiscal Year 2010, ordered reported from the Committee on July 22, 2009. Among the provisions at issue is Section 340, Cybersecurity Oversight.

Section 340 is intended to provide a preliminary framework for executive and congressional oversight of cybersecurity programs, as defined in the section, to ensure that these programs are consistent with legal authorities, preserve reasonable expectations of privacy, and are subject to independent audit and review.

Section 340 contains several reporting requirements. One requires the President to provide certain notifications to Congress. In addition, the head of a department or agency with responsibility for cybersecurity programs, in conjunction with the inspector general of that department or agency, is to submit to Congress and the President periodic reports on the program. Finally, the Inspector General of the Department of Homeland Security and the Inspector General of the Intelligence Community are jointly to submit a report to Congress and the President on the status of the sharing of cyber threat information within one year.

Under the provision as reported, notifications and reports under the section are to be submitted ''to the Congress.'' Vice Chairman Bond and I have consulted with the Senate parliamentarian to convey our recommendations for how referrals of notifications and reports under the section should be made.

As we have discussed before, cybersecurity is a matter of interest to many of the committees of the Senate. Of note is the longstanding interest in, and jurisdiction over, cyber matters by the Judiciary Committee. This includes but is not necessarily limited to the cybersecurity of the Justice Department and other departments and agencies under the Committee's jurisdiction, privacy interests of the American people, and legal dimensions of the government's cyber activities. Given the Judiciary Committee's role in these matters and the expectation that reports under Section 340 will touch on one or more of the Committee's areas of jurisdiction, it is my strong belief that documents provided to the Congress should be provided to the Judiciary Committee.

In addition, should the Intelligence Committee receive reports under this section that are within the jurisdiction of the Judiciary Committee but that are not provided to the Judiciary Committee, I will ensure that access to those reports is provided to Judiciary Committee members and staff as appropriate.

Thank you for your cooperation over this issue, and other provisions of the intelligence legislation.

Sincerely,

DIANNE FEINSTEIN,
Chairman.

Mr. CASEY. Mr. President, I ask unanimous consent that the Feinstein-Bond amendment, which is at the desk, be considered and agreed to and that the motion to reconsider be laid upon the table, that the bill as amended be read a third time, passed, that the motion to reconsider be laid upon the table, and that any statements be printed at the appropriate place in the RECORD as if read with the above occurring without intervening action or debate.

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

The amendment (No. 2422) was agreed to.

(The text of the amendment is printed in today's RECORD under ''Text of Amendments.'')

The bill (S. 1494), as amended, was read the third time and passed, as follows:

S. 1494

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 ''Intelligence Authorization Act for Fiscal Year 2010''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—BUDGET AND PERSONNEL AUTHORIZATIONS

Sec. 101. Authorization of appropriations.
Sec. 102. Classified Schedule of Authorizations.
Sec. 103. Personnel ceiling adjustments.
Sec. 104. Intelligence Community Management Account.
Sec. 105. Restriction on conduct of intelligence activities.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.
Sec. 202. Technical modification to mandatory retirement provision of the Central Intelligence Agency Retirement Act.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

Subtitle A—Personnel Matters

Sec. 301. Increase in employee compensation and benefits authorized by law.
Sec. 302. Enhanced flexibility in details to elements of the intelligence community.
Sec. 303. Enhancement of authority of the Director of National Intelligence for flexible personnel management among the elements of the intelligence community.
Sec. 304. Award of rank to members of the Senior National Intelligence Service.
Sec. 305. Annual personnel level assessments for the intelligence community.
Sec. 306. Temporary personnel authorizations for critical language training.

Subtitle B—Education Programs

Sec. 311. Permanent authorization for the Pat Roberts Intelligence Scholars Program.
Sec. 312. Modifications to the Louis Stokes Educational Scholarship Program.
Sec. 313. Intelligence officer education programs.
Sec. 314. Review and report on education programs.

Subtitle C—Acquisition Matters

Sec. 321. Vulnerability assessments of major systems.
Sec. 322. Intelligence community business system transformation.
Sec. 323. Reports on the acquisition of major systems.
Sec. 324. Excessive cost growth of major systems.
Sec. 325. Future budget projections.
Sec. 326. National Intelligence Program funded acquisitions.

Subtitle D—Congressional Oversight, Plans, and Reports

Sec. 331. General congressional oversight.
Sec. 332. Improvement of notification of Congress regarding intelligence activities of the United States.
Sec. 333. Requirement to provide legal authority for intelligence activities.
Sec. 334. Additional limitation on availability of funds for intelligence and intelligence-related activities.
Sec. 335. Audits of intelligence community by Government Accountability Office.
Sec. 336. Report on compliance with laws, international obligations, and Executive orders on the detention and interrogation activities of the intelligence community.
Sec. 337. Reports on national security threat posed by Guantanamo Bay detainees.
Sec. 338. Report on retirement benefits for former employees of Air America.
Sec. 339. Report and strategic plan on biological weapons.
Sec. 340. Cybersecurity oversight.
Sec. 341. Repeal or modification of certain reporting requirements.

Subtitle E—Other Matters

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Sec. 709. Technical amendments to section 602 of the Intelligence Authorization Act for Fiscal Year 1995.
Sec. 710. Technical amendments to section 403 of the Intelligence Authorization Act, Fiscal Year 1992.

SEC. 2. DEFINITIONS.

In this Act:

(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term ''congressional intelligence committees'' means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives.

(2) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

TITLE I—BUDGET AND PERSONNEL AUTHORIZATIONS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.

(5) The National Security Agency.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Coast Guard.

(8) The Department of State.

(9) The Department of the Treasury.

(10) The Department of Energy.

(11) The Department of Justice.

(12) The Federal Bureau of Investigation.

(13) The Drug Enforcement Administration.

(14) The National Reconnaissance Office.

(15) The National Geospatial-Intelligence Agency.

(16) The Department of Homeland Security.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL LEVELS.—The amounts authorized to be appropriated under section 101 and, subject to section 103, the authorized personnel levels (expressed as full-time equivalent positions) as of September 30, 2010, for the conduct of the intelligence activities of the elements listed in paragraphs (1) through (16) of section 101, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill ____ of the One Hundred Eleventh Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The classified Schedule of Authorizations referred to in subsection (a) shall be made available to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR INCREASES.—The Director of National Intelligence may authorize the employment of civilian personnel in excess of the number of full-time equivalent positions for fiscal year 2010 authorized by the classified Schedule of Authorizations referred to in section 102(a) if the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 5 percent of the number of civilian personnel authorized under such section for such element.

(b) AUTHORITY FOR CONVERSION OF ACTIVITIES PERFORMED BY CONTRACT PERSONNEL.—

(1) IN GENERAL.—In addition to the authority in subsection (a) and subject to paragraph (2), if the head of an element of the intelligence community makes a determination that activities currently being performed by contract personnel should be performed by employees of such element, the Director of National Intelligence, in order to reduce a comparable number of contract personnel, may authorize for that purpose employment of additional full-time equivalent personnel in such element equal to the number of full-time equivalent contract personnel performing such activities.

(2) CONCURRENCE AND APPROVAL.—The authority described in paragraph (1) may not be exercised unless the Director of National Intelligence concurs with the determination described in such paragraph.

(c) TREATMENT OF CERTAIN PERSONNEL.—The Director of National Intelligence shall establish guidelines that govern, for each element of the intelligence community, the treatment under the personnel levels authorized under section 102(a), including any exemption from such personnel levels, of employment or assignment in—

(1) a student program, trainee program, or similar program;

(2) a reserve corps or as a reemployed annuitant; or

(3) details, joint duty, or long term, full-time training.

(d) NOTICE TO CONGRESSIONAL INTELLIGENCE COMMITTEES.—The Director of National Intelligence shall notify the congressional intelligence committees in writing at least 15 days prior to the initial exercise of an authority described in subsection (a) or (b).

SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2010 the sum of $786,812,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2011.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 792 full-time equivalent personnel as of September 30, 2010. Personnel serving in such elements may be permanent employees of the Office of the Director of National Intelligence or personnel detailed from other elements of the United States Government.

(c) CONSTRUCTION OF AUTHORITIES.—The authorities available to the Director of National Intelligence under section 103 are also available to the Director for the adjustment of personnel levels within the Intelligence Community Management Account.

(d) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are authorized to be appropriated for the Community Management Account for fiscal year 2010 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts for advanced research and development shall remain available until September 30, 2011.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2010, there are authorized such additional full-time equivalent personnel for the Community Management Account as of that date as are specified in the classified Schedule of Authorizations referred to in section 102(a).

SEC. 105. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2010 the sum of $290,900,000.

SEC. 202. TECHNICAL MODIFICATION TO MANDATORY RETIREMENT PROVISION OF THE CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.

Subparagraph (A) of section 235(b)(1) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2055(b)(1)) is amended by striking ''receiving compensation under the Senior Intelligence Service pay schedule at the rate'' and inserting ''who is at the Senior Intelligence Service rank''.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

Subtitle A—Personnel Matters

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. ENHANCED FLEXIBILITY IN DETAILS TO ELEMENTS OF THE INTELLIGENCE COMMUNITY.

Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h) and section 904(g)(2) of the Counterintelligence Enhancement Act of 2002 (title IX of Public Law 107–306; 50 U.S.C. 402c(g)(2)) and notwithstanding any other provision of law, an officer or employee of the United States or member of the Armed Forces may be detailed to the staff of an element of the intelligence community funded through the National Intelligence Program from another element of the intelligence community or from another element of the United States Government on a reimbursable or nonreimbursable basis, as jointly agreed to by the head of the receiving element and the head of the detailing element (or the designees of such officials), for a period not to exceed 3 years.

SEC. 303. ENHANCEMENT OF AUTHORITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE FOR FLEXIBLE PERSONNEL MANAGEMENT AMONG THE ELEMENTS OF THE INTELLIGENCE COMMUNITY.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended by adding at the end the following new subsections:

''(s) AUTHORITY TO ESTABLISH POSITIONS IN EXCEPTED SERVICE.—(1) The Director of National Intelligence may, with the concurrence of the head of the department or agency concerned and in coordination with the Director of the Office of Personnel Management—

''(A) convert competitive service positions, and the incumbents of such positions, within an element of the intelligence community to excepted service positions as the Director of National Intelligence determines necessary to carry out the intelligence functions of such element; and

''(B) establish the classification and ranges of rates of basic pay for positions so converted, notwithstanding otherwise applicable laws governing the classification and rates of basic pay for such positions.

''(2)(A) At the request of the Director of National Intelligence, the head of a department or agency may establish new positions

in the excepted service within an element of such department or agency that is part of the intelligence community if the Director determines that such positions are necessary to carry out the intelligence functions of such element.

''(B) The Director of National Intelligence may establish the classification and ranges of rates of basic pay for any position established under subparagraph (A), notwithstanding otherwise applicable laws governing the classification and rates of basic pay for such positions.

''(3) The head of the department or agency concerned is authorized to appoint individuals for service in positions converted under paragraph (1) or established under paragraph (2) without regard to the provisions of chapter 33 of title 5, United States Code, governing appointments in the competitive service, and to fix the compensation of such individuals within the applicable ranges of rates of basic pay established by the Director of National Intelligence.

''(4) The maximum rate of basic pay established under this subsection is the rate for level III of the Executive Schedule under section 5314 of title 5, United States Code.

''(5) Not later than 60 days prior to the date that Director of National Intelligence will convert a position under paragraph (1) or establish a position under paragraph (2), the Director shall submit to the congressional intelligence committees a notification of such conversion or establishment.

''(t) PAY AUTHORITY FOR CRITICAL POSITIONS.—(1) Notwithstanding any pay limitation established under any other provision of law applicable to employees in elements of the intelligence community, the Director of National Intelligence may, in coordination with the Director of the Office of Personnel Management and the Director of the Office of Management and Budget, grant authority to fix the rate of basic pay for 1 or more positions within the intelligence community at a rate in excess of any applicable limitation, subject to the provisions of this subsection. The exercise of authority so granted is at the discretion of the head of the department or agency employing the individual in a position covered by such authority, subject to the provisions of this subsection and any conditions established by the Director of National Intelligence when granting such authority.

''(2) Authority under this subsection may be granted or exercised only—

''(A) with respect to a position which requires an extremely high level of expertise and is critical to successful accomplishment of an important mission; and

''(B) to the extent necessary to recruit or retain an individual exceptionally well qualified for the position.

''(3) A rate of basic pay may not be fixed under this subsection at a rate greater than the rate payable for level II of the Executive Schedule under section 5313 of title 5, United States Code, except upon written approval of the Director of National Intelligence or as otherwise authorized by law.

''(4) A rate of basic pay may not be fixed under this subsection at a rate greater than the rate payable for level I of the Executive Schedule under section 5312 of title 5, United States Code, except upon written approval of the President in response to a request by the Director of National Intelligence or as otherwise authorized by law.

''(5) Any grant of authority under this subsection for a position shall terminate at the discretion of the Director of National Intelligence.

''(6) The Director of National Intelligence shall notify the congressional intelligence committees within 30 days of any grant or exercise of authority under this subsection.

''(u) EXTENSION OF FLEXIBLE PERSONNEL MANAGEMENT AUTHORITIES.—(1) Notwithstanding any other provision of law, in order to ensure the equitable treatment of employees across the intelligence community, the Director of National Intelligence may, with the concurrence of the head of the department or agency concerned, or for those matters that fall under the responsibilities of the Office of Personnel Management under statute or executive order, in coordination with the Director of the Office of Personnel Management, authorize 1 or more elements of the intelligence community to adopt compensation authority, performance management authority, and scholarship authority that have been authorized for another element of the intelligence community if the Director of National Intelligence—

''(A) determines that the adoption of such authority would improve the management and performance of the intelligence community; and

''(B) submits to the congressional intelligence committees, not later than 60 days before such authority is to take effect, notice of the adoption of such authority by such element or elements, including the authority to be so adopted, and an estimate of the costs associated with the adoption of such authority.

''(2) To the extent that an existing compensation authority within the intelligence community is limited to a particular category of employees or a particular situation, the authority may be adopted in another element of the intelligence community under this subsection only for employees in an equivalent category or in an equivalent situation.

''(3) In this subsection, the term 'compensation authority' means authority involving basic pay (including position classification), premium pay, awards, bonuses, incentives, allowances, differentials, student loan repayments, and special payments, but does not include authorities as follows:

''(A) Authorities related to benefits such as leave, severance pay, retirement, and insurance.

''(B) Authority to grant a rank award by the President under section 4507, 4507a, or 3151(c) of title 5, United States Code, or any other provision of law.

''(C) Compensation authorities and performance management authorities provided under provisions of law relating to the Senior Executive Service.''.

SEC. 304. AWARD OF RANK TO MEMBERS OF THE SENIOR NATIONAL INTELLIGENCE SERVICE.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1), as amended by section 303, is further amended by adding at the end the following:

''(v) AWARD OF RANK TO MEMBERS OF THE SENIOR NATIONAL INTELLIGENCE SERVICE.—The President, based on the recommendations of the Director of National Intelligence, may award ranks to members of the Senior National Intelligence Service and other intelligence community senior civilian officers not already covered by such a rank award program in a manner consistent with the provisions of section 4507 of title 5, United States Code. The award of such rank shall be made per the direction of the Director of National Intelligence and in a manner consistent with the provisions of such section 4507.''.

SEC. 305. ANNUAL PERSONNEL LEVEL ASSESSMENTS FOR THE INTELLIGENCE COMMUNITY.

(a) ASSESSMENT.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by inserting after section 506A the following new section:

''SEC. 506B. ANNUAL PERSONNEL LEVEL ASSESSMENTS FOR THE INTELLIGENCE COMMUNITY.

''(a) REQUIREMENT TO PROVIDE.—The Director of National Intelligence shall for the Office of the Director of National Intelligence and, in consultation with the head of the element of the intelligence community concerned, prepare an annual personnel level assessment for such element of the intelligence community that assesses the personnel levels for each such element for the fiscal year following the fiscal year in which the assessment is submitted.

''(b) SCHEDULE.—Each assessment required by subsection (a) shall be submitted to the congressional intelligence committees each year along with the budget submitted by the President under section 1105 of title 31, United States Code.

''(c) CONTENTS.—Each assessment required by subsection (a) submitted during a fiscal year shall contain the following information for the element of the intelligence community concerned:

''(1) The budget submission for personnel costs for the upcoming fiscal year.

''(2) The dollar and percentage increase or decrease of such costs as compared to the personnel costs of the current fiscal year.

''(3) The dollar and percentage increase or decrease of such costs as compared to the personnel costs during the prior 5 fiscal years.

''(4) The number of full-time equivalent positions that is the basis for which personnel funds are requested for the upcoming fiscal year.

''(5) The numerical and percentage increase or decrease of such number as compared to the number of full-time equivalent positions of the current fiscal year.

''(6) The numerical and percentage increase or decrease of such number as compared to the number of full-time equivalent positions during the prior 5 fiscal years.

''(7) The best estimate of the number and costs of contract personnel to be funded by the element for the upcoming fiscal year.

''(8) The numerical and percentage increase or decrease of such costs of contract personnel as compared to the best estimate of the costs of contract personnel of the current fiscal year.

''(9) The numerical and percentage increase or decrease of such costs of contract personnel as compared to the cost of contract personnel, and the number of contract personnel, during the prior 5 fiscal years.

''(10) A justification for the requested personnel and contract personnel levels.

''(11) The number of intelligence collectors and analysts employed or contracted by each element of the intelligence community.

''(12) A list of all contract personnel who have been the subject of an investigation or review completed by the inspector general of any element of the intelligence community during the preceding fiscal year, or are or have been the subject of an investigation or review by such an inspector general during the current fiscal year.

''(13) A statement by the Director of National Intelligence that, based on current and projected funding, the element concerned will have sufficient—

''(A) internal infrastructure to support the requested personnel and contract personnel levels;

''(B) training resources to support the requested personnel levels; and

''(C) funding to support the administrative and operational activities of the requested personnel levels.''.

(b) APPLICABILITY DATE.—The first assessment required to be submitted under section 506B(b) of the National Security Act of 1947, as added by subsection (a), shall be submitted with the budget for fiscal year 2011

submitted to Congress by the President under section 1105 of title 31, United States Code.

(c) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 506A the following new item:

''Sec. 506B. Annual personnel levels assessment for the intelligence community.''.

SEC. 306. TEMPORARY PERSONNEL AUTHORIZATIONS FOR CRITICAL LANGUAGE TRAINING.

(a) FINDINGS.—Congress makes the following findings:

(1) In 2009, eight years after the terrorist attacks of September 11, 2001, the intelligence community continues to lack an adequate supply of personnel trained in critical foreign languages.

(2) A number of elements of the intelligence community are attempting to address that lack of supply by recruiting applicants who can speak, read, and understand critical foreign languages.

(3) Leaders in the intelligence community have recognized that improved recruiting practices are only a partial solution and that improved language training for current intelligence community employees is also necessary.

(4) While language education and instruction provides long-term benefits for both intelligence agencies and individual employees, it has short-term costs for supervisors whose staff are absent due to language training and could provide supervisors with an incentive to resist allowing individual employees to pursue language training.

(5) If the head of an element of the intelligence community was able to increase the number of personnel at that element during the period that an employee is participating in language training, that element would not have to sacrifice short-term priorities to address language training needs.

(6) The Director of National Intelligence is uniquely situated to evaluate language training needs across the intelligence community and assess whether that training would be enhanced if elements of the intelligence community were given temporary additional personnel authorizations.

(7) The intelligence community has a difficult time finding, training, and providing security clearances to native foreign language speakers who are able to serve as translators and it would be beneficial if all elements of the intelligence community were able to harness the capabilities of these individuals.

(8) The Director of National Intelligence is uniquely situated to identify translators within the intelligence community and provide for their temporary transfer from one element of the intelligence community to another element.

(b) TEMPORARY PERSONNEL AUTHORIZATIONS.—

(1) AUTHORIZED ADDITIONAL FTES.—In addition to the number of full-time equivalent positions authorized for the Office of the Director of National Intelligence for a fiscal year, there is authorized for such Office for each fiscal year an additional 100 full-time equivalent positions that may be utilized only for the purposes described in paragraph (2).

(2) PURPOSES.—The Director of National Intelligence may use a full-time equivalent position authorized under paragraph (1) only for the purposes of providing a temporary transfer of personnel made pursuant to the authority in section 102A(e)(2) of the National Security Act of 1947 (50 U.S.C. 403–1(e)(2)) to an element of the intelligence community to enable such element to increase its total authorized number of personnel, on a temporary basis—

(A) during a period in which a permanent employee of such element is absent to participate in critical language training; or

(B) to accept a permanent employee of another element of the intelligence community to provide language-capable services a temporary basis.

(c) INAPPLICABILITY OF OTHER LAW.—Subparagraph (B) of section 102A(e)(2) of the National Security Act of 1947 (50 U.S.C. 403–1(e)(2)) shall not apply to a transfer of personnel authorizations made under this section.

(d) REPORTING REQUIREMENTS.—

(1) REPORT TO THE DIRECTOR OF NATIONAL INTELLIGENCE.—An element of the intelligence community that receives a temporary transfer of personnel authorized under subsection (b) shall submit to the Director of National Intelligence a report on such transfer that includes the length of time of the temporary transfer and which critical language need of such element was fulfilled or partially fulfilled by the transfer.

(2) ANNUAL REPORT TO CONGRESS.—The Director of National Intelligence shall submit to the congressional intelligence committees an annual report on this section. Each such report shall include a description of—

(A) the number of transfers of personnel made by the Director pursuant to subsection (b), disaggregated by each element of the intelligence community;

(B) the critical language that needs were fulfilled or partially fulfilled through the use of such transfers; and

(C) the cost to carry out subsection (b).

Subtitle B—Education Programs

SEC. 311. PERMANENT AUTHORIZATION FOR THE PAT ROBERTS INTELLIGENCE SCHOLARS PROGRAM.

(a) IN GENERAL.—Subsection (a) of section 318 of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 50 U.S.C. 441g note) is amended—

(1) in the heading, by striking ''PILOT PROGRAM'' and inserting ''IN GENERAL'';

(2) in paragraph (1)—

(A) by striking ''pilot''; and

(B) by inserting '', acquisition, scientific, and technical, or other'' after ''analytic'' in both places that term appears;

(3) in paragraph (2), by striking ''pilot''; and

(4) in paragraph (3), by striking ''pilot''.

(b) ELEMENTS.—Subsection (b) of section 318 of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 50 U.S.C. 411g note) is amended—

(1) in the matter preceding paragraph (1), by striking ''pilot'';

(2) in paragraph (1), by striking ''analysts'' and inserting ''professionals''; and

(3) in paragraph (2), by inserting '', acquisition, scientific, and technical, or other'' after ''analytic''.

(c) PERMANENT AUTHORIZATION.—Section 318 of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 50 U.S.C. 411g note) is amended by striking subsections (c), (d), (e), (f), and (g).

(d) USE OF FUNDS.—Section 318 of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 50 U.S.C. 411g note), as amended by subsection (c), is further amended by adding at the end the following:

''(c) USE OF FUNDS.—Funds made available for the program may be used for the following purposes:

''(1) To provide a monthly stipend for each month that the individual is pursing a course of study described in subsection (a).

''(2) To pay such individual's full tuition to permit the individual to complete such a course of study.

''(3) To provide an allowance for books and materials that such individual requires to complete such a course of study.

''(4) To pay such individual's expenses for travel as requested by an element of the intelligence community related to the program.''.

(e) CONFORMING AMENDMENTS.—

(1) SECTION HEADING.—The section heading of section 318 of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 117 Stat. 2613) is amended to read as follows:

''SEC. 318. PAT ROBERTS INTELLIGENCE SCHOLARS PROGRAM.''.

(2) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 117 Stat. 2599) is amended by striking the item relating to section 318 and inserting the following:

''Sec. 318. Pat Roberts Intelligence Scholars Program.''.

SEC. 312. MODIFICATIONS TO THE LOUIS STOKES EDUCATIONAL SCHOLARSHIP PROGRAM.

(a) EXPANSION OF THE LOUIS STOKES EDUCATIONAL SCHOLARSHIP PROGRAM TO GRADUATE STUDENTS.—Section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended—

(1) in subsection (a)—

(A) by inserting ''and graduate'' after ''undergraduate''; and

(B) by striking ''the baccalaureate'' and inserting ''a baccalaureate or graduate'';

(2) in subsection (b), by inserting ''or graduate'' after ''undergraduate'';

(3) in subsection (e)(2), by inserting ''and graduate'' after ''undergraduate''; and

(4) by adding at the end ''Such program shall be known as the Louis Stokes Educational Scholarship Program.''.

(b) AUTHORITY FOR PARTICIPATION BY INDIVIDUALS WHO ARE NOT EMPLOYED BY THE FEDERAL GOVERNMENT.—

(1) IN GENERAL.—Subsection (b) of section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note), as amended by subsection (a)(2), is further amended by striking ''civilian employees'' and inserting ''civilians who may or may not be employees''.

(2) REPLACEMENT OF THE TERM ''EMPLOYEE''.—Section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note), as amended by subsection (a), is further amended—

(A) in subsection (c), by striking ''employees'' and inserting ''program participants'';

(B) in subsection (d)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), strike ''an employee of the Agency'' and insert ''a program participant'';

(II) in subparagraph (A), by striking ''employee'' and inserting ''program participant'';

(III) in subparagraph (C)—

(aa) by striking ''employee'' each place that term appears and inserting ''program participant''; and

(bb) by striking ''employee's'' each place that term appears and inserting ''program participant's''; and

(IV) in subparagraph (D)—

(aa) by striking ''employee'' each place that term appears and inserting ''program participant''; and

(bb) by striking ''employee's'' each place that term appears and inserting ''program participant's''; and

(ii) in paragraph (3)(C)—

(I) by striking ''employee'' both places that term appears and inserting ''program participant''; and

(II) by striking ''employee's'' and inserting ''program participant's''; and

(C) in subsection (e)(1), by striking ''employee'' and inserting ''program participant''.

(c) TERMINATION OF PROGRAM PARTICIPANTS.—Subsection (d)(1)(C) of section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note), as amended by subsection (b)(2)(B)(i)(III), is further amended by striking ''terminated'' and all that follows and inserting ''terminated—

''(i) by the Agency due to misconduct by the program participant;

''(ii) by the program participant voluntarily; or

''(iii) by the Agency for the failure of the program participant to maintain such level of academic standing in the educational course of training as the Director of the National Security Agency shall have specified in the agreement of the program participant under this subsection; and''.

(d) AUTHORITY TO WITHHOLD DISCLOSURE OF AFFILIATION WITH NSA.—Subsection (e) of Section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by striking ''(1) When an employee'' and all that follows through ''(2) Agency efforts'' and inserting ''Agency efforts''.

(e) AUTHORITY OF ELEMENTS OF THE INTELLIGENCE COMMUNITY TO ESTABLISH A STOKES EDUCATIONAL SCHOLARSHIP PROGRAM.—Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1), as amended by sections 303 and 304, is further amended by adding at the end the following new subsection:

''(w) EDUCATIONAL SCHOLARSHIP PROGRAM.—The head of a department or agency containing an element of the intelligence community may establish an undergraduate or graduate training program with respect to civilian employees and prospective civilian employees of such element similar in purpose, conditions, content, and administration to the program which the Secretary of Defense is authorized to establish under section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) for civilian employees of the National Security Agency.''.

SEC. 313. INTELLIGENCE OFFICER EDUCATION PROGRAMS.

(a) AUTHORITY.—The Director may carry out, or may authorize the head of an element of the intelligence community to carry out, programs in accordance with this section for the purposes described in subsection (c).

(b) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term ''Director'' means ''the Director of National Intelligence''.

(2) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(c) PURPOSES.—The purpose of a program carried out under this section shall be—

(1) to encourage the preparation, recruitment, and retention of civilian intelligence community personnel who posses language, analytic, scientific, technical, or other skills necessary to meet the needs of the intelligence community, as identified by the Director; and

(2) to enhance recruitment and retention of an ethnically and culturally diverse workforce for the intelligence community with capabilities critical to the national security interests of the United States.

(d) AUTHORIZED PROGRAMS.—The programs authorized under this section are as follows:

(1) GRANTS TO INDIVIDUALS.—A program carried out in accordance with subsection (e) to provide financial aid to an individual to pursue a program at an institution of higher education in language, analysis, science, technical fields, or other skills necessary to meet the needs of the intelligence community, as identified by the Director.

(2) GRANTS TO INSTITUTIONS OF HIGHER EDUCATION.—A program carried out in accordance with subsection (f) to provide a grant to an institution of higher education to develop a program of study in an area of study referred to paragraph (1).

(e) GRANTS TO INDIVIDUALS.—

(1) IN GENERAL.—The Director, or the head of an element of the intelligence community authorized by the Director under subsection (a), may award a grant to an individual who is pursuing an associate, baccalaureate, advanced degree, or certification in an area of study referred to in subsection (c)(1) at an institution of higher education.

(2) USE OR FUNDS.—A grant awarded to an individual under this section to enroll in a program at an institution of higher education may be used—

(A) to pay the tuition, fees, and other costs of such program;

(B) to pay the living expenses of the individual during the time the individual is enrolled in such program; or

(C) to support internship activities of the individual within the intelligence community during the academic year or periods between academic years in which the individual is enrolled in such program.

(3) ADMINISTRATION OF GRANTS.—A grant of financial aid to an individual under this section shall be administered through—

(A) the Pat Roberts Intelligence Scholars Program carried out under section 318 of the Intelligence Authorization Act for Fiscal Year 2004 (50 U.S.C. 441g note); or

(B) the Louis Stokes Educational Scholarship Program carried out under section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note).

(4) SELECTION.—In selecting an individual to receive a grant under this section to enroll in a program at an institution of higher education, the Director or head of an element of the intelligence community, as appropriate, shall consider whether such institution has been awarded a grant under this section.

(5) AUTHORITY FOR SCREENING.—The Director is authorized to screen and qualify each individual selected to receive a grant under this section for the appropriate security clearance without regard to the date that the employment relationship between the individual and an element of the intelligence community is formed, or whether it is ever formed.

(f) GRANTS TO INSTITUTIONS OF HIGHER EDUCATION.—

(1) IN GENERAL.—The Director may award a grant to an institution of higher education to support the establishment, continued development, improvement, or administration of a program of study referred to in subsection (c)(1) at such institution.

(2) USE OF FUNDS.—A grant awarded to an institution of higher education under this section may be used for the following:

(A) Curriculum or program development.

(B) Faculty development.

(C) Laboratory equipment or improvements.

(D) Faculty research in language, analysis, science, technical, or other fields that meet current or emerging needs of the intelligence community as identified by the Director of National Intelligence.

(3) REPORTS.—An institution of higher education awarded a grant under this section shall submit to the Director regular reports regarding the use of such grant, including—

(A) a description of the benefits to students who participate in the course of study funded by such grant;

(B) a description of the results and accomplishments related to such course of study; and

(C) any other information that the Director may require.

(g) APPLICATION.—An individual or an institution of higher education seeking a grant under this section shall submit an application to the Director describing the proposed use of the grant at such time and in such manner as the Director may require.

(h) REGULATIONS.—The Director shall prescribe such regulations as are necessary to carry out this section.

(i) REPEAL OF PRIOR PROGRAMS.—

(1) IN GENERAL.—The following provisions are repealed:

(A) Section 319 of Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 50 U.S.C. 403 note).

(B) Section 1003 of the National Security Act of 1947 (50 U.S.C. 441g–2).

(C) Section 922 of Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 50 U.S.C. 402 note).

(2) EFFECT ON PRIOR AGREEMENTS.—An agreement, contract, or employment relationship that was in effect pursuant to a provision repealed by subparagraph (A), (B), or (C) of paragraph (1) prior to the date of the enactment of this Act shall remain in effect unless all parties mutually agree to amend, modify, or abrogate such agreement, contract, or relationship.

(3) TABLE OF CONTENTS AMENDMENTS.—

(A) INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2004.—The Intelligence Authorization Act for Fiscal Year 2004 is amended in the table of contents in section 1(b), by striking the item relating to section 319.

(B) RONALD W. REAGAN NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005.—The Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1811) is amended—

(i) in the table of contents in section 2(b), by striking the item relating to section 922; and

(ii) in title IV in the table of contents preceding subtitle A, by striking the item relating to section 922.

(j) EFFECT OF OTHER LAW.—The Director shall administer the Intelligence Officer Training Program pursuant to the provisions of chapter 63 of title 31, United States Code and chapter 75 of such title, except that the Comptroller General of the United States shall have no authority, duty, or responsibility in matters related to this program.

SEC. 314. REVIEW AND REPORT ON EDUCATION PROGRAMS.

(a) REVIEW.—

(1) REQUIREMENT FOR REVIEW.—The Director of National Intelligence shall review the programs described in paragraph (2) to determine if such programs—

(A) meet the needs of the intelligence community to prepare, recruit, and retain a skilled and diverse workforce;

(B) should be combined or otherwise integrated; and

(C) constitute all the education programs carried out by the Director of National Intelligence or the head of an element of the intelligence community and, if not, whether other such educational programs could be combined or otherwise integrated with the programs described in paragraph (2).

(2) PROGRAMS DESCRIBED.—The programs described in this paragraph are the following:

(A) The Pat Roberts Intelligence Scholars Program carried out under section 318 of the Intelligence Authorization Act for Fiscal Year 2004 (50 U.S.C. 441g note), as amended by section 311.

(B) The Louis Stokes Educational Scholarship Program carried out section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note), as amended by section 312.

(C) The education grant programs carried out under section 313.

(D) Any other program that provides for education or training of personnel of an element of the intelligence community.

(b) REPORT.—Not later than February 1, 2010, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the results of the review required by subsection (a).

Subtitle C—Acquisition Matters

SEC. 321. VULNERABILITY ASSESSMENTS OF MAJOR SYSTEMS.

(a) VULNERABILITY ASSESSMENTS OF MAJOR SYSTEMS.—

(1) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 305 of this Act, is further amended by inserting after section 506B, as added by section 305(a), the following new section:

''VULNERABILITY ASSESSMENTS OF MAJOR SYSTEMS

''SEC. 506C. (a) INITIAL VULNERABILITY ASSESSMENTS.—

''(1) REQUIREMENT FOR INITIAL VULNERABILITY ASSESSMENTS.—The Director of National Intelligence shall conduct an initial vulnerability assessment for any major system and its significant items of supply that is proposed for inclusion in the National Intelligence Program prior to completion of Milestone B or an equivalent acquisition decision. The initial vulnerability assessment of a major system and its significant items of supply shall include use of an analysis-based approach to—

''(A) identify vulnerabilities;

''(B) define exploitation potential;

''(C) examine the system's potential effectiveness;

''(D) determine overall vulnerability; and

''(E) make recommendations for risk reduction.

''(2) LIMITATION ON OBLIGATION OF FUNDS.—For any major system for which an initial vulnerability assessment is required under paragraph (1) on the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2010, such assessment shall be submitted to the congressional intelligence committees within 180 days of such date of enactment. If such assessment is not submitted to the congressional intelligence committees within 180 days of such date of enactment, funds appropriated for the acquisition of the major system may not be obligated for a major contract related to the major system. Such prohibition on the obligation of funds for the acquisition of the major system shall cease to apply at the end of the 30-day period of a continuous session of Congress that begins on the date on which Congress receives the initial vulnerability assessment.

''(b) SUBSEQUENT VULNERABILITY ASSESSMENTS.—(1) The Director of National Intelligence shall, periodically throughout the life span of a major system or if the Director determines that a change in circumstances warrants the issuance of a subsequent vulnerability assessment, conduct a subsequent vulnerability assessment of each major system and its significant items of supply within the National Intelligence Program.

''(2) Upon the request of a congressional intelligence committee, the Director of National Intelligence may conduct a subsequent vulnerability assessment of a particular major system and its significant items of supply within the National Intelligence Program.

''(3) Any subsequent vulnerability assessment of a major system and its significant items of supply shall include use of an analysis-based approach and, if applicable, a testing-based approach, to monitor the exploitation potential of such system and reexamine the factors described in subparagraphs (A) through (E) of subsection (a)(1).

''(c) MAJOR SYSTEM MANAGEMENT.—The Director of National Intelligence shall give due consideration to the vulnerability assessments prepared for a given major system when developing and determining the National Intelligence Program budget.

''(d) CONGRESSIONAL OVERSIGHT.—(1) The Director of National Intelligence shall provide to the congressional intelligence committees a copy of each vulnerability assessment conducted under subsection (a) or (b) not later than 10 days after the date of the completion of such assessment.

''(2) The Director of National Intelligence shall provide the congressional intelligence committees with a proposed schedule for subsequent vulnerability assessments of a major system under subsection (b) when providing such committees with the initial vulnerability assessment under subsection (a) of such system as required by paragraph (1).

''(e) DEFINITIONS.—In this section:

''(1) The term 'items of supply'—

''(A) means any individual part, component, subassembly, assembly, or subsystem integral to a major system, and other property which may be replaced during the service life of the major system, including spare parts and replenishment parts; and

''(B) does not include packaging or labeling associated with shipment or identification of items.

''(2) The term 'major system' has the meaning given that term in section 506A(e).

''(3) The term 'Milestone B' means a decision to enter into system development and demonstration pursuant to guidance prescribed by the Director of National Intelligence.

''(4) The term 'vulnerability assessment' means the process of identifying and quantifying vulnerabilities in a major system and its significant items of supply.''.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947, as amended by section 305 of this Act, is further amended by inserting after the item relating to section 506B, as added by section 305(b), the following:

''Sec. 506C. Vulnerability assessments of major systems.''.

(b) DEFINITION OF MAJOR SYSTEM.—Paragraph (3) of section 506A(e) of the National Security Act of 1947 (50 U.S.C. 415a–1(e)) is amended to read as follows:

''(3) The term 'major system' has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).''.

SEC. 322. INTELLIGENCE COMMUNITY BUSINESS SYSTEM TRANSFORMATION.

(a) INTELLIGENCE COMMUNITY BUSINESS SYSTEM TRANSFORMATION.—

(1) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by sections 305 and 321 of this Act, is further amended by inserting after section 506C, as added by section 321(a), the following new section:

''INTELLIGENCE COMMUNITY BUSINESS SYSTEM TRANSFORMATION

''SEC. 506D. (a) LIMITATION ON OBLIGATION OF FUNDS.—(1) After February 1, 2010, no funds appropriated to any element of the intelligence community may be obligated for an intelligence community business system transformation that will have a total cost in excess of $1,000,000 unless—

''(A) the approval authority designated by the Director of National Intelligence under subsection (c)(2) makes the certification described in paragraph (2) with respect to the intelligence community business system transformation; and

''(B) the certification is approved by the appropriate authorities within the intelligence community business system transformation governance structure identified in subsection (f).

''(2) The certification described in this paragraph for an intelligence community business system transformation is a certification, made by the approval authority designated by the Director under subsection (c)(2) that the intelligence community business system transformation—

''(A) complies with the enterprise architecture under subsection (b) and other Director of National Intelligence policy and standards; or

''(B) is necessary—

''(i) to achieve a critical national security capability or address a critical requirement in an area such as safety or security; or

''(ii) to prevent a significant adverse effect on a project that is needed to achieve an essential capability, taking into consideration the alternative solutions for preventing such adverse effect.

''(b) ENTERPRISE ARCHITECTURE FOR INTELLIGENCE COMMUNITY BUSINESS SYSTEMS.—(1) The Director of National Intelligence shall, acting through the intelligence community business system transformation governance structure identified in subsection (f), develop and implement an enterprise architecture to cover all intelligence community business systems, and the functions and activities supported by such business systems. The enterprise architecture shall be sufficiently defined to effectively guide, constrain, and permit implementation of interoperable intelligence community business system solutions, consistent with applicable policies and procedures established by the Director of the Office of Management and Budget.

''(2) The enterprise architecture under paragraph (1) shall include the following—

''(A) An information infrastructure that, at a minimum, will enable the intelligence community to—

''(i) comply with all Federal accounting, financial management, and reporting requirements;

''(ii) routinely produce timely, accurate, and reliable financial information for management purposes;

''(iii) integrate budget, accounting, and program information and systems; and

''(iv) provide for the measurement of performance, including the ability to produce timely, relevant, and reliable cost information.

''(B) Policies, procedures, data standards, and system interface requirements that apply uniformly throughout the intelligence community.

''(c) RESPONSIBILITIES FOR INTELLIGENCE COMMUNITY BUSINESS SYSTEM TRANSFORMATION.—(1) The Director of National Intelligence shall be responsible for the entire life cycle of an intelligence community business system transformation, to include review, approval, and oversight of the planning, design, acquisition, deployment, operation, and maintenance of the business system transformation.

''(2) The Director shall designate one or more appropriate officials of the intelligence community to be responsible for making certifications with respect to intelligence community business system transformation under subsection (a)(2).

''(d) INTELLIGENCE COMMUNITY BUSINESS SYSTEM INVESTMENT REVIEW.—(1) The approval authority designated under subsection (c)(2) shall establish and implement, not later than February 1, 2010, an investment review process for the intelligence community business systems for which the approval authority is responsible.

''(2) The investment review process under paragraph (1) shall—

''(A) meet the requirements of section 11312 of title 40, United States Code; and

''(B) specifically set forth the responsibilities of the approval authority under such review process.

''(3) The investment review process under paragraph (1) shall include the following elements:

''(A) Review and approval by an investment review board (consisting of appropriate representatives of the intelligence community) of each intelligence community business system as an investment before the obligation of funds for such system.

''(B) Periodic review, but not less often than annually, of every intelligence community business system investment.

''(C) Thresholds for levels of review to ensure appropriate review of intelligence community business system investments depending on the scope, complexity, and cost of the system involved.

''(D) Procedures for making certifications in accordance with the requirements of subsection (a)(2).

''(e) BUDGET INFORMATION.—For each fiscal year after fiscal year 2011, the Director of National Intelligence shall include in the materials the Director submits to Congress in support of the budget for such fiscal year that is submitted to Congress under section 1105 of title 31, United States Code, the following information:

''(1) An identification of each intelligence community business system for which funding is proposed in such budget.

''(2) An identification of all funds, by appropriation, proposed in such budget for each such system, including—

''(A) funds for current services to operate and maintain such system;

''(B) funds for business systems modernization identified for each specific appropriation; and

''(C) funds for associated business process improvement or reengineering efforts.

''(3) For each such system, identification of approval authority designated for such system under subsection (c)(2).

''(4) The certification, if any, made under subsection (a)(2) with respect to each such system.

''(f) INTELLIGENCE COMMUNITY BUSINESS SYSTEM TRANSFORMATION GOVERNANCE BOARD.—

''(1) The Director of National Intelligence shall establish a board within the intelligence community business system transformation governance structure (in this subsection referred to as the 'Board').

''(2) The Board shall—

''(A) recommend to the Director policies and procedures necessary to effectively integrate all business activities and any transformation, reform, reorganization, or process improvement initiatives under taken within the intelligence community;

''(B) review and approve any major update of—

''(i) the enterprise architecture developed under subsection (b); and

''(ii) any plans for an intelligence community business systems modernization;

''(C) manage cross-domain integration consistent with such enterprise architecture;

''(D) be responsible for coordinating initiatives for intelligence community business system transformation to maximize benefits and minimize costs for the intelligence community, and periodically report to the Director on the status of efforts to carry out an intelligence community business system transformation;

''(E) ensure that funds are obligated for intelligence community business system transformation in a manner consistent with subsection (a); and

''(F) carry out such other duties as the Director shall specify.

''(g) RELATION TO ANNUAL REGISTRATION REQUIREMENTS.—Nothing in this section shall be construed to alter the requirements of section 8083 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 989), with regard to information technology systems (as defined in subsection (d) of such section).

''(h) RELATIONSHIP TO DEFENSE BUSINESS ENTERPRISE ARCHITECTURE.—Nothing in this section, or the amendments made by this section, shall be construed to exempt funds authorized to be appropriated to the Department of Defense from the requirements of section 2222 of title 10, United States Code, to the extent that such requirements are otherwise applicable.

''(i) RELATION TO CLINGER-COHEN ACT.—(1) Executive agency responsibilities in chapter 113 of title 40, United States Code, for any intelligence community business system transformation shall be exercised jointly by—

''(A) the Director of National Intelligence and the Chief Information Officer of the Intelligence Community; and

''(B) the head of the executive agency that contains the element of the intelligence community involved and the chief information officer of that executive agency.

''(2) The Director of National Intelligence and the head of the executive agency shall enter a Memorandum of Understanding to carry out the requirements of this section in a manner that best meets the needs of the intelligence community and the executive agency.

''(j) REPORTS.—Not later than March 15 of each of the years 2011 through 2015, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the compliance of the intelligence community with the requirements of this section. Each such report shall—

''(1) describe actions taken and proposed for meeting the requirements of subsection (a), including—

''(A) specific milestones and actual performance against specified performance measures, and any revision of such milestones and performance measures; and

''(B) specific actions on the intelligence community business system transformations submitted for certification under such subsection; and

''(2) identify the number of intelligence community business system transformations that received a certification described in subsection (a)(2)(B); and

''(3) describe specific improvements in business operations and cost savings resulting from successful intelligence community business systems transformation efforts.

''(k) DEFINITIONS.—In this section:

''(1) ENTERPRISE ARCHITECTURE.—The term 'enterprise architecture' has the meaning given that term in section 3601(4) of title 44, United States Code.

''(2) INFORMATION SYSTEM; INFORMATION TECHNOLOGY.—The terms 'information system' and 'information technology' have the meanings given those terms in section 11101 of title 40, United States Code.

''(3) INTELLIGENCE COMMUNITY BUSINESS SYSTEM.—The term 'intelligence community business system' means an information system, including national security systems, that are operated by, for, or on behalf of the intelligence community or elements of the intelligence community as defined by law and Executive Order, including financial systems, mixed systems, financial data feeder systems, and the business infrastructure capabilities shared by the systems of the business enterprise architecture, including people, process, and technology, that build upon the core infrastructure used to support business activities, such as acquisition, financial management, logistics, strategic planning and budgeting, installations and environment, and human resource management.

''(4) INTELLIGENCE COMMUNITY BUSINESS SYSTEM TRANSFORMATION.—The term 'intelligence community business system transformation' means—

''(A) the acquisition or development of a new intelligence community business system; or

''(B) any significant modification or enhancement of an existing intelligence community business system (other than necessary to maintain current services).

''(5) NATIONAL SECURITY SYSTEM.—The term 'national security system' has the meaning given that term in section 3542 of title 44, United States Code.''.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of that Act, as amended by sections 305 and 321 of this Act, is further amended by inserting after the item relating to section 506C, as added by section 321(a)(2), the following new item:

''Sec. 506D. Intelligence community business systems transformation.''.

(b) IMPLEMENTATION.—

(1) CERTAIN DUTIES.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall—

(A) complete the delegation of responsibility for the review, approval, and oversight of intelligence community business systems required by subsection (c) of section 506D of the National Security Act of 1947 (as added by subsection (a)); and

(B) designate a chairman and personnel to serve on the appropriate intelligence community business system transformation governance board established under subsection (f) of such section 506D (as so added).

(2) ENTERPRISE ARCHITECTURE.—

(A) SCHEDULE FOR DEVELOPMENT.—The Director shall develop the enterprise architecture required by subsection (b) of such section 506D (as so added) to include the initial Business Enterprise Architecture for business transformation by December 31, 2009.

(B) REQUIREMENT FOR IMPLEMENTATION PLAN.—In developing such an enterprise architecture, the Director shall develop an implementation plan for such enterprise architecture that includes the following:

(i) An acquisition strategy for new systems that are expected to be needed to complete such enterprise architecture, including specific time-phased milestones, performance metrics, and a statement of the financial and nonfinancial resource needs.

(ii) An identification of the intelligence community business systems in operation or planned as of September 30, 2009, that will not be a part of such enterprise architecture, together with the schedule for the phased termination of the utilization of any such systems.

(iii) An identification of the intelligence community business systems in operation or planned as of September 30, 2009, that will be a part of such enterprise architecture, together with a strategy for modifying such systems to ensure that such systems comply with such enterprise architecture.

(C) SUBMISSION OF ACQUISITION STRATEGY.—Based on the results of an enterprise process management review and the availability of funds, the Director shall submit the acquisition strategy described in subparagraph (B)(i) to the congressional intelligence committees not later than December 31, 2009.

SEC. 323. REPORTS ON THE ACQUISITION OF MAJOR SYSTEMS.

(a) REPORTS.—

(1) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by sections 305, 321, and 322 of this Act, is further amended by inserting after

section 506D, as added by section 322(a)(1), the following new section:

''REPORTS ON THE ACQUISITION OF MAJOR SYSTEMS

''SEC. 506E. (a) ANNUAL REPORTS REQUIRED.—(1) The Director of National Intelligence shall submit to the congressional intelligence committees each year, at the same time the budget of the President for the fiscal year beginning in such year is submitted to Congress pursuant to section 1105 of title 31, United States Code, a separate report on each acquisition of a major system by an element of the intelligence community.

''(2) Each report under this section shall be known as a 'Report on the Acquisition of Major Systems'.

''(b) ELEMENTS.—Each report under this section shall include, for the acquisition of a major system, information on the following:

''(1) The current total acquisition cost for such system, and the history of such cost from the date the system was first included in a report under this section to the end of the fiscal year immediately preceding the submission of the report under this section.

''(2) The current development schedule for the system, including an estimate of annual development costs until development is completed.

''(3) The planned procurement schedule for the system, including the best estimate of the Director of National Intelligence of the annual costs and units to be procured until procurement is completed.

''(4) A full life-cycle cost analysis for such system.

''(5) The result of any significant test and evaluation of such major system as of the date of the submission of such report, or, if a significant test and evaluation has not been conducted, a statement of the reasons therefor and the results of any other test and evaluation that has been conducted of such system.

''(6) The reasons for any change in acquisition cost, or schedule, for such system from the previous report under this section, if applicable.

''(7) The major contracts or subcontracts related to the major system.

''(8) If there is any cost or schedule variance under a contract referred to in paragraph (7) since the previous report under this section, the reasons for such cost or schedule variance.

''(c) DETERMINATION OF INCREASE IN COSTS.—Any determination of a percentage increase in the acquisition costs of a major system for which a report is filed under this section shall be stated in terms of constant dollars from the first fiscal year in which funds are appropriated for such contract.

''(d) SUBMISSION TO THE CONGRESSIONAL ARMED SERVICES COMMITTEES.—To the extent that the report required by subsection (a) addresses an element of the intelligence community within the Department of Defense, the Director of National Intelligence shall submit that portion of the report, and any associated material that is necessary to make that portion understandable, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

''(e) DEFINITIONS.—In this section:

''(1) The term 'acquisition cost', with respect to a major system, means the amount equal to the total cost for development and procurement of, and system-specific construction for, such system.

''(2) The term 'full life-cycle cost', with respect to the acquisition of a major system, means all costs of development, procurement, construction, deployment, and operation and support for such program, without regard to funding source or management control, including costs of development and procurement required to support or utilize such system.

''(3) The term 'major contract,' with respect to a major system acquisition, means each of the 6 largest prime, associate, or government-furnished equipment contracts under the program that is in excess of $40,000,000 and that is not a firm, fixed price contract.

''(4) The term 'major system' has the meaning given that term in section 506A(e).

''(5) The term 'significant test and evaluation' means the functional or environmental testing of a major system or of the subsystems that combine to create a major system.''.

(2) APPLICABILITY DATE.—The first report required to be submitted under section 506E(a) of the National Security Act of 1947, as added by paragraph (1), shall be submitted with the budget for fiscal year 2011 submitted by the President under section 1105 of title 31, United States Code.

(3) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of that Act, as amended by sections 305, 321, and 322 of this Act, is further amended by inserting after the item relating to section 506D, as added by section 322(a)(2), the following new item:

''Sec. 506E. Reports on the acquisition of major systems.''.

(b) MAJOR DEFENSE ACQUISITION PROGRAMS.—Nothing in this section, section 324, or an amendment made by this section or section 324, shall be construed to exempt an acquisition program of the Department of Defense from the requirements of chapter 144 of title 10, United States Code or Department of Defense Directive 5000, to the extent that such requirements are otherwise applicable.

SEC. 324. EXCESSIVE COST GROWTH OF MAJOR SYSTEMS.

(a) NOTIFICATION.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by sections 305, 321, 322, and 323 of this Act, is further amended by inserting after section 506E, as added by section 323(a), the following new section:

''EXCESSIVE COST GROWTH OF MAJOR SYSTEMS

''SEC. 506F. (a) COST INCREASES OF AT LEAST 25 PERCENT.—(1)(A) On a continuing basis, and separate from the submission of any report on a major system required by section 506E of this Act, the program manager shall determine if the acquisition cost of such major system has increased by at least 25 percent as compared to the baseline cost of such major system.

''(B) Not later than 10 days after the date that a program manager determines that an increase described in subparagraph (A) has occurred, the program manager shall submit to the Director of National Intelligence notification of such increase.

''(2)(A) If, after receiving a notification described in paragraph (1)(B), the Director of National Intelligence determines that the acquisition cost of a major system has increased by at least 25 percent, the Director shall submit to the congressional intelligence committees a written notification of such determination as described in subparagraph (B), a description of the amount of the increase in the acquisition cost of such major system, and a certification as described in subparagraph (C).

''(B) The notification required by subparagraph (A) shall include—

''(i) an updated cost estimate;

''(ii) the date on which the determination covered by such notification was made;

''(iii) contract performance assessment information with respect to each significant contract or sub-contract related to such major system, including the name of the contractor, the phase of the contract at the time of the report, the percentage of work under the contract that has been completed, any change in contract cost, the percentage by which the contract is currently ahead or behind schedule, and a summary explanation of significant occurrences, such as cost and schedule variances, and the effect of such occurrences on future costs and schedules;

''(iv) the prior estimate of the full life-cycle cost for such major system, expressed in constant dollars and in current year dollars;

''(v) the current estimated full life-cycle cost of such major system, expressed in constant dollars and current year dollars;

''(vi) a statement of the reasons for any increases in the full life-cycle cost of such major system;

''(vii) the current change and the total change, in dollars and expressed as a percentage, in the full life-cycle cost applicable to such major system, stated both in constant dollars and current year dollars;

''(viii) the completion status of such major system expressed as the percentage—

''(I) of the total number of years for which funds have been appropriated for such major system compared to the number of years for which it is planned that such funds will be appropriated; and

''(II) of the amount of funds that have been appropriated for such major system compared to the total amount of such funds which it is planned will be appropriated;

''(ix) the action taken and proposed to be taken to control future cost growth of such major system; and

''(x) any changes made in the performance or schedule of such major system and the extent to which such changes have contributed to the increase in full life-cycle costs of such major system.

''(C) The certification described in this subparagraph is a written certification made by the Director and submitted to the congressional intelligence committees that—

''(i) the acquisition of such major system is essential to the national security;

''(ii) there are no alternatives to such major system that will provide equal or greater intelligence capability at equal or lesser cost to completion;

''(iii) the new estimates of the full life-cycle cost for such major system are reasonable; and

''(iv) the management structure for the acquisition of such major system is adequate to manage and control full life-cycle cost of such major system.

''(b) COST INCREASES OF AT LEAST 50 PERCENT.—(1)(A) On a continuing basis, and separate from the submission of any report on a major system required by section 506E of this Act, the program manager shall determine if the acquisition cost of such major system has increased by at least 50 percent as compared to the baseline cost of such major system.

''(B) Not later than 10 days after the date that a program manager determines that an increase described in subparagraph (A) has occurred, the program manager shall submit to the Director of National Intelligence notification of such increase.

''(2) If, after receiving a notification described in paragraph (1)(B), the Director of National Intelligence determines that the acquisition cost of a major system has increased by at least 50 percent as compared to the baseline cost of such major system, the Director shall submit to the congressional intelligence committees a written certification stating that—

''(A) the acquisition of such major system is essential to the national security;

''(B) there are no alternatives to such major system that will provide equal or

greater intelligence capability at equal or lesser cost to completion;

''(C) the new estimates of the full life-cycle cost for such major system are reasonable; and

''(D) the management structure for the acquisition of such major system is adequate to manage and control the full life-cycle cost of such major system.

''(3) In addition to the certification required by paragraph (2), the Director of National Intelligence shall submit to the congressional intelligence committees an updated notification, with current accompanying information, as required by subsection (a)(2).

''(c) PROHIBITION ON OBLIGATION OF FUNDS.—(1) If a written certification required under subsection (a)(2)(A) is not submitted to the congressional intelligence committees within 90 days of the notification made under subsection (a)(1)(B), funds appropriated for the acquisition of a major system may not be obligated for a major contract under the program. Such prohibition on the obligation of funds shall cease to apply at the end of the 30-day period of a continuous session of Congress that begins on the date on which Congress receives the notification required under subsection (a)(2).

''(2) If a written certification required under subsection (b)(2) is not submitted to the congressional intelligence committees within 90 days of the notification made under subsection (b)(1)(B), funds appropriated for the acquisition of a major system may not be obligated for a major contract under the program. Such prohibition on the obligation of funds for the acquisition of a major system shall cease to apply at the end of the 30-day period of a continuous session of Congress that begins on the date on which Congress receives the notification required under subsection (b)(3).

''(d) INITIAL CERTIFICATIONS.—Notwithstanding subsection (c), for any major system for which a written certification is required under either subsection (a)(2) or (b)(2) on the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2010, such written certification shall be submitted to the congressional intelligence committees within 180 days of such date of enactment. If such written certification is not submitted to the congressional intelligence committees within 180 days of such date of enactment, funds appropriated for the acquisition of a major system may not be obligated for a major contract under the program. Such prohibition on the obligation of funds for the acquisition of a major system shall cease to apply at the end of the 30-day period of a continuous session of Congress that begins on the date on which Congress receives the notification required under subsection (a)(2) or (b)(3).

''(e) SUBMISSION TO THE CONGRESSIONAL ARMED SERVICES COMMITTEES.—To the extent that a submission required to be made to the congressional intelligence committees under this section addresses an element of the intelligence community within the Department of Defense, the Director of National Intelligence shall submit that portion of the submission, and any associated material that is necessary to make that portion understandable, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

''(f) DEFINITIONS.—In this section:

''(1) The term 'acquisition cost' has the meaning given that term in section 506E(d).

''(2) The term 'baseline cost', with respect to a major system, means the projected acquisition cost of such system that is approved by the Director of National Intelligence at Milestone B or an equivalent acquisition decision for the development, procurement, and construction of such system. The baseline cost may be in the form of an independent cost estimate.

''(3) The term 'cost estimate'—

''(A) means an assessment and quantification of all costs and risks associated with the acquisition of a major system based upon reasonably available information at the time a written certification is required under either subsection (a)(2) or (b)(2); and

''(B) does not mean an 'independent cost estimate'.

''(4) The term 'full life-cycle cost' has the meaning given that term in section 506E(d).

''(5) The term 'independent cost estimate' has the meaning given that term in section 506A(e).

''(6) The term 'major system' has the meaning given that term in section 506A(e).

''(7) The term 'Milestone B' means a decision to enter into system development and demonstration pursuant to guidance prescribed by the Director of National Intelligence.

''(8) The term 'program manager', with respect to a major system, means—

''(A) the head of the element of the intelligence community which is responsible for the budget, cost, schedule, and performance of the major system; or

''(B) in the case of a major system within the Office of the Director of National Intelligence, the deputy who is responsible for the budget, cost, schedule, and performance of the major system.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of that Act, as amended by sections 305, 321, 322, and 323 of this Act, is further amended by inserting after the items relating to section 506E, as added by section 323(a)(3), the following new item:

''Sec. 506F. Excessive cost growth of major systems.''.

SEC. 325. FUTURE BUDGET PROJECTIONS.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by sections 305, 321, 322, 323, and 324 of this Act, is further amended by inserting after section 506F, as added by section 324(a), the following new section:

''FUTURE BUDGET PROJECTIONS

''SEC. 506G. (a) FUTURE YEAR INTELLIGENCE PLANS.—(1) The Director of National Intelligence, with the concurrence of the Office of Management and Budget, shall provide to the congressional intelligence committees a Future Year Intelligence Plan, as described in paragraph (2), for—

''(A) each expenditure center in the National Intelligence Program; and

''(B) each major system in the National Intelligence Program.

''(2)(A) A Future Year Intelligence Plan submitted under this subsection shall include the year-by-year proposed funding for each center or system referred to in subparagraph (A) or (B) of paragraph (1), for the budget year for which the Plan is submitted and not less than the 4 subsequent budget years.

''(B) A Future Year Intelligence Plan submitted under subparagraph (B) of paragraph (1) for a major system shall include—

''(i) the estimated total life-cycle cost of such major system; and

''(ii) any major acquisition or programmatic milestones for such major system.

''(b) LONG-TERM BUDGET PROJECTIONS.—(1) The Director of National Intelligence, with the concurrence of the Director of the Office of Management and Budget, shall provide to the congressional intelligence committees a Long-term Budget Projection for each element of the National Intelligence Program acquiring a major system that includes the budget for such element for the 5-year period following the last budget year for which proposed funding was submitted under subsection (a)(2)(A).

''(2) A Long-term Budget Projection submitted under paragraph (1) shall include projections for the appropriate element of the intelligence community for—

''(A) pay and benefits of officers and employees of such element;

''(B) other operating and support costs and minor acquisitions of such element;

''(C) research and technology required by such element;

''(D) current and planned major system acquisitions for such element; and

''(E) any unplanned but necessary next-generation major system acquisitions for such element.

''(c) SUBMISSION TO CONGRESS.—Each Future Year Intelligence Plan or Long-term Budget Projection required under subsection (a) or (b) shall be submitted to Congress along with the budget for a fiscal year submitted to Congress by the President pursuant to section 1105 of title 31, United States Code.

''(d) CONTENT OF LONG-TERM BUDGET PROJECTIONS.—(1) Each Long-term Budget Projection submitted under subsection (b) shall include—

''(A) a budget projection based on constrained budgets, effective cost and schedule execution of current or planned major system acquisitions, and modest or no cost-growth for undefined, next-generation systems; and

''(B) a budget projection based on constrained budgets, modest cost increases in executing current and planned programs, and more costly next-generation systems.

''(2) Each budget projection required by paragraph (1) shall include a description of whether, and to what extent, the total projection for each year exceeds the level that would result from applying the most recent Office of Management and Budget inflation estimate to the budget of that element of the intelligence community.

''(e) NEW MAJOR SYSTEM AFFORDABILITY REPORT.—(1) Beginning on February 1, 2010, not later than 30 days prior to the date that an element of the intelligence community may proceed to Milestone A, Milestone B, or an analogous stage of system development, in the acquisition of a major system in the National Intelligence Program, the Director of National Intelligence, with the concurrence of the Director of the Office of Management and Budget, shall provide a report on such major system to the congressional intelligence committees.

''(2)(A) A report submitted under paragraph (1) shall include an assessment of whether, and to what extent, such acquisition, if developed, procured, and operated, is projected to cause an increase in the most recent Future Year Intelligence Plan and Long-term Budget Projection for that element of the intelligence community.

''(B) If an increase is projected under subparagraph (A), the report required by this subsection shall include a specific finding, and the reasons therefor, by the Director of National Intelligence and the Director of the Office of Management and Budget that such increase is necessary for national security.

''(f) DEFINITIONS.—In this section:

''(1) The term 'major system' has the meaning given that term in section 506A(e).

''(2) The term 'Milestone A' means a decision to enter into concept refinement and technology maturity demonstration pursuant to guidance issued by the Director of National Intelligence.

''(3) The term 'Milestone B' means a decision to enter into system development, integration, and demonstration pursuant to

guidance prescribed by the Director of National Intelligence.''.

(b) APPLICABILITY DATE.—The first Future Year Intelligence Plan or Long-term Budget Projection required to be submitted under subsection (a) or (b) of section 506G of the National Security Act of 1947, as added by subsection (a), shall be submitted with the budget for fiscal year 2011 submitted by the President under section 1105 of title 31, United States Code.

(c) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of that Act, as amended by sections 305, 321, 322, 323, and 324 of this Act, is further amended by inserting after the items relating to section 506F, as added by section 324(b), the following new item:

''Sec. 506G. Future budget projections.''.

SEC. 326. NATIONAL INTELLIGENCE PROGRAM FUNDED ACQUISITIONS.

Subsection (n) of section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended by adding at the end the following:

''(4)(A) In addition to the authority referred to in paragraph (1), the Director of National Intelligence may authorize the head of an element of the intelligence community to exercise an acquisition authority referred to in section 3 or 8(a) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403c and 403j(a)) for an acquisition by such element that is more than 50 percent funded by the National Intelligence Program.

''(B) The head of an element of the intelligence community may not exercise an authority referred to in subparagraph (A) until—

''(i) the head of such element (without delegation) submits to the Director of National Intelligence a written request that includes—

''(I) a description of such authority requested to be exercised;

''(II) an explanation of the need for such authority, including an explanation of the reasons that other authorities are insufficient; and

''(III) a certification that the mission of such element would be—

''(aa) impaired if such authority is not exercised; or

''(bb) significantly and measurably enhanced if such authority is exercised; and

''(ii) the Director of National Intelligence or the Principal Deputy Director of National Intelligence or a Deputy Director of National Intelligence designated by the Director or the Principal Director issues a written authorization that includes—

''(I) a description of the authority referred to in subparagraph (A) that is authorized to be exercised; and

''(II) a justification to support the exercise of such authority.

''(C) A request and authorization to exercise an authority referred to in subparagraph (A) may be made with respect to individual acquisitions or with respect to a specific class of acquisitions described in the request and authorization referred to in subparagraph (B).

''(D)(i) A request from a head of an element of the intelligence community located within one of the departments described in clause (ii) to exercise an authority referred to in subparagraph (A) shall be transmitted to the Director of National Intelligence in accordance with any procedures established by the head of such department.

''(ii) The departments described in this clause are the Department of Defense, the Department of Energy, the Department of Homeland Security, the Department of Justice, the Department of State, and the Department of the Treasury.

''(E)(i) The head of an element of the intelligence community may not be authorized to utilize an authority referred to in subparagraph (A) for a class of acquisitions for a period of more than 3 years, except that the Director of National Intelligence may authorize the use of such an authority for not more than 6 years.

''(ii) Each such authorizations may be extended for successive 3- or 6-year periods, in accordance with requirements of subparagraph (B).

''(F) The Director of National Intelligence shall submit—

''(i) to the congressional intelligence committees a notification of an authorization to exercise an authority referred to in subparagraph (A) or an extension of such authorization that includes the written authorization referred to in subparagraph (B)(ii); and

''(ii) to the Director of the Office of Management and Budget a notification of an authorization to exercise an authority referred to in subparagraph (A) for an acquisition or class of acquisitions that will exceed $50,000,000 annually.

''(G) Requests and authorizations to exercise an authority referred to in subparagraph (A) shall remain available within the Office of the Director of National Intelligence for a period of at least 6 years following the date of such request or authorization.

''(H) Nothing in this paragraph may be construed to alter or otherwise limit the authority of the Central Intelligence Agency to independently exercise an authority under section 3 or 8(a) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403c and 403j(a)).''.

Subtitle D—Congressional Oversight, Plans, and Reports

SEC. 331. GENERAL CONGRESSIONAL OVERSIGHT.

Section 501(a) of the National Security Act of 1947 (50 U.S.C. 413(a)) is amended by inserting at the end the following:

''(3) There shall be no exception to the requirements in this title to inform the congressional intelligence committees of all intelligence activities and covert actions.''.

SEC. 332. IMPROVEMENT OF NOTIFICATION OF CONGRESS REGARDING INTELLIGENCE ACTIVITIES OF THE UNITED STATES.

(a) NOTICE ON INFORMATION NOT DISCLOSED.—

(1) IN GENERAL.—Section 502 of the National Security Act of 1947 (50 U.S.C. 413a) is amended—

(A) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(B) by inserting after subsection (a) the following:

''(b) NOTICE ON INFORMATION NOT DISCLOSED.—(1) If the Director of National Intelligence or the head of a department, agency, or other entity of the United States Government does not provide information required by subsection (a) in full or to all the members of the congressional intelligence committees and requests that such information not be so provided, the Director shall, in a timely fashion, notify such committees of the determination not to provide such information in full or to all members of such committees. Such notice shall—

''(A) be submitted in writing in a classified form;

''(B) include—

''(i) a statement of the reasons for such determination; and

''(ii) a description that provides the main features of the intelligence activities covered by such determination; and

''(C) contain no restriction on access to such notice by all members of the committee.

''(2) Nothing in this subsection shall be construed as authorizing less than full and current disclosure to all the members of the congressional intelligence committees of any information necessary to keep all such members fully and currently informed on all intelligence activities described in subsection (a).''.

(2) CONFORMING AMENDMENT.—Subsection (d) of such section, as redesignated by paragraph (1)(A) of this subsection, is amended by striking ''subsection (b)'' and inserting ''subsections (b) and (c)''.

(b) REPORTS AND NOTICE ON COVERT ACTIONS.—

(1) FORM AND CONTENT OF CERTAIN REPORTS.—Subsection (b) of section 503 of such Act (50 U.S.C. 413b) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by inserting ''(1)'' after ''(b)''; and

(C) by adding at the end the following:

''(2) Any information relating to a covert action that is submitted to the congressional intelligence committees for the purposes of paragraph (1) shall be in writing and shall contain the following:

''(A) A concise statement of any facts pertinent to such covert action.

''(B) An explanation of the significance of such covert action.''.

(2) NOTICE ON INFORMATION NOT DISCLOSED.—Subsection (c) of such section is amended by adding at the end the following:

''(5) If the Director of National Intelligence or the head of a department, agency, or other entity of the United States Government does not provide information required by subsection (b) in full or to all the members of the congressional intelligence committees, and requests that such information not be so provided, the Director shall, in a timely fashion, notify such committees of the determination not to provide such information in full or to all members of such committees. Such notice shall—

''(A) be submitted in writing in a classified form;

''(B) include—

''(i) a statement of the reasons for such determination; and

''(ii) a description that provides the main features of the covert action covered by such determination; and

''(C) contain no restriction on access to such notice by all members of the committee.''.

(3) MODIFICATION OF NATURE OF CHANGE OF COVERT ACTION TRIGGERING NOTICE REQUIREMENTS.—Subsection (d) of such section is amended by striking ''significant'' the first place that term appears.

SEC. 333. REQUIREMENT TO PROVIDE LEGAL AUTHORITY FOR INTELLIGENCE ACTIVITIES.

(a) GENERAL INTELLIGENCE ACTIVITIES.—Section 501(a) of the National Security Act of 1947 (50 U.S.C.413(a)), as amended by section 331, is further amended by adding at the end the following:

''(4) In carrying out paragraph (1), the President shall provide to the congressional intelligence committees the legal authority under which the intelligence activity is or was conducted.''.

(b) ACTIONS OTHER THAN COVERT ACTIONS.—Section 502(a)(2) of the National Security Act of 1947 (50 U.S.C. 413a(a)(2)) is amended by striking ''activities,'' and inserting ''activities (including the legal authority under which an intelligence activity is or was conducted),''.

(c) COVERT ACTIONS.—Paragraph (1)(B) of section 503(b) of the National Security Act of 1947 (50 U.S.C. 413b(b)), as redesignated by section 332 (b)(1), is amended by inserting ''(including the legal authority under which a covert action is or was conducted)'' after ''concerning covert actions''.

SEC. 334. ADDITIONAL LIMITATION ON AVAILABILITY OF FUNDS FOR INTELLIGENCE AND INTELLIGENCE-RELATED ACTIVITIES.

Section 504 of the National Security Act of 1947 (50 U.S.C. 414) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by inserting ''the congressional intelligence committees have been fully and currently informed of such activity and if'' after ''only if'';

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively; and

(3) by inserting after subsection (a) the following:

''(b) In any case in which notice to the congressional intelligence committees of an intelligence or intelligence-related activity is covered by section 502(b), or in which notice to the congressional intelligence committees on a covert action is covered by section 503(c)(5), the congressional intelligence committees shall be treated as being fully and currently informed on such activity or covert action, as the case may be, for purposes of subsection (a) if the requirements of such section 502(b) or 503(c)(5), as applicable, have been met.''.

SEC. 335. AUDITS OF INTELLIGENCE COMMUNITY BY GOVERNMENT ACCOUNTABILITY OFFICE.

(a) IN GENERAL.—Chapter 35 of title 31, United States Code, is amended by inserting after section 3523 the following:

''§ 3523A. Audits of intelligence community by Government Accountability Office

''(a) In this section, the term 'intelligence community' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

''(b) Congress finds that—

''(1) the authority of the Comptroller General to perform audits and evaluations of financial transactions, programs, and activities of elements of the intelligence community under sections 712, 717, 3523, and 3524, and to obtain access to records for purposes of such audits and evaluations under section 716, is reaffirmed for matters referred to in paragraph (2); and

''(2) such audits and evaluations may be requested by a congressional committee of jurisdiction (such as the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives), and may include matters relating to the management and administration of elements of the intelligence community in areas such as strategic planning, financial management, information technology, human capital, knowledge management, and information sharing.

''(c)(1) The Comptroller General may conduct an audit or evaluation involving intelligence sources and methods or covert actions only upon request of the Select Committee on Intelligence of the Senate or the Permanent Select Committee on Intelligence of the House of Representatives.

''(2)(A) Whenever the Comptroller General conducts an audit or evaluation under paragraph (1), the Comptroller General shall provide the results of such audit or evaluation only to the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, the Director of National Intelligence, and the head of the relevant element of the intelligence community.

''(B) The Comptroller General may only provide information obtained in the course of an audit or evaluation under paragraph (1) to the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, the Director of National Intelligence, and the head of the relevant element of the intelligence community.

''(3)(A) Notwithstanding any other provision of law, the Comptroller General may inspect records of any element of the intelligence community relating to intelligence sources and methods, or covert actions in order to conduct audits and evaluations under paragraph (1).

''(B) If, in the conduct of an audit or evaluation under paragraph (1), an agency record is not made available to the Comptroller General in accordance with section 716, the Comptroller General shall consult with the original requestor before filing a report under subsection (b)(1) of such section.

''(4)(A) The Comptroller General shall maintain the same level of confidentiality for a record made available for conducting an audit under paragraph (1) as is required of the head of the element of the intelligence community from which it is obtained. Officers and employees of the Government Accountability Office are subject to the same statutory penalties for unauthorized disclosure or use as officers or employees of the intelligence community element that provided the Comptroller General or officers and employees of the Government Accountability Office with access to such records.

''(B) All workpapers of the Comptroller General and all records and property of any element of the intelligence community that the Comptroller General uses during an audit or evaluation under paragraph (1) shall remain in facilities provided by that element of the intelligence community. Elements of the intelligence community shall give the Comptroller General suitable and secure offices and furniture, telephones, and access to copying facilities, for purposes of audits and evaluations under paragraph (1).

''(C) After consultation with the Select Committee on Intelligence of the Senate and with the Permanent Select Committee on Intelligence of the House of Representatives, the Comptroller General shall establish procedures to protect from unauthorized disclosure all classified and other sensitive information furnished to the Comptroller General or any representative of the Comptroller General for conducting an audit or evaluation under paragraph (1).

''(D) Before initiating an audit or evaluation under paragraph (1), the Comptroller General shall provide the Director of National Intelligence and the head of the relevant element with the name of each officer and employee of the Government Accountability Office who has obtained appropriate security clearance and to whom, upon proper identification, records, and information of the element of the intelligence community shall be made available in conducting the audit or evaluation.

''(d) Elements of the intelligence community shall cooperate fully with the Comptroller General and provide timely responses to Comptroller General requests for documentation and information made pursuant to this section.

''(e) With the exception of the types of audits and evaluations specified in subsection (c)(1), nothing in this section or any other provision of law shall be construed as restricting or limiting the authority of the Comptroller General to audit, evaluate, or obtain access to the records of elements of the intelligence community absent specific statutory language restricting or limiting such audits, evaluations, or access to records.''.

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections for chapter 35 of title 31, United States Code, is amended by inserting after the item relating to section 3523 the following:

''3523A. Audits of intelligence community by Government Accountability Office.''.

SEC. 336. REPORT ON COMPLIANCE WITH LAWS, INTERNATIONAL OBLIGATIONS, AND EXECUTIVE ORDERS ON THE DETENTION AND INTERROGATION ACTIVITIES OF THE INTELLIGENCE COMMUNITY.

(a) REPORT REQUIRED.—Not later than December 1, 2009, the Director shall submit to the congressional intelligence committees a comprehensive report on all measures taken by the Office of the Director of National Intelligence and by each element, if any, of the intelligence community with relevant responsibilities to comply with the provisions of applicable law, international obligations, and executive orders relating to the detention or interrogation activities, if any, of any element of the intelligence community, including the Detainee Treatment Act of 2005 (title X of division A of Public Law 109–148; 119 Stat. 2739), related provisions of the Military Commissions Act of 2006 (Public Law 109–366; 120 Stat. 2600), common Article 3, the Convention Against Torture, Executive Order 13491 (74 Fed. Reg. 4893; relating to ensuring lawful interrogations), and Executive Order 13493 (74 Fed. Reg. 4901; relating to detention policy options).

(b) DEFINITIONS.—In this Act:

(1) COMMON ARTICLE 3.—The term ''common Article 3'' means Article 3 of each of the Geneva Conventions.

(2) CONVENTION AGAINST TORTURE.—The term ''Convention Against Torture'' means the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York on December 10, 1984.

(3) DIRECTOR.—The term ''Director'' means the Director of National Intelligence.

(4) GENEVA CONVENTIONS.—The term ''Geneva Conventions'' means the following:

(A) The Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, done at Geneva August 12, 1949 (6 UST 3114).

(B) The Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, done at Geneva August 12, 1949 (6 UST 3217).

(C) The Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316).

(D) The Convention Relative to the Protection of Civilian Persons in Time of War, done at Geneva August 12, 1949 (6 UST 3516).

(c) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the detention or interrogation methods, if any, that have been determined to comply with applicable law, international obligations, and Executive orders, and, with respect to each such method—

(A) an identification of the official making such determination; and

(B) a statement of the basis for such determination.

(2) A description of any recommendations of a task force submitted pursuant to—

(A) section 5(g) of Executive Order 13491 (74 Fed. Reg. 4893; relating to ensuring lawful interrogations); or

(B) section 1(g) of Executive Order 13493 (74 Fed. Reg. 4901; relating to detention policy options).

(3) A description of any actions taken pursuant to Executive Order 13491 or the recommendations of a task force issued pursuant to section 5(g) of Executive Order 13491 or section 1(g) of Executive Order 13493 relating to detention or interrogation activities, if any, of any element of the intelligence community.

(4) A description of any actions that have been taken to implement section 1004 of the Detainee Treatment Act of 2005 (119 Stat. 2740; 42 U.S.C. 2000dd–1), and, with respect to each such action—

(A) an identification of the official taking such action; and

(B) a statement of the basis for such action.

(5) Any other matters that the Director considers necessary to fully and currently inform the congressional intelligence committees about the implementation of applicable law, international obligations, and Executive orders relating to the detention or interrogation activities, if any, of any element of the intelligence community, including the Detainee Treatment Act of 2005 (title X of division A of Public Law 109–148; 119 Stat. 2739), related provisions of the Military Commissions Act of 2006 (Public Law 109–366; 120 Stat. 2600), common Article 3, the Convention Against Torture, Executive Order 13491, and Executive Order 13493.

(6) An appendix containing—

(A) all guidelines for the application of applicable law, international obligations, or Executive orders to the detention or interrogation activities, if any, of any element of the intelligence community; and

(B) the legal justifications of the Department of Justice about the meaning or application of applicable law, international obligations, or Executive orders, with respect to the detention or interrogation activities, if any, of any element of the intelligence community.

(d) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(e) SUBMISSION TO THE CONGRESSIONAL ARMED SERVICES COMMITTEES.—To the extent that the report required by subsection (a) addresses an element of the intelligence community within the Department of Defense, the Director shall submit that portion of the report, and any associated material that is necessary to make that portion understandable, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

(f) SUBMISSION TO THE CONGRESSIONAL JUDICIARY COMMITTEES.—To the extent that the report required by subsection (a) addresses an element of the intelligence community within the Department of Justice, the Director shall submit that portion of the report, and any associated material that is necessary to make that portion understandable, to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

SEC. 337. REPORTS ON NATIONAL SECURITY THREAT POSED BY GUANTANAMO BAY DETAINEES.

In addition to the reports required by section 319 of the Supplemental Appropriations Act of 2009 (Public Law 111–32) and on the schedule required for such reports, the Director of National Intelligence shall submit to the congressional intelligence committees a report outlining the Director's assessment of the suitability for release or transfer for detainees previously released or transferred, or to be released or transferred, from the Naval Detention Facility at Guantanamo Bay, Cuba to the United States or any other country. Each such report shall include—

(1) a description of any objection to the release or recommendation against the release of such an individual made by any element of the intelligence community that determined the potential threat posed by a particular individual warranted the individual's continued detention;

(2) a detailed description of the intelligence information that led to such an objection or determination;

(3) if an element of the intelligence community previously recommended against the release of such an individual and later retracted that recommendation, a detailed explanation of the reasoning for the retraction; and

(4) an assessment of lessons learned from previous releases and transfers of individuals for whom the intelligence community objected or recommended against release.

SEC. 338. REPORT ON RETIREMENT BENEFITS FOR FORMER EMPLOYEES OF AIR AMERICA.

(a) REQUIREMENT FOR REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the advisability of providing Federal retirement benefits to United States citizens for the service of such citizens prior to 1977 as employees of Air America or an associated company during a period when Air America or the associated company was owned or controlled by the United States Government and operated or managed by the Central Intelligence Agency.

(b) DEFINITIONS.—In this section:

(1) AIR AMERICA.—The term ''Air America'' means Air America, Incorporated.

(2) ASSOCIATED COMPANY.—The term ''associated company'' means any entity associated with, predecessor to, or subsidiary to Air America, including Air Asia Company Limited, CAT Incorporated, Civil Air Transport Company Limited, and the Pacific Division of Southern Air Transport during the period when such an entity was owned and controlled by the United States Government.

(c) REPORT ELEMENTS.—The report required by subsection (a) shall include the following:

(1) The history of Air America and the associated companies prior to 1977, including a description of—

(A) the relationship between Air America and the associated companies and the Central Intelligence Agency or other elements of the United States Government;

(B) the workforce of Air America and the associated companies;

(C) the missions performed by Air America, the associated companies, and their employees for the United States; and

(D) the casualties suffered by employees of Air America and the associated companies in the course of their employment.

(2) A description of—

(A) the retirement benefits contracted for, or promised to, the employees of Air America and the associated companies prior to 1977;

(B) the contributions made by such employees for such benefits;

(C) the retirement benefits actually paid to such employees;

(D) the entitlement of such employees to the payment of future retirement benefits; and

(E) the likelihood that former employees of such companies will receive any future retirement benefits.

(3) An assessment of the difference between—

(A) the retirement benefits that former employees of Air America and the associated companies have received or will receive by virtue of their employment with Air America and the associated companies; and

(B) the retirement benefits that such employees would have received or be eligible to receive if such employment was deemed to be employment by the United States Government and their service during such employment was credited as Federal service for the purpose of Federal retirement benefits.

(4)(A) Any recommendations regarding the advisability of legislative action to treat such employment as Federal service for the purpose of Federal retirement benefits in light of the relationship between Air America and the associated companies and the United States Government and the services and sacrifices of such employees to and for the United States.

(B) If legislative action is considered advisable under subparagraph (A), a proposal for such action and an assessment of its costs.

(5) The opinions of the Director of the Central Intelligence Agency, if any, on the matters covered by the report that the Director of the Central Intelligence Agency considers appropriate.

(d) ASSISTANCE OF COMPTROLLER GENERAL.—The Comptroller General of the United States shall, upon the request of the Director of National Intelligence and in a manner consistent with the protection of classified information, assist the Director in the preparation of the report required by subsection (a).

(e) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 339. REPORT AND STRATEGIC PLAN ON BIOLOGICAL WEAPONS.

(a) REQUIREMENT FOR REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report on—

(1) the intelligence collection efforts of the United States dedicated to assessing the threat from biological weapons from state, non-state, or rogue actors, either foreign or domestic; and

(2) efforts to protect the United States biodefense knowledge and infrastructure.

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

(1) an accurate assessment of the intelligence collection efforts of the United States dedicated to detecting the development or use of biological weapons by state, non-state, or rogue actors, either foreign or domestic;

(2) detailed information on fiscal, human, technical, open source, and other intelligence collection resources of the United States dedicated for use against biological weapons;

(3) an assessment of any problems that may reduce the overall effectiveness of United States intelligence collection and analysis to identify and protect biological weapons targets, including—

(A) intelligence collection gaps or inefficiencies;

(B) inadequate information sharing practices; or

(C) inadequate cooperation among agencies or departments of the United States;

(4) a strategic plan prepared by the Director of National Intelligence, in coordination with the Attorney General, the Secretary of Defense, and the Secretary of Homeland Security, that provides for actions for the appropriate elements of the intelligence community to close important intelligence gaps related to biological weapons;

(5) a description of appropriate goals, schedules, milestones, or metrics to measure the long-term effectiveness of actions implemented to carry out the plan described in paragraph (4); and

(6) any long-term resource and human capital issues related to the collection of intelligence regarding biological weapons, including any recommendations to address shortfalls of experienced and qualified staff possessing relevant scientific, language, and technical skills.

(c) IMPLEMENTATION OF STRATEGIC PLAN.—Not later than 30 days after the date that the Director of National Intelligence submits the report required by subsection (a), the Director shall begin implementation of the strategic plan referred to in subsection (b)(4).

SEC. 340. CYBERSECURITY OVERSIGHT.

(a) DEFINITIONS.—In this section:

(1) CYBERSECURITY PROGRAM.—The term ''cybersecurity program'' means a class or collection of similar cybersecurity operations of an agency or department of the United States that involves personally identifiable data that is—

(A) screened by a cybersecurity system outside of the agency or department of the United States that was the intended recipient;

(B) transferred, for the purpose of cybersecurity, outside the agency or department of the United States that was the intended recipient; or

(C) transferred, for the purpose of cybersecurity, to an element of the intelligence community.

(2) NATIONAL CYBER INVESTIGATIVE JOINT TASK FORCE.—The term ''National Cyber Investigative Joint Task Force'' means the multi-agency cyber investigation coordination organization overseen by the Director of the Federal Bureau of Investigation known as the Nation Cyber Investigative Joint Task Force that coordinates, integrates, and provides pertinent information related to cybersecurity investigations.

(3) CRITICAL INFRASTRUCTURE.—The term ''critical infrastructure'' has the meaning given that term in section 1016 of the USA PATRIOT Act (42 U.S.C. 5195c).

(b) NOTIFICATION OF CYBERSECURITY PROGRAMS.—

(1) REQUIREMENT FOR NOTIFICATION.—

(A) EXISTING PROGRAMS.—Not later than 30 days after the date of the enactment of this Act, the President shall submit to Congress a notification for each cybersecurity program in operation on such date that includes the documentation referred to in subparagraphs (A) through (E) of paragraph (2).

(B) NEW PROGRAMS.—Not later than 30 days after the date of the commencement of operations of a new cybersecurity program, the President shall submit to Congress a notification of such commencement that includes the documentation referred to in subparagraphs (A) through (E) of paragraph (2).

(2) DOCUMENTATION.—A notification required by paragraph (1) for a cybersecurity program shall include—

(A) the legal justification for the cybersecurity program;

(B) the certification, if any, made pursuant to section 2511(2)(a)(ii)(B) of title 18, United States Code, or other statutory certification of legality for the cybersecurity program;

(C) the concept for the operation of the cybersecurity program that is approved by the head of the appropriate agency or department;

(D) the assessment, if any, of the privacy impact of the cybersecurity program prepared by the privacy or civil liberties protection officer or comparable officer of such agency or department; and

(E) the plan, if any, for independent audit or review of the cybersecurity program to be carried out by the head of the relevant department or agency of the United States, in conjunction with the appropriate inspector general.

(c) PROGRAM REPORTS.—

(1) REQUIREMENT FOR REPORTS.—The head of a department or agency of the United States with responsibility for a cybersecurity program for which a notification was submitted under subsection (b), in conjunction with the inspector general for that department or agency, shall submit to Congress and the President, in accordance with the schedule set out in paragraph (2), a report on such cybersecurity program that includes—

(A) the results of any audit or review of the cybersecurity program carried out under the plan referred to in subsection (b)(2)(E), if any; and

(B) an assessment of whether the implementation of the cybersecurity program—

(i) is in compliance with—

(I) the legal justification referred to in subsection (b)(2)(A); and

(II) the assessment referred to in subsection (b)(2)(D), if any;

(ii) is adequately described by the concept of operation referred to in subsection (b)(2)(C), if any; and

(iii) includes an adequate independent audit or review system and whether improvements to such independent audit or review system are necessary.

(2) SCHEDULE FOR SUBMISSION OF REPORTS.—The reports required by paragraph (1) shall be submitted to Congress and the President according to the following schedule:

(A) An initial report shall be submitted not later than 6 months after the date of the enactment of this Act.

(B) A second report shall be submitted not later than 1 year after the date of the enactment of this Act.

(C) Additional reports shall be submitted periodically thereafter, as necessary, as determined by the head of the relevant department or agency of the United States in conjunction with the inspector general of that department or agency.

(3) COOPERATION AND COORDINATION.—

(A) COOPERATION.—The head of each department or agency of the United States and inspector general required to submit a report under paragraph (1) shall work in conjunction, to the extent practicable, with any other such head or inspector general required to submit such a report.

(B) COORDINATION.—The heads of each department or agency of the United States and inspectors general required to submit reports under paragraph (1) shall designate one such head and one such inspector general to coordinate the conduct of such reports.

(d) INFORMATION SHARING REPORT.—Not later than 1 year after the date of the enactment of this Act, the Inspector General of the Department of Homeland Security and the Inspector General of the Intelligence Community shall, jointly, submit to Congress and the President a report on the status of the sharing of cyber threat information, including—

(1) a description of how cyber threat intelligence information, including classified information, is shared among the agencies and departments of the United States and with persons responsible for critical infrastructure;

(2) a description of the mechanisms by which classified cyber threat information is distributed;

(3) an assessment of the effectiveness of such information sharing and distribution; and

(4) any other matters identified by such Inspectors General that would help to fully inform Congress or the President regarding the effectiveness and legality of cybersecurity programs.

(e) PERSONNEL DETAILS.—

(1) AUTHORITY TO DETAIL.—Notwithstanding any other provision of law, the head of an element of the intelligence community that is funded through the National Intelligence Program may detail an officer or employee of such element to the National Cyber Investigative Joint Task Force or to the Department of Homeland Security to assist the Task Force or the Department with cybersecurity, as jointly agreed by the head of such element and the Task Force or the Department.

(2) BASIS FOR DETAIL.—A personnel detail made under paragraph (1) may be made—

(A) for a period of not more than 3 years; and

(B) on a reimbursable or nonreimbursable basis.

(f) SUNSET.—The requirements and authorities of this section shall terminate on December 31, 2012.

SEC. 341. REPEAL OR MODIFICATION OF CERTAIN REPORTING REQUIREMENTS.

(a) ANNUAL REPORT ON INTELLIGENCE.—

(1) REPEAL.—Section 109 of the National Security Act of 1947 (50 U.S.C. 404d) is repealed.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by striking the item relating to section 109.

(b) ANNUAL AND SPECIAL REPORTS ON INTELLIGENCE SHARING WITH THE UNITED NATIONS.—Section 112 of the National Security Act of 1947 (50 U.S.C. 404g) is amended—

(1) by striking subsection (b); and

(2) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively.

(c) ANNUAL REPORT ON PROGRESS IN AUDITABLE FINANCIAL STATEMENTS.—

(1) REPEAL.—Section 114A of the National Security Act of 1947 (50 U.S.C. 404i–1) is repealed.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by striking the item relating to section 114A.

(d) ELIMINATION OF REPORTING REQUIREMENT ON FINANCIAL INTELLIGENCE ON TERRORIST ASSETS.—

(1) IN GENERAL.—Section 118 of the National Security Act of 1947 (50 U.S.C. 404m) is amended—

(A) in the section heading, by striking ''**SEMIANNUAL REPORT ON**'' and inserting ''**EMERGENCY NOTIFICATION REGARDING**'';

(B) by striking subsection (a);

(C) by redesignating subsection (b) as subsection (a);

(D) by striking subsection (c); and

(E) by redesignating subsection (d) as subsection (b).

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by striking the item related to section 118 and inserting the following:

''Sec. 118. Emergency notification regarding financial intelligence on terrorist assets.''.

(e) ANNUAL CERTIFICATION ON COUNTERINTELLIGENCE INITIATIVES.—Section 1102(b) of the National Security Act of 1947 (50 U.S.C. 442a(b)) is amended—

(1) by striking ''(1)''; and

(2) by striking paragraph (2).

(f) REPORT AND CERTIFICATION UNDER TERRORIST IDENTIFICATION CLASSIFICATION SYSTEM.—Section 343 of the Intelligence Authorization Act for Fiscal Year 2003 (50 U.S.C. 404n–2) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

(g) ANNUAL REPORT ON COUNTERDRUG INTELLIGENCE MATTERS.—Section 826 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2429; 21 U.S.C. 873 note) is repealed.

(h) BIENNIAL REPORT ON FOREIGN INDUSTRIAL ESPIONAGE.—Subsection (b) of section 809 of the Intelligence Authorization Act for Fiscal Year 1995 (50 U.S.C. App. 2170b) is amended—

(1) in the heading, by striking ''ANNUAL UPDATE'' and inserting ''BIENNIAL REPORT'';

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

''(1) REQUIREMENT TO SUBMIT.—Not later than February 1, 2010 and once every two years thereafter, the President shall submit

to the congressional intelligence committees and congressional leadership a report updating the information referred to in subsection (a) (1) (D) not later than February 1, 2010 and every two years thereafter.''; and

(3) by redesignating paragraph (3) as paragraph (2).

(i) CONFORMING AMENDMENTS.—Section 507(a) of the National Security Act of 1947 (50 U.S.C. 415b(a)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraphs (A) and (B); and

(B) by redesignating subparagraphs (C) through (N) as subparagraphs (A) through (L), respectively; and

(2) in paragraph (2), by striking subparagraph (D).

Subtitle E—Other Matters

SEC. 351. EXTENSION OF AUTHORITY TO DELETE INFORMATION ABOUT RECEIPT AND DISPOSITION OF FOREIGN GIFTS AND DECORATIONS.

Paragraph (4) of section 7342(f) of title 5, United States Code, is amended to read as follows:

''(4)(A) In transmitting such listings for an element of the intelligence community, the head of such element may delete the information described in subparagraph (A) or (C) of paragraph (2) or in subparagraph (A) or (C) of paragraph (3) if the head of such element certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources or methods.

''(B) Any information not provided to the Secretary of State pursuant to the authority in subparagraph (A) shall be transmitted to the Director of National Intelligence who shall keep a record of such information.

''(C) In this paragraph, the term 'element of the intelligence community' means an element of the intelligence community listed in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).''.

SEC. 352. MODIFICATION OF AVAILABILITY OF FUNDS FOR DIFFERENT INTELLIGENCE ACTIVITIES.

Subparagraph (B) of section 504(a)(3) of the National Security Act of 1947 (50 U.S.C. 414(a)(3)) is amended to read as follows:

''(B) the use of such funds for such activity supports an emergent need, improves program effectiveness, or increases efficiency; and''.

SEC. 353. LIMITATION ON REPROGRAMMINGS AND TRANSFERS OF FUNDS.

(a) IN GENERAL.—Paragraph (3) of section 504 of the National Security Act of 1947 (50 U.S.C. 414) is amended—

(1) in subparagraph (B), as amended by section 353, by striking ''and'' at the end;

(2) in subparagraph (C), by adding ''and'' at the end; and

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

''(D) the making available of such funds for such activity complies with the requirements in subsection (d);''.

(b) PROCEDURES.—Such section 504 is further amended—

(1) by redesignating subsections (c), (d), (e), and (f), as redesignated by section 334(2), as subsections (d), (e), (f), and (g), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

''(c)(1) Except as provided in paragraph (2), if following a notice of intent to make funds available for a different activity under subsection (a)(3)(C) one of the congressional intelligence committees submits to the element of the intelligence community that will carry out such activity a request for additional information on such activity, such funds may not be made available for such activity under subsection (a)(3) until such date, up to 90 days after the date of such request, as specified by such congressional intelligence committee.

''(2) The President may waive the requirements of paragraph (1) and make funds available for an element of the intelligence community to carry out a different activity under subsection (a)(3) if the President submits to the congressional intelligence committees a certification providing that—

''(A) the use of such funds for such activity is necessary to fulfill an urgent operational requirement, excluding a cost overrun on the acquisition of a major system, of an element of the intelligence community; and

''(B) such waiver is necessary so that an element of the intelligence community may carry out such activity prior to the date that funds would be made available under paragraph (1).''.

(c) DEFINITIONS.—Subsection (g) of such section 504, as redesignated by subsection (b)(1) of this section, is amended—

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

(2) by redesignating paragraphs (1) and (2) as paragraphs (1) and (2), respectively;

(3) by striking ''and'' at the end of paragraph (1), as redesignated by paragraph (2) of this subsection; and

(4) by inserting after paragraph (2), as redesignated by paragraph (2) of this subsection, the following:

''(3) the term 'major system' has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403); and''.

SEC. 354. PROTECTION OF CERTAIN NATIONAL SECURITY INFORMATION.

(a) INCREASE IN PENALTIES FOR DISCLOSURE OF UNDERCOVER INTELLIGENCE OFFICERS AND AGENTS.—

(1) DISCLOSURE OF AGENT AFTER ACCESS TO INFORMATION IDENTIFYING AGENT.—Subsection (a) of section 601 of the National Security Act of 1947 (50 U.S.C. 421) is amended by striking ''ten years'' and inserting ''15 years''.

(2) DISCLOSURE OF AGENT AFTER ACCESS TO CLASSIFIED INFORMATION.—Subsection (b) of such section is amended by striking ''five years'' and inserting ''10 years''.

(b) MODIFICATIONS TO ANNUAL REPORT ON PROTECTION OF INTELLIGENCE IDENTITIES.—The first sentence of section 603(a) of the National Security Act of 1947 (50 U.S.C. 423(a)) is amended by inserting ''including an assessment of the need for any modification of this title for the purpose of improving legal protections for covert agents,'' after ''measures to protect the identities of covert agents,''.

SEC. 355. NATIONAL INTELLIGENCE PROGRAM BUDGET REQUEST.

(a) FINDING.—Congress finds that the Report of the National Commission on Terrorist Attacks Upon the United States (the ''9/11 Commission'') recommended that ''the overall amounts of money being appropriated for national intelligence and to its component agencies should no longer be kept secret'' and that ''Congress should pass a separate appropriations act for intelligence, defending the broad allocation of how these tens of billions of dollars have been assigned among the varieties of intelligence work.''.

(b) NATIONAL INTELLIGENCE PROGRAM BUDGET REQUEST.—Section 601 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 415c) is amended by striking subsection (b) and inserting the following:

''(b) BUDGET REQUEST.—On the date that the President submits to Congress the budget for a fiscal year required under section 1105 of title 31, United States Code, the President shall disclose to the public the aggregate amount of appropriations requested for that fiscal year for the National Intelligence Program.''.

SEC. 356. IMPROVING THE REVIEW AUTHORITY OF THE PUBLIC INTEREST DECLASSIFICATION BOARD.

Paragraph (5) of section 703(b) of the Public Interest Declassification Act of 2000 (50 U.S.C. 435 note) is amended—

(1) by striking ''jurisdiction,'' and inserting ''jurisdiction or by a member of the committee of jurisdiction,''; and

(2) by inserting '', evaluate the proper classification of certain records,'' after ''certain records''.

SEC. 357. AUTHORITY TO DESIGNATE UNDERCOVER OPERATIONS TO COLLECT FOREIGN INTELLIGENCE OR COUNTERINTELLIGENCE.

Paragraph (1) of section 102(b) of the Department of Justice and Related Agencies Appropriations Act, 1993 (Public Law 102–395; 28 U.S.C. 533 note) is amended in the flush text following subparagraph (D) by striking ''(or, if designated by the Director, the Assistant Director, Intelligence Division) and the Attorney General (or, if designated by the Attorney General, the Assistant Attorney General for National Security)'' and inserting ''(or a designee of the Director who is in a position not lower than Deputy Assistant Director in the National Security Branch or a similar successor position) and the Attorney General (or a designee of the Attorney General who is in the National Security Division in a position not lower than Deputy Assistant Attorney General or a similar successor position)''.

SEC. 358. CORRECTING LONG-STANDING MATERIAL WEAKNESSES.

(a) DEFINITIONS.—In this section:

(1) COVERED ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term ''covered element of the intelligence community'' means—

(A) the Central Intelligence Agency;

(B) the Defense Intelligence Agency;

(C) the National Geospatial-Intelligence Agency;

(D) the National Reconnaissance Office; or

(E) the National Security Agency.

(2) INDEPENDENT AUDITOR.—The term ''independent auditor'' means an individual who—

(A)(i) is a Federal, State, or local government auditor who meets the independence standards included in generally accepted government auditing standards; or

(ii) is a public accountant who meets such independence standards; and

(B) is designated as an auditor by the Director of National Intelligence or the head of a covered element of the intelligence community, as appropriate.

(3) LONG-STANDING, CORRECTABLE MATERIAL WEAKNESS.—The term ''long-standing, correctable material weakness'' means a material weakness—

(A) that was first reported in the annual financial report of a covered element of the intelligence community for a fiscal year prior to fiscal year 2007; and

(B) the correction of which is not substantially dependent on a business system that will not be implemented prior to the end of fiscal year 2010.

(4) MATERIAL WEAKNESS.—The term ''material weakness'' has the meaning given that term under the Office of Management and Budget Circular A–123, entitled ''Management's Responsibility for Internal Control,'' revised December 21, 2004.

(5) COVERED PROGRAM.—The term ''covered program'' means—

(A) the Central Intelligence Agency Program;

(B) the Consolidated Cryptologic Program;

(C) the General Defense Intelligence Program;

(D) the National Geospatial-Intelligence Program; or

(E) the National Reconnaissance Program.

(6) SENIOR INTELLIGENCE MANAGEMENT OFFICIAL.—The term ''senior intelligence management official'' means an official within a covered element of the intelligence community who holds a position—

(A)(i) for which the level of the duties and responsibilities and the rate of pay are comparable to that of a position—

(I) above grade 15 of the General Schedule (as described in section 5332 of title 5, United States Code); or

(II) at or above level IV of the Executive Level (as described in section 5315 of title 5, United States Code); or

(ii) as the head of a covered element of the intelligence community; and

(B) which is compensated for employment with funds appropriated pursuant to an authorization of appropriations in this Act.

(b) IDENTIFICATION OF SENIOR INTELLIGENCE MANAGEMENT OFFICIALS.—

(1) REQUIREMENT TO IDENTIFY.—Not later than 30 days after the date of the enactment of this Act, the head of a covered element of the intelligence community shall identify each senior intelligence management official of such element who is responsible for correcting a long-standing, correctable material weakness.

(2) HEAD OF A COVERED ELEMENT OF THE INTELLIGENCE COMMUNITY.—The head of a covered element of the intelligence community may designate himself or herself as the senior intelligence management official responsible for correcting a long-standing, correctable material weakness.

(3) REQUIREMENT TO UPDATE DESIGNATION.—In the event a senior intelligence management official identified under paragraph (1) is determined by the head of the appropriate covered element of the intelligence community to no longer be responsible for correcting a long-standing, correctable material weakness, the head of such element shall identify the successor to such official not later than 10 days after the date of such determination.

(c) NOTIFICATION.—Not later than 10 days after the date that the head of a covered element of the intelligence community has identified a senior intelligence management official pursuant to subsection (b)(1), the head of such element shall provide written notification of such identification to the Director of National Intelligence and to such senior intelligence management official.

(d) INDEPENDENT REVIEW.—

(1) NOTIFICATION OF CORRECTION OF DEFICIENCY.—A senior intelligence management official who has received a notification under subsection (c) regarding a long-standing, correctable material weakness shall notify the head of the appropriate covered element of the intelligence community, not later than 5 days after the date that such official determines that the specified material weakness is corrected.

(2) REQUIREMENT FOR INDEPENDENT REVIEW.—

(A) IN GENERAL.—Not later than 10 days after the date a notification is provided under paragraph (1), the head of the appropriate covered element of the intelligence community shall appoint an independent auditor to conduct an independent review to determine whether the specified long-standing, correctable material weakness has been corrected.

(B) REVIEW ALREADY IN PROCESS.—If an independent review is already being conducted by an independent auditor, the head of the covered element of the intelligence community may approve the continuation of such review to comply with subparagraph (A).

(C) CONDUCT OF REVIEW.—A review conducted under subparagraph (A) or (B) shall be conducted as expeditiously as possible and in accordance with generally accepted accounting principles.

(3) NOTIFICATION OF RESULTS OF REVIEW.—Not later than 5 days after the date that a review required by paragraph (2) is completed, the independent auditor shall submit to the head of the covered element of the intelligence community, the Director of National Intelligence, and the senior intelligence management official involved a notification of the results of such review.

(e) CONGRESSIONAL OVERSIGHT.—The head of a covered element of the intelligence community shall notify the congressional intelligence committees not later than 30 days after the date of—

(1) that a senior intelligence management official is identified under subsection (b)(1) and notified under subsection (c); or

(2) the correction of a long-standing, correctable material weakness, as verified by an independent review under subsection (d)(2).

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

SEC. 401. ACCOUNTABILITY REVIEWS BY THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) RESPONSIBILITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE.—Subsection (b) of section 102 of the National Security Act of 1947 (50 U.S.C. 403) is amended—

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

(2) in paragraph (3)—

(A) by striking ''2004,'' and inserting ''2004 (Public Law 108–458; 50 U.S.C. 403 note),''; and

(B) by striking the period at the end and inserting ''; and''; and

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

''(4) conduct accountability reviews of elements of the intelligence community and the personnel of such elements, if appropriate.''.

(b) TASKING AND OTHER AUTHORITIES.—Subsection (f) of section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (6) the following new paragraph:

''(7)(A) The Director of National Intelligence shall, if the Director determines it is necessary, or may, if requested by a congressional intelligence committee, conduct an accountability review of an element of the intelligence community or the personnel of such element in relation to a failure or deficiency within the intelligence community.

''(B) The Director of National Intelligence, in consultation with the Attorney General, shall establish guidelines and procedures for conducting an accountability review under subparagraph (A).

''(C)(i) The Director of National Intelligence shall provide the findings of an accountability review conducted under subparagraph (A) and the Director's recommendations for corrective or punitive action, if any, to the head of the applicable element of the intelligence community. Such recommendations may include a recommendation for dismissal of personnel.

''(ii) If the head of such element does not implement a recommendation made by the Director under clause (i), the head of such element shall submit to the congressional intelligence committees a notice of the determination not to implement the recommendation, including the reasons for the determination.

''(D) The requirements of this paragraph shall not limit any authority of the Director of National Intelligence under subsection (m) or with respect to supervision of the Central Intelligence Agency.''.

SEC. 402. AUTHORITIES FOR INTELLIGENCE INFORMATION SHARING.

(a) AUTHORITIES FOR INTERAGENCY FUNDING.—Section 102A(g)(1) of the National Security Act of 1947 (50 U.S.C. 403–1(g)(1)) is amended—

(1) in subparagraph (E), by striking ''and'' at the end;

(2) in subparagraph (F), by striking the period and inserting a semicolon; and

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

''(G) in carrying out this subsection, without regard to any other provision of law (other than this Act and the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458; 118 Stat. 3643)), expend funds and make funds available to other departments or agencies of the United States for, and direct the development and fielding of, systems of common concern related to the collection, processing, analysis, exploitation, and dissemination of intelligence information; and

''(H) for purposes of addressing critical gaps in intelligence information sharing or access capabilities, have the authority to transfer funds appropriated for a program within the National Intelligence Program to a program funded by appropriations not within the National Intelligence Program, consistent with paragraphs (3) through (7) of subsection (d).''.

(b) AUTHORITIES OF HEADS OF OTHER DEPARTMENTS AND AGENCIES.—Notwithstanding any other provision of law, the head of any department or agency of the United States is authorized to receive and utilize funds made available to the department or agency by the Director of National Intelligence pursuant to section 102A(g)(1) of the National Security Act of 1947 (50 U.S.C. 403–1(g)(1)), as amended by subsection (a), and receive and utilize any system referred to in such section that is made available to the department or agency.

(c) REPORTS.—

(1) REQUIREMENT FOR REPORTS.—Not later than February 1 of each of the fiscal years 2011 through 2014, the Director of National Intelligence shall submit to the congressional intelligence committees a report detailing the distribution of funds and systems during the preceding fiscal year pursuant to subparagraph (G) or (H) of section 102A(g)(1) of the National Security Act of 1947 (50 U.S.C. 403–1(g)(1)), as added by subsection (a).

(2) CONTENT.—Each such report shall include—

(A) a listing of the agencies or departments to which such funds or systems were distributed;

(B) a description of the purpose for which such funds or systems were distributed; and

(C) a description of the expenditure of such funds, and the development, fielding, and use of such systems by the receiving agency or department.

SEC. 403. AUTHORITIES FOR INTERAGENCY FUNDING.

(a) IN GENERAL.—Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1), as amended by sections 303, 304, and 312, is further amended by adding at the end the following new subsection:

''(x) AUTHORITIES FOR INTERAGENCY FUNDING.—(1) Notwithstanding section 1346 of title 31, United States Code, or any other provision of law prohibiting the interagency financing of activities described in subparagraph (A) or (B), upon the request of the Director of National Intelligence, any element of the intelligence community may use appropriated funds to support or participate in the interagency activities of the following:

''(A) National intelligence centers established by the Director under section 119B.

''(B) Boards, commissions, councils, committees, and similar groups that are established—

''(i) for a term of not more than 2 years; and

''(ii) by the Director.

''(2) No provision of law enacted after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2010 shall be construed to limit or supersede the authority in paragraph (1) unless such provision makes specific reference to the authority in that paragraph.''.

(b) REPORTS.—Not later than February 1 of each fiscal year 2011 through 2014, the Director of National Intelligence shall submit to the congressional intelligence committees a report detailing the exercise of any authority pursuant to subsection (x) of section 102A of the National Security Act of 1947 (50 U.S.C. 403–1), as added by subsection (a), during the preceding fiscal year.

SEC. 404. LOCATION OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Subsection (e) of section 103 of the National Security Act of 1947 (50 U.S.C. 403–3) is amended to read as follows:

''(e) LOCATION OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.—The headquarters of the Office of the Director of National Intelligence may be located in the Washington metropolitan region, as that term is defined in section 8301 of title 40, United States Code.''.

SEC. 405. ADDITIONAL DUTIES OF THE DIRECTOR OF SCIENCE AND TECHNOLOGY.

(a) IN GENERAL.—Section 103E of the National Security Act of 1947 (50 U.S.C. 403–3e) is amended—

(1) in subsection (c)—

(A) by redesignating paragraph (5) as paragraph (7);

(B) in paragraph (4), by striking ''and'' at the end; and

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

''(5) assist the Director in establishing goals for basic, applied, and advanced research to meet the technology needs of the intelligence community and to be executed by elements of the intelligence community by—

''(A) systematically identifying, assessing, and prioritizing the most significant intelligence challenges that require technical solutions; and

''(B) examining options to enhance the responsiveness of research programs;

''(6) submit to Congress an annual report on the science and technology strategy of the Director; and''; and

(2) in paragraph (3) of subsection (d)—

(A) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively;

(B) in subparagraph (B), as so redesignated, by inserting ''and prioritize'' after ''coordinate''; and

(C) by inserting before subparagraph (B), as so redesignated, the following new subparagraph:

''(A) identify basic, advanced, and applied research programs to be executed by elements of the intelligence community;''.

(b) SENSE OF CONGRESS ON SUPERVISION OF THE DIRECTOR OF SCIENCE AND TECHNOLOGY.—It is the sense of Congress that the Director of Science and Technology of the Office of the Director of National Intelligence should report only to a member of such Office who is appointed by the President, by and with the consent of the Senate.

SEC. 406. TITLE AND APPOINTMENT OF CHIEF INFORMATION OFFICER OF THE INTELLIGENCE COMMUNITY.

Section 103G of the National Security Act of 1947 (50 U.S.C. 403–3g) is amended—

(1) in subsection (a)—

(A) by inserting ''of the Intelligence Community'' after ''Chief Information Officer''; and

(B) by striking ''President,'' and all that follows and inserting ''President.'';

(2) by striking subsection (b) and redesignating subsections (c) and (d) as subsections (b) and (c), respectively;

(3) in subsection (b) (as so redesignated), by inserting ''of the Intelligence Community'' after ''Chief Information Officer''; and

(4) in subsection (c) (as so redesignated), by inserting ''of the Intelligence Community'' after ''Chief Information Officer'' the first place it appears.

SEC. 407. INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by inserting after section 103G the following new section:

''INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY

''SEC. 103H. (a) OFFICE OF INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.—There is within the Office of the Director of National Intelligence an Office of the Inspector General of the Intelligence Community.

''(b) PURPOSE.—The purpose of the Office of the Inspector General of the Intelligence Community is—

''(1) to create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independently investigations, inspections, audits, and reviews on programs and activities within the responsibility and authority of the Director of National Intelligence;

''(2) to provide leadership and coordination and recommend policies for activities designed—

''(A) to promote economy, efficiency, and effectiveness in the administration and implementation of such programs and activities; and

''(B) to prevent and detect fraud and abuse in such programs and activities;

''(3) to provide a means for keeping the Director of National Intelligence fully and currently informed about—

''(A) problems and deficiencies relating to the administration of programs and activities within the responsibility and authority of the Director of National Intelligence; and

''(B) the necessity for, and the progress of, corrective actions; and

''(4) in the manner prescribed by this section, to ensure that the congressional intelligence committees are kept similarly informed of—

''(A) significant problems and deficiencies relating to programs and activities within the responsibility and authority of the Director of National Intelligence; and

''(B) the necessity for, and the progress of, corrective actions.

''(c) INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.—(1) There is an Inspector General of the Intelligence Community, who shall be the head of the Office of the Inspector General of the Intelligence Community, who shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) The nomination of an individual for appointment as Inspector General shall be made—

''(A) without regard to political affiliation;

''(B) on the basis of integrity, compliance with security standards of the intelligence community, and prior experience in the field of intelligence or national security; and

''(C) on the basis of demonstrated ability in accounting, financial analysis, law, management analysis, public administration, or investigations.

''(3) The Inspector General shall report directly to and be under the general supervision of the Director of National Intelligence.

''(4) The Inspector General may be removed from office only by the President. The President shall communicate in writing to the congressional intelligence committees the reasons for the removal not later than 30 days prior to the effective date of such removal.

''(d) ASSISTANT INSPECTORS GENERAL.—Subject to applicable law and the policies of the Director of National Intelligence, the Inspector General shall—

''(1) appoint an Assistant Inspector General for Audit who shall have the responsibility for supervising the performance of auditing activities relating to programs and activities within the responsibility and authority of the Director;

''(2) appoint an Assistant Inspector General for Investigations who shall have the responsibility for supervising the performance of investigative activities relating to such programs and activities; and

''(3) appoint other Assistant Inspectors General that, in the judgment of the Inspector General, are necessary to carry out the duties of the Inspector General.

''(e) DUTIES AND RESPONSIBILITIES.—It shall be the duty and responsibility of the Inspector General of the Intelligence Community—

''(1) to provide policy direction for, and to plan, conduct, supervise, and coordinate independently, the investigations, inspections, audits, and reviews relating to programs and activities within the responsibility and authority of the Director of National Intelligence;

''(2) to keep the Director of National Intelligence fully and currently informed concerning violations of law and regulations, fraud and other serious problems, abuses, and deficiencies relating to the programs and activities within the responsibility and authority of the Director, to recommend corrective action concerning such problems, and to report on the progress made in implementing such corrective action;

''(3) to take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Inspector General, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports; and

''(4) in the execution of the duties and responsibilities under this section, to comply with generally accepted government auditing.

''(f) LIMITATIONS ON ACTIVITIES.—(1) The Director of National Intelligence may prohibit the Inspector General of the Intelligence Community from initiating, carrying out, or completing any investigation, inspection, audit, or review if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

''(2) If the Director exercises the authority under paragraph (1), the Director shall submit an appropriately classified statement of the reasons for the exercise of such authority within 7 days to the congressional intelligence committees.

''(3) The Director shall advise the Inspector General at the time a statement under paragraph (2) is submitted, and, to the extent

consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such statement.

''(4) The Inspector General may submit to the congressional intelligence committees any comments on the statement of which the Inspector General has notice under paragraph (3) that the Inspector General considers appropriate.

''(g) AUTHORITIES.—(1) The Inspector General of the Intelligence Community shall have direct and prompt access to the Director of National Intelligence when necessary for any purpose pertaining to the performance of the duties of the Inspector General.

''(2)(A) The Inspector General shall, subject to the limitations in subsection (f), make such investigations and reports relating to the administration of the programs and activities within the authorities and responsibilities of the Director as are, in the judgment of the Inspector General, necessary or desirable.

''(B) The Inspector General shall have access to any employee, or any employee of contract personnel, of any element of the intelligence community needed for the performance of the duties of the Inspector General.

''(C) The Inspector General shall have direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other material which relate to the programs and activities with respect to which the Inspector General has responsibilities under this section.

''(D) The level of classification or compartmentation of information shall not, in and of itself, provide a sufficient rationale for denying the Inspector General access to any materials under subparagraph (C).

''(E) The Director, or on the recommendation of the Director, another appropriate official of the intelligence community, shall take appropriate administrative actions against an employee, or an employee of contract personnel, of an element of the intelligence community that fails to cooperate with the Inspector General. Such administrative action may include loss of employment or the termination of an existing contractual relationship.

''(3) The Inspector General is authorized to receive and investigate, pursuant to subsection (h), complaints or information from any person concerning the existence of an activity within the authorities and responsibilities of the Director of National Intelligence constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety. Once such complaint or information has been received from an employee of the intelligence community—

''(A) the Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that such disclosure is unavoidable during the course of the investigation or the disclosure is made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken; and

''(B) no action constituting a reprisal, or threat of reprisal, for making such complaint or disclosing such information to the Inspector General may be taken by any employee in a position to take such actions, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

''(4) The Inspector General shall have authority to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the duties of the Inspector General, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office of the Inspector General of the Intelligence Community designated by the Inspector General shall have the same force and effect as if administered or taken by, or before, an officer having a seal.

''(5)(A) Except as provided in subparagraph (B), the Inspector General is authorized to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data in any medium (including electronically stored information, as well as any tangible thing) and documentary evidence necessary in the performance of the duties and responsibilities of the Inspector General.

''(B) In the case of departments, agencies, and other elements of the United States Government, the Inspector General shall obtain information, documents, reports, answers, records, accounts, papers, and other data and evidence for the purpose specified in subparagraph (A) using procedures other than by subpoenas.

''(C) The Inspector General may not issue a subpoena for, or on behalf of, any component of the Office of the Director of National Intelligence or any element of the intelligence community, including the Office of the Director of National Intelligence.

''(D) In the case of contumacy or refusal to obey a subpoena issued under this paragraph, the subpoena shall be enforceable by order of any appropriate district court of the United States.

''(6) The Inspector General may obtain services as authorized by section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade 15 of the General Schedule (as described in section 5332 of title 5, United States Code).

''(7) The Inspector General may, to the extent and in such amounts as may be provided in appropriations, enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and to make such payments as may be necessary to carry out the provisions of this section.

''(h) COORDINATION AMONG INSPECTORS GENERAL.—(1)(A) In the event of a matter within the jurisdiction of the Inspector General of the Intelligence Community that may be subject to an investigation, inspection, audit, or review by both the Inspector General of the Intelligence Community and an inspector general, whether statutory or administrative, with oversight responsibility for an element or elements of the intelligence community, the Inspector General of the Intelligence Community and such other inspector or inspectors general shall expeditiously resolve the question of which inspector general shall conduct such investigation, inspection, audit, or review to avoid unnecessary duplication of the activities of the Offices of the Inspectors General.

''(B) In attempting to resolve a question under subparagraph (A), the inspectors general concerned may request the assistance of the Intelligence Community Inspectors General Forum established under paragraph (2). In the event of a dispute between an inspector general within an agency or department of the United States Government and the Inspector General of the Intelligence Community that has not been resolved with the assistance of such Forum, the inspectors general shall submit the question to the Director of National Intelligence and the head of the affected agency or department for resolution.

''(2)(A) There is established the Intelligence Community Inspectors General Forum, which shall consist of all statutory or administrative inspectors general with oversight responsibility for an element or elements of the intelligence community.

''(B) The Inspector General of the Intelligence Community shall serve as the Chair of the Forum established under subparagraph (A). The Forum shall have no administrative authority over any inspector general, but shall serve as a mechanism for informing its members of the work of individual members of the Forum that may be of common interest and discussing questions about jurisdiction or access to employees, employees of contract personnel, records, audits, reviews, documents, recommendations, or other materials that may involve or be of assistance to more than 1 of its members.

''(3) The Inspector General conducting an investigation, inspection, audit, or review covered by paragraph (1) shall submit the results of such investigation, inspection, audit, or review to any other Inspector General, including the Inspector General of the Intelligence Community, with jurisdiction to conduct such investigation, inspection, audit, or review who did not conduct such investigation, inspection, audit, or review.

''(i) COUNSEL TO THE INSPECTOR GENERAL.—The Inspector General of the Intelligence Community shall—

''(1) appoint a Counsel to the Inspector General who shall report to the Inspector General; or

''(2) obtain the services of a counsel appointed by and directly reporting to another Inspector General or the Council of the Inspectors General on Integrity and Efficiency on a reimbursable basis.

''(j) STAFF AND OTHER SUPPORT.—(1) The Director of National Intelligence shall provide the Inspector General of the Intelligence Community with appropriate and adequate office space at central and field office locations, together with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

''(2)(A) Subject to applicable law and the policies of the Director of National Intelligence, the Inspector General shall select, appoint, and employ such officers and employees as may be necessary to carry out the functions, powers, and duties of the Inspector General. The Inspector General shall ensure that any officer or employee so selected, appointed, or employed has security clearances appropriate for the assigned duties of such officer or employee.

''(B) In making selections under subparagraph (A), the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable the Inspector General to carry out the duties of the Inspector General effectively.

''(C) In meeting the requirements of this paragraph, the Inspector General shall create within the Office of the Inspector General of the Intelligence Community a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General.

''(3) Consistent with budgetary and personnel resources allocated by the Director of National Intelligence, the Inspector General has final approval of—

''(A) the selection of internal and external candidates for employment with the Office of the Inspector General; and

''(B) all other personnel decisions concerning personnel permanently assigned to the Office of Inspector General, including selection and appointment to the Senior Intelligence Service, but excluding all security based determinations that are not within the authority of a head of a component of the Office of the Director of National Intelligence.

''(4)(A) Subject to the concurrence of the Director of National Intelligence, the Inspector General may request such information or assistance as may be necessary for carrying out the duties and responsibilities of the Inspector General from any department, agency, or other element of the United States Government.

''(B) Upon request of the Inspector General for information or assistance under subparagraph (A), the head of the department, agency, or element concerned shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the department, agency, or element, furnish to the Inspector General, or to an authorized designee, such information or assistance.

''(C) The Inspector General of the Intelligence Community may, upon reasonable notice to the head of any element of the intelligence community and in coordination with that element's inspector general pursuant to subsection (h), conduct, as authorized by this section, an investigation, inspection, audit, or review of such element and may enter into any place occupied by such element for purposes of the performance of the duties of the Inspector General.

''(k) REPORTS.—(1)(A) The Inspector General of the Intelligence Community shall, not later than January 31 and July 31 of each year, prepare and submit to the Director of National Intelligence a classified, and, as appropriate, unclassified semiannual report summarizing the activities of the Office of the Inspector General of the Intelligence Community during the immediately preceding 6-month period ending December 31 (of the preceding year) and June 30, respectively. The Inspector General of the Intelligence Community shall provide any portion of the report involving a component of a department of the United States Government to the head of that department simultaneously with submission of the report to the Director of National Intelligence.

''(B) Each report under this paragraph shall include, at a minimum, the following:

''(i) A list of the title or subject of each investigation, inspection, audit, or review conducted during the period covered by such report.

''(ii) A description of significant problems, abuses, and deficiencies relating to the administration of programs and activities of the intelligence community within the responsibility and authority of the Director of National Intelligence, and in the relationships between elements of the intelligence community, identified by the Inspector General during the period covered by such report.

''(iii) A description of the recommendations for corrective action made by the Inspector General during the period covered by such report with respect to significant problems, abuses, or deficiencies identified in clause (ii).

''(iv) A statement of whether or not corrective action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action.

''(v) A certification of whether or not the Inspector General has had full and direct access to all information relevant to the performance of the functions of the Inspector General.

''(vi) A description of the exercise of the subpoena authority under subsection (g)(5) by the Inspector General during the period covered by such report.

''(vii) Such recommendations as the Inspector General considers appropriate for legislation to promote economy, efficiency, and effectiveness in the administration and implementation of programs and activities within the responsibility and authority of the Director of National Intelligence, and to detect and eliminate fraud and abuse in such programs and activities.

''(C) Not later than 30 days after the date of receipt of a report under subparagraph (A), the Director shall transmit the report to the congressional intelligence committees together with any comments the Director considers appropriate. The Director shall transmit to the committees of the Senate and of the House of Representatives with jurisdiction over a department of the United States Government any portion of the report involving a component of such department simultaneously with submission of the report to the congressional intelligence committees.

''(2)(A) The Inspector General shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to programs and activities within the responsibility and authority of the Director of National Intelligence.

''(B) The Director shall transmit to the congressional intelligence committees each report under subparagraph (A) within 7 calendar days of receipt of such report, together with such comments as the Director considers appropriate. The Director shall transmit to the committees of the Senate and of the House of Representatives with jurisdiction over a department of the United States Government any portion of each report under subparagraph (A) that involves a problem, abuse, or deficiency related to a component of such department simultaneously with transmission of the report to the congressional intelligence committees.

''(3)(A) In the event that—

''(i) the Inspector General is unable to resolve any differences with the Director affecting the execution of the duties or responsibilities of the Inspector General;

''(ii) an investigation, inspection, audit, or review carried out by the Inspector General focuses on any current or former intelligence community official who—

''(I) holds or held a position in an element of the intelligence community that is subject to appointment by the President, whether or not by and with the advice and consent of the Senate, including such a position held on an acting basis;

''(II) holds or held a position in an element of the intelligence community, including a position held on an acting basis, that is appointed by the Director of National Intelligence; or

''(III) holds or held a position as head of an element of the intelligence community or a position covered by subsection (b) or (c) of section 106;

''(iii) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former official described in clause (ii);

''(iv) the Inspector General receives notice from the Department of Justice declining or approving prosecution of possible criminal conduct of any current or former official described in clause (ii); or

''(v) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, audit, or review,

the Inspector General shall immediately notify, and submit a report to, the congressional intelligence committees on such matter.

''(B) The Inspector General shall submit to the committees of the Senate and of the House of Representatives with jurisdiction over a department of the United States Government any portion of each report under subparagraph (A) that involves an investigation, inspection, audit, or review carried out by the Inspector General focused on any current or former official of a component of such department simultaneously with submission of the report to the congressional intelligence committees.

''(4) Pursuant to title V, the Director shall submit to the congressional intelligence committees any report or findings and recommendations of an investigation, inspection, audit, or review conducted by the office which has been requested by the Chairman or Vice Chairman or Ranking Minority Member of either committee.

''(5)(A) An employee of an element of the intelligence community, an employee assigned or detailed to an element of the intelligence community, or an employee of contract personnel to the intelligence community who intends to report to Congress a complaint or information with respect to an urgent concern may report such complaint or information to the Inspector General.

''(B) Not later than the end of the 14-calendar-day period beginning on the date of receipt from an employee of a complaint or information under subparagraph (A), the Inspector General shall determine whether the complaint or information appears credible. Upon making such a determination, the Inspector General shall transmit to the Director a notice of that determination, together with the complaint or information.

''(C) Upon receipt of a transmittal from the Inspector General under subparagraph (B), the Director shall, within 7 calendar days of such receipt, forward such transmittal to the congressional intelligence committees, together with any comments the Director considers appropriate.

''(D)(i) If the Inspector General does not find credible under subparagraph (B) a complaint or information submitted under subparagraph (A), or does not transmit the complaint or information to the Director in accurate form under subparagraph (B), the employee (subject to clause (ii)) may submit the complaint or information to Congress by contacting either or both of the congressional intelligence committees directly.

''(ii) An employee may contact the intelligence committees directly as described in clause (i) only if the employee—

''(I) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee's complaint or information and notice of the employee's intent to contact the congressional intelligence committees directly; and

''(II) obtains and follows from the Director, through the Inspector General, direction on how to contact the congressional intelligence committees in accordance with appropriate security practices.

''(iii) A member or employee of one of the congressional intelligence committees who receives a complaint or information under clause (i) does so in that member or employee's official capacity as a member or employee of such committee.

''(E) The Inspector General shall notify an employee who reports a complaint or information to the Inspector General under this paragraph of each action taken under this paragraph with respect to the complaint or information. Such notice shall be provided not later than 3 days after any such action is taken.

''(F) An action taken by the Director or the Inspector General under this paragraph shall not be subject to judicial review.

''(G) In this paragraph, the term 'urgent concern' means any of the following:

''(i) A serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operation of an intelligence activity

within the responsibility and authority of the Director of National Intelligence involving classified information, but does not include differences of opinions concerning public policy matters.

''(ii) A false statement to Congress, or a willful withholding from Congress, on an issue of material fact relating to the funding, administration, or operation of an intelligence activity.

''(iii) An action, including a personnel action described in section 2302(a)(2)(A) of title 5, United States Code, constituting reprisal or threat of reprisal prohibited under subsection (f)(3)(B) of this section in response to an employee's reporting an urgent concern in accordance with this paragraph.

''(H) In support of this paragraph, Congress makes the findings set forth in paragraphs (1) through (6) of section 701(b) of the Intelligence Community Whistleblower Protection Act of 1998 (title VII of Public Law 105–272; 5 U.S.C. App. 8H note).

''(I) Nothing in this section shall be construed to limit the protections afforded to an employee under the Intelligence Community Whistleblower Protection Act of 1988 (title VII of Public Law 105–272, 5 U.S.C. App. 8H note).

''(6) In accordance with section 535 of title 28, United States Code, the Inspector General shall expeditiously report to the Attorney General any information, allegation, or complaint received by the Inspector General relating to violations of Federal criminal law that involves a program or operation of an element of the intelligence community, or in the relationships between the elements of the intelligence community, consistent with such guidelines as may be issued by the Attorney General pursuant to subsection (b)(2) of such section. A copy of each such report shall be furnished to the Director.

''(l) CONSTRUCTION OF DUTIES REGARDING ELEMENTS OF INTELLIGENCE COMMUNITY.—Except as resolved pursuant to subsection (h), the performance by the Inspector General of the Intelligence Community of any duty, responsibility, or function regarding an element of the intelligence community shall not be construed to modify or affect the duties and responsibilities of any other Inspector General, whether statutory or administrative, having duties and responsibilities relating to such element.

''(m) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall, in accordance with procedures to be issued by the Director in consultation with the congressional intelligence committees, include in the National Intelligence Program budget a separate account for the Office of Inspector General of the Intelligence Community.

''(n) BUDGET.—(1) For each fiscal year, the Inspector General of the Intelligence Community shall transmit a budget estimate and request to the Director of National Intelligence that specifies for such fiscal year—

''(A) the aggregate amount requested for the operations of the Inspector General;

''(B) the amount requested for all training requirements of the Inspector General, including a certification from the Inspector General that the amount requested is sufficient to fund all training requirements for the Office of the Inspector General; and

''(C) the amount requested to support the Council of the Inspectors General on Integrity and Efficiency, including a justification of such amount.

''(2) In transmitting a proposed budget to the President for a fiscal year, the Director of National Intelligence shall include for such fiscal year—

''(A) the aggregate amount requested for the Inspector General of the Intelligence Community;

''(B) the amount requested by the Inspector General for training;

''(C) the amounts requested to support of the Council of the Inspectors General on Integrity and Efficiency; and

''(D) the comments of the Inspector General, if any, with respect to the proposal.

''(3) The Director of National Intelligence shall submit to the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives for each fiscal year—

''(A) a separate statement of the budget estimate transmitted pursuant to paragraph (1);

''(B) the amount requested by the Director for the Inspector General pursuant to paragraph (2);

''(C) the amount requested by the Director for training for personnel of the Office of the Inspector General;

''(D) the amount requested by the Director for support for the Council of the Inspectors General on Integrity and Efficiency; and

''(E) the comments of the Inspector General, if any, on the amount requested pursuant to paragraph (2), including whether such amount would substantially inhibit the Inspector General from performing the duties of the Office of the Inspector General.''.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 103G the following new item:

''Sec. 103H. Inspector General of the Intelligence Community.''.

(b) PAY OF INSPECTOR GENERAL.—Subparagraph (A) of section 4(a)(3) of the Inspector General Reform Act of 2008 (Public Law 110–409; 5 U.S.C. App. note) is amended by inserting ''the Inspector General of the Intelligence Community,'' after ''basic pay of''.

(c) CONSTRUCTION.—Nothing in the amendment made by subsection (a)(1) shall be construed to alter the duties and responsibilities of the General Counsel of the Office of the Director of National Intelligence. The Counsel to the Inspector General of the Intelligence Community appointed pursuant to section 103H(i) of the National Security Act of 1947 (50 U.S.C. 402 et seq.), as added by subsection (a)(1), shall perform the functions as such Inspector General may prescribe.

(d) REPEAL OF SUPERSEDED AUTHORITY TO ESTABLISH POSITION.—

(1) IN GENERAL.—Section 8K of the Inspector General Act of 1978 (5 U.S.C. App.) shall be repealed on the date that the President nominates the first individual to serve as Inspector General for the Intelligence Community pursuant to section 103H of the National Security Act of 1947, as added by subsection (a).

(2) TRANSITION.—Notwithstanding the repeal of section 8K of the Inspector General Act of 1978 (5 U.S.C. App.) pursuant to paragraph (1), the individual serving as Inspector General pursuant to such section 8K may continue such service until an individual is appointed as the Inspector General of the Intelligence Community, by and with the advice and consent of the Senate, pursuant to such section 103H and assumes the duties of that position.

SEC. 408. CHIEF FINANCIAL OFFICER OF THE INTELLIGENCE COMMUNITY.

(a) ESTABLISHMENT.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.), as amended by section 407 of this Act, is further amended by inserting after section 103H, as added by section 407(a)(1), the following new section:

''CHIEF FINANCIAL OFFICER OF THE INTELLIGENCE COMMUNITY

''SEC. 103I. (a) CHIEF FINANCIAL OFFICER OF THE INTELLIGENCE COMMUNITY.—To assist the Director of National Intelligence in carrying out the responsibilities of the Director under this Act and other applicable provisions of law, there shall be within the Office of the Director of National Intelligence a Chief Financial Officer of the Intelligence Community who shall be appointed by the Director.

''(b) DUTIES AND RESPONSIBILITIES.—Subject to the direction of the Director of National Intelligence, the Chief Financial Officer of the Intelligence Community shall—

''(1) serve as the principal advisor to the Director of National Intelligence and the Principal Deputy Director of National Intelligence on the management and allocation of intelligence community budgetary resources;

''(2) establish and oversee a comprehensive and integrated strategic process for resource management within the intelligence community;

''(3) ensure that the strategic plan of the Director of National Intelligence—

''(A) is based on budgetary constraints as specified in the Future Year Intelligence Plans and Long-term Budget Projections required by this Act; and

''(B) contains specific goals and objectives to support a performance-based budget;

''(4) ensure that—

''(A) current and future major system acquisitions have validated national requirements for meeting the strategic plan of the Director; and

''(B) such requirements are prioritized based on budgetary constraints, as specified in the Future Year Intelligence Plans and the Long-term Intelligence Projections required by this Act;

''(5) prior to the obligation or expenditure of funds for the acquisition of any major system pursuant to a Milestone A or Milestone B decision, determine that such acquisition complies with the requirements of paragraph (4);

''(6) ensure that the architectures of the Director are based on budgetary constraints as specified in the Future Year Intelligence Plans and the Long-term Budget Projections required by this Act;

''(7) coordinate or approve representations made to Congress by the intelligence community regarding National Intelligence Program budgetary resources;

''(8) preside, or assist in presiding, over any mission requirements, acquisition, or architectural board formed within or by the Office of the Director of National Intelligence; and

''(9) perform such other duties as may be prescribed by the Director of National Intelligence or specified by law.

''(c) OTHER LAW.—The Chief Financial Officer of the Intelligence Community shall serve as the Chief Financial Officer of the intelligence community and, to the extent applicable, shall have the duties, responsibilities, and authorities specified in the Chief Financial Officers Act of 1990 (Public Law 101–576; 104 Stat. 2823) and the amendments made by that Act.

''(d) PROHIBITION ON SIMULTANEOUS SERVICE AS OTHER CHIEF FINANCIAL OFFICER.—An individual serving in the position of Chief Financial Officer of the Intelligence Community may not, while so serving, serve as the chief financial officer of any other department or agency, or component thereof, of the United States Government.

''(e) DEFINITIONS.—In this section:

''(1) The term 'major system' has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

''(2) The term 'Milestone A' means a decision to enter into concept refinement and technology maturity demonstration pursuant to guidance issued by the Director of National Intelligence.

''(3) The term 'Milestone B' means a decision to enter into system development, integration, and demonstration pursuant to guidance prescribed by the Director of National Intelligence.''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947, as amended by section 406, is further amended by inserting after the item relating to section 103H, as added by section 407(a)(2) the following new item:

''Sec. 103I. Chief Financial Officer of the Intelligence Community.''.

SEC. 409. LEADERSHIP AND LOCATION OF CERTAIN OFFICES AND OFFICIALS.

(a) NATIONAL COUNTER PROLIFERATION CENTER.—Section 119A(a) of the National Security Act of 1947 (50 U.S.C. 404o–1(a)) is amended—

(1) by striking ''(a) ESTABLISHMENT.—Not later than 18 months after the date of the enactment of the National Security Intelligence Reform Act of 2004, the'' and inserting the following:

''(a) IN GENERAL.—

''(1) ESTABLISHMENT.—The''; and

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

''(2) DIRECTOR.—The head of the National Counter Proliferation Center shall be the Director of the National Counter Proliferation Center, who shall be appointed by the Director of National Intelligence.

''(3) LOCATION.—The National Counter Proliferation Center shall be located within the Office of the Director of National Intelligence.''.

(b) OFFICERS.—Section 103(c) of that Act (50 U.S.C. 403–3(c)) is amended—

(1) by redesignating paragraph (9) as paragraph (14); and

(2) by inserting after paragraph (8) the following new paragraphs:

''(9) The Chief Information Officer of the Intelligence Community.

''(10) The Inspector General of the Intelligence Community.

''(11) The Director of the National Counterterrorism Center.

''(12) The Director of the National Counter Proliferation Center.

''(13) The Chief Financial Officer of the Intelligence Community''.

SEC. 410. NATIONAL SPACE INTELLIGENCE OFFICE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding at the end the following new section:

''NATIONAL SPACE INTELLIGENCE OFFICE

''SEC. 119C. (a) ESTABLISHMENT.—There is established within the Office of the Director of National Intelligence a National Space Intelligence Office.

''(b) DIRECTOR OF NATIONAL SPACE INTELLIGENCE OFFICE.—The National Intelligence Officer for Science and Technology, or a successor position designated by the Director of National Intelligence, shall act as the Director of the National Space Intelligence Office.

''(c) MISSIONS.—The National Space Intelligence Office shall have the following missions:

''(1) To coordinate and provide policy direction for the management of space-related intelligence assets.

''(2) To prioritize collection activities consistent with the National Intelligence Collection Priorities framework, or a successor framework or other document designated by the Director of National Intelligence.

''(3) To provide policy direction for programs designed to ensure a sufficient cadre of government and nongovernment personnel in fields relating to space intelligence, including programs to support education, recruitment, hiring, training, and retention of qualified personnel.

''(4) To evaluate independent analytic assessments of threats to classified United States space intelligence systems throughout all phases of the development, acquisition, and operation of such systems.

''(d) ACCESS TO INFORMATION.—The Director of National Intelligence shall ensure that the National Space Intelligence Office has access to all national intelligence information (as appropriate), and such other information (as appropriate and practical), necessary for the Office to carry out the missions of the Office under subsection (c).

''(e) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall include in the National Intelligence Program budget a separate line item for the National Space Intelligence Office.''.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 119B the following new item:

''Sec. 119C. National Space Intelligence Office.''.

(b) REPORT ON ORGANIZATION OF OFFICE.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Space Intelligence Office shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report on the organizational structure of the National Space Intelligence Office established by section 119C of the National Security Act of 1947 (as added by subsection (a)).

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The proposed organizational structure of the National Space Intelligence Office.

(B) An identification of key participants in the Office.

(C) A strategic plan for the Office during the 5-year period beginning on the date of the report.

SEC. 411. PROTECTION OF CERTAIN FILES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) IN GENERAL.—Title VII of the National Security Act of 1947 (50 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

''PROTECTION OF CERTAIN FILES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

''SEC. 706. (a) INAPPLICABILITY OF FOIA TO EXEMPTED OPERATIONAL FILES PROVIDED TO ODNI.—(1) Subject to paragraph (2), the provisions of section 552 of title 5, United States Code, that require search, review, publication, or disclosure of a record shall not apply to a record provided to the Office by an element of the intelligence community from the exempted operational files of such element.

''(2) Paragraph (1) shall not apply with respect to a record of the Office that—

''(A) contains information derived or disseminated from an exempted operational file, unless such record is created by the Office for the sole purpose of organizing such exempted operational file for use by the Office;

''(B) is disseminated by the Office to a person other than an officer, employee, or contractor of the Office; or

''(C) is no longer designated as an exempted operational file in accordance with this title.

''(b) EFFECT OF PROVIDING FILES TO ODNI.—Notwithstanding any other provision of this title, an exempted operational file that is provided to the Office by an element of the intelligence community shall not be subject to the provisions of section 552 of title 5, United States Code, that require search, review, publication, or disclosure of a record solely because such element provides such exempted operational file to the Office.

''(c) DEFINITIONS.—In this section:

''(1) The term 'exempted operational file' means a file of an element of the intelligence community that, in accordance with this title, is exempted from the provisions of section 552 of title 5, United States Code, that require search, review, publication, or disclosure of such file.

''(2) Except as otherwise specifically provided, the term 'Office' means the Office of the Director of National Intelligence.

''(d) SEARCH AND REVIEW FOR CERTAIN PURPOSES.—Notwithstanding subsection (a) or (b), exempted operational files shall continue to be subject to search and review for information concerning any of the following:

''(1) United States citizens or aliens lawfully admitted for permanent residence who have requested information on themselves pursuant to the provisions of section 552 or 552a of title 5, United States Code.

''(2) Any special activity the existence of which is not exempt from disclosure under the provisions of section 552 of title 5, United States Code.

''(3) The specific subject matter of an investigation for any impropriety or violation of law, Executive order, or Presidential directive, in the conduct of an intelligence activity by any of the following:

''(A) The Select Committee on Intelligence of the Senate.

''(B) The Permanent Select Committee on Intelligence of the House of Representatives.

''(C) The Intelligence Oversight Board.

''(D) The Department of Justice.

''(E) The Office.

''(F) The Office of the Inspector General of the Intelligence Community.

''(e) DECENNIAL REVIEW OF EXEMPTED OPERATIONAL FILES.—(1) Not less than once every 10 years, the Director of National Intelligence shall review the operational files exempted under subsection (a) to determine whether such files, or any portion of such files, may be removed from the category of exempted files.

''(2) The review required by paragraph (1) shall include consideration of the historical value or other public interest in the subject matter of the particular category of files or portions thereof and the potential for declassifying a significant part of the information contained therein.

''(3) A complainant that alleges that the Director of National Intelligence has improperly withheld records because of failure to comply with this subsection may seek judicial review in the district court of the United States of the district in which any of the parties reside, or in the District of Columbia. In such a proceeding, the court's review shall be limited to determining the following:

''(A) Whether the Director has conducted the review required by paragraph (1) before the expiration of the 10-year period beginning on the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2010 or before the expiration of the 10-year period beginning on the date of the most recent review.

''(B) Whether the Director of National Intelligence, in fact, considered the criteria set forth in paragraph (2) in conducting the required review.

''(f) SUPERSEDURE OF OTHER LAWS.—The provisions of this section may not be superseded except by a provision of law that is enacted after the date of the enactment of this section and that specifically cites and repeals or modifies such provisions.

''(g) ALLEGATION; IMPROPER WITHHOLDING OF RECORDS; JUDICIAL REVIEW.—(1) Except as

provided in paragraph (2), whenever any person who has requested agency records under section 552 of title 5, United States Code, alleges that the Office has withheld records improperly because of failure to comply with any provision of this section, judicial review shall be available under the terms set forth in section 552(a)(4)(B) of title 5, United States Code.

''(2) Judicial review shall not be available in the manner provided for under paragraph (1) as follows:

''(A) In any case in which information specifically authorized under criteria established by an Executive order to be kept secret in the interests of national defense or foreign relations is filed with, or produced for, the court by the Office, such information shall be examined ex parte, in camera by the court.

''(B) The court shall determine, to the fullest extent practicable, the issues of fact based on sworn written submissions of the parties.

''(C)(i) When a complainant alleges that requested records were improperly withheld because of improper exemption of operational files, the Office shall meet its burden under section 552(a)(4)(B) of title 5, United States Code, by demonstrating to the court by sworn written submission that exempted files likely to contain responsive records are records provided to the Office by an element of the intelligence community from the exempted operational files of such element.

''(ii) The court may not order the Office to review the content of any exempted file or files in order to make the demonstration required under clause (i), unless the complainant disputes the Office's showing with a sworn written submission based on personal knowledge or otherwise admissible evidence.

''(D) In proceedings under subparagraph (C), a party may not obtain discovery pursuant to rules 26 through 36 of the Federal Rules of Civil Procedure, except that requests for admissions may be made pursuant to rules 26 and 36.

''(E) If the court finds under this subsection that the Office has improperly withheld requested records because of failure to comply with any provision of this section, the court shall order the Office to search and review the appropriate exempted file or files for the requested records and make such records, or portions thereof, available in accordance with the provisions of section 552 of title 5, United States Code, and such order shall be the exclusive remedy for failure to comply with this section.

''(F) If at any time following the filing of a complaint pursuant to this paragraph the Office agrees to search the appropriate exempted file or files for the requested records, the court shall dismiss the claim based upon such complaint.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 705 the following new item:

''Sec. 706. Protection of certain files of the Office of the Director of National Intelligence.''.

SEC. 412. COUNTERINTELLIGENCE INITIATIVES FOR THE INTELLIGENCE COMMUNITY.

Section 1102 of the National Security Act of 1947 (50 U.S.C. 442a) is amended—

(1) in subsection (a)—

(A) by striking paragraph (2); and

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

(2) in subsection (c)—

(A) by striking paragraph (2); and

(B) by striking ''(1) The'' and inserting ''The''.

SEC. 413. APPLICABILITY OF THE PRIVACY ACT TO THE DIRECTOR OF NATIONAL INTELLIGENCE AND THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Subsection (j) of section 552a of title 5, United States Code, is amended—

(1) in paragraph (1), by striking ''or'';

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

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

''(2) maintained by the Office of the Director of National Intelligence; or''.

SEC. 414. INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT TO ADVISORY COMMITTEES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) IN GENERAL.—Section 4(b) of the Federal Advisory Committee Act (5 U.S.C. App.) is amended—

(1) in paragraph (1), by striking ''or'';

(2) in paragraph (2), by striking the period and inserting ''; or''; and

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

''(3) the Office of the Director of National Intelligence.''.

(b) ANNUAL REPORT.—The Director of National Intelligence and the Director of the Central Intelligence Agency shall each submit to the congressional intelligence committees an annual report on advisory committees created by each such Director. Each report shall include—

(1) a description of each such advisory committee, including the subject matter of the committee; and

(2) a list of members of each such advisory committee.

SEC. 415. MEMBERSHIP OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON THE TRANSPORTATION SECURITY OVERSIGHT BOARD.

Subparagraph (F) of section 115(b)(1) of title 49, United States Code, is amended to read as follows:

''(F) The Director of National Intelligence, or the Director's designee.''.

SEC. 416. REPEAL OF CERTAIN AUTHORITIES RELATING TO THE OFFICE OF THE NATIONAL COUNTERINTELLIGENCE EXECUTIVE.

(a) REPEAL OF CERTAIN AUTHORITIES.—Section 904 of the Counterintelligence Enhancement Act of 2002 (title IX of Public Law 107–306; 50 U.S.C. 402c) is amended—

(1) by striking subsections (d), (h), (i), and (j);

(2) by redesignating subsections (e), (f), (g), (k), (l), and (m) as subsections (d), (e), (f), (g), (h), and (i), respectively; and

(3) in subsection (f), as redesignated by paragraph (2), by striking paragraphs (3) and (4).

(b) CONFORMING AMENDMENTS.—Such section 904 is further amended—

(1) in subsection (d), as redesignated by subsection (a)(2) of this section, by striking ''subsection (f)'' each place it appears in paragraphs (1) and (2) and inserting ''subsection (e)''; and

(2) in subsection (e), as so redesignated—

(A) in paragraph (1), by striking ''subsection (e)(1)'' and inserting ''subsection (d)(1)''; and

(B) in paragraph (2), by striking ''subsection (e)(2)'' and inserting ''subsection (d)(2)''.

SEC. 417. MISUSE OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE NAME, INITIALS, OR SEAL.

(a) PROHIBITED ACTS.—No person may, except with the written permission of the Director of National Intelligence, or a designee of the Director, knowingly use the words ''Office of the Director of National Intelligence'', the initials ''ODNI'', the seal of the Office of the Director of National Intelligence, or any colorable imitation of such words, initials, or seal in connection with any merchandise, impersonation, solicitation, or commercial activity in a manner reasonably calculated to convey the impression that such use is approved, endorsed, or authorized by the Director of National Intelligence.

(b) INJUNCTION.—Whenever it appears to the Attorney General that any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court shall proceed as soon as practicable to the hearing and determination of such action and may, at any time before final determination, enter such restraining orders or prohibitions, or take such other action as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.

Subtitle B—Central Intelligence Agency

SEC. 421. ADDITIONAL FUNCTIONS AND AUTHORITIES FOR PROTECTIVE PERSONNEL OF THE CENTRAL INTELLIGENCE AGENCY.

Section 5(a)(4) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(4)) is amended—

(1) by striking ''and the protection'' and inserting ''the protection''; and

(2) by inserting before the semicolon the following: '', and the protection of the Director of National Intelligence and such personnel of the Office of the Director of National Intelligence as the Director of National Intelligence may designate''.

SEC. 422. APPEALS FROM DECISIONS INVOLVING CONTRACTS OF THE CENTRAL INTELLIGENCE AGENCY.

Section 8(d) of the Contract Disputes Act of 1978 (41 U.S.C. 607(d)) is amended by adding at the end the following new sentence: ''Notwithstanding any other provision of this section and any other provision of law, an appeal from a decision of a contracting officer of the Central Intelligence Agency relative to a contract made by that agency may be filed with whichever of the Armed Services Board of Contract Appeals or the Civilian Board of Contract Appeals is specified in the contract as the Board to which such an appeal may be made; and the Board so specified shall have jurisdiction to decide that appeal.''.

SEC. 423. DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

(a) ESTABLISHMENT AND DUTIES OF THE POSITION OF DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—

(1) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by adding after section 104A the following:

''SEC. 104B. DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

''(a) DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—There is a Deputy Director of the Central Intelligence Agency who shall be appointed by the President, by and with the consent of the Senate.

''(b) DUTIES OF DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—The Deputy Director of the Central Intelligence Agency shall—

''(1) assist the Director of the Central Intelligence Agency in carrying out the duties and responsibilities of the Director of the Central Intelligence Agency; and

''(2) act for, and exercise the powers of, the Director of the Central Intelligence Agency during the absence or disability of the Director of the Central Intelligence Agency, or

during a vacancy in the position of Director of the Central Intelligence Agency.''.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 104A the following:

''Sec. 104B. Deputy Director of the Central Intelligence Agency.''.

(b) EXECUTIVE SCHEDULE III.—Section 5314 of Title 5, United States Code, is amended by striking the item relating to the Deputy Directors of the Central Intelligence Agency (2) and inserting the following:

''Deputy Director of the Central Intelligence Agency.''.

(c) EFFECTIVE DATE AND APPLICABILITY.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply upon the earlier of—

(1) the date of the appointment by the President of an individual to serve as Deputy Director of the Central Intelligence Agency, except that the individual administratively performing the duties of the Deputy Director of the Central Intelligence Agency as of the date of the enactment of this Act may continue to perform such duties until the individual appointed to the position of Deputy Director of the Central Intelligence Agency, by and with the advice and consent of the Senate, assumes the duties of such position; or

(2) the date of the cessation of the performance of the duties of Deputy Director of the Central Intelligence Agency by the individual administratively performing such duties as of the date of the enactment of this Act.

SEC. 424. AUTHORITY TO AUTHORIZE TRAVEL ON A COMMON CARRIER.

Subsection (b) of section 116 of the National Security Act of 1947 (50 U.S.C. 404k) is amended by striking the period at the end and inserting '', who may delegate such authority to other appropriate officials of the Central Intelligence Agency.''.

SEC. 425. INSPECTOR GENERAL FOR THE CENTRAL INTELLIGENCE AGENCY.

(a) APPOINTMENT AND QUALIFICATIONS OF THE INSPECTOR GENERAL.—Paragraph (1) of section 17(b) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(b)) is amended by striking the second and third sentence and inserting ''This appointment shall be made without regard to political affiliation and shall be on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigation. Such appointment shall also be made on the basis of compliance with the security standards of the Agency and prior experience in the field of foreign intelligence.''.

(b) REMOVAL OF THE INSPECTOR GENERAL.—Paragraph (6) of section 17(b) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(b)) is amended—

(1) by striking ''immediately''; and

(2) by striking the period at the end and inserting ''not later than 30 days prior to the effective date of such removal.''.

(c) APPLICATION OF SEMIANNUAL REPORTING REQUIREMENTS WITH RESPECT TO REVIEW REPORTS.—Paragraph (1) of section 17(d) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(d)) is amended in the matter preceding subparagraph (A) by inserting ''review,'' after ''investigation,''.

(d) PROTECTION AGAINST REPRISALS.—Subparagraph (B) of section 17(e)(3) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(e)(3)) is amended by inserting ''or providing such information'' after ''making such complaint''.

(e) INSPECTOR GENERAL SUBPOENA POWER.—Subparagraph (A) of section 17(e)(5) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(e)(5)) is amended by inserting ''in any medium (including electronically stored information or any tangible thing)'' after ''other data''.

(f) OTHER ADMINISTRATIVE AUTHORITIES.—

(1) IN GENERAL.—Subsection (e) of section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended—

(A) by redesignating paragraph (8) as subparagraph (9);

(B) in paragraph (9), as so redesignated—

(i) by striking ''Subject to the concurrence of the Director, the'' and inserting ''The''; and

(ii) by adding at the end ''Consistent with budgetary and personnel resources allocated by the Director, the Inspector General has final approval of—

''(A) the selection of internal and external candidates for employment with the Office of Inspector General; and

''(B) all other personnel decisions concerning personnel permanently assigned to the Office of Inspector General, including selection and appointment to the Senior Intelligence Service, but excluding all security based determinations that are not within the authority of a head of other Central Intelligence Agency offices.''; and

(C) by inserting after paragraph (7) the following:

''(8) The Inspector General shall—

''(A) appoint a Counsel to the Inspector General who shall report to the Inspector General; or

''(B) obtain the services of a counsel appointed by and directly reporting to another Inspector General or the Council of the Inspectors General on Integrity and Efficiency on a reimbursable basis.''.

(2) CONSTRUCTION.—Nothing in the amendment made by paragraph (1)(C) shall be construed to alter the duties and responsibilities of the General Counsel of the Central Intelligence Agency. The Counsel to the Inspector General of the Central Intelligence Agency appointed pursuant to section 17(e)(8) of the Central Intelligence Agency Act of 1949, as added by such paragraph, shall perform the functions as such Inspector General may prescribe.

SEC. 426. BUDGET OF THE INSPECTOR GENERAL FOR THE CENTRAL INTELLIGENCE AGENCY.

Subsection (f) of section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended—

(1) by inserting ''(1)'' before ''Beginning''; and

(2) by adding at the end the following:

''(2) For each fiscal year, the Inspector General shall transmit a budget estimate and request through the Director to the Director of National Intelligence that specifies for such fiscal year—

''(A) the aggregate amount requested for the operations of the Inspector General;

''(B) the amount requested for all training requirements of the Inspector General, including a certification from the Inspector General that the amount requested is sufficient to fund all training requirements for the Office; and

''(C) the amount requested to support the Council of the Inspectors General on Integrity and Efficiency, including a justification of such amount.

''(3) In transmitting a proposed budget to the President for a fiscal year, the Director of National Intelligence shall include for such fiscal year—

''(A) the aggregate amount requested for the Inspector General of the Central Intelligence Agency;

''(B) the amount requested for Inspector General for training;

''(C) the amounts requested to support of the Council of the Inspectors General on Integrity and Efficiency; and

''(D) the comments of the Inspector General, if any, with respect to the proposal.

''(4) The Director of National Intelligence shall submit to the Committee on Appropriations and the Select Committee on Intelligence of the Senate and the Committee on Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives for each fiscal year—

''(A) a separate statement of the budget estimate transmitted pursuant to paragraph (2);

''(B) the amount requested by the Director of National Intelligence for the Inspector General pursuant to paragraph (3);

''(C) the amount requested by the Director of National Intelligence for training for personnel of the Office;

''(D) the amount requested by the Director of National Intelligence for support for the Council of the Inspectors General on Integrity and Efficiency; and

''(E) the comments of the Inspector General, if any, on the amount requested pursuant to paragraph (3), including whether such amount would substantially inhibit the Inspector General from performing the duties of the Office.''.

SEC. 427. PUBLIC AVAILABILITY OF UNCLASSIFIED VERSIONS OF CERTAIN INTELLIGENCE PRODUCTS.

The Director of the Central Intelligence Agency shall make publicly available an unclassified version of any memoranda or finished intelligence products assessing the information gained from high-value detainee reporting dated April 3, 2003, July 15, 2004, March 2, 2005, and June 1, 2005.

Subtitle C—Defense Intelligence Components

SEC. 431. INSPECTOR GENERAL MATTERS.

(a) COVERAGE UNDER INSPECTOR GENERAL ACT OF 1978.—Subsection (a)(2) of section 8G of the Inspector General Act of 1978 (5 U.S.C. App. 8G) is amended—

(1) by inserting ''the Defense Intelligence Agency,'' after ''the Corporation for Public Broadcasting,'';

(2) by inserting ''the National Geospatial-Intelligence Agency,'' after ''the National Endowment for the Humanities,''; and

(3) by inserting ''the National Reconnaissance Office, the National Security Agency,'' after ''the National Labor Relations Board,''.

(b) CERTAIN DESIGNATIONS UNDER INSPECTOR GENERAL ACT OF 1978.—Subsection (a) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App. 8H) is amended by adding at the end the following new paragraph:

''(3) The Inspectors General of the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, and the National Security Agency shall be designees of the Inspector General of the Department of Defense for purposes of this section.''.

(c) POWER OF HEADS OF ELEMENTS OVER INVESTIGATIONS.—Subsection (d) of section 8G of such Act (5 U.S.C. App. 8G) is amended—

(1) by inserting ''(1)'' after ''(d)'';

(2) in the second sentence of paragraph (1), as designated by paragraph (1) of this subsection, by striking ''The head'' and inserting ''Except as provided in paragraph (2), the head''; and

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

''(2)(A) The Secretary of Defense, in consultation with the Director of National Intelligence, may prohibit the Inspector General of an element of the intelligence community specified in subparagraph (D) from initiating, carrying out, or completing any audit or investigation if the Secretary determines that the prohibition is necessary to

protect vital national security interests of the United States.

''(B) If the Secretary exercises the authority under subparagraph (A), the Secretary shall submit to the committees of Congress specified in subparagraph (E) an appropriately classified statement of the reasons for the exercise of the authority not later than 7 days after the exercise of the authority.

''(C) At the same time the Secretary submits under subparagraph (B) a statement on the exercise of the authority in subparagraph (A) to the committees of Congress specified in subparagraph (E), the Secretary shall notify the Inspector General of such element of the submittal of such statement and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such statement. The Inspector General may submit to such committees of Congress any comments on a notice or statement received by the Inspector General under this subparagraph that the Inspector General considers appropriate.

''(D) The elements of the intelligence community specified in this subparagraph are as follows:

''(i) The Defense Intelligence Agency.

''(ii) The National Geospatial-Intelligence Agency.

''(iii) The National Reconnaissance Office.

''(iv) The National Security Agency.

''(E) The committees of Congress specified in this subparagraph are—

''(i) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

''(ii) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.''.

SEC. 432. CONFIRMATION OF APPOINTMENT OF HEADS OF CERTAIN COMPONENTS OF THE INTELLIGENCE COMMUNITY.

(a) DIRECTOR OF NATIONAL SECURITY AGENCY.—The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by inserting after the first section the following new section:

''SEC. 2. (a) There is a Director of the National Security Agency.

''(b) The Director of the National Security Agency shall be appointed by the President, by and with the advice and consent of the Senate.

''(c) The Director of the National Security Agency shall be the head of the National Security Agency and shall discharge such functions and duties as are provided by this Act or otherwise by law.''.

(b) DIRECTOR OF NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.—Section 441(b) of title 10, United States Code, is amended—

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

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

''(2) The Director of the National Geospatial-Intelligence Agency shall be appointed by the President, by and with the advice and consent of the Senate.''.

(c) DIRECTOR OF NATIONAL RECONNAISSANCE OFFICE.—The Director of the National Reconnaissance Office shall be appointed by the President, by and with the advice and consent of the Senate.

(d) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—

(1) DESIGNATION OF POSITIONS.—The President may designate any of the positions referred to in paragraph (2) as positions of importance and responsibility under section 601 of title 10, United States Code.

(2) COVERED POSITIONS.—The positions referred to in this paragraph are as follows:

(A) The Director of the National Security Agency.

(B) The Director of the National Geospatial-Intelligence Agency.

(C) The Director of the National Reconnaissance Office.

(e) EFFECTIVE DATE AND APPLICABILITY.—

(1) IN GENERAL.—The amendments made by subsections (a) and (b), and subsection (c), shall take effect on the date of the enactment of this Act and shall apply upon the earlier of—

(A) the date of the nomination by the President of an individual to serve in the position concerned, except that the individual serving in such position as of the date of the enactment of this Act may continue to perform such duties after such date of nomination and until the individual appointed to such position, by and with the advice and consent of the Senate, assumes the duties of such position; or

(B) the date of the cessation of the performance of the duties of such position by the individual performing such duties as of the date of the enactment of this Act.

(2) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Subsection (d) shall take effect on the date of the enactment of this Act.

SEC. 433. CLARIFICATION OF NATIONAL SECURITY MISSIONS OF NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY FOR ANALYSIS AND DISSEMINATION OF CERTAIN INTELLIGENCE INFORMATION.

Section 442(a) of title 10, United States Code, is amended—

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

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

''(2)(A) As directed by the Director of National Intelligence, the National Geospatial-Intelligence Agency shall also develop a system to facilitate the analysis, dissemination, and incorporation of likenesses, videos, and presentations produced by ground-based platforms, including handheld or clandestine photography taken by or on behalf of human intelligence collection organizations or available as open-source information, into the National System for Geospatial Intelligence.

''(B) The authority provided by this paragraph does not include authority for the National Geospatial-Intelligence Agency to manage tasking of handheld or clandestine photography taken by or on behalf of human intelligence collection organizations.''; and

(3) in paragraph (3), as so redesignated, by striking ''paragraph (1)'' and inserting ''paragraphs (1) and (2)''.

SEC. 434. DEFENSE INTELLIGENCE AGENCY COUNTERINTELLIGENCE AND EXPENDITURES.

Section 105 of the National Security Act of 1947 (50 U.S.C. 403–5) is amended—

(1) in subsection (b)(5), by inserting ''and counterintelligence'' after ''human intelligence'';

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

''(c) EXPENDITURE OF FUNDS BY THE DEFENSE INTELLIGENCE AGENCY.—(1) The amounts made available to the Director of the Defense Intelligence Agency for human intelligence and counterintelligence activities may be expended for objects of a confidential, extraordinary, or emergency nature, without regard to the provisions of law or regulation relating to the expenditure of Government funds, if accounted for by a certificate made by Director of the Defense Intelligence Agency. Each such certificate shall be deemed a sufficient voucher for the amount certified.

''(2) Not later than December 1 of each year, the Director of the Defense Intelligence Agency shall submit to the congressional intelligence committees a report on any expenditures made during the preceding fiscal year pursuant to the authority described in paragraph (1).''.

Subtitle D—Other Elements

SEC. 441. CODIFICATION OF ADDITIONAL ELEMENTS OF THE INTELLIGENCE COMMUNITY.

Section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended—

(1) in subparagraph (H)—

(A) by inserting ''the Coast Guard,'' after ''the Marine Corps,''; and

(B) by inserting ''the Drug Enforcement Administration,'' after ''the Federal Bureau of Investigation,''; and

(2) in subparagraph (K), by striking '', including the Office of Intelligence of the Coast Guard''.

SEC. 442. AUTHORIZATION OF APPROPRIATIONS FOR COAST GUARD NATIONAL TACTICAL INTEGRATION OFFICE.

Title 14, United States Code, is amended—

(1) in paragraph (4) of section 93(a), by striking ''function'' and inserting ''function, including research, development, test, or evaluation related to intelligence systems and capabilities,''; and

(2) in paragraph (4) of section 662, by inserting ''intelligence systems and capabilities or'' after ''related to''.

SEC. 443. RETENTION AND RELOCATION BONUSES FOR THE FEDERAL BUREAU OF INVESTIGATION.

Section 5759 of title 5 of the United States Code, is amended—

(1) in subsection (a)(2), by striking ''is transferred to a different geographic area with a higher cost of living'' and inserting ''is subject to a mobility agreement and is transferred to a position in a different geographical area in which there is a shortage of critical skills'';

(2) in subsection (b)(2), by striking the period at the end and inserting '', including requirements for a bonus recipient's repayment of a bonus in circumstances determined by the Director of the Federal Bureau of Investigation.'';

(3) in subsection (c), by striking ''basic pay.'' and inserting ''annual rate of basic pay. The bonus may be paid in a lump sum of installments linked to completion of periods of service.'';

(4) in subsection (d), by striking ''retention bonus'' and inserting ''bonus paid under this section''; and

(5) by striking subsection (e).

SEC. 444. EXTENDING THE AUTHORITY OF THE FEDERAL BUREAU OF INVESTIGATION TO WAIVE MANDATORY RETIREMENT PROVISIONS.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Subsection (b) of section 8335 of title 5, United States Code, is amended—

(1) in the paragraph (2) enacted by section 112(a)(2) of the Department of Justice Appropriations Act, 2005 (title I of division B of Public Law 108–447; 118 Stat. 2868) is amended by striking ''2009'' and inserting ''2011''; and

(2) by striking the paragraph (2) enacted by section 2005(a)(2) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3704).

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Subsection (b) of section 8425 of title 5, United States Code, is amended—

(1) in the paragraph (2) enacted by section 112(b)(2) of the Department of Justice Appropriations Act, 2005 (title I of division B of Public Law 108–447; 118 Stat. 2868) is amended by striking ''2009'' and inserting ''2011''; and

(2) by striking the paragraph (2) enacted by section 2005(b)(2) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3704).

SEC. 445. REPORT AND ASSESSMENTS ON TRANSFORMATION OF THE INTELLIGENCE CAPABILITIES OF THE FEDERAL BUREAU OF INVESTIGATION.

(a) REPORT.—

(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation, in consultation with the Director of National Intelligence, shall submit to the congressional intelligence committees, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a report describing—

(A) a long-term vision for the intelligence capabilities of the Bureau's National Security Branch;

(B) a strategic plan for the National Security Branch; and

(C) the progress made in advancing the capabilities of the National Security Branch.

(2) CONTENT.—The report required by paragraph (1) shall include—

(A) a description of the direction, strategy, and goals for improving the intelligence capabilities of the National Security Branch;

(B) a description of the intelligence and national security capabilities of the National Security Branch that will be fully functional within the 5-year period beginning on the date the report is submitted;

(C) a description—

(i) of the internal reforms that were carried out at the National Security Branch during the 2-year period ending on the date the report is submitted; and

(ii) of the manner in which such reforms have advanced the capabilities of the National Security Branch;

(D) an assessment of the effectiveness of the National Security Branch in performing tasks that are critical to the effective functioning of the National Security Branch as an intelligence agency, including—

(i) human intelligence collection, both within and outside the parameters of an existing case file or ongoing investigation, in a manner that protects civil liberties;

(ii) intelligence analysis, including the ability of the National Security Branch to produce, and provide policy-makers with, information on national security threats to the United States;

(iii) management, including the ability of the National Security Branch to manage and develop human capital and implement an organizational structure that supports the Branch's objectives and strategies;

(iv) integration of the National Security Branch into the intelligence community, including an ability to robustly share intelligence and effectively communicate and operate with appropriate Federal, State, local, and tribal partners;

(v) implementation of an infrastructure that supports the national security and intelligence missions of the National Security Branch, including proper information technology and facilities; and

(vi) reformation of culture of the National Security Branch, including its integration of intelligence analysts and other professional staff into intelligence collection operations and its success in ensuring that intelligence and threat information drive its operations; and

(E) performance metrics and specific annual timetables for advancing the performance of the tasks referred to in clauses (i) through (vi) of subparagraph (D) and a description of the activities being undertaken to ensure that the National Security Branch's performance on such tasks improves.

(b) ANNUAL ASSESSMENTS.—

(1) REQUIREMENT FOR ASSESSMENTS.—Not later than 180 days after the date on which the report required by subsection (a)(1) is submitted, and annually thereafter for each of the following 5 years, the Director of National Intelligence, in consultation with the Director of the Federal Bureau of Investigation, shall submit to the congressional intelligence committees an assessment of the progress of the National Security Branch in performing the tasks referred to in clauses (i) through (vi) of subsection (a)(2)(D) in comparison to its performance of such tasks during previous years.

(2) CONSIDERATIONS.—In conducting each assessment required by paragraph (1), the Director of National Intelligence—

(A) shall use the performance metrics and specific annual timetables for accomplishing such tasks referred to in subsection (a)(2)(E); and

(B) may request the assistance of any expert that the Director considers appropriate, including an inspector general of an appropriate agency or department.

TITLE V—REORGANIZATION OF THE DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE

SEC. 501. REORGANIZATION OF THE DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE.

(a) REORGANIZATION OF THE DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE.—

(1) IN GENERAL.—Subtitle B of title III of the Intelligence Authorization Act for Fiscal Year 2001 (Public Law 106–567; 22 U.S.C. 7301 et seq.) is amended by striking sections 321, 322, 323, and 324, and inserting the following:

"SEC. 321. DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE.

"(a) REORGANIZATION.—The Diplomatic Telecommunications Service (hereinafter in this subtitle referred to as 'DTS') shall be reorganized in accordance with this subtitle.

"(b) IN GENERAL.—The DTS encompasses the Diplomatic Telecommunications Service Program Office (hereinafter in this subtitle referred to as 'DTS–PO') and the DTS Network. The DTS Network is a worldwide telecommunications network supporting all United States Government agencies and departments operating from diplomatic and consular facilities abroad.

"(c) PURPOSES.—The purpose and duties of DTS–PO is to implement a program for the establishment and maintenance of a DTS Network capable of providing multiple levels of service to meet the wide-ranging needs of all United States Government agencies and departments operating from diplomatic and consular facilities abroad, including national security needs for secure, reliable and robust communications capabilities.

"SEC. 322. ESTABLISHMENT OF THE DIPLOMATIC TELECOMMUNICATIONS SERVICE GOVERNANCE BOARD.

"(a) GOVERNANCE BOARD.—

"(1) ESTABLISHMENT.—There is hereby established the Diplomatic Telecommunications Service Governance Board (hereinafter in this subtitle referred to as the 'Governance Board') for the purpose of directing and overseeing the activities and performance of the DTS Program Office. The heads of the departments and agencies, designated by the Director of the Office of Management and Budget from among the departments and agencies that use the DTS Network, shall appoint the members of the Governance Board from the personnel of those departments and agencies so designated.

"(2) DESIGNATION OF AN EXECUTIVE AGENT.—The Director of the Office of Management and Budget shall also designate, from among the departments and agencies that use the DTS Network, the department or agency which shall be the DTS–PO Executive Agent.

"(3) REQUIREMENT FOR IMPLEMENTING ARRANGEMENTS.—Subject to the requirements of this subtitle, the Governance Board shall determine the written implementing arrangements and other relevant and appropriate governance processes and procedures to manage, oversee, resource or otherwise administer DTS–PO. Such implementing arrangements may be classified if appropriate in accordance with criteria established by applicable law or Executive Orders.

"(b) MEMBERSHIP.—

"(1) IN GENERAL.—

"(A) The Governance Board shall include voting members and nonvoting members.

"(B) The voting members shall consist of a Chair, who shall be designated by the Director of the Office of Management and Budget, and four other members from the departments and agencies that use the DTS Network.

"(C) The non-voting members shall be representative of DTS customer organizations and shall act in an advisory capacity.

"(c) CHAIR DUTIES AND AUTHORITIES.—The Governance Board Chair shall preside over all meetings and deliberations of the Governance Board and provide its Secretariat functions. The Governance Board Chair shall propose bylaws governing the operation of the Governance Board.

"(d) QUORUM, DECISIONS, MEETINGS.—A quorum of the Governance Board shall consist of the presence of the Chair and four voting members. The decisions of the Governance Board shall require a three-fifths majority of the voting membership. Meetings will be convened at least four times each year to carry out its functions. The Chair or any voting member may convene a meeting of the Governance Board.

"(e) GOVERNANCE BOARD DUTIES AND AUTHORITIES.—The Governance Board shall have the following duties and authorities with respect to DTS–PO, in addition to any other duties and authorities granted to the Board pursuant to law:

"(1) To approve and monitor DTS–PO's plans, services, priorities, policies, and pricing methodology for bandwidth costs and customer-driven projects.

"(2) To recommend to the DTS–PO Executive Agent the Governance Board's approval, disapproval, or modification of DTS–PO's annual budget requests.

"(3) To review DTS–PO's performance against approved plans, its management activities and internal controls.

"(4) To require from DTS–PO any plans, reports, documents and records the Governance Board considers necessary to perform its oversight responsibilities.

"(5) To conduct and evaluate independent audits of DTS–PO.

"(6) To approve or disapprove the Executive Agent's nomination of the Director of DTS–PO with a three-fifths majority vote of the Governance Board.

"(7) To recommend to the Executive Agent the replacement of the Director of DTS–PO with a three-fifths majority vote of the Governance Board.

"(f) NATIONAL SECURITY INTERESTS.—The Governance Board shall ensure that those enhancements of, and the provision of service for, telecommunication capabilities that involve the national security interests of the United States receive the highest prioritization.

"SEC. 323. FUNDING OF THE DIPLOMATIC TELECOMMUNICATION SERVICE.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for the operations, maintenance, development, enhancement, modernization, and investment costs of the DTS Network and DTS–PO. Funds appropriated for allocation to DTS–PO shall be made available to DTS–PO for a period of two fiscal years.

''(b) CUSTOMER FEES.—DTS–PO shall charge customers for only those bandwidth costs attributable to the agency or department and for specific customer-driven projects, as set forth in section 322(e)(1), for which amounts have not been appropriated for allocation to DTS–PO. DTS–PO is authorized to directly receive customer payments and to invoice customers for the fees under this section either in advance of, or upon or after, providing the bandwidth or performing the specific customer-driven projects. Such funds received from DTS customers shall be made available to DTS–PO for a period of two fiscal years.''.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 1 of the Intelligence Authorization Act for Fiscal Year 2001 (Public Law 106–567) is amended by striking the items relating to sections 321, 322, 323, and 324 and inserting the following:

''Sec. 321. Diplomatic Telecommunications Service Program Office.
''Sec. 322. Establishment of the Diplomatic Telecommunications Service Governance Board.
''Sec. 323. Funding of the Diplomatic Telecommunication Service.''.

(b) CONFORMING AMENDMENTS.—

(1) REPEAL OF SUSPENSION OF REORGANIZATION.—The Intelligence Authorization Act for Fiscal Year 2002 (Public Law 107–108; 22 U.S.C. 7301 note) is amended by striking section 311.

(2) REPEAL OF REFORM.—The Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 ((as enacted into law by section 1000(a)(7) of Public Law 106–113 and contained in appendix G of that Act; 113 Stat. 1501A–405)) is amended by striking section 305.

(3) REPEAL OF REPORTING REQUIREMENTS.—Section 507(b) of the National Security Act of 1947 (50 U.S.C. 415b(b)) is amended—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively.

TITLE VI—FOREIGN INTELLIGENCE AND INFORMATION COMMISSION ACT

SEC. 601. SHORT TITLE.

This title may be cited as the ''Foreign Intelligence and Information Commission Act''.

SEC. 602. DEFINITIONS.

In this title:

(1) 2005 NATIONAL INTELLIGENCE STRATEGY.—The term ''2005 National Intelligence Strategy'' means the National Intelligence Strategy of the United States of America released by the Director of National Intelligence on October 26, 2005.

(2) 2006 ANNUAL REPORT OF THE UNITED STATES INTELLIGENCE COMMUNITY AND 2006 ANNUAL REPORT.—The terms ''2006 Annual Report of the United States Intelligence Community'' and ''2006 Annual Report'' mean the 2006 Annual Report of the United States Intelligence Community released by the Director of National Intelligence in February 2007.

(3) COMMISSION.—The term ''Commission'' means the Foreign Intelligence and Information Commission established in section 604(a).

(4) FOREIGN INTELLIGENCE, INTELLIGENCE.—The terms ''foreign intelligence'' and ''intelligence'' have the meaning given those terms in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

(5) INFORMATION.—The term ''information'' includes information of relevance to the foreign policy of the United States collected and conveyed through diplomatic reporting and other reporting by personnel of the Government of the United States who are not employed by an element of the intelligence community, including public and open-source information.

(6) STRATEGIC PLAN OF THE DEPARTMENT OF STATE.—The term ''Strategic Plan of the Department of State'' means the Strategic Plan for Fiscal Years 2007–2012 of the Department of State and the United States Agency for International Development revised on May 7, 2007.

SEC. 603. FINDINGS.

Congress makes the following findings:

(1) Accurate, timely, and comprehensive foreign intelligence and information are critical to the national security of United States and the furtherance of the foreign policy goals of the United States.

(2) It is in the national security and foreign policy interest of the United States to ensure the global deployment of personnel of the Government of the United States who are responsible for collecting and reporting foreign intelligence and information, including personnel from the intelligence community, the Department of State, and other agencies and departments of the Government of the United States, and that adequate resources are committed to effect such collection and reporting.

(3) The 2005 National Intelligence Strategy and the 2006 Annual Report of the United States Intelligence Community identified 5 major missions of the intelligence community to support the national security requirements of the United States, the first 2 of which, defeating terrorism and preventing and countering the spread of weapons of mass destruction, are global and transnational in nature.

(4) The third major mission identified by the 2005 National Intelligence Strategy and the 2006 Annual Report, bolstering the growth of democracy and sustaining peaceful democratic states, requires a global commitment of collection, reporting, and analytical capabilities.

(5) The 2005 National Intelligence Strategy and the 2006 Annual Report identify as a major mission the need to ''anticipate developments of strategic concern and identify opportunities as well as vulnerabilities for decision makers''.

(6) The 2006 Annual Report provides the following:

(A) ''In a world in which developments in distant reaches of the globe can quickly affect American citizens and interests at home and abroad, the Intelligence Community must alert policy makers to problems before they escalate and provide insights into their causes and effects. Analysis must do more than just describe what is happening and why; it must identify a range of opportunities for (and likely consequences of) diplomatic, military, law enforcement, economic, financial, or homeland security action. To support policymakers, the Intelligence Community should develop, sustain, and maintain access to expertise on every region, every transnational security issue, and every threat to the American people.''.

(B) ''We still need to re-balance, integrate, and optimize collection capabilities to meet current and future customer and analytic priorities. Collection is . . . what gives the [Intelligence Community] its 'competitive advantage' in protecting the United States and its interests.''.

(C) ''One challenge to improving the coverage of emerging and strategic issues across the Intelligence Community has been the diversion of resources to current crisis support . . .''.

(D) ''Collection against terrorists in places like Iraq and Afghanistan took a substantial share of the [Intelligence Community's] resources and efforts in FY 2006.''.

(E) ''With so many [Intelligence Community] resources dedicated to the War on Terror and WMD programs in closed regimes, the [Intelligence] Community's collection efforts still have to devote significant attention to potential or emerging threats of strategic consequence.''.

(7) On January 23, 2007, the Deputy Director of National Intelligence for Collection testified to the Select Committee on Intelligence of the Senate that there is a ''need to get the Intelligence Community back to what I grew up calling global reach'', stating that ''we don't have that today''. She further testified that ''our challenge is . . . with [Congress] help [to get back] to a place where we can do global reach, and pay attention to places that we are not.''.

(8) On February 14, 2008, the Director of National Intelligence testified to the Select Committee on Intelligence of the Senate that ''certainly current crisis support takes a disproportionate share'' of intelligence resources over emerging and strategic issues.

(9) In responses to questions posed by the Select Committee on Intelligence of the Senate in advance of the February 5, 2009 hearing on the nomination of Leon Panetta to be Director of the Central Intelligence Agency, Mr. Panetta stated that ''I am also concerned that we have not devoted sufficient resources to a broader set of national intelligence challenges – such as Russia, China, the global economic downturn, as well as unstable and weak governments in places such as Africa and Latin America.''.

(10) On February 12, 2009, the Director of National Intelligence testified to the Select Committee on Intelligence of the Senate that ''I'd say the most significant gaps are the areas that are not traditional state threats, that we have not figured out the right way to collect information and we have not grown the analysts to do it. . .. We're not as good with non-state actors.''.

(11) On March 26, 2009, the Director of National Intelligence stated that ''We re-evaluate that National Intelligence Priority Framework formally ever six months and informally, as we have. And its quite remarkable, if you – you know those time-lapse pictures where things change? If you showed a time-lapse picture of that National Intelligence Priority Framework, you'd see, sort of, colors shifting over time as things came up, in terms of their threat or in terms of an opportunity that they – so I just, I think it's a mistake to tie us down to, this is my important priority. There are enduring things we have to spend a lot of time on because you can't instantly generate intelligence about a country that's very good at keeping its secrets that you know is going to be a factor for a long time. And we have to work on those – we have to work on those every time. We have to keep an excellent baseline understanding of what's going on in the world, but then we need to be able to flex.''.

(12) The National Commission on Terrorist Attacks Upon the United States (hereinafter referred to as the ''9/11 Commission'') reported that ''To find sanctuary, terrorist organizations have fled to some of the least governed, most lawless places in the world. The intelligence community has prepared a world map that highlights possible terrorist havens, using no secret intelligence – just indicating areas that combine rugged terrain, weak governance, room to hide or receive supplies, and low population density with a town or city near enough to allow necessary interaction with the outside world. Large areas scattered around the world meet these criteria.''.

(13) The 9/11 Commission recommended that the ''U.S. government must identify and prioritize actual or potential terrorist sanctuaries. For each, it should have a realistic strategy to keep possible terrorists insecure and on the run, using all elements of national power. We should reach out, listen to,

and work with other countries that can help.''.

(14) On May 6, 2008, the Acting Director of the National Counterterrorism Center testified to the Select Committee on Intelligence of the Senate that ''I wish I had more resources to dedicate to longer-term threats, absolutely,'' that ''much of the information about the instability that can lead to safe havens or ideological radicalization comes not from covert collection but from open collection, best done by Foreign Service officers,'' and that there should be ways to direct resources toward whoever is best positioned to learn about safe-haven conditions.

(15) On November 1, 2005, the Director of National Intelligence Open Source Center was established with functions that ''include collection, analysis and research, training, and information technology management to facilitate government-wide access and use'' of openly available information.

(16) The Strategic Plan of the Department of State provides as a strategic goal that ''Our diplomatic and development activities will reduce the threat or impact of violent conflict by developing early warning . . . capability.''.

(17) On January 22, 2009, James Steinberg, a nominee to be Deputy Secretary of State, testified to the Committee on Foreign Relations of the Senate that ''if we're going to be effective in this move towards smart power, then we have to understand how we reprioritize our resources to be able to achieve that. . . If we only think about the crisis of the moment, then we're not prepared as new challenges emerge. And we've seen this time and time again, that issues that were not immediately on the radar screen don't get the attention they deserve. . .. So the idea of looking forward and trying to figure out over the long term where our priorities need to be, how do we anticipate some of these challenges, and then judge how we have sort of assigned resources to take care of not only those current needs but also those long-term challenges I think has to be very important and part of a strategic planning strategy. . . although we have a very strong intelligence community, that there is a tremendous resource of people who've lived and worked out in the countries that we're dealing with and that, for a variety of reasons, the intelligence community is not always the best equipped to do that. They bring their own special skills. But the Foreign Service officers, and also people from outside the government, are enormous sources of information and value. And we need to find better ways, in my judgment, to have more contact with people in the private sector, from the NGOs, from the business community, from universities and the like, as part of our being able to touch and feel what's going on the ground.''.

(18) On January 22, 2009, Jacob Lew, a nominee to be Deputy Secretary of State, testified to the Committee on Foreign Relations of the Senate that ''I believe strongly that resources have to follow priorities. The decision of where we need to be and what kinds of skills we need have to fit into a comprehensive strategy. . .. We need to work with our other Cabinet agency partners. There are 20 government agencies that have resources that work in or through our embassies. We don't need to recreate the wheel; we need to cooperate with each other and make sure that we have enough Foreign Service, civil service and locally engaged staff so that we can effectively coordinate the efforts that the United States puts on the ground. I think that it all begins with the strategic planning process. If we don't have a clear vision of what we need and what we want, were not going to be able to make the right resource allocation decisions. And we have to be able to look beyond this week, next week, or even next year. . .. We need to reach not just into the building but all the way into the field and make it clear that we have every intention of bringing the resources of the State Department to bear as we deal with these kinds of problems and challenges abroad, that we have knowledge in our embassies, in our consulates, about a range of issues, not just political issues — economic issues, scientific issues, cultural issues — that give us the broadest understanding of what's going on in an increasingly global world.''.

(19) The Legal Attache offices and sub-offices of the Federal Bureau of Investigation are currently located in 75 cities around the world, providing coverage for more than 200 countries, territories, and islands.

(20) On October 4, 2007, Thomas V. Fuentes, Assistant Director of the Federal Bureau of Investigation for Office of International Operations, testified to the Subcommittee on Border, Maritime, and Global Counterterrorism of the Committee on Homeland Security of the House of Representatives that the ''core mission'' of the Legal Attache offices ''is to establish and maintain liaison with principal law enforcement and security services in designated foreign countries. . . enabl[ing] the FBI to effectively and expeditiously conduct its responsibilities in combating international terrorism, organized crime, cyber crime, and general criminal matters,'' and that while ''they do not conduct foreign intelligence gathering,'' ''typical duties'' include . . . ''conducting investigations in coordination with the host government; sharing investigative leads and information; briefing Embassy counterparts from other agencies, including law enforcement agencies, as appropriate, and Ambassadors. . . providing situation reports concerning cultural protocol; [and] assessing political and security climates.''.

(21) The July 2008 Preliminary Findings by the Project on National Security Reform, entitled ''Enduring Security in an Unpredictable World: the Urgent Need for National Security Reform,'' included the following:

(A) The lack of a national security strategy that clearly links ends, ways, and means and assigned roles and responsibilities to each department has encouraged a proliferation of department-level strategies. These department strategies are uncoordinated and do not systematically generate capabilities required for national objectives

(B) The resource allocation process is not driven by any overall national plan or strategy for achieving broad objectives, and the results or effectiveness of the budgeting process cannot be measured against such objectives.

(C) The national security system tends to overemphasize traditional security threats and under emphasize emerging challenges.

SEC. 604. ESTABLISHMENT AND FUNCTIONS OF THE COMMISSION.

(a) ESTABLISHMENT.—There is established in the legislative branch a Foreign Intelligence and Information Commission.

(b) FUNCTIONS.—The Commission shall—

(1) evaluate any current processes or systems for the strategic integration of the intelligence community, including the Open Source Center, and other elements of the United States Government, including the Department of State, with regard to the collection, reporting and analysis of foreign intelligence and information;

(2) provide recommendations to improve or develop such processes or systems to include the development of an inter-agency strategy that identifies—

(A) the collection, reporting, and analysis requirements of the United States Government;

(B) the elements of the United States Government best positioned to meet collection and reporting requirements;

(C) collection and reporting missions for the intelligence community and other elements of the United States Government based on the requirements of the United States Government, comparative institutional advantages, and other relevant factors;

(D) analytical capabilities needed to achieve the requirements of the United States Government; and

(E) inter-agency budget and resource allocations necessary to achieve such collection, reporting, and analytical requirements;

(3) evaluate the extent to which current intelligence collection, reporting, and analysis strategies are aimed at providing global coverage and anticipating future threats, challenges, and crises;

(4) provide recommendations on how to incorporate into the inter-agency strategy the means to anticipate future threats, challenges, and crises, including by identifying and supporting collection, reporting, and analytical capabilities which are global in scope and which are directed at emerging, long-term, and strategic targets;

(5) provide recommendations on strategies for sustaining human and budgetary resources to effect the global collection and reporting missions identified in the inter-agency strategy, including the prepositioning of collection and reporting capabilities;

(6) provide recommendations for developing, clarifying, and, if necessary, bolstering current and future collection and reporting roles and capabilities of elements of the United States Government outside the intelligence community deployed overseas;

(7) provide recommendations related to the role of individual country missions in contributing to the inter-agency strategy;

(8) evaluate the extent to which the establishment of new embassies and out-of-embassy posts are able to contribute to expanded global coverage and increased collection and reporting and provide recommendations related to the establishment of new embassies and out-of-embassy posts;

(9) provide recommendations related to the establishment of any new executive branch entity, or the expansion of the authorities of any existing executive branch entity, as needed to improve the strategic integration described in paragraph (1) and develop and oversee the implementation of the inter-agency strategy;

(10) provide recommendations on any legislative changes necessary to establish any new entity or to expand the authorities of any existing entity, as described in paragraph (9);

(11) provide recommendations on processes for developing and presenting to Congress budget requests for each relevant element of the United States Government that reflect the allocations identified in the inter-agency strategy and for congressional oversight of the development and implementation of the strategy; and

(12) provide recommendations on any institutional reforms related to the collection and reporting roles of individual elements of the United States Government outside the intelligence community, as well as any budgetary, legislative, or other changes needed to achieve such reforms.

SEC. 605. MEMBERS AND STAFF OF THE COMMISSION.

(a) MEMBERS OF THE COMMISSION.—

(1) APPOINTMENT.—The Commission shall be composed of 10 members as follows:

(A) Two members appointed by the majority leader of the Senate.

(B) Two members appointed by the minority leader of the Senate.

(C) Two members appointed by the Speaker of the House of Representatives.

(D) Two members appointed by the minority leader of the House of Representatives.

(E) One nonvoting member appointed by the Director of National Intelligence.

(F) One nonvoting member appointed by the Secretary of State.

(2) SELECTION.—

(A) IN GENERAL.—Members of the Commission shall be individuals who—

(i) are private citizens; and

(ii) have—

(I) knowledge and experience in foreign information and intelligence collection, reporting, and analysis, including clandestine collection and classified analysis, diplomatic reporting and analysis, and collection of public and open source information;

(II) knowledge and experience in issues related to the national security and foreign policy of the United States gained by serving as a senior official of the Department of State, a member of the Foreign Service, an employee or officer of an appropriate agency or department of the United States, or an independent organization with expertise in the field of international affairs; or

(III) knowledge and experience with foreign policy decision making.

(B) DIVERSITY OF EXPERIENCE.—The individuals appointed to the Commission should be selected with a view to establishing diversity of experience with regard to various geographic regions, functions, and issues.

(3) TIME OF APPOINTMENT.—The appointments under subsection (a) shall be made not later than 60 days after the date of the enactment of this Act.

(4) TERM OF APPOINTMENT.—Members shall be appointed for the life of the Commission.

(5) VACANCIES.—Any vacancy of the Commission shall not affect the powers of the Commission and shall be filled in the manner in which the original appointment was made.

(6) CHAIR.—The members of the Commission shall designate 1 of the voting members to serve as the chair of the Commission.

(7) QUORUM.—Six members of the Commission shall constitute a quorum for purposes of transacting the business of the Commission.

(8) MEETINGS.—The Commission shall meet at the call of the chair and shall meet regularly, not less than once every 3 months, during the life of the Commission.

(b) STAFF.—

(1) IN GENERAL.—The chair of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and, in consultation with the executive director, appoint and terminate such other additional personnel as may be necessary to enable the Commission to perform its duties. In addition to the executive director and 1 full-time support staff for the executive director, there shall be additional staff with relevant intelligence and foreign policy experience to help support the Commission's work.

(2) SELECTION OF THE EXECUTIVE DIRECTOR.—The executive director shall be selected with the approval of a majority of the members of the Commission.

(3) COMPENSATION.—

(A) EXECUTIVE DIRECTOR.—The executive director shall be compensated at the rate payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(B) STAFF.—The chair of the Commission may fix the compensation of other staff of the Commission without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such personnel may not exceed the rate payable for level IV of the Executive Schedule under section 5315 of such title.

(c) EXPERTS AND CONSULTANTS.—This Commission is authorized to procure temporary or intermittent services of experts and consultants as necessary to the extent authorized by section 3109 of title 5, United States Code, at rates not to exceed the maximum annual rate of basic pay payable under section 5376 of such title.

(d) STAFF AND SERVICES OF OTHER AGENCIES OR DEPARTMENT OF THE UNITED STATES.—Upon the request of the Commission, the head of an agency or department of the United States may detail, on a reimbursable or nonreimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out this title. The detail of any such personnel shall be without interruption or loss of civil service or Foreign Service status or privilege.

(e) SECURITY CLEARANCE.—The appropriate agencies or departments of the United States shall cooperate with the Commission in expeditiously providing to the members and staff of the Commission appropriate security clearances to the extent possible pursuant to existing procedures and requirements.

SEC. 606. POWERS AND DUTIES OF THE COMMISSION.

(a) IN GENERAL.—

(1) HEARINGS AND EVIDENCE.—The Commission may, for the purpose of carrying out this title—

(A) hold hearings, sit and act at times and places in the United States and in countries in which the United States has a diplomatic presence, take testimony, and receive evidence as the Commission considers advisable to carry out this title; and

(B) subject to subsection (b)(1), require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the Commission considers necessary.

(b) SUBPOENAS.—

(1) ISSUANCE.—

(A) IN GENERAL.—A subpoena may be issued under this section only—

(i) by the agreement of the chair of the Commission; and

(ii) by the affirmative vote of 5 members of the Commission.

(B) SIGNATURE.—Subject to subparagraph (A), subpoenas issued under this section may be issued under the signature of the chair or any member designated by a majority of the Commission and may be served by any person designated by the chair or by a member designated by a majority of the Commission.

(2) ENFORCEMENT.—

(A) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under this section, the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(B) ADDITIONAL ENFORCEMENT.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102, 103, or 104 of the Revised Statutes of the United States (2 U.S.C. 192, 193, and 194).

(c) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any agency or department of the United States such information as the Commission considers necessary to carry out this title. Upon request of the chair of the Commission, the head of such agency or department shall furnish such information to the Commission, subject to applicable law.

(d) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as an agency or department of the United States.

(e) ADMINISTRATIVE SUPPORT.—The Administrator of the General Services Administration shall provide to the Commission on a reimbursable basis (or, in the discretion of the Administrator, on a nonreimbursable basis) such administrative support services as the Commission may request to carry out this title.

(f) ADMINISTRATIVE PROCEDURES.—The Commission may adopt such rules and regulations, relating to administrative procedure, as may be reasonably necessary to enable it to carry out this title.

(g) TRAVEL.—

(1) IN GENERAL.—The members and staff of the Commission may, with the approval of the Commission, conduct such travel as is necessary to carry out this title.

(2) EXPENSES.—Members of the Commission shall serve without pay but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(h) GIFTS.—No member of the Commission may receive a gift or benefit by reason of such member's service on the Commission.

SEC. 607. REPORT OF THE COMMISSION.

(a) IN GENERAL.—

(1) INTERIM REPORT.—Not later than 1 year after the members of the Commission are appointed under section 5(a), the Commission shall submit an interim report to the congressional intelligence committees setting forth the preliminary findings and recommendations of the Commission described in section 604(b).

(2) FINAL REPORT.—Not later than 4 months after the submission of the report required by paragraph (1), the Commission shall submit a final report setting forth the final findings and recommendations of the Commission described in section 604(b) to the following:

(A) The President.

(B) The Director of National Intelligence.

(C) The Secretary of State.

(D) The congressional intelligence committees.

(E) The Committee on Foreign Relations of the Senate.

(F) The Committee on Foreign Affairs of the House of Representatives.

(b) INDIVIDUAL OR DISSENTING VIEWS.—Each member of the Commission may include that member's dissenting views in a report required by paragraph (1) or (2) of subsection (a).

(c) FORM OF REPORT.—The reports required by paragraphs (1) and (2) of subsection (a), including any finding or recommendation of such report, shall be submitted in both an unclassified and a classified form.

SEC. 608. TERMINATION.

The Commission shall terminate 60 days after the submission of the report required by section 607(a)(2).

SEC. 609. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

SEC. 610. FUNDING.

(a) TRANSFER FROM THE NATIONAL INTELLIGENCE PROGRAM.—Of the amounts available for the National Intelligence Program for fiscal year 2010, $4,000,000 shall be available for transfer to the Commission to carry out this title.

(b) AVAILABILITY.—The amounts made available to the Commission pursuant to subsection (a) shall remain available until the termination of the Commission.

TITLE VII—TECHNICAL AMENDMENTS

SEC. 701. TECHNICAL AMENDMENTS TO THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) in section 101—

(A) in subsection (a), by moving paragraph (7) two ems to the right; and

(B) by moving subsections (b) through (p) two ems to the right;

(2) in section 103, by redesignating subsection (i) as subsection (h);

(3) in section 109(a)—

(A) in paragraph (1), by striking ''section 112.;'' and inserting ''section 112;''; and

(B) in paragraph (2), by striking the second period;

(4) in section 301(1), by striking '' 'United States' '' and all that follows through ''and 'State' '' and inserting '' 'United States', 'person', 'weapon of mass destruction', and 'State' '';

(5) in section 304(b), by striking ''subsection (a)(3)'' and inserting ''subsection (a)(2)''; and

(6) in section 502(a), by striking ''a annual'' and inserting ''an annual''.

SEC. 702. TECHNICAL AMENDMENTS TO THE CENTRAL INTELLIGENCE AGENCY ACT OF 1949.

The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended—

(1) in paragraph (1) of section 5(a), by striking ''authorized under paragraphs (2) and (3) of section 102(a), subsections (c)(7) and (d) of section 103, subsections (a) and (g) of section 104, and section 303 of the National Security Act of 1947 (50 U.S.C. 403(a)(2), (3), 403–3(c)(7), (d), 403–4(a), (g), and 405)'' and inserting ''authorized under section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a).''; and

(2) in section 17(d)(3)(B)—

(A) in clause (i), by striking ''advise'' and inserting ''advice''; and

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

''(ii) holds or held the position in the Agency, including such a position held on an acting basis, of—

''(I) Deputy Director;

''(II) Associate Deputy Director;

''(III) Director of the National Clandestine Service;

''(IV) Director of Intelligence;

''(V) Director of Support; or

''(VI) Director of Science and Technology.''.

SEC. 703. TECHNICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE.

Section 528(c) of title 10, United States Code, is amended—

(1) in the heading, by striking ''ASSOCIATE DIRECTOR OF CIA FOR MILITARY AFFAIRS'' and inserting ''ASSOCIATE DIRECTOR OF MILITARY AFFAIRS, CIA''; and

(2) by striking ''Associate Director of the Central Intelligence Agency for Military Affairs'' and inserting ''Associate Director of Military Affairs, Central Intelligence Agency, or any successor position''.

SEC. 704. TECHNICAL AMENDMENTS TO THE NATIONAL SECURITY ACT OF 1947.

The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended—

(1) in section 3(4)(L), by striking ''other'' the second place it appears;

(2) in section 102A—

(A) in subsection (c)(3)(A), by striking ''annual budgets for the Joint Military Intelligence Program and for Tactical Intelligence and Related Activities'' and inserting ''annual budget for the Military Intelligence Program or any successor program or programs'';

(B) in subsection (d)—

(i) in paragraph (1)(B), by striking ''Joint Military Intelligence Program'' and inserting ''Military Intelligence Program or any successor program or programs'';

(ii) in paragraph (3) in the matter preceding subparagraph (A), by striking ''subparagraph (A)'' and inserting ''paragraph (1)(A)''; and

(iii) in paragraph (5)—

(I) in subparagraph (A), by striking ''or personnel'' in the matter preceding clause (i); and

(II) in subparagraph (B), by striking ''or agency involved'' in the second sentence and inserting ''involved or the Director of the Central Intelligence Agency (in the case of the Central Intelligence Agency)'';

(C) in subsection (l)(2)(B), by striking ''section'' and inserting ''paragraph''; and

(D) in subsection (n), by inserting ''AND OTHER'' after ''ACQUISITION'';

(3) in section 103(b), by striking '', the National Security Act of 1947 (50 U.S.C. 401 et seq.),'';

(4) in section 104A(g)(1) in the matter preceding subparagraph (A), by striking ''Directorate of Operations'' and inserting ''National Clandestine Service'';

(5) in section 119(c)(2)(B) (50 U.S.C. 404o(c)(2)(B)), by striking ''subsection (h)'' and inserting ''subsection (i)'';

(6) in section 701(b)(1), by striking ''Directorate of Operations'' and inserting ''National Clandestine Service'';

(7) in section 705(e)(2)(D)(i) (50 U.S.C. 432c(e)(2)(D)(i)), by striking ''responsible'' and inserting ''responsive''; and

(8) in section 1003(h)(2) in the matter preceding subparagraph (A), by striking ''subsection (i)(2)(B)'' and inserting ''subsection (g)(2)(B)''.

SEC. 705. TECHNICAL AMENDMENTS RELATING TO THE MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.

(a) IN GENERAL.—Subsection (a) of section 1403 of the National Defense Authorization Act for Fiscal Year 1991 (50 U.S.C. 404b) is amended—

(1) in the heading, by striking ''FOREIGN''; and

(2) by striking ''foreign'' each place it appears.

(b) RESPONSIBILITY OF DIRECTOR OF NATIONAL INTELLIGENCE.—Such section 1403, as amended by subsection (a), is further amended—

(1) in subsections (a) and (c), by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence''; and

(2) in subsection (b), by inserting ''of National Intelligence'' after ''Director''.

(c) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—The heading of such section 1403 is amended to read as follows:

''SEC. 1403. MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.''.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 2 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1485) is amended by striking the item relating to section 1403 and inserting the following:

''Sec. 1403. Multiyear National Intelligence Program.''.

SEC. 706. TECHNICAL AMENDMENTS TO THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) AMENDMENTS TO THE NATIONAL SECURITY INTELLIGENCE REFORM ACT OF 2004.—The National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458; 118 Stat. 3643) is amended—

(1) in subparagraph (B) of section 1016(e)(10) (6 U.S.C. 485(e)(10)), by striking ''Attorney General'' the second place it appears and inserting ''Department of Justice'';

(2) in subsection (e) of section 1071, by striking ''(1)''; and

(3) in subsection (b) of section 1072, in the subsection heading by inserting ''AGENCY'' after ''INTELLIGENCE''.

(b) OTHER AMENDMENTS TO THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—The Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3638) is amended—

(1) in section 2001 (28 U.S.C. 532 note)—

(A) in paragraph (1) of subsection (c)—

(i) by striking ''shall,'' and inserting ''shall''; and

(ii) by inserting ''of'' before ''an institutional culture'';

(B) in paragraph (2) of subsection (e), by striking ''the National Intelligence Director in a manner consistent with section 112(e)'' and inserting ''the Director of National Intelligence in a manner consistent with applicable law''; and

(C) in subsection (f), by striking ''shall,'' in the matter preceding paragraph (1) and inserting ''shall''; and

(2) in section 2006 (28 U.S.C. 509 note)—

(A) in paragraph (2), by striking ''the Federal'' and inserting ''Federal''; and

(B) in paragraph (3), by striking ''the specific'' and inserting ''specific''.

SEC. 707. TECHNICAL AMENDMENTS TO THE EXECUTIVE SCHEDULE.

(a) EXECUTIVE SCHEDULE LEVEL II.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Director of Central Intelligence and inserting the following new item:

''Director of the Central Intelligence Agency.''.

(b) EXECUTIVE SCHEDULE LEVEL III.—Section 5314 of title 5, United States Code, is amended by striking the item relating to the Deputy Directors of Central Intelligence and inserting the following new item:

''Deputy Director of the Central Intelligence Agency.''.

(c) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by striking the item relating to the General Counsel of the Office of the National Intelligence Director and inserting the following new item:

''General Counsel of the Office of the Director of National Intelligence.''.

SEC. 708. TECHNICAL AMENDMENTS TO SECTION 105 OF THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2004.

Section 105(b) of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 117 Stat. 2603; 31 U.S.C. 311 note) is amended—

(1) by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence''; and

(2) by inserting ''or in section 313 of such title,'' after ''subsection (a)),''.

SEC. 709. TECHNICAL AMENDMENTS TO SECTION 602 OF THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1995.

Section 602 of the Intelligence Authorization Act for Fiscal Year 1995 (50 U.S.C. 403–2b) is amended—

(1) in subsection (a), in paragraph (2), by striking ''Director of Central Intelligence''

and inserting ''Director of National Intelligence''; and

(2) in subsection (b)—

(A) in paragraph (1), by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence'';

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence''; and

(ii) in subparagraph (B), by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence''; and

(C) in paragraph (3), by striking ''Director of Central Intelligence'' and inserting ''Director of the Central Intelligence Agency''.

SEC. 710. TECHNICAL AMENDMENTS TO SECTION 403 OF THE INTELLIGENCE AUTHORIZATION ACT, FISCAL YEAR 1992.

(a) ROLE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.—Section 403 of the Intelligence Authorization Act, Fiscal Year 1992 (50 U.S.C. 403–2) is amended by striking ''The Director of Central Intelligence'' and inserting the following:

''(a) IN GENERAL.—The Director of National Intelligence''.

(b) DEFINITION OF INTELLIGENCE COMMUNITY.—Section 403 of the Intelligence Authorization Act, Fiscal Year 1992, as amended by subsection (a), is further amended—

(1) by striking ''Intelligence Community'' and insert ''intelligence community''; and

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

''(b) INTELLIGENCE COMMUNITY DEFINED.—In this section, the term 'intelligence community' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).''.

DEFENSE PRODUCTION ACT REAUTHORIZATION OF 2009

Mr. CASEY. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. 1677, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1677) to reauthorize the Defense Production Act of 1950, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DODD. Mr. President, I rise at a moment when our Nation is enduring its worst economic crisis since the Great Depression. This crisis began in the financial sector, but it has impacted every sector of our economy. And perhaps one of the hardest-hit has been our manufacturing sector, which was already reeling even before this crisis.

Over the last decade, we have lost an average of 40,000 manufacturing jobs per month. In Connecticut, we lost nearly 16,000 manufacturing jobs in the last year alone more than 8 percent of our manufacturing sector, gone.

These figures represent the loss of American livelihoods, the economic security of thousands of families.

And they represent a clear and present threat to our national security.

We rely on key domestic industries to supply critical goods and services in a timely fashion when our nation faces an emergency. In wartime and in the aftermath of natural disasters, factories in my state of Connecticut and around the country are relied upon for everything from raw metal to military vehicles and power generators. These products are essential to supporting our war efforts, maintaining critical infrastructure, and protecting our homeland.

Connecticut, although it is 29th in total population, ranks 6th in total employment in the military and aerospace sector. Tens of thousands of residents of my State work in this industry.

When this industrial base is threatened, our military and emergency preparedness suffer.

Six decades ago, President Harry Truman sought to bolster this critical bulwark of security by signing the Defense Production Act, or DPA, into law. The DPA allows the government to tap industrial resources to meet domestic energy supply, address emergency preparedness, protect infrastructure, and help civilian agencies and the military respond to crisis situations.

In the 1950s, the DPA served to address our new national security realities in the wake of the Cold War. In the ensuing decades, beginning with the Korean War, the DPA kept production lines humming, military supply lines fully stocked, and our country prepared in case of emergency.

Congress has reauthorized this Act every few years, but has only sporadically sought to update its provisions to meet changing conditions. And thus, according to independent analyses, Federal agencies' understanding and use of the tools provided by this act have become inconsistent.

Thus, we have proposed bipartisan legislation to make critical reforms to our national defense industrial policy. The Dodd-Shelby bill reflects the contributions of DPA practitioners from a variety of agencies, particularly the Departments of Defense and Homeland Security. And I would like to express my appreciation for the work of two civil servants who worked especially hard to help us develop this legislation: Larry Hall, DPA Director at FEMA, and Mark Buffler, DPA title III Program Manager at DOD.

The bill responds to the analysis of two landmark studies completed last year, as required by my amendments to the 9/11 Commission Recommendations Act and the fiscal year 2008 National Defense Authorization Act, which directed DHS and the GAO to report to Congress on how the DPA is being used.

In its report, DHS conceded that several agencies authorized to use DPA tools don't take advantage of them. And the GAO report echoed those findings, recommending greater coordination and pro-active use of key DPA authorities.

For instance, under title I of the DPA, the President is empowered to require companies to set aside their commercial business obligations and fulfill government contracts first in order to meet national defense needs. However, although a wide range of Departments and agencies are directed to use this authority, only Defense, Homeland Security, and Energy are doing so. The Pentagon has used it to require companies to set aside other work until production of mine-resistant ambush protected vehicles was complete. FEMA, in coordination with Commerce, has used it to expedite the delivery of power generators and transfer switches needed to restore railroad operations in New Orleans after Katrina. But other agencies that could, and should, be taking advantage of title I, aren't.

Moreover, the GAO found that, unlike DOD, FEMA doesn't even prepare title I contingency plans, which means that it takes longer for DPA provisions to be implemented even after they are enacted.

Therefore, our bill, at the GAO's recommendation, requires that every authorized agency establish a priorities and allocation system similar to that in place at the Pentagon and to coordinate with other agencies in its implementation.

It also sets up a new interagency body that will elevate DPA policy discussions to Cabinet-level posts, so that administrations going forward will be able to reassess the law's provisions and applications, and never lose sight of the importance of coordinating with critical segments of our industry to meet national defense needs. The President will designate a chairperson to lead this committee, which will be composed of Cabinet officials and agency heads authorized to use DPA tools, as well as the chairman of the Council of Economic Advisers. And the President will also appoint a Deputy Assistant Secretary to coordinate high-level dialogue among relevant government agencies.

This elevated discussion will prove particularly essential in the implementation of title III of the DPA, which allows the President to provide financial incentives including direct capital purchases, loans, and loan guarantees—for U.S. firms to expand domestic production of critical industries. These authorities are critically important—and underused.

Title III is used when the U.S. is overly reliant on foreign sources for a critical product, or when there is otherwise insufficient domestic supply of the product. Unlike other Federal assistance, title III is managed by industry experts. And it is designed to assist companies capable of meeting specific requirements: that the firms can't meet government needs on their own, and that the assistance will lead to commercial viability in the long term.

Today, we have strong evidence that defense companies all along the supply chain—particularly in the third and fourth subcontractor tier—are being denied access to credit. Machine tool and parts manufacturers in defense and dual-use industries are having a hard time getting capital—not because demand is down, but because bank lending is down. Government loan and loan

guarantee authorities in title III would help—but, the government isn't using those tools.

Therefore, our bill modernizes those powers and brings them into compliance with the 1990 Federal Credit Reform Act. Accordingly, under our bill, such loans and loan guarantees are allowed only to the extent that an appropriations act provides budget authority in advance.

As frozen credit markets continue to hurt our industrial base, it is critical that we revitalize our factories. According to the Department of Commerce, manufacturing now makes up 13 percent of the U.S. economy a quarter of what it was three decades ago. And foreign-made products have risen from a tenth to a third of what we consume over that same time. We are at risk of becoming overly dependent on foreign sources of critical goods, materials, and technology and losing our manufacturing facilities and workforce.

A non-partisan think tank, the Lexington Institute, recently wrote:

> If the erosion of U.S. manufacturing persists, America will become more dependent on offshore sources of goods and the nation's trade balance will weaken. That will undercut the role of the dollar as a reserve currency and diminish U.S. influence around the world. The economy will be less capable of supporting major military campaigns and less resilient in the face of market reverses. Most profoundly, America will become poorer relative to other nations, a trend that the National Intelligence Council says is already under way in its most recent assessment of global trends.

This bill isn't a silver bullet to address all of these problems. But it's an important first step towards making more effective one of our best tools to strengthen our manufacturing base. Our bill also makes these efforts more transparent, requiring notification to Congress and a 30-day waiting period for larger projects. As we look to expand DPA use, we are also working to make it more accountable to taxpayers.

As the GAO reported:

> Since the DPA was last reauthorized in 2003, there has been little use of its authorities for areas other than defense. Lessons learned from catastrophic events have emphasized the importance of ensuring that needed capabilities and contracts for key items are in place in advance of a disaster.

Congress didn't intend for such inertia. And now, more than ever, we need dynamic government action to reinvigorate our manufacturing base. It is time for the executive branch to take heed of the warning signs, repair the vulnerabilities in our industries, and restore our manufacturing capacities in the name of our national and economic security.

Mr. DODD. Mr. President, before concluding our discussion about the 2009 Defense Production Act Reauthorization, I would like to pay tribute to two of my colleagues who have worked diligently on this legislation. First, my friend and ranking member of the Banking Committee, Senator SHELBY. Nobody understands the complexities of national security policy and its nexus with economic affairs better than the senior Senator from Alabama. Given the importance of reauthorizing and updating the law prior to its expiration on September 30, I appreciated his good counsel and sincere effort to expedite approval of this important legislation today. I would also like to thank Senator BROWN for his work, particularly as chairman of the Economic Policy Subcommittee. The Senator from Ohio has proven to be both an expert on U.S. manufacturing and a skillful surveyor of how the current credit crisis is affecting America's national defense industrial base.

Mr. BROWN. Mr. President, I appreciate the kind words of the Senator from Connecticut. At a hearing of the Economic Policy Subcommittee on May 13, witnesses discussed the challenges tight credit markets pose for small and medium-sized manufacturers, as well as the economic, strategic, and security implications of a weakened manufacturing sector.

Among our witnesses were the president of the United Steelworkers, and a managing director of the Carlyle Group. It is not every day Congress sees representatives from these two institutions, but when it comes to the importance of manufacturing to this nation, the United Steelworkers and the Carlyle Group are on the same page.

The reason is simple. Manufacturing accounts for $1.6 trillion of U.S. GDP—12 percent—and accounts for nearly three-fourths of the Nation's industrial research and development. Manufacturing jobs also pay 20 percent more on average than service jobs. Each manufacturing job supports four to five other jobs throughout the U.S. economy.

In short, manufacturing matters a great deal to our Nation's strength.

One important finding that emerged during this hearing is that reauthorization and expansion of the Defense Production Act of 1950 may provide the U.S. Government with valuable tools for maintaining critical supply lines, which would be particularly useful at a time when U.S. manufacturers are experiencing declining access to credit.

Mr. DODD. Mr. President, I could not agree more. And I appreciated the leadership that Senator BROWN demonstrated in highlighting these important facts during his hearing. In fact, I expressed a similar sentiment in a letter to Homeland Security Secretary Janet Napolitano in February, which I will ask to be made part of the RECORD.

With this legislation in place, not only do we expect the current and future administrations to apply these newly updated authorities when appropriate, but I hope that they will take care to use them in a creative and appropriate manner in response to ongoing problems that threaten the long-term health of our industrial base—namely the credit crisis' impact on U.S. manufacturing.

My colleague from Ohio has played a key role in raising awareness of these important matters and ensuring that the current administration work with Congress to address our concerns. In particular, I appreciated his ongoing contact with the administration regarding his subcommittee's findings.

Mr. BROWN. Mr. President, the key to America's long-term security and prosperity is a healthy and viable domestic manufacturing base. I am hopeful that the administration will use the tools set in place by this legislation to achieve these ends. It is for this reason that Senator DODD, Senator MERKLEY, Senator WARNER and I sent a letter—which I will ask to be printed in the RECORD—to the Office of Management and Budget urging the administration to provide their recommendations on changes to the Defense Production Act.

Mr. President, I ask unanimous consent to have the two letters which were referred to be printed in the RECORD.

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

FEBRUARY 4, 2009.

Hon. JANET NAPOLITANO,
Secretary, U.S. Department of Homeland Security, Washington, DC.

DEAR SECRETARY NAPOLITANO: I am writing to inquire about government efforts underway to address a potentially serious consequence of the global economic and financial crisis. Because manufacturers' access to credit is becoming increasingly limited, I am concerned about the ability of key sectors of our industrial base to meet emergency response and defense needs of the federal government.

I understand that the Federal Emergency Management Agency is leading an interagency process to review and reform current authorities afforded by the Defense Production Act (50 U.S.C. App. 2061, et seq.) and Executive Order 12919. I hope such an effort will help address our nation's industrial readiness to maintain our critical infrastructure and emergency preparedness.

I would like to know the current status of this initiative, which should be completed with all due care and speed. With the Bureau of Economic Analysis reporting a 27.8 percent decline in investment in equipment and software for the last quarter, some analysts are indicating that federal assistance to banks may not be thawing credit markets adequately to maintain U.S. manufacturing capabilities. According to the Federal Reserve Board, manufacturing output fell 2.3 percent in December to a level almost 10 percent below that of 12 months earlier. For the fourth quarter of last year, manufacturing output contracted at an annual rate of more than 16 percent. In December, the factory operating rate moved down 1.7 percentage points, to 70.2 percent, a level 9.5 percentage points below its 1972 to 2007 average. The production of durable goods declined 2.6 percent in December. Output fell in virtually every major category of durable goods except for aerospace equipment and miscellaneous transportation equipment.

As the Banking Committee begins to consider legislation to re-authorize the Defense Production Act (DPA), I would appreciate your insights into how the authorities of the DPA may be used to reverse these trends and help maintain viable production capabilities for items essential for our national defense as defined by Section 702 of the DPA. Of special interest is how Title I of this Act may be

better used to ensure adequate government access to critical goods during emergencies and, under Title III how provisions—including possible direct loan guarantees—might be used by key industries needing access to credit. I believe your Department's April 25, 2008, report ''Use of the Defense Production Act to Reduce Interruptions in Critical Infrastructure and Key Resource Operations During Emergencies'' will prove useful in revisiting key DPA authorities.

Please report to me on your progress in reviewing these authorities at your earliest convenience. I would appreciate interim reports or proposals being made available to Senate Banking Committee staff prior to the Administration's final submission of DPA legislation. Thank you for your attention to this important matter.

Sincerely,

CHRISTOPHER J. DODD,
Chairman.

JUNE 1, 2009.

Mr. PETER ORSZAG,
Director, Office of Management and Budget, Washington, DC.

DEAR DIRECTOR ORSZAG: We are writing to request your prompt recommendations to Congress on key legislative proposals currently under your office's review. This letter comes as a follow-up to a hearing of the Subcommittee on Economic Policy held May 13 entitled, ''Manufacturing and the Credit Crisis.''

Witnesses discussed the challenges tight credit markets pose for small and medium-sized manufacturers, as well as the economic, strategic, and security implications of a weakened manufacturing sector. Absent some mechanism for providing or spurring access to credit, witnesses testified, key government functions—ranging from defense to critical infrastructure operations—could be impaired.

One important finding that emerged during this hearing is that reauthorization and expansion of the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq) may provide the United States government valuable tools for maintaining critical supply lines, particularly at a time when U.S. manufacturers are experiencing declining access to credit.

Over the past five decades, the DPA has been amended beyond its original focus on military requirements, to expand industrial resources to meet energy supply, emergency preparedness, and critical infrastructure protection needs, thereby allowing civilian agencies to rapidly respond to crises such as natural disasters and terrorist attacks. Titles I, III, and VII of the Act remain in effect, which include authorities to require preferential performance on government contracts, to fund expanded production capabilities for critical security needs, and to collect information on the domestic industrial base.

At the May 13 hearing, witnesses recommended the following:

Revitalizing the Interagency Task Force that administers the DPA, with a chairman designated by the President.

Increasing the level of funding available for DPA at the Department of Homeland Security, Department of Energy, and Department of Defense.

Resuming the loan guarantee authorities under Title III of the DPA, in accordance with OMB guidance.

It is our understanding that OMB is reviewing interagency proposals. A thorough review of the DPA, and consideration of reforms, will require additional hearings. Given the urgency of manufacturers' challenges, the impending expiration of DPA authorities on September 30, and the impending Fiscal Year 2010 appropriations process, we urge you to promptly review the DPA and forward your recommendations to Congress.

Thank you for your attention to this matter.

Sincerely,

SHERROD BROWN,
Chairman, Economic Policy Subcommittee.
CHRISTOPHER J. DODD,
Chairman, Banking, House, & Urban Affairs.
JEFF MERKLEY,
U.S. Senator.
MARK WARNER,
U.S. Senator.

Mr. CASEY. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

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

The bill (S. 1677) was ordered to be read the third time, was read the third time, and passed, as follows:

S. 1677

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 ''Defense Production Act Reauthorization of 2009''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Reauthorization of Defense Production Act of 1950.
Sec. 3. Declaration of policy.
Sec. 4. Priority in contracts and orders.
Sec. 5. Designation of energy as a strategic and critical material.
Sec. 6. Strengthening domestic capability.
Sec. 7. Expansion of productive capacity and supply.
Sec. 8. Definitions.
Sec. 9. Voluntary agreements and plans of action for national defense.
Sec. 10. Employment of personnel; appointment policies; nucleus executive reserve; use of confidential information by employees; printing and distribution of reports.
Sec. 11. Defense Production Act Committee.
Sec. 12. Annual report on impact of offsets.

SEC. 2. REAUTHORIZATION OF DEFENSE PRODUCTION ACT OF 1950.

(a) TERMINATION OF ACT.—

(1) TERMINATION.—Section 717 of the Defense Production Act of 1950 (50 U.S.C. App. 2166) is amended—

(A) by striking subsections (a) and (b) and inserting the following:

''(a) Title I (except section 104), title III, and title VII (except sections 707, 708, and 721) shall terminate on September 30, 2014, except that all authority extended under title III on or after the date of enactment of the Defense Production Act Reauthorization of 2009 shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriations Acts.

''(b) Notwithstanding subsection (a), any agency created under a provision of law that is terminated under subsection (a) may continue in existence, for purposes of liquidation, for a period not to exceed 6 months, beginning on the date of termination of the provision authorizing the creation of such agency under subsection (a).''; and

(B) in subsection (c), by striking the second undesignated paragraph.

(2) REPEALS.—Titles II, IV, V, and VI of the Defense Production Act of 1950 (50 U.S.C. App. 2151 et seq., 2101 et seq., 2121 et seq., and 2131 et seq.) are repealed.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 711 of the Defense Production Act of 1950 (50 U.S.C. App. 2161) is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking ''(including'' and all that follows through '') by'' and inserting ''by''; and

(B) by striking ''(a) AUTHORIZATION.—Except as provided in subsection (b), there'' and inserting ''There''; and

(2) by striking subsection (b).

SEC. 3. DECLARATION OF POLICY.

(a) FINDINGS.—Section 2 of the Defense Production Act of 1950 (50 U.S.C. App. 2062) is amended to read as follows:

''SEC. 2. DECLARATION OF POLICY.

''(a) FINDINGS.—Congress finds that—

''(1) the security of the United States is dependent on the ability of the domestic industrial base to supply materials and services for the national defense and to prepare for and respond to military conflicts, natural or man-caused disasters, or acts of terrorism within the United States;

''(2) to ensure the vitality of the domestic industrial base, actions are needed—

''(A) to promote industrial resources preparedness in the event of domestic or foreign threats to the security of the United States;

''(B) to support continuing improvements in industrial efficiency and responsiveness;

''(C) to provide for the protection and restoration of domestic critical infrastructure operations under emergency conditions; and

''(D) to respond to actions taken outside of the United States that could result in reduced supplies of strategic and critical materials, including energy, necessary for national defense and the general economic well-being of the United States;

''(3) in order to provide for the national security, the national defense preparedness effort of the United States Government requires—

''(A) preparedness programs to respond to both domestic emergencies and international threats to national defense;

''(B) measures to improve the domestic industrial base for national defense;

''(C) the development of domestic productive capacity to meet—

''(i) essential national defense needs that can result from emergency conditions; and

''(ii) unique technological requirements; and

''(D) the diversion of certain materials and facilities from ordinary use to national defense purposes, when national defense needs cannot otherwise be satisfied in a timely fashion;

''(4) to meet the requirements referred to in this subsection, this Act provides the President with an array of authorities to shape national defense preparedness programs and to take appropriate steps to maintain and enhance the domestic industrial base;

''(5) in order to ensure national defense preparedness, it is necessary and appropriate to assure the availability of domestic energy supplies for national defense needs;

''(6) to further assure the adequate maintenance of the domestic industrial base, to the maximum extent possible, domestic energy supplies should be augmented through reliance on renewable energy sources (including solar, geothermal, wind, and biomass sources), more efficient energy storage and distribution technologies, and energy conservation measures;

''(7) much of the industrial capacity that is relied upon by the United States Government for military production and other national defense purposes is deeply and directly influenced by—

''(A) the overall competitiveness of the industrial economy of the United States; and

''(B) the ability of industries in the United States, in general, to produce internationally competitive products and operate profitably while maintaining adequate research and development to preserve competitiveness with respect to military and civilian production; and

''(8) the inability of industries in the United States, especially smaller subcontractors and suppliers, to provide vital parts and components and other materials would impair the ability to sustain the Armed Forces of the United States in combat for longer than a short period.

''(b) STATEMENT OF POLICY.—It is the policy of the United States that—

''(1) to ensure the adequacy of productive capacity and supply, Federal departments and agencies that are responsible for national defense acquisition should continuously assess the capability of the domestic industrial base to satisfy production requirements under both peacetime and emergency conditions, specifically evaluating the availability of adequate production sources, including subcontractors and suppliers, materials, skilled labor, and professional and technical personnel;

''(2) every effort should be made to foster cooperation between the defense and commercial sectors for research and development and for acquisition of materials, components, and equipment;

''(3) plans and programs to carry out the purposes of this Act should be undertaken with due consideration for promoting efficiency and competition;

''(4) in providing United States Government financial assistance under this Act to correct a domestic industrial base shortfall, the President should give consideration to the creation or maintenance of production sources that will remain economically viable after such assistance has ended;

''(5) authorities under this Act should be used to reduce the vulnerability of the United States to terrorist attacks, and to minimize the damage and assist in the recovery from terrorist attacks that occur in the United States;

''(6) in order to ensure productive capacity in the event of an attack on the United States, the United States Government should encourage the geographic dispersal of industrial facilities in the United States to discourage the concentration of such productive facilities within limited geographic areas that are vulnerable to attack by an enemy of the United States;

''(7) to ensure that essential national defense requirements are met, consideration should be given to stockpiling strategic materials, to the extent that such stockpiling is economical and feasible; and

''(8) in the construction of any industrial facility owned by the United States Government, in the rendition of any financial assistance by the United States Government for the construction, expansion, or improvement of any industrial facility, and in the production of goods and services, under this Act or any other provision of law, each department and agency of the United States Government should apply, under the coordination of the Federal Emergency Management Agency, when practicable and consistent with existing law and the desirability for maintaining a sound economy, the principle of geographic dispersal of such facilities in the interest of national defense.''.

SEC. 4. PRIORITY IN CONTRACTS AND ORDERS.

Section 101 of the Defense Production Act of 1950 (50 U.S.C. App. 2071) is amended by adding at the end the following:

''(d) The head of each Federal agency to which the President delegates authority under this section shall—

''(1) not later than 270 days after the date of enactment of the Defense Production Act Reauthorization of 2009, issue final rules, in accordance with section 553 of title 5, United States Code, that establish standards and procedures by which the priorities and allocations authority under this section is used to promote the national defense, under both emergency and nonemergency conditions; and

''(2) as appropriate and to the extent practicable, consult with the heads of other Federal agencies to develop a consistent and unified Federal priorities and allocations system.''.

SEC. 5. DESIGNATION OF ENERGY AS A STRATEGIC AND CRITICAL MATERIAL.

Section 106 of the Defense Production Act of 1950 (50 U.S.C. App. 2076) is amended—

(1) by striking ''such designation'' and all that follows through ''(1)'' and inserting ''such designation'';

(2) by striking ''; or'' and inserting a period; and

(3) by striking paragraph (2).

SEC. 6. STRENGTHENING DOMESTIC CAPABILITY.

Section 107 of the Defense Production Act of 1950 (50 U.S.C. App. 2077) is amended—

(1) in subsection (a)—

(A) by inserting ''restore,'' after ''modernize,''; and

(B) by inserting ''materials,'' after ''items,''; and

(2) in subsection (b)—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(C) in paragraph (1), as so redesignated, by striking ''or critical technology items'' and inserting '', critical technology items, essential materials, and industrial resources''.

SEC. 7. EXPANSION OF PRODUCTIVE CAPACITY AND SUPPLY.

Title III of the Defense Production Act of 1950 (50 U.S.C. App. 2091 et seq.) is amended to read as follows:

''TITLE III—EXPANSION OF PRODUCTIVE CAPACITY AND SUPPLY

''SEC. 301. PRESIDENTIAL AUTHORIZATION FOR THE NATIONAL DEFENSE.

''(a) EXPEDITING PRODUCTION AND DELIVERIES OR SERVICES.—

''(1) AUTHORIZED ACTIVITIES.—To reduce current or projected shortfalls of industrial resources, critical technology items, or essential materials needed for national defense purposes, subject to such regulations as the President may prescribe, the President may authorize a guaranteeing agency to provide guarantees of loans by private institutions for the purpose of financing any contractor, subcontractor, provider of critical infrastructure, or other person in support of production capabilities or supplies that are deemed by the guaranteeing agency to be necessary to create, maintain, expedite, expand, protect, or restore production and deliveries or services essential to the national defense.

''(2) PRESIDENTIAL DETERMINATIONS REQUIRED.—Except during a period of national emergency declared by Congress or the President, a loan guarantee may be entered into under this section only if the President determines that—

''(A) the loan guarantee is for an activity that supports the production or supply of an industrial resource, critical technology item, or material that is essential for national defense purposes;

''(B) without a loan guarantee, credit is not available to the loan applicant under reasonable terms or conditions sufficient to finance the activity;

''(C) the loan guarantee is the most cost effective, expedient, and practical alternative for meeting the needs of the Federal Government;

''(D) the prospective earning power of the loan applicant and the character and value of the security pledged provide a reasonable assurance of repayment of the loan to be guaranteed;

''(E) the loan to be guaranteed bears interest at a rate determined by the Secretary of the Treasury to be reasonable, taking into account the then-current average yield on outstanding obligations of the United States with remaining periods of maturity comparable to the maturity of the loan;

''(F) the loan agreement for the loan to be guaranteed provides that no provision of the loan agreement may be amended or waived without the consent of the fiscal agent of the United States for the guarantee; and

''(G) the loan applicant has provided or will provide—

''(i) an assurance of repayment, as determined by the President; and

''(ii) security—

''(I) in the form of a performance bond, insurance, collateral, or other means acceptable to the fiscal agent of the United States; and

''(II) in an amount equal to not less than 20 percent of the amount of the loan.

''(3) LIMITATIONS ON LOANS.—Loans under this section may be—

''(A) made or guaranteed under the authority of this section only to the extent that an appropriations Act—

''(i) provides, in advance, budget authority for the cost of such guarantees, as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a); and

''(ii) establishes a limitation on the total loan principal that may be guaranteed; and

''(B) made without regard to the limitations of existing law, other than section 1341 of title 31, United States Code.

''(b) FISCAL AGENTS OF THE UNITED STATES.—

''(1) IN GENERAL.—Any Federal agency or any Federal reserve bank, when designated by the President, is hereby authorized to act, on behalf of any guaranteeing agency, as fiscal agent of the United States in the making of such contracts of guarantee and in otherwise carrying out the purposes of this section.

''(2) FUNDS.—All such funds as may be necessary to enable any fiscal agent described in paragraph (1) to carry out any guarantee made by it on behalf of any guaranteeing agency shall be supplied and disbursed by or under authority from such guaranteeing agency.

''(3) LIMIT ON LIABILITY.—No fiscal agent described in paragraph (1) shall have any responsibility or accountability, except as agent in taking any action pursuant to or under authority of this section.

''(4) REIMBURSEMENTS.—Each fiscal agent described in paragraph (1) shall be reimbursed by each guaranteeing agency for all expenses and losses incurred by such fiscal agent in acting as agent on behalf of such guaranteeing agency, including, notwithstanding any other provision of law, attorneys' fees and expenses of litigation.

''(c) OVERSIGHT.—

''(1) IN GENERAL.—All actions and operations of fiscal agents under authority of or pursuant to this section shall be subject to the supervision of the President, and to such regulations as the President may prescribe.

''(2) OTHER AUTHORITY.—The President is authorized to prescribe—

''(A) either specifically or by maximum limits or otherwise, rates of interest, guarantee and commitment fees, and other charges which may be made in connection with loans, discounts, advances, or commitments guaranteed by the guaranteeing agencies through fiscal agents under this section; and

''(B) regulations governing the forms and procedures (which shall be uniform to the extent practicable) to be utilized in connection with such guarantees.

''(d) AGGREGATE GUARANTEE AMOUNTS.—

''(1) INDUSTRIAL RESOURCE AND CRITICAL TECHNOLOGY SHORTFALLS.—

''(A) IN GENERAL.—If the making of any guarantee or obligation of the Federal Government under this title relating to a domestic industrial base shortfall would cause the aggregate outstanding amount of all guarantees for such shortfall to exceed $50,000,000, any such guarantee may be made only—

''(i) if the President has notified the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives in writing of the proposed guarantee; and

''(ii) after the 30-day period following the date on which notice under clause (i) is provided.

''(B) WAIVERS AUTHORIZED.—The requirements of subparagraph (A) may be waived—

''(i) during a period of national emergency declared by Congress or the President; or

''(ii) upon a determination by the President, on a nondelegable basis, that a specific guarantee is necessary to avert an industrial resource or critical technology item shortfall that would severely impair national defense capability.

''(2) OTHER LIMITATIONS.—The authority conferred by this section shall not be used primarily to prevent the financial insolvency or bankruptcy of any person, unless—

''(A) the President certifies that the insolvency or bankruptcy would have a direct and substantially adverse effect upon national defense production; and

''(B) a copy of the certification under subparagraph (A), together with a detailed justification thereof, is transmitted to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives not later than 10 days prior to the exercise of that authority for such use.

''SEC. 302. LOANS TO PRIVATE BUSINESS ENTERPRISES.

''(a) LOAN AUTHORITY.—To reduce current or projected shortfalls of industrial resources, critical technology items, or materials essential for the national defense, the President may make provision for loans to private business enterprises (including nonprofit research corporations and providers of critical infrastructure) for the creation, maintenance, expansion, protection, or restoration of capacity, the development of technological processes, or the production of essential materials, including the exploration, development, and mining of strategic and critical metals and minerals.

''(b) CONDITIONS OF LOANS.—Loans may be made under this section on such terms and conditions as the President deems necessary, except that—

''(1) financial assistance may be extended only to the extent that it is not otherwise available from private sources on reasonable terms; and

''(2) during periods of national emergency declared by the Congress or the President, no such loan may be made unless the President determines that—

''(A) the loan is for an activity that supports the production or supply of an industrial resource, critical technology item, or material that is essential to the national defense;

''(B) without the loan, United States industry cannot reasonably be expected to provide the needed capacity, technological processes, or materials in a timely manner;

''(C) the loan is the most cost-effective, expedient, and practical alternative method for meeting the need;

''(D) the prospective earning power of the loan applicant and the character and value of the security pledged provide a reasonable assurance of repayment of the loan in accordance with the terms of the loan, as determined by the President; and

''(E) the loan bears interest at a rate determined by the Secretary of the Treasury to be reasonable, taking into account the then-current average yield on outstanding obligations of the United States with remaining periods of maturity comparable to the maturity of the loan.

''(c) LIMITATIONS ON LOANS.—Loans under this section may be—

''(1) made or guaranteed under the authority of this section only to the extent that an appropriations Act—

''(A) provides, in advance, budget authority for the cost of such guarantees, as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a); and

''(B) establishes a limitation on the total loan principal that may be guaranteed; and

''(2) made without regard to the limitations of existing law, other than section 1341 of title 31, United States Code.

''(d) AGGREGATE LOAN AMOUNTS.—

''(1) IN GENERAL.—If the making of any loan under this section to correct a shortfall would cause the aggregate outstanding amount of all obligations of the Federal Government under this title relating to such shortfall to exceed $50,000,000, such loan may be made only—

''(A) if the President has notified the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, in writing, of the proposed loan; and

''(B) after the 30-day period following the date on which notice under subparagraph (A) is provided.

''(2) WAIVERS AUTHORIZED.—The requirements of paragraph (1) may be waived—

''(A) during a period of national emergency declared by the Congress or the President; and

''(B) upon a determination by the President, on a nondelegable basis, that a specific loan is necessary to avert an industrial resource or critical technology shortfall that would severely impair national defense capability.

''SEC. 303. OTHER PRESIDENTIAL ACTION AUTHORIZED.

''(a) IN GENERAL.—

''(1) IN GENERAL.—To create, maintain, protect, expand, or restore domestic industrial base capabilities essential for the national defense, the President may make provision—

''(A) for purchases of or commitments to purchase an industrial resource or a critical technology item, for Government use or resale;

''(B) for the encouragement of exploration, development, and mining of critical and strategic materials, and other materials;

''(C) for the development of production capabilities; and

''(D) for the increased use of emerging technologies in security program applications and the rapid transition of emerging technologies—

''(i) from Government-sponsored research and development to commercial applications; and

''(ii) from commercial research and development to national defense applications.

''(2) TREATMENT OF CERTAIN AGRICULTURAL COMMODITIES.—A purchase for resale under this subsection shall not include that part of the supply of an agricultural commodity which is domestically produced, except to the extent that such domestically produced supply may be purchased for resale for industrial use or stockpiling.

''(3) TERMS OF SALES.—No commodity purchased under this subsection shall be sold at less than—

''(A) the established ceiling price for such commodity, except that minerals, metals, and materials shall not be sold at less than the established ceiling price, or the current domestic market price, whichever is lower; or

''(B) if no ceiling price has been established, the higher of—

''(i) the current domestic market price for such commodity; or

''(ii) the minimum sale price established for agricultural commodities owned or controlled by the Commodity Credit Corporation, as provided in section 407 of the Agricultural Act of 1949 (7 U.S.C. 1427).

''(4) DELIVERY DATES.—No purchase or commitment to purchase any imported agricultural commodity shall specify a delivery date which is more than 1 year after the date of termination of this section.

''(5) PRESIDENTIAL DETERMINATIONS.—Except as provided in paragraph (7), the President may not execute a contract under this subsection unless the President determines that—

''(A) the industrial resource, material, or critical technology item is essential to the national defense; and

''(B) without Presidential action under this section, United States industry cannot reasonably be expected to provide the capability for the needed industrial resource, material, or critical technology item in a timely manner.

''(6) NOTIFICATION TO CONGRESS OF SHORTFALL.—

''(A) IN GENERAL.—Except as provided in paragraph (7), the President shall provide written notice to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives of a domestic industrial base shortfall prior to taking action under this subsection to remedy the shortfall. The notice shall include the determinations made by the President under paragraph (5).

''(B) AGGREGATE AMOUNTS.—If the taking of any action under this subsection to correct a domestic industrial base shortfall would cause the aggregate outstanding amount of all such actions for such shortfall to exceed $50,000,000, the action or actions may be taken only after the 30-day period following the date on which the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives have been notified in writing of the proposed action.

''(7) WAIVERS AUTHORIZED.—The requirements of paragraphs (1) through (6) may be waived—

''(A) during a period of national emergency declared by the Congress or the President; or

''(B) upon a determination by the President, on a nondelegable basis, that action is necessary to avert an industrial resource or critical technology item shortfall that would severely impair national defense capability.

''(b) EXEMPTION FOR CERTAIN LIMITATIONS.—Subject to the limitations in subsection (a), purchases and commitments to purchase and sales under subsection (a) may be made without regard to the limitations of existing law (other than section 1341 of title 31, United States Code), for such quantities, and on such terms and conditions, including

advance payments, and for such periods, but not extending beyond a date that is not more than 10 years from the date on which such purchase, purchase commitment, or sale was initially made, as the President deems necessary, except that purchases or commitments to purchase involving higher than established ceiling prices (or if no such established ceiling prices exist, currently prevailing market prices) or anticipated loss on resale shall not be made, unless it is determined that supply of the materials could not be effectively increased at lower prices or on terms more favorable to the Government, or that such purchases are necessary to assure the availability to the United States of overseas supplies.

''(c) PRESIDENTIAL FINDINGS.—

''(1) IN GENERAL.—The President may take the actions described in paragraph (2), if the President finds that—

''(A) under generally fair and equitable ceiling prices, for any raw or nonprocessed material, there will result a decrease in supplies from high-cost sources of such material, and that the continuation of such supplies is necessary to carry out the objectives of this title; or

''(B) an increase in cost of transportation is temporary in character and threatens to impair maximum production or supply in any area at stable prices of any materials.

''(2) SUBSIDY PAYMENTS AUTHORIZED.—Upon a finding under paragraph (1), the President may make provision for subsidy payments on any such domestically produced material, other than an agricultural commodity, in such amounts and in such manner (including purchases of such material and its resale at a loss), and on such terms and conditions, as the President determines to be necessary to ensure that supplies from such high-cost sources are continued, or that maximum production or supply in such area at stable prices of such materials is maintained, as the case may be.

''(d) INCIDENTAL AUTHORITY.—The procurement power granted to the President by this section shall include the power to transport and store and have processed and refined any materials procured under this section.

''(e) INSTALLATION OF EQUIPMENT IN INDUSTRIAL FACILITIES.—

''(1) INSTALLATION AUTHORIZED.—If the President determines that such action will aid the national defense, the President is authorized—

''(A) to procure and install additional equipment, facilities, processes or improvements to plants, factories, and other industrial facilities owned by the Federal Government;

''(B) to procure and install equipment owned by the Federal Government in plants, factories, and other industrial facilities owned by private persons;

''(C) to provide for the modification or expansion of privately owned facilities, including the modification or improvement of production processes, when taking actions under section 301, 302, or this section; and

''(D) to sell or otherwise transfer equipment owned by the Federal Government and installed under this subsection to the owners of such plants, factories, or other industrial facilities.

''(2) INDEMNIFICATION.—The owner of any plant, factory, or other industrial facility that receives equipment owned by the Federal Government under this section shall agree—

''(A) to waive any claim against the United States under section 107 or 113 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607 and 9613); and

''(B) to indemnify the United States against any claim described in paragraph (1) made by a third party that arises out of the presence or use of equipment owned by the Federal Government.

''(f) EXCESS METALS, MINERALS, AND MATERIALS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law to the contrary, metals, minerals, and materials acquired pursuant to this section which, in the judgment of the President, are excess to the needs of programs under this Act, shall be transferred to the National Defense Stockpile established by the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.), when the President deems such action to be in the public interest.

''(2) TRANSFERS AT NO CHARGE.—Transfers made pursuant to this subsection shall be made without charge against or reimbursement from funds appropriated for the purposes of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.), except that costs incident to such transfer, other than acquisition costs, shall be paid or reimbursed from such funds.

''(g) SUBSTITUTES.—When, in the judgement of the President, it will aid the national defense, the President may make provision for the development of substitutes for strategic and critical materials, critical components, critical technology items, and other industrial resources.

''SEC. 304. DEFENSE PRODUCTION ACT FUND.

''(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a separate fund to be known as the 'Defense Production Act Fund' (in this section referred to as the 'Fund').

''(b) MONEYS IN FUND.—There shall be credited to the Fund—

''(1) all moneys appropriated for the Fund, as authorized by section 711; and

''(2) all moneys received by the Fund on transactions entered into pursuant to section 303.

''(c) USE OF FUND.—The Fund shall be available to carry out the provisions and purposes of this title, subject to the limitations set forth in this Act and in appropriations Acts.

''(d) DURATION OF FUND.—Moneys in the Fund shall remain available until expended.

''(e) FUND BALANCE.—The Fund balance at the close of each fiscal year shall not exceed $750,000,000, excluding any moneys appropriated to the Fund during that fiscal year or obligated funds. If, at the close of any fiscal year, the Fund balance exceeds $750,000,000, the amount in excess of $750,000,000 shall be paid into the general fund of the Treasury.

''(f) FUND MANAGER.—The President shall designate a Fund manager. The duties of the Fund manager shall include—

''(1) determining the liability of the Fund in accordance with subsection (g);

''(2) ensuring the visibility and accountability of transactions engaged in through the Fund; and

''(3) reporting to the Congress each year regarding activities of the Fund during the previous fiscal year.

''(g) LIABILITIES AGAINST FUND.—When any agreement entered into pursuant to this title after December 31, 1991, imposes any contingent liability upon the United States, such liability shall be considered an obligation against the Fund.''.

SEC. 8. DEFINITIONS.

Section 702 of the Defense Production Act of 1950 (50 U.S.C. App. 2152) is amended—

(1) in paragraph (1), by striking ''military equipment identified by the Secretary of Defense'' and inserting ''equipment identified by the President'';

(2) by striking paragraphs (2), (4), (9), and (18);

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

(4) by inserting after paragraph (2), as so redesignated, the following:

''(3) CRITICAL TECHNOLOGY.—The term 'critical technology' includes any technology designated by the President to be essential to the national defense.'';

(5) by redesignating paragraphs (5) through (8) as paragraphs (4) through (7), respectively;

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

(A) in the paragraph heading, by striking ''DEFENSE'';

(B) by striking ''domestic defense'' and inserting ''domestic''; and

(C) by striking ''graduated mobilization,'';

(7) by redesignating paragraphs (10) and (11) as paragraphs (8) and (9), respectively;

(8) by inserting after paragraph (9), as so redesignated, the following:

''(10) GUARANTEEING AGENCY.—The term 'guaranteeing agency' means a department or agency of the United States engaged in procurement for the national defense.

''(11) HOMELAND SECURITY.—The term 'homeland security' includes efforts—

''(A) to prevent terrorist attacks within the United States;

''(B) to reduce the vulnerability of the United States to terrorism;

''(C) to minimize damage from a terrorist attack in the United States; and

''(D) to recover from a terrorist attack in the United States.'';

(9) in paragraph (12), by striking ''capacity'' and inserting ''base'';

(10) in paragraph (14), by striking ''military assistance to any foreign nation'' and inserting ''military or critical infrastructure assistance to any foreign nation, homeland security''; and

(11) in paragraph (16)—

(A) in subparagraph (A), by striking ''or'' at the end;

(B) in subparagraph (B), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

''(C) the movement of individuals and property by all modes of civil transportation; or

''(D) other national defense programs and activities.''.

SEC. 9. VOLUNTARY AGREEMENTS AND PLANS OF ACTION FOR NATIONAL DEFENSE.

Section 708 of the Defense Production Act of 1950 (50 U.S.C. App. 2158) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking ''defense of the United States'' and all that follows through the period and inserting ''national defense.''; and

(B) by adding at the end the following:

''(3) Upon a determination by the President, on a nondelegable basis, that a specific voluntary agreement or plan of action is necessary to meet national defense requirements resulting from an event that degrades or destroys critical infrastructure—

''(A) an individual that has been delegated authority under paragraph (1) with respect to such agreement or plan shall not be required to consult with the Attorney General or the Federal Trade Commission under paragraph (2)(B); and

''(B) the President shall publish a rule in accordance with subsection (e)(2)(B) and publish notice in accordance with subsection (e)(3)(B) with respect to such agreement or plan as soon as is practicable under the circumstances.'';

(2) in subsection (f)(2)—

(A) by striking ''two years'' each place that term appears and inserting ''5 years''; and

(B) by striking ''two-year'' and inserting ''5-year''; and

(3) by striking subsection (n) and inserting the following:

''(n) EXEMPTION FROM ADVISORY COMMITTEE ACT PROVISIONS.—Notwithstanding any other provision of law, the Federal Advisory Committee Act (5 U.S.C. App.) and any other provision of Federal law relating to advisory committees shall not apply to—

''(1) the consultations referred to in subsection (c)(1); or

''(2) any activity conducted under a voluntary agreement or plan of action approved pursuant to this section that complies with the requirements of this section.''.

SEC. 10. EMPLOYMENT OF PERSONNEL; APPOINTMENT POLICIES; NUCLEUS EXECUTIVE RESERVE; USE OF CONFIDENTIAL INFORMATION BY EMPLOYEES; PRINTING AND DISTRIBUTION OF REPORTS.

Section 710 of the Defense Production Act of 1950 (50 U.S.C. App. 2160) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking clause (iii);

(B) by striking paragraph (4);

(C) by redesignating paragraphs (5) through (8) as paragraphs (4) through (7), respectively; and

(D) in paragraph (6), as so redesignated, by striking ''At least'' and all that follows through ''survey'' and inserting ''The Director of the Office of Personnel Management shall carry out a biennial survey of'';

(2) in subsection (c), by striking the third sentence;

(3) in subsection (d), by striking ''needed;'' and all that follows through the period and inserting ''needed.''; and

(4) in subsection (e)—

(A) in the first sentence, by striking ''emergency'' and inserting ''national defense emergency, as determined by the President''; and

(B) by striking the third sentence.

SEC. 11. DEFENSE PRODUCTION ACT COMMITTEE.

Section 722 of the Defense Production Act of 1950 (50 U.S.C. App. 2171) is amended to read as follows:

''SEC. 722. DEFENSE PRODUCTION ACT COMMITTEE.

''(a) COMMITTEE ESTABLISHED.—There is established the Defense Production Act Committee (in this section referred to as the 'Committee'), which shall advise the President on the effective use of the authority under this Act by the departments, agencies, and independent establishments of the Federal Government to which the President has delegated authority under this Act.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The members of the Committee shall be—

''(A) the head of each Federal agency to which the President has delegated authority under this Act; and

''(B) the Chairperson of the Council of Economic Advisors.

''(2) CHAIRPERSON.—The President shall designate 1 member of the Committee as the Chairperson of the Committee.

''(c) EXECUTIVE DIRECTOR.—

''(1) IN GENERAL.—The President shall appoint an Executive Director of the Defense Production Act Committee (in this section referred to as the 'Executive Director'), who shall—

''(A) be responsible to the Chairperson of the Committee; and

''(B) carry out such activities relating to the Committee as the Chairperson may determine.

''(2) APPOINTMENT.—The appointment by the President shall not be subject to the advice and consent of the Senate.

''(3) COMPENSATION.—For pay periods beginning on or after the date on which each Chairperson is appointed, funds for the pay of the Executive Director shall be paid from appropriations to the salaries and expenses account of the department or agency of the Chairperson of the Committee. The Executive Director shall be compensated at a rate of pay equivalent to that of a Deputy Assistant Secretary (or a comparable position) of the Federal agency of the Chairperson of the Committee.

''(d) REPORT.—Not later than the end of the first quarter of each calendar year, the 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 signed by each member of the Committee that contains—

''(1) a review of the authority under this Act of each department, agency, or independent establishment of the Federal Government to which the President has delegated authority under this Act;

''(2) recommendations for the effective use of the authority described in paragraph (1) in a manner consistent with the statement of policy under section 2(b);

''(3) recommendations for legislation, regulations, executive orders, or other action by the Federal Government necessary to improve the use of the authority described in paragraph (1); and

''(4) recommendations for improving information sharing between departments, agencies, and independent establishments of the Federal Government relating to all aspects of the authority described in paragraph (1).

''(e) FEDERAL ADVISORY COMMITTEE ACT.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.''.

SEC. 12. ANNUAL REPORT ON IMPACT OF OFFSETS.

(a) ANNUAL REPORT.—Title VII of the Defense Production Act of 1950 (50 U.S.C. App. 2151 et seq.) is amended by adding at the end the following:

''SEC. 723. ANNUAL REPORT ON IMPACT OF OFFSETS.

''(a) REPORT REQUIRED.—

''(1) IN GENERAL.—The President 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 detailed annual report on the impact of offsets on the defense preparedness, industrial competitiveness, employment, and trade of the United States.

''(2) DUTIES OF THE SECRETARY OF COMMERCE.—The Secretary of Commerce (hereafter in this subsection referred to as the 'Secretary') shall—

''(A) prepare the report required by paragraph (1);

''(B) consult with the Secretary of Defense, the Secretary of the Treasury, the Secretary of State, and the United States Trade Representative in connection with the preparation of such report; and

''(C) function as the President's Executive Agent for carrying out this section.

''(b) INTERAGENCY STUDIES AND RELATED DATA.—

''(1) PURPOSE OF REPORT.—Each report required under subsection (a) shall identify the cumulative effects of offset agreements on—

''(A) the full range of domestic defense productive capability (with special attention paid to the firms serving as lower-tier subcontractors or suppliers); and

''(B) the domestic defense technology base as a consequence of the technology transfers associated with such offset agreements.

''(2) USE OF DATA.—Data developed or compiled by any agency while conducting any interagency study or other independent study or analysis shall be made available to the Secretary to facilitate the execution of the Secretary's responsibilities with respect to trade offset and countertrade policy development.

''(c) NOTICE OF OFFSET AGREEMENTS.—

''(1) IN GENERAL.—If a United States firm enters into a contract for the sale of a weapon system or defense-related item to a foreign country or foreign firm and such contract is subject to an offset agreement exceeding $5,000,000 in value, such firm shall furnish to the official designated in the regulations promulgated pursuant to paragraph (2) information concerning such sale.

''(2) REGULATIONS.—The information to be furnished under paragraph (1) shall be prescribed in regulations promulgated by the Secretary. Such regulations shall provide protection from public disclosure for such information, unless public disclosure is subsequently specifically authorized by the firm furnishing the information.

''(d) CONTENTS OF REPORT.—

''(1) IN GENERAL.—Each report under subsection (a) shall include—

''(A) a net assessment of the elements of the industrial base and technology base covered by the report;

''(B) recommendations for appropriate remedial action under the authority of this Act, or other law or regulations;

''(C) a summary of the findings and recommendations of any interagency studies conducted during the reporting period under subsection (b);

''(D) a summary of offset arrangements concluded during the reporting period for which information has been furnished pursuant to subsection (c); and

''(E) a summary and analysis of any bilateral and multilateral negotiations relating to the use of offsets completed during the reporting period.

''(2) ALTERNATIVE FINDINGS OR RECOMMENDATIONS.—Each report required under this section shall include any alternative findings or recommendations offered by any departmental Secretary, agency head, or the United States Trade Representative to the Secretary.

''(e) UTILIZATION OF ANNUAL REPORT IN NEGOTIATIONS.—The findings and recommendations of the reports required by subsection (a), and any interagency reports and analyses shall be considered by representatives of the United States during bilateral and multilateral negotiations to minimize the adverse effects of offsets.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFENSE PRODUCTION ACT AMENDMENTS OF 1992.—Section 123(c)(1)(C) of the Defense Production Act Amendments of 1992 (50 U.S.C. App. 2099 note) is amended by striking ''section 309(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2099(a))'' and inserting ''section 723(a) of the Defense Production Act of 1950''.

(2) AMERICAN HOMEOWNERSHIP AND ECONOMIC OPPORTUNITY ACT OF 2000.—Section 1102(2) of the American Homeownership and Economic Opportunity Act of 2000 (31 U.S.C. 1113 note) is amended by striking ''309 of the Defense Production Act of 1950 (50 U.S.C. App. 2099)'' and inserting ''723 of the Defense Production Act of 1950''.

(3) DEFENSE PRODUCTION ACT AMENDMENTS OF 2003.—Section 7(a) of the Defense Production Act Amendments of 2003 (50 U.S.C. App. 2099 note) is amended by striking ''section 309(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2099(a))'' and inserting ''section 723(a) of the Defense Production Act of 1950''.

NATIONAL AEROSPACE DAY

Mr. CASEY. Mr. President, I ask unanimous consent that the Commerce

Committee be discharged from further consideration, and the Senate now proceed to S. Res. 242.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 242) ''Supporting the Goals and Ideals of National Aerospace Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. CASEY. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 242) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 242

Whereas the missions to the moon by the National Aeronautics and Space Administration are recognized around the globe as 1 of the most outstanding achievements of humankind;

Whereas the United States is a leader in the International Space Station, the most advanced human habitation and scientific laboratory ever placed in space;

Whereas the first aircraft flight occurred in the United States, and the United States operates the largest and safest aviation system in the world;

Whereas the United States aerospace industry is a powerful, reliable source of employment, innovation, and export income, directly employing 831,000 people and supporting more than 2,000,000 jobs in related fields;

Whereas space exploration is a source of inspiration that captures the interest of young people;

Whereas aerospace education is an important component of science, technology, engineering, and mathematics education and helps to develop the science and technology workforce in the United States;

Whereas aerospace innovation has led to the development of advanced meteorological forecasting, which has saved lives around the world;

Whereas aerospace innovation has led to the development of the Global Positioning System, which has strengthened national security and increased economic productivity;

Whereas the aerospace industry assists and protects members of the Armed Forces with military communications, unmanned aerial systems, situational awareness, and satellite-guided ordinances; and

Whereas September 16, 2009, is an appropriate date to observe ''National Aerospace Day'': Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of ''National Aerospace Day''; and

(2) recognizes the contributions of the aerospace industry to the history, economy, security, and educational system of the United States.

NATIONAL HISPANIC SERVING INSTITUTIONS WEEK

Mr. CASEY. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 269 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 269) designating the week beginning September 20, 2009, as ''National Hispanic Serving Institutions Week.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. CASEY. 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 interviewing action or debate, and any statements be printed in the RECORD.

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

The resolution (S. Res. 269) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES 269

Whereas Hispanic Serving Institutions play an important role in educating Hispanic students and helping them contribute to the economic vitality of this Nation;

Whereas there are approximately 268 Hispanic Serving Institutions currently in operation in the United States;

Whereas Hispanic Serving Institutions are actively involved in stabilizing and improving their local communities;

Whereas celebrating the vast contributions of Hispanic Serving Institutions adds to the strength and culture of our Nation; and

Whereas the achievements and goals of Hispanic Serving Institutions are deserving of national recognition: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the achievement and goals of Hispanic Serving Institutions across this Nation;

(2) designates the week beginning September 20, 2009, as ''National Hispanic Serving Institutions Week''; and

(3) calls on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for Hispanic Serving Institutions.

CONGRATULATING THE HIGH POINT FURNITURE MARKET

Mr. CASEY. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 270 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 270) Congratulating the High Point Furniture Market on the occasion of its 100th anniversary as a leader in home furnishing.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CASEY. 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 be printed in the RECORD.

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

The resolution (S. Res. 270) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 270

Whereas, since the first home furnishings market was held in High Point, North Carolina in the spring of 1909, the High Point Furniture Market has gained a worldwide reputation as the premier place to experience the newest ideas in home furnishings;

Whereas, as the home furnishings market that has more new product premieres than any other, the High Point Furniture Market has become known around the world as the launching pad for the home furnishings trends that will shape the culture and homes of the people of the United States for years to come;

Whereas, every spring and fall for 100 years, as many as 85,000 people have traveled to the small city of High Point from all parts of the United States and more than 110 countries to participate in one of the largest and most influential commercial events in the world;

Whereas the High Point Furniture Market is the intellectual and creative nerve center of the home furnishings industry in the United States, and the centerpiece of the furniture industry cluster in the region;

Whereas a study conducted by High Point University in 2007 estimated the economic impact of the furniture industry cluster in the region at $8,250,000,000 annually and found that the furniture industry cluster was responsible for more than 69,000 jobs in the region;

Whereas an economic impact study carried out at the University of North Carolina at Greensboro found that the High Point Furniture Market contributes approximately $1,200,000,000 each year to the economies of the City of High Point, the Piedmont Triad, and the State of North Carolina;

Whereas the High Point Furniture Market is responsible for approximately 13,516 jobs, just under 20 percent of the furniture-related jobs in the Piedmont Triad;

Whereas the High Point Furniture Market is a nonprofit organization described in section 501(c)(3) of the Internal Revenue Code of 1986;

Whereas the Department of Commerce has awarded the High Point Furniture Market ''International Buyer Program'' status for 3 years;

Whereas, as a participant in the International Buyer Program, the High Point Furniture Market represents the United States and the State of North Carolina to the world, and positions the home furnishings industry in the United States front and center on the world stage; and

Whereas, as the first century of the High Point Furniture Market comes to a close in fall of 2009, the High Point Furniture Market continues to expand and improve, securing its position as the most important domestic and international event in the home furnishings industry: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the High Point Market on the occasion of its 100th anniversary as a leader in home furnishing;

(2) honors and recognizes the contributions of the High Point Furniture Market during the last 100 years; and

(3) encourages the High Point Furniture Market to continue as the world-wide premier event of the home furnishings industry.

SUPPORT FOR IDEALS AND GOALS OF CITIZENSHIP DAY 2009

Mr. CASEY. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 271 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 271) expressing support for the ideals and goals of Citizenship Day 2009.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CASEY. 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 statement related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 271) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 271

Whereas Constitution Day and Citizenship Day are observed each year on September 17;

Whereas, the Joint Resolution of February 29, 1952 (66 Stat. 9, chapter 49), designated September 17 of each year as ''Citizenship Day'', in ''commemoration of the formation and signing, on September 17, 1787, of the Constitution of the United States and in recognition of all who, by coming of age or by naturalization have attained the status of citizenship'';

Whereas section 111(c) of Division J of the Consolidated Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 3344) amended section 106 of title 36, United States Code, to designate September 17 as ''Constitution Day and Citizenship Day'';

Whereas Citizenship Day is a special day for all United States citizens, including those who were born in the United States and those who chose to become citizens;

Whereas Citizenship Day is a day to take pride in being a United States citizen and to appreciate the rights, freedoms, and responsibilities inherent in United States citizenship;

Whereas, on Citizenship Day, naturalization ceremonies will be held at historic landmarks throughout the United States;

Whereas United States citizens are viewed with respect, honor, and dignity in the United States and throughout the world; and

Whereas, on September 17 of each year, ''The civil and educational authorities of States, counties, cities, and towns are urged to make plans for the proper observance of Constitution Day and Citizenship Day and for the complete instruction of citizens in their responsibilities and opportunities as citizens of the United States and of the State and locality in which they reside'', section 106(d) of title 36, United States Code: Now, therefore, be it

Resolved, That the Senate—

(1) supports the ideals and goals of Citizenship Day 2009;

(2) recognizes that citizens from all backgrounds have made countless contributions to the strength of the United States, making the United States a symbol of success, promise, and hope;

(3) recognizes the initiative taken by immigrants to learn about the responsibilities and significance of United States citizenship and wishes immigrants well in their future efforts to contribute to the United States; and

(4) calls on the people of the United States to observe Citizenship Day with appropriate ceremonies, activities, and programs in support of all United States citizens.

TRANSPORTATION APPROPRIATIONS

Mr. CASEY. As a point of clarification with respect to the agreement governing consideration of H.R. 3288, if a new substitute amendment has to be offered, no amendments would be in order to that amendment.

The PRESIDING OFFICER. The record will so reflect.

Mr. CASEY. I ask unanimous consent that the previous order regarding H.R. 3288 be modified to provide that the Senate resume consideration of the bill at 2 p.m. Thursday, September 17, and then the remaining provisions of the order remain in effect.

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

ORDERS FOR THURSDAY, SEPTEMBER 17, 2009

Mr. CASEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Thursday, September 17; 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 reserved for their use later in the day, and the Senate then proceed to a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate proceed to the immediate consideration of Calendar No. 98, H.R. 2996, the Interior appropriations bill.

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

PROGRAM

Mr. CASEY. Tomorrow at 2 p.m., the Senate will suspend consideration of the Interior appropriations bill in order to complete action on the Transportation-HUD appropriations bill. At 2 p.m., the Senate will proceed to a series of up to six rollcall votes, including passage of the Transportation-HUD appropriations bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. CASEY. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 8:05 p.m., adjourned until Thursday, September 17, 2009, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Wednesday, September 16, 2009:

DEPARTMENT OF DEFENSE

JOHN M. MCHUGH, OF NEW YORK, TO BE SECRETARY OF THE ARMY.

JOSEPH W. WESTPHAL, OF NEW YORK, TO BE UNDER SECRETARY OF THE ARMY.

JUAN M. GARCIA III, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF THE NAVY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

EARMARK DECLARATION

HON. ROSCOE G. BARTLETT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Mr. BARTLETT. Madam Speaker, I submit the following. Funding of $1,500,000 is necessary to allow an expedited development of the ASCC (Sea Truck) for military/disaster relief use and the fielding of the system. Sea Truck supports the Army's need for low-cost, logistics support equipment with critical distribution and sustainment capabilities. These unmanned, self-propelled support units can be deployed from offshore logistics and commercial ships to the beach for sustainment operations. Sea Truck is composed of 90 percent commercial off-the-shelf nondevelopmental hardware and technologies that are compatible with current commercial and military supply support systems. The Sea Truck Propulsion Module contains commercial navigation sets that allow the system to autonomously traverse to desired locations and has the capability to self-redirect to alternate landing sites to meet the dynamics of changing theater conditions.

UNITED STATES POSTAL SERVICE FINANCIAL RELIEF ACT OF 2009

SPEECH OF

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 2009

Mr. BURTON of Indiana. Mr. Speaker, I am a co-sponsor of H.R. 22, the "United States Postal Service Financial Relief Act," and I urge my colleagues to support the bill. H.R. 22 which will allow the Postal Service to pay, for a temporary period of time, the health premiums for current postal retirees from the $32 billion heald in reserve in Postal Service Retiree Health Benefits Fund, rather then from general operating revenue.

The Postal Service is in the midst of a revenue crisis of huge and historic proportions, despite its extensive efforts to reduce costs. This situation is due in part to the high fuel prices of last summer, but most due to the precipitous decline in mail volume brought about by the deepening recession. In comparison to mail volume and revenue totals in May 2008, the Postal Service reports that volume in May 2009 declined by 19.9 percent, while revenues for the same period were 14.5 percent below last year's figures. The Postal Service is currently on track to lose over $6.5 billion for Fiscal Year 2009 and the future looks similarly bleak.

It is only an inflexible law that requires the Postal Service—alone amongst Federal agencies—to shell out billions of dollars to prefund retiree benefits, regardless of economic or financial conditions. The first step on the road to stability and recovery is to change that inflexible law, at least temporarily, by passing of H.R. 22.

I doubt that H.R. 22 will solve all the Postal Service's problems—postal management and postal employees will still have to do their part to find additional savings. But I am certain that without this bill the continued viability of the Postal Service is in serious jeopardy.

I wish to emphasis that this bill does not eliminate the Postal Service's obligation to prefund retiree health benefits; the Postal Service will continue the annual prefunding payment of roughly $5.4. to $5.8 billion; H.R. 22 simply gives the Postal Service the temporary flexibility to make those payments from the surplus funds now held by the Postal Service Retiree Health Benefits Fund. In addition, since the Postal Service's contribution to the fund is projected to always be greater than the premiums flowing out, this action will in no way jeopardize the ability of the Trust Fund to grow to meet future needs.

I am aware that initial estimates from the Congressional Budget Office suggest that this bill willl have a budgetary impact because CBO expects the Postal Service will reduce its agressive costcutting efforts if it receives relief from its retiree health obligations. I disagree with this conclusion. The Postal Service has agressively cut costs in recent years. In fact, because of the hard work of postal employees across the country the Postal Service is on pace to reduce costs by a record $5.9 billion in Fiscal Year 2009. There is no evidence to suggest this trend will not continue. As for the immediate funding for this relief, it will come from an existing pool of money, not appropriated funds—making this an intergovernmental transfer—with zero cost to the Federal Government.

H.R. 22 has the support of over 315 Members of Congress. It is critical to the future survival of the United States Postal Service, and I strongly urge my colleagues to support the bill.

IN RECOGNITION OF ARMY PRIVATE FIRST CLASS JONATHAN YANNEY

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Mr. ROSS. Madam Speaker, I rise today to recognize a true American hero. On August 18, 2009, our nation lost a brave soldier when Army Private First Class Jonathan C. Yanney died in Arghandad, Afghanistan, in support of operation Enduring Freedom at 20 years of age. He died of wounds sustained when his military vehicle struck an improvised explosive device.

PFC Yanney grew up in Norwood and Litchfield, Minnesota, but his father resides in Grapevine, Arkansas. Although I never had the honor to meet PFC Yanney, on behalf of the state of Arkansas, I extend my utmost condolences to his family, friends and all who knew him for this devastating loss.

PFC Yanney was assigned to the 1st Battalion, 17th Infantry Regiment, 5th Stryker Brigade Combat Team, 2nd Infantry Division at Fort Lewis, Washington. He carried out his duties with pride in his country and without reservation and each of us owes him our eternal gratitude for his selfless sacrifice.

A young, decorated soldier, Yanney's awards and decorations include the Bronze Star Medal, the Purple Heart, the Combat Action Badge, the National Defense Service Medal, the Afghanistan Campaign Medal with Bronze Service Star, the Global War on Terrorism Service Medal, the Army Service Ribbon, the Overseas Service Bar, the Army Good Conduct Medal, the Weapons Qualification Badge Bar—Weapon Rifle Expert, and the NATO Medal.

My deepest thoughts and prayers are with his mother, Jane; his father, Russ; his brother, Josh; and, the rest of his family, friends and loved ones during this difficult time.

Today, I ask all members of Congress to join me as we honor the life of Army Private First Class Jonathan Yanney and his legacy and all those men and women in our Armed Forces who gave the ultimate sacrifice in service to their country.

CONGRATULATING MOBILE POLICE CHIEF PHILLIP GARRETT ON THE OCCASION OF HIS RETIREMENT

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Mr. BONNER. Madam Speaker, it is with great pride that I rise to honor the long and distinguished career of Phillip Garrett on the occasion of his retirement as chief of the Mobile Police Department.

A 38-year veteran of the Mobile Police Department, Chief Garrett rose from the rank of cadet to the city's top cop. Mobile's Press-Register recently praised his service to the city saying, "With the retirement of Police Chief Phillip Garrett, Mobile is losing a career cop who displayed quiet competence and professionalism in managing the department."

Chief Garrett has received many commendations and recognitions throughout his career, including the Chief's Commendation from former Chief Sam Cochran, the Life Saving Award from the Mobile Police Department, and the Medal of Valor from the Mobile Police Department. He was also recognized for his outstanding performances on Competitive Promotional Exams, and in 2004, he was recognized as the top scorer on the Competitive Promotional Exam for Major.

Madam Speaker, I ask my colleagues to join me in recognizing a dedicated law enforcement officer and friend to many throughout

southwest Alabama. I am certain that his family—his wife, Tammy, and their three children, Phillip M. Garrett Jr., Matthew Ryan Garrett, and Kendall W. Smitherman—along with the Mobile Police Department and his many friends in Mobile join me in praising his accomplishments and extending thanks for his considerable service to the city of Mobile.

On behalf of a grateful community, I wish Chief Phillip Garrett the very best of luck in all of his future endeavors.

CONGRATULATING KENNETH J. TICE ELEMENTARY SCHOOL ON THEIR 2009 BLUE RIBBON SCHOOL AWARD

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Mr. GENE GREEN of Texas. Madam speaker, I rise today to honor the Kenneth J. Tice Elementary School in the Galena Park Independent School District and our district for their dedication to academic excellence that has earned them the honored distinction of being a Blue Ribbon School in 2009.

Since 1982, the U.S. Department of Education's Blue Ribbon Schools Program has honored many of America's most successful schools, and I am proud of Tice Elementary for establishing itself as an elite academic institution by achieving this high honor. The Blue Ribbon Award honors public and private elementary, middle and high schools that are academically superior or have made dramatic gains in student achievement and helped close achievement gaps among minority and disadvantaged students over the course of the previous school year. This year 314 schools earned this coveted award.

U.S. Secretary of Education Duncan once said that ''Blue Ribbon Schools are producing outstanding results for their students. Some have shown dramatic improvements in places where students are overcoming the challenges of poverty, and others serve as examples of consistent excellence that can be a resource for other schools.'' Under the supervision of Principal Ms. Judy Holbrook, Tice Elementary is developing outstanding students who are challenged to meet high expectations with the active support of teachers, parents and the community. With a diverse student base, and a decade of being recognized as an Exemplary school by the Texas Education Agency, Kenneth J. Tice Elementary truly embodies the ideals of the Blue Ribbon Award and is an inspiration for all schools in the Houston area.

I congratulate the administration, teachers, parents, and students at Tice Elementary for their dedication to excellence and hard work.

EARMARK DECLARATION

HON. ROSCOE G. BARTLETT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Mr. BARTLETT. Madam Speaker, I submit the following: Funding of $7,500,000 is necessary to adapt Precision Guidance Kit (PGK) technology to provide the same effectiveness improvements already demonstrated for 155mm artillery projectiles to all indirect fire systems. The Army and Marine Corps have recognized needs for increased precision for ground combat units. The lack of precision for either 105mm artillery or 120mm mortars creates significant operational difficulties. The 105mm artillery and 120mm mortar can be developed in parallel at a significantly accelerated schedule at a reduced cost due to technology that has already been tested and proven, and due to the ability to share common design features with the 155mm PGK. Government and industry tests to assist with design and sizing of the PGK to smaller calibers will continue through FY2009. Based on that work, FY10 funding would enable a low risk, accelerated approach to delivering a much needed operational capability to the field by 2011.

IN HONOR OF THE 100,000TH FALCON III AN/PRC–152(C) RADIO PRODUCED BY HARRIS RF COMMUNICATIONS IN ROCHESTER, NY

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Ms. SLAUGHTER. Madam Speaker, I rise today to join our armed services in congratulating Harris RF Communications on producing its one hundred-thousandth Falcon III AN/PRC–152(C) radio. This is an extraordinarily auspicious milestone and a testament to the dedication and hard work of the company's Rochester, New York workforce.

It is fitting to celebrate this achievement as this radio is used and sought after by every branch of the U.S. Department of Defense as well as several of our ally nations. It is a superior product and was recognized by the U.S. Army as one of 2007's greatest inventions. It has next-generation communications capabilities, but is still versatile enough to be compatible with existing communications systems. Plus it can be upgraded in the future to grow as new software and encryption technology advances.

I commend all of Harris' local employees for the critical work they perform every day in support of our soldiers. Their care and dedication is helping to keep our men and women in uniform safe while they serve our nation on faraway battlefields. Moreover, their communications systems enable our military to execute its mission efficiently and effectively so that threats are defeated while innocent lives are safeguarded.

It gives me great comfort to know that our soldiers are equipped with Harris radios because I know that Rochester's top-notch workforce makes products renowned for quality. Our service men and women depend on these radios working the first time and every time. Harris takes that responsibility seriously and I'm so proud to know that the company delivers.

This cutting edge technology that was developed and produced in New York's 28th Congressional District is yet one more example of how our region is a leader in innovation and development. Congratulations to Harris RF Communications and its employees for attaining this significant achievement.

RECOGNIZING THE KANSAS CITY ANIMAL HEALTH CORRIDOR

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in opposition to House Resolution 317, which would recognize the region from Manhattan, Kansas, to Columbia, Missouri, as the Kansas City Animal Health Corridor.

While I have no issues with the larger goals of the resolution—to recognize the work that is going on in Kansas and Missouri on animal health—I do take issue with the recognition of the Manhattan, Kansas site ''as the future location for the National Bio and Agro-defense Facility (NBAF).''

I support moving the critical research activities of Plum Island onto the U.S. mainland. However, I, like many other Members, have grave concerns about the selection process that was utilized by the prior Administration to secure a site for the NBAF. I do not believe that the selection criteria were applied in a consistent manner. Accordingly, I have discomfort with the inclusion of the reference to the Manhattan, Kansas site in this resolution.

Moreover, while I have no doubt that there is salutary work on animal health being conducted in Kansas and Missouri, I have some discomfort with the statement that the Kansas-Missouri corridor has ''unmatched'' capacity to support the animal health industry. There are certainly other areas around the Nation that have a great deal of capacity.

For these reasons, I must vote ''no'' on the resolution.

CELEBRATING THE LIFE OF SYLVIA LEVIN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Mr. BERMAN. Madam Speaker, I rise today to pay respects to the passing of my friend Sylvia Levin who passed peacefully on Thursday, June 25, 2009 at the age of 91. Let this congressional insert serve as a tribute to her memory and celebration of her meaningful life.

Sylvia was born on September 14, 1917, in Brooklyn, NY, and grew up there and in New Jersey. She decided to move to California in the 1940s as a single mother of two. She quickly became accustomed to the southern California lifestyle while working at an aircraft plant, a garment factory, a stall at the original Farmers Market in Los Angeles, and as a beach parking lot attendant in Santa Monica.

Known for her warmth and friendliness, Sylvia's indefatigable enthusiasm and tenacity for politics would give new meaning to the grassroots movement. She was known for signing more than 47,000 people to California's voter rolls and she should be remembered for these invaluable contributions she's made to democracy. For her registration efforts, she received a State Senate resolution from the late Senator Herschel Rosenthal. Further, in 2001, she was befittingly nominated and inducted into California's Voter Participation Hall of Fame. In 2007, on her 90th birthday, the Los Angeles

City Council awarded Levin a commendatory resolution citing her work ''registering voters for decades, her belief in the Constitution and making the Constitution work.'' Her leadership and dedication to furthering our civic responsibility is an example to all.

Sylvia is survived by her son and daughter, Chuck Levin and Susan Levin, and her sisters Dottie Sadowsky and Daisy Neustadt.

I ask my colleagues to join me in celebrating the life of Sylvia Levin.

SUPPORTING AMERICAN LEGION DAY

SPEECH OF

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 2009

Mr. GINGREY of Georgia. Mr. Speaker, I rise today to express my strongest support for H. Res. 679, a bill that recognizes American Legion Day and commends the exemplary service of the veterans of the United States Armed Services. The American Legion was granted a charter by this body on September 16, 1919, and since that time the Legion has remained active on the local, state, and national level as a volunteer service organization for our nation's veterans.

Today, it is an honor to express my deep sense of gratitude to the thousands of veterans who are members of the American Legion. The American Legion provides many volunteer opportunities for our nation's troops when they retire from the Armed Services. Some of these include donating millions of man hours to the medical facilities of the Veterans Administration, sponsoring Boy Scouts of America troops all around the country, and awarding millions of dollars for college scholarships. These incredible volunteers give back to the very communities that they have already sacrificed so much for throughout their careers.

Community involvement is only one aspect of the American Legion. These Legionnaires also provide an extraordinary amount of support for troops returning from war in Iraq and Afghanistan. Legion Posts all around the nation have been involved with providing financial assistance to veterans displaced by natural disasters or families of veterans that are struggling to pay for basic needs such as housing. The American Legion has a Family Support Network that provides much needed assistance to families of members of the Armed Services, and the organization focuses on reintegrating troops returning from deployment into the workforce in the United States.

It is appropriate that we take a moment to recognize and say thank you to the active duty members of our Armed Forces for their dedication, sacrifice, and honor. Each and every day, they keep this great nation safe and protect the freedoms that we enjoy. We are proud of all of our servicemen and women and are eternally grateful for their efforts in the Global War on Terror. Furthermore, let us not forgot those who have paid the ultimate sacrifice, and let us say a gracious thank you to them for their willingness to make the ultimate sacrifice for liberty.

The families of those who serve our country on the front lines also deserve the admiration and appreciation of each and every citizen. These family members often watch their loved ones travel to far away lands in support of a cause and an ideal so much greater than any one individual. Indeed, our democratic form of government is a testament to the courage and valor of our Armed Forces. The support given to our servicemen and women by their loved ones is irreplaceable, as it is the foundation for the bravery inherent in those who labor steadfastly in the defense of liberty.

Mr. Speaker, I believe that the brave men and women who sacrifice—and have sacrificed in the past—for our present freedoms deserve our fullest support. Our nation's servicemen and women represent the best our country has to offer, and they must be treated with the respect and honor they deserve. Recognizing American Legion Day in 2009 is just one small reminder of the invaluable contributions made by our troops at home and abroad, and it is my hope that we will continue to do all we can and more for the veterans of our Armed Forces. The American Legion is an exceptional organization for veterans and communities all around the nation, and we now reaffirm our commitment to these heroes by recognizing this day.

Mr. Speaker, I urge all of my colleagues to support this resolution.

EARMARK DECLARATION

HON. ROSCOE G. BARTLETT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Mr. BARTLETT. Madam Speaker, I submit the following: Funding of $2,000,000 is necessary to continue the development of a power dense Integrated Power System (IPS) and Hybrid Electric Drive (HED) technologies suitable for surface combatant and submarine propulsion, enhanced power generation and power conversion. Power dense electric machines and power conversion solutions enable hybrid propulsion systems that save fuel and provide increased critical power for additional payload capabilities. These developments allow an advanced IPS or HED system to be incorporated in future and existing warships, including the re–started DDG51 line, DDG512 Modification, Ohio Replacement, and a future CG(X).

CHURCH OF THE NATIVITY OF THE THEOKOTOS

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Mr. DOYLE. Madam Speaker, I rise to observe the 85th anniversary of the Church of the Nativity of the Theokotos, a Serbian Orthodox Church in Clairton, Pennsylvania.

For those of us who may be unfamiliar with Orthodox Christianity, Theokotos is Greek for ''God-Bearer'' or ''one who gives birth to God,'' and it is the Greek title for Mary, the mother of Jesus. Consequently, the Church of the Nativity of the Theokotos is also sometimes referred to as St. Mary's Serbian Orthodox Church.

Serbs began settling in southwestern Pennsylvania in large numbers about 100 years ago. Until they obtained their own church, the Serbs in Clairton attended services as the Serbian Orthodox Church in McKeesport. But once the number of Serbian families in Clairton exceeded 40, they established their own parish and began working to establish their own church. In 1924, the nascent congregation purchased a Presbyterian church, and moved it to its current location in the 500 block of Third Street in Clairton. Work on the church was completed and it was consecrated 2 years later.

Soon Serbian Orthodox Christians from the nearly communities of Elizabeth, Monongahela, and further up the Monongahela River came to worship at the church and eventually the parish came to include these communities as well.

The church hall was substantially expanded in 1941, and in 1945, the parish purchased a rectory across the street.

On September 19, the congregation will celebrate the 85th anniversary of the church and the Slava celebration, or feast day of their patron saint, with a Holy Hierarchical Divine Liturgy at 10 am.

This will be a bittersweet occasion as it will be the last such celebration at the Church of the Nativity of the Theokotos. The congregation has shrunken from 600 people 50 years ago to less than 50 today, making it the smallest parish in the Serbian Orthodox Diocese of Eastern America. The church is closing after the last liturgy there on Sunday, September 27, 2009, bringing to a close nearly a century of serving as a place of worship and community fixture for the Serbian Orthodox faithful in Clairton and the surrounding communities.

I want to recognize this occasion by congratulating the congregation and friends of the Church of the Nativity of the Theokotos on 85 years of the Serbian Orthodox community of the Mon Valley.

HONORING MATTHEW PALNOW

HON. DONALD P. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Mr. MANZULLO. Madam Speaker, it is my distinct honor to take this opportunity to recognize a heroic resident of the 16th District of Illinois, Matthew Polnow of Rockford. Mr. Polnow works for the U.S. Postal Service and is a member of the National Association of Letter Carriers.

On June 11, 2008, as he was delivering mail on his postal route, Carrier Polnow witnessed a crushing three-vehicle accident. In a matter of seconds, he ran to the first car, checking to make sure that the occupants were not injured. Then he went on to the second vehicle, a truck, where fortunately no one needed assistance. Carrier Polnow continued to the third vehicle, a van used to transport handicapped and wheelchair-bound individuals, which was beginning to burn. The driver's airbag had deployed, and the driver alerted Carrier Polnow to a handicapped passenger still inside the smoke-filled van.

With smoke continuing to circulate and flames erupting from the engine, Carrier Polnow went to work. He managed to free the

side door that had been jammed by a ramp. Maneuvering the ramp into place, he unhooked the restraining belts and dragged the wheelchair—and the now terrified woman passenger—from the vehicle. Once free from the smoke, Carrier Polnow located the controls on the chair and engaged them to move the woman to safety.

Acts of bravery and fortitude such as this should not go unnoticed. Carrier Polnow's heroism has led him to be recognized by the National Association of Letter Carriers with the National Central Hero Award. I am privileged and humbled to represent great constituents like Carrier Polnow, and I wanted to take this brief opportunity today, Madam Speaker, to let my colleagues know of his great act of courage.

CONGRATULATING ARLENE COOK

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Mr. AUSTRIA. Madam Speaker, I rise today to congratulate Arlene Cook, for her commendable service to the State of Ohio and for earning the William L. Howard Award. This award is the highest a civilian can receive from Ohio's Fire Service, for outstanding service to the fire forces.

As a private citizen, Arlene has dedicated the vast majority of her adult and professional life to the safety and security of the citizens of the 7th Congressional District and Ohio.

Arlene has 24 years of State Service with 3 of those years in Florida and 21 in Ohio. Specifically, she spent 8 years with the former Arson Bureau, which is now the Fire and Explosion Investigation Bureau, and 13 years as the administrative assistant to the State Fire Marshal. She also serves as the Administrative Assistant to the State Fire Commission.

Arlene has had a long and distinguished career with the Ohio State Fire Marshal's Office, and I congratulate her on receiving the William L. Howard Award, as well as thank her for her dedication to the safety of Ohioans.

For these reasons, Arlene Cook deserves our gratitude and special thanks.

RECOGNIZING THE LIFE OF WILLIAM R. DECOTA

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Mr. MICA. Madam Speaker, I rise to recognize the life and accomplishments of William R. DeCota, the Director of Aviation for the Port Authority of New York and New Jersey. Bill was one of our Nation's great aviation leaders.

I knew Bill DeCota for the last decade. When I became the Chairman of the Aviation Subcommittee I held a hearing at the World Trade Center on July 16, 2001, at the request of Bill DeCota and Neil Levin, Director of the New York Port Authority.

During that visit to New York City, Bill and Neil invited me to tour the three major New York City airports. I knew Neil Levin when he was Legislative Director for Senator Al D'Amato and I served as Chief of Staff for Senator Paula Hawkins. After a hearing in the Port Authority chambers, they hosted my wife, Pat, and me at a luncheon in a Port Authority conference room adjacent to the Windows on the World Restaurant at the top of the World Trade Center.

Levin and Port Authority employee, who assisted with the hearing in July, were in that very same conference room in the World Trade Center on September 11, and lost their lives.

As fate would have it, Bill DeCota was at a conference in Montreal, Canada, on September 11th and survived the terrible events of that day.

In the ensuing years, Bill and I often talked about the randomness of life. It is therefore striking that Bill died suddenly last Friday, September 11, 2009, eight years later.

It must be noted that in the months and years after 9/11, Bill's stewardship of the world's busiest airport system was truly the greatest of any airport director.

Bill joined the Port Authority as a financial analyst in 1982 and quickly rose through the ranks, serving as Manager of the Aviation Department's Business and Financial Services Division, Assistant Director of Aviation for Business and Properties, and Deputy Director of Aviation.

He was named Director of Aviation in December 1999. As Director, Bill was responsible for John F. Kennedy International, Newark Liberty International, and LaGuardia Airports, and later Stewart Airport—which together comprise the world's largest aviation system. He was also responsible for Teterboro Airport.

In that capacity, Bill oversaw the largest airport improvement program in U.S. history.

Bill was recognized as an expert in aviation and was an active advocate for airport issues on Capitol Hill and in the business community.

His expertise in managing airport congestion through prudent airport expansion, cutting-edge technologies and demand management was widely recognized in the aviation industry.

Bill was also strongly committed to the community and was actively involved in numerous service organizations.

He was a member of the Advisory Board of CUNY's Aviation Institute at York College, President of the Queens Council of the Boy Scouts of America, and a member of the Board of the Regional Business Partnership, the Airport Development Council and the Business Advisory Council of SUNY Farmingdale, among others.

Bill received a bachelor's degree from the University of Mississippi, and an M.B.A. from the University of Georgia.

He resided in Old Bridge, New Jersey.

True to how he lived his life, funeral arrangements for Bill will be private. His family requests that contributions in his memory be made to Elijah's Promise, New Brunswick, New Jersey, which is a nonprofit organization that runs a soup kitchen and culinary school to train local people for food-service careers.

My thoughts and prayers are with Bill's family. Bill DeCota and his expertise and contributions to aviation will be greatly missed.

EARMARK DECLARATION

HON. ROSCOE G. BARTLETT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Mr. BARTLETT. Madam Speaker, I submit the following: Funding of $1,000,000 is necessary to address the challenges of sample preparation and detection/diagnosis of biological warfare agents. The ASP technology has the ability to process both environmental and clinical biological samples for subsequent analysis on both nucleic acid and/or immunoassay detection/diagnostic systems, and when mated to currently fielded and new detection systems will enhance warfighter capability to detect and identify hundreds of potential targets simultaneously within a single analysis on a single detection/diagnostic platform.

IN RECOGNITION OF VIETNAM WAR VETERANS EVENT

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Mr. SKELTON. Madam Speaker, on September 12, 2009, the Honorable EMANUEL CLEAVER, Congressman from Missouri's Fifth Congressional District, sponsored a remarkable event at the Truman Library. This event was in honor of those who fought in the Vietnam War in the late 1960s and early 1970s. Well over 1,000 veterans attended. The Honorable DENNIS MOORE, Congressman from Kansas's Third Congressional District, spoke, and yours truly had an opportunity to deliver a message of gratitude to the Vietnam veterans present. The keynote speaker was Major General (Ret.) Robert H. Scales, former commandant of the U.S. Army War College. His address was very well received by the veterans in the audience. The address is as follows:

Mr. Skelton, Mr Cleaver, distinguished guests and, most importantly, fellow veterans. What a great thrill it is see my comrades in arms assembled here so many years after we shared our experiences in war.

Let me give you the bottom line up front: I'm proud I served in Vietnam. Like you I didn't kill innocents, I killed the enemy; I didn't fight for big oil or for some lame conspiracy I fought for a country I believed in and for the buddies who kept me alive. Like you I was troubled that, unlike my father, I didn't come back to a grateful nation. It took a generation and another war, Desert Storm, for the nation to come back to me.

Also like you I remember the war being 99 percent boredom and one percent pure abject terror. But not all my memories of Vietnam are terrible. There were times when I enjoyed my service in combat. Such sentiment must seem strange to a society today that has, thanks to our superb volunteer military, been completely insulated from war. If they thought about Vietnam at all our fellow citizens would imagine that fifty years would have been sufficient to erase this unpleasant war from our conscientiousness. Looking over this assembly it's obvious that the memory lingers, and those of us who fought in that war remember.

The question is why? If this war was so terrible why are we here? It's my privilege

today to try to answer that question not only for you, brother veterans, but maybe for a wider audience for whom, fifty years on, Vietnam is as strangely distant as World War One was to our generation.

Vietnam is seared in our memory for the same reason that wars have lingered in the minds of soldiers for as long as wars have been fought.

From Marathon to Mosul young men and now women have marched off to war to learn that the cold fear of violent death and the prospects of killing another human being heighten the senses and sear these experiences deeply and irrevocably into our souls and linger in the back recesses of our minds.

After Vietnam we may have gone on to thrilling lives or dull; we might have found love or loneliness, success or failure. But our experiences have stayed with us in brilliant Technicolor and with a clarity undiminished by time. For whatever primal reason war heightens the senses. When in combat we see sharper, hear more clearly and develop a sixth sense about everything around us.

Remember the sights? I recall sitting in the jungle one bright moonlit night marveling on the beauty of Vietnam. How lush and green it was; how attractive and gentle the people, how stoic and unmoved they were amid the chaos that surrounded them.

Do you remember the sounds? Where else could you stand outside a bunker and listen to the cacophonous mix of Jimmy Hendrix, Merle Haggard and Jefferson Airplane? Or how about the sounds of incoming? Remember it wasn't a boom like in the movies but a horrifying noise like a passing train followed by a crack and the whistle of flying fragments. Remember the smells? The sharpness of cordite, the choking stench of rotting jungle and the tragic sweet smell of enemy dead. . . .

I remember the touch, the wet, sticky sensation when I touched one of my wounded soldiers one last time before the medevac rushed him forever from our presence but not from my memory, and the guilt I felt realizing that his pain was caused by my inattention and my lack of experience.

Even taste is a sense that brings back memories. Remember the end of the day after the log bird flew away leaving mail, C rations and warm beer? Only the first sergeant had sufficient gravitas to be allowed to turn the C ration cases over so that all of us could reach in and pull out a box on the unlabeled side hoping that it wasn't going to be ham and lima beans again.

Look, forty years on I can forgive the guy who put powder in our ammunition so foul that it caused our M–16s to jam. I'm OK with helicopters that arrived late. I'm over artillery landing too close and the occasional canceled air strike. But I will never forgive the Pentagon bureaucrat who in an incredibly lame moment thought that a soldier would open a can of that green, greasy, gelatinous goo called ham and lima beans and actually eat it.

But to paraphrase that iconic war hero of our generation, Forrest Gump, ''Life is like a case of C Rations, you never know what you're going to get.'' Because for every box of ham and lima beans there was that rapturous moment when you would turn over the box and discover the bacchanalian joy of peaches and pound cake. It's all a metaphor for the surreal nature of that war and its small pleasures . . . . those who have never known war cannot believe that anyone can find joy in hot beer and cold pound cake. But we can . . .

Another reason why Vietnam remains in our consciousness is that the experience has made us better. Don't get me wrong. I'm not arguing for war as a self-improvement course. And I realize that war's trauma has damaged many of our fellow veterans physically, psychologically and morally. But recent research on Post Traumatic Stress Disorder by behavioral scientists has unearthed a phenomenon familiar to most veterans: that the trauma of war strengthens rather than weakens us (They call it Post Traumatic Growth). We know that a near death experience makes us better leaders by increasing our self-reliance, resilience, self image, confidence and ability to deal with adversity. Combat veterans tend to approach the future wiser, more spiritual and content with an amplified appreciation for life. We know this is true. It's nice to see that the human scientists now agree.

I'm proud that our service left a legacy that has made today's military better. Sadly Americans too often prefer to fight wars with technology. Our experience in Vietnam taught the nation the lesson that war is inherently a human not a technological endeavor. Our experience is a distant whisper in the ear of today's technology wizards that firepower is not sufficient to win, that the enemy has a vote, that the object of war should not be to kill the enemy but to win the trust and allegiance of the people and that the ultimate weapon in this kind of war is a superbly trained, motivated, and equipped soldier who is tightly bonded to his buddies and who trusts his leaders.

I've visited our young men and women in Iraq and Afghanistan several times. On each visit I've seen first hand the strong connection between our war and theirs. These are worthy warriors who operate in a manner remarkably reminiscent of the way we fought so many years ago.

The similarities are surreal. Close your eyes for a moment and it all comes rushing back. . . . In Afghanistan I watched soldiers from my old unit, the 101st Airborne Division, as they conducted daily patrols from firebases constructed and manned in a manner virtually the same as those we occupied and fought from so many years ago. Every day these sky soldiers trudge outside the wire and climb across impossible terrain with the purpose as one sergeant put it ''to kill the bad guys, protect the good guys and bring home as many of my soldiers as I can.'' Your legacy is alive and well. You should be proud.

The timeless connection between our generation and theirs can be seen in the unity and fighting spirit of our soldiers in Iraq and Afghanistan. Again and again, I get asked the same old question from folks who watch soldiers in action on television: why is their morale so high? Don't they know the American people are getting fed up with these wars? Don't they know Afghanistan is going badly? Often they come to me incredulous about what they perceive as a misspent sense of patriotism and loyalty.

I tell them time and again what every one of you sitting here today, those of you who have seen the face of war, understand: it's not really about loyalty. It's not about a belief in some abstract notion concerning war aims or national strategy. It's not even about winning or losing. On those lonely firebases as we dug through C ration boxes and drank hot beer we didn't argue the righteousness of our cause or ponder the latest pronouncements from McNamara or Nixon or Ho Chi Minh for that matter. Some of us might have trusted our leaders or maybe not. We might have been well informed and passionate about the protests at home or maybe not. We might have groused about the rich and privileged who found a way to avoid service but we probably didn't. We might have volunteered for the war to stop the spread of global communism or maybe we just had a failing semester and got swept up in the draft.

In war young soldiers think about their buddies. They talk about families, wives and girlfriends and relate to each other through very personal confessions. For the most part the military we served with in Vietnam did not come from the social elite. We didn't have Harvard degrees or the pedigree of political bluebloods. We were in large measure volunteers and draftees from middle and lower class America. Just as in Iraq today we came from every corner of our country to meet in a beautiful yet harsh and forbidding place, a place that we've seen and experienced but can never explain adequately to those who were never there.

Soldiers suffer, fight and occasionally die for each other. It's as simple as that. What brought us to fight in the jungle was no different than the motive force that compels young soldiers today to kick open a door in Ramadi with the expectation that what lies on the other side is either an innocent huddling with a child in her arms or a fanatic insurgent yearning to buy his ticket to eternity by killing the infidel. No difference. Patriotism and a paycheck may get a soldier into the military but fear of letting his buddies down gets a soldier to do something that might just as well get him killed.

What makes a person successful in America today is a far cry from what would have made him a success in the minds of those assembled here today. Big bucks gained in law or real estate, or big deals closed on the stock market made some of our countrymen rich. But as they have grown older they now realize that they have no buddies. There is no one who they are willing to die for or who is willing to die for them. William Manchester served as a Marine in the Pacific during World War II and put the sentiment precisely right when he wrote: ''Any man in combat who lacks comrades who will die for him, or for whom he is willing to die is not a man at all. He is truly damned.''

The Anglo Saxon heritage of buddy loyalty is long and frightfully won. Almost six hundred years ago the English king, Henry V, waited on a cold and muddy battlefield to face a French army many times his size. Shakespeare captured the ethos of that moment in his play Henry V. To be sure Shakespeare wasn't there but he was there in spirit because he understood the emotions that gripped and the bonds that brought together both king and soldier. Henry didn't talk about national strategy. He didn't try to justify faulty intelligence or ill formed command decisions that put his soldiers at such a terrible disadvantage. Instead, he talked about what made English soldiers fight and what in all probably would allow them to prevail the next day against terrible odds. Remember this is a monarch talking to his men:

''This story shall the good man teach his son;
From this day ending to the ending of the world,
But we in it shall be remembered;
We few, we happy few, we band of brothers;
For he today that sheds his blood with me shall be my brother;
And gentlemen in England (or America) now a-bed
Shall think themselves accursed they were not here,
And hold their manhood's cheap whiles any speaks
That fought with us upon Saint Crispin's day.''

You all here assembled inherit the spirit of St Crispin's day. You know and understand the strength of comfort that those whom you protect, those in America now abed, will never know. You have lived a life of self awareness and personal satisfaction that those who watched you from afar in this

country who ''hold their manhood cheap'' can only envy.

I don't care whether America honors or even remembers the good service we performed in Vietnam. It doesn't bother me that war is an image that America would rather ignore. It's enough for me to have the privilege to be among you. It's sufficient to talk to each of you about things we have seen and kinships we have shared in the tough and heartless crucible of war.

Some day we will all join those who are serving so gallantly now and have preceded us on battlefields from Gettysburg to Wanat. We will gather inside a firebase to open a case of C rations with every box peaches and pound cake. We will join with a band of brothers to recount the experience of serving something greater than ourselves. I believe in my very soul that the almightly reserves a corner of heaven, probably around a perpetual lager where some day we can meet and embrace... all of the band of brothers throughout the ages to tell our stories while envious standers-by watch and wonder how horrific and incendiary the crucible of violence must have been to bring such a disparate assemblage so close to the hand of God.

Until we meet there thank you for your service, thank you for your sacrifice, God bless you all and God bless this great nation. . . .

SUPPORTING EFFORTS TO REDUCE INFANT MORTALITY

SPEECH OF

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 2009

Mr. WAMP Mr. Speaker, I rise in support of H. Res. 260, a resolution supporting efforts to reduce infant mortality in the United States. I thank Congressman STEVE COHEN for introducing this legislation, and I am proud to be an original cosponsor.

The infant mortality rate provides the best sense of the health of a country, and unfortunately, the U.S. ranks 29th in the world in this category. That means twenty-eight other countries have better success than us in delivering and maintaining the health of a child during its first year of development. Needless to say, this is a disturbing sign, and something we as a nation must address.

Although this is a national problem, it unfortunately hits close to home for my state of Tennessee. Nowhere in the country is the infant mortality rate higher than in Memphis. While devastating, the issue has inspired St. Jude's Hospital in-depth research on infant mortality, and this has led to discoveries about the variety of factors that affect infant mortality.

My hometown of Chattanooga, Tennessee, also struggles with a similar sad phenomenon known as low birth weight (LBW) which can, and usually does, lead to the death of children under one year of age. A baby is considered to have a low birth weight if it is less than five pounds at birth. Of the twenty-eight zip codes in Hamilton County which encompasses Chattanooga, twenty-seven have high rates of LBW, meaning Hamilton County has a higher percentage of LBW than some third-world nations. Researchers are had at work to pinpoint the actual cause.

Madam Speaker, our nations's high infant mortality rate is one of the most significant issues facing the health and future of our country, and this resolution recognizes the exceptiional work that is being done to address it.

I urge all Members to support the passage of this important resolution.

CONGRATULATIONS TO JOYCE ERNESTINE WESTERHOLD

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Mr. SKELTON. Madam Speaker, let me take this opportunity to congratulate Mrs. Joyce Ernestine Westerhold, the Region 4 Outstanding Older Worker of the Year. As a homemaker, school teacher, and library assistant, Mrs. Westerhold has dedicated her life to serving others.

She began her career as a school teacher in 1948 and served the students of Missouri's public schools for a total of 26 years. While teaching various subjects in several public schools, Mrs. Westerhold remained active in the state teacher's organization and the Parent-Teachers Association.

After a distinguished teaching career, Mrs. Westerhold began working as a library assistant with University of Central Missouri. During her 24 years with the University's library system, her job was redesigned three times and she saw many technological changes. As the times changed, so did she.

While this award is in recognition of Mrs. Westerhold's 50 years of full-time employment as a teacher and library assistant, her work as a dedicated wife and mother cannot go unnoticed. She and her husband of 60 years have raised two lovely children.

Madam Speaker, Ernestine Westerhold has distinguished herself throughout her careers with Missouri public schools and the University of Central Missouri. I trust that the Members of the House will join me in congratulating her for this great contribution to Missouri and our country.

WIND ENERGY RESEARCH AND DEVELOPMENT ACT OF 2009

SPEECH OF

HON. PHIL HARE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 2009

Mr. HARE. Mr. Speaker, I rise today in strong support of H.R. 3165, the Wind Energy Research and Development Act of 2009. I commend my colleague from New York, Representative TONKO for authoring this important legislation which moves our Nation further down the path toward energy independence.

As a representative of west central Illinois, I have the privilege of personally witnessing the development of our nation's energy future. Various companies, community colleges, counties, cities, and others in my congressional district are actively pursuing initiatives to develop and produce alternative sources of energy, and educate the new work force for this emerging field. In addition to the great work being done with biofuels, my district is also home to several wind energy projects, which is why I am happy we are considering H.R. 3165 on the House floor today.

As its name implies, the Wind Energy Research and Development Act of 2009 would provide much-needed funding for the research and development of technologies to advance wind turbine design, create better control systems and increase production capacity of energy output. The bill would also authorize $200 million annually for a new program aimed at developing technologies to improve the efficiency of wind turbines while reducing production costs.

Not only does this legislation have the potential to establish a vibrant wind energy industry in the United States, but it could also lead to the creation of thousands of jobs in the manufacturing and engineering of wind turbines, turbine components, and turbine maintenance.

Additionally, this investment in wind energy would address the looming energy crisis by capturing and harnessing a naturally produced and renewable alternative to fossil fuels. A recent report published by the Department of Energy confirmed the technical feasibility of producing an estimated 20 percent of America's energy from wind turbines by the year 2030. This important legislation would provide the funding we need for the development of the technologies to reach this goal.

We have known for decades that the United States must turn to renewables and other forms of clean energy to combat climate change, achieve energy independence from unstable foreign nations, gain greater control over the cost of energy sources, and ensure energy security. Representative TONKO's bill would provide our country the tools needed to help facilitate this transition.

The United States is poised to become the worldwide leader in clean energy development and production—we have the ingenuity, the will, the workers, and the resources. H.R. 3165 would ensure that we lead the next breakthrough in clean energy technology.

Again, I thank my friend from New York and urge my colleagues to join me in voting for the Wind Energy Research and Development Act.

STATEN ISLAND CORPS OF THE SALVATION ARMY

HON. MICHAEL E. McMAHON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Mr. MCMAHON. Madam Speaker, I rise today to honor the Staten Island Corps of the Salvation Army on their 125 years of unyielding service to the people of Staten Island. Over their many years they have fed the hungry, clothed the cold and supported those in need during disasters.

Founded in London's East End in 1865 by William Booth in order to assist the poor and needy regardless of age, sex, color or creed, they now have expanded their services to 119 countries.

They have continued to live out the same mission for the neediest Staten Islanders since their commencement on February 3, 1884. The Salvation Army operates two centers on Staten Island and has been able to provide vital services from food pantries to after school activities, as well as music instruction.

During the attacks of September 11, 2001 the Salvation Army was at the forefront, working hand in hand with New York's Bravest and Finest, in order to bring assistance and relief during our nation's most troubling time.

Even in these tough economic times, they have not given up on their services and continue to provide the same stellar opportunities regardless of the cost incurred.

I would like to take the time to give special recognition to the honorees of their "125 Years of Service" luncheon: Mr. James Devine, CEO of the New York Container Terminal; Mr. Richard Salinardi, Executive Director of Life Styles for the Disabled; The University of Notre Dame Club; and the late Mrs. Rosemary Cappozalo, Staten Island's beloved "Matriarch of the Arts." These individuals embody the very essence of service that our nation is grateful for.

Madam Speaker, I ask that my colleagues join me in commending The Salvation Army on their dedication to the citizens of Staten Island.

EARMARK DECLARATION

HON. ROSCOE G. BARTLETT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Mr. BARTLETT. Madam Speaker, I submit the following: Funding of $2,000,000 is necessary to meet the on-going need in DoD to increase the number of ISR orbits delivered by Unmanned aircraft. The Universal Distributed Management System (UDMS) is a demo-proven (TRL–6) autonomous command and control system that will enable up to twelve UAVs to operate simultaneously from a single ground station and perform complex tactical objectives. Expert Rules-based software enables collision and terrain avoidance and cooperative engagement tactics among the constellation of multiple vehicles and sensors. The complex tactics are user programmable and can be executed autonomously or with dynamic operator inputs to the changing tactical situation. UDMS can be integrated with existing UA ground control system with no modification required to the air vehicles or existing C3 links.

THE PROMISE OF EMERGING DEMOCRACIES

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Mr. BURTON of Indiana. Madam Speaker, I rise today to bring to my colleagues' attention a September 8, 2009, Washington Times op-ed written by Nursultan Nazarbayev, President of the Republic of Kazakhstan. Since 1991, Nursultan Nazarbayev has served as the President of the Republic of Kazakhstan. Oftentimes, emerging democracies like Kazakhstan are not the focus of media attention, but in the Washington Times op-ed entitled, "The Promise of Emerging Democracies," President Nazarbayev reminds the world that emerging democracies do have an important and pivotal role to play on the global stage.

[From the Washington Times, Sept. 8, 2009]

THE PROMISE OF EMERGING DEMOCRACIES

(By Nursultan Nazarbayev)

The world is remaking itself. Amid pressing economic challenges and multinational security concerns, new alliances are forming. Global commerce along with governments are bringing down borders, opening relationships and creating opportunity. Kazakhstan, like most emerging democracies, is cautiously optimistic, with a pragmatism steeped in the hard lessons of history. Policies have consequences; alliances can liberate as well as captivate. With the stroke of a pen, superpower leaders like Presidents Obama and Dmitry Medvedev of Russia can reverse a decade of tepid relations to put forces and agendas into motion that affect all of us.

Nowhere in the world is the influence more keenly felt than in Kazakhstan and Central Asia, positioned as we are between Russia, China, Iran and Afghanistan. Here, a breeze in global diplomacy among nations like Russia, the United States and China can have the impact of a blinding windstorm, leaving us to wonder about our role and influence within these relationships.

Bellicose nations rattle sabers to garner attention and receive a concession here and there; certainly, their tactics make the nightly news. Others push America and Western democracies to the brink before backing off and waiting for another strategic push in their quest for a place among nuclear nations. Emerging democracies like Kazakhstan, on the other hand, while not the focus of media attention, have a responsibility and role to play on the global stage that is far more consequential to the welfare of freedom-loving nations.

The objective of Mr. Obama and Mr. Medvedev to cut their nuclear arsenals by a third is indicative of that role. The current size of those arsenals was influenced greatly by a decision our nascent democracy made 18 years ago to permanently shut down the Semipalatinsk nuclear test site, which set the stage for a decision to safely dispose of 104 SS–18 intercontinental ballistic missiles we had inherited from the Soviet Union, each tipped with 10 nuclear warheads. To put this in perspective, North Korea, which the world cautiously watches, is believed to have enough plutonium for only a half-dozen atomic bombs.

Keeping the weapons could have made Kazakhstan a larger player in our potentially volatile region, and surely the world would be more aware of us today. There were some who encouraged us to keep the arsenal. But larger considerations, including the role and responsibility of emerging democracies like ours, weighed heavily in the decision. Our focus was on building a new economic and political model in Kazakhstan, and we had a firm belief that our future and welfare rested on commercial and security relationships in the West.

Our desire was to engage in what I like to call cooperative leadership, pragmatic and constructive engagement with the myriad and often complex forces in our region. This was the philosophy that prompted us to dismantle our arsenal and pursue relations not only with the United States, but with Russia, China, Iran and, in fact, all nations that see opportunity in Kazakhstan.

On Aug. 29, we celebrated the anniversary of our decision, and the philosophy of cooperative leadership that inspired it continues to benefit Kazakhstan and our relationships throughout the world. A dedication to democratic values, the rule of law, transparency, tolerance and open trade has led to stability and a strong, well-educated middle class. This increasingly firm foundation at home enables us to play an important role among nations abroad, providing strategic engagement and opportunities for cooperation among countries that often may be overlooked, as well as among those who may not be inclined to work together otherwise.

Sharing common values of freedom and peaceful development, democracies firmly support each other. That is why since the Sept. 11 terrorist attacks that shocked the entirety of mankind, Kazakhstan has stood shoulder to shoulder with the United States in the fight against international terrorism and today provides much-needed assistance for the stabilization of Afghanistan.

As an emerging democracy practicing cooperative leadership, Kazakhstan is able to encourage dialogue even among adversaries. Our recently concluded third annual Congress of Leaders of World and Traditional Religions is only one example, with spiritual leaders attending from almost every faith and nation to promote tolerance and understanding. Likewise, our quest to establish an international nuclear fuel bank to be governed by the International Atomic Energy Agency, which would allow nations like Iran and others to openly and honestly pursue their energy agendas, finds support among leaders in the United States, Russia and China. Recently, Israeli President Shimon Peres proposed Kazakhstan as the site for a historic meeting with key leaders from his country, Saudi Arabia and the Islamic world.

This is how emerging democracies can make a difference. In the absence of the entrenched and sometimes dogmatic divisions of the past, young entrants on the global stage of freedom can offer an environment for pragmatic solutions. Mr. Obama understands this. Two weeks after his election, he called to discuss regional cooperation, nonproliferation measures and energy cooperation. At that time, and many times since in public statements, he has favored pragmatism as the basis for civilized statecraft.

Some have suggested this is an inadequate approach for charting the new direction in foreign policy that Mr. Obama has promised. However, I believe those criticisms are misconceived. Pragmatism is necessary in nation-building and more likely to evoke a positive response from allies than an ideological crusade. Emerging democracies understand this challenge, undertaking in decades an experiment that has engaged America for much more than 200 years. Cooperative leadership is the important role we can play and the example we can set for others.

HONORING THE ACHIEVEMENTS OF SEAN MICHAEL HINPHEY

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Mr. ISRAEL. Madam Speaker, it is with great pride that I rise today to recognize a young man in my district, Sean Michael Hinphey. This young man will receive the Eagle Scout honor from his peers in recognition of his achievements.

Since the beginning of this century, the Boy Scouts of America have provided thousands of boys and young men each year with the opportunity to make friends, explore new ideas, and develop leadership skills while learning self-reliance and teamwork.

The Eagle Scout award is presented only to those who possess the qualities that make our Nation great: commitment to excellence, hard work, and genuine love of community service.

Becoming an Eagle Scout is an extraordinary award with which only the finest Boy Scouts are honored. To earn the award—the highest advancement rank in Scouting—a Boy Scout must demonstrate proficiency in the rigorous areas of leadership, service, and outdoor skills; they must earn a minimum of 21 merit badges as well as contribute at least 100 man-hours toward a community oriented service project.

It is with great pride that I recognize the achievements of Sean and bring the attention of Congress to this successful young man on his day of recognition, October 4, 2009. Congratulations to Sean and his family.

TOM KING

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Mr. SHIMKUS. Madam Speaker, I rise today to recognize the actions of Mr. Tom King of Saint Jacob, Illinois.

Mr. King rode his bicycle halfway across the United States to commemorate the life of Caleb Zarzecki, a former student who lost his battle with cancer last year. King, a teacher at Collinsville Middle School, described his ride as ''a journey of faith and healing.'' The cross-country journey raised funds for a scholarship established in Caleb Zarzecki's name.

Mr. King started his journey on June 26 in Seattle, Washington, and traveled more than 2,000 miles to his home in Saint Jacob, Illinois. He rode 40 to 60 miles every day, sleeping at local campgrounds and churches in Washington, Idaho, Montana, Wyoming, South Dakota, Minnesota, Iowa, Missouri and finally Illinois.

Mr. King's actions exemplify a teacher's devotion to his students. It is my hope that this model of dedication may inspire us all. As we honor Mr. King, I extend my heartfelt thoughts and prayers to the family of Caleb Zarzecki.

RICHARD J. AND FRANCES G. COWEN

HON. MICHAEL A. ARCURI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Mr. ARCURI. Madam Speaker, I stand today to honor the memory and service of Mr. Richard J. Cowen and his wife, Mrs. Frances G. Cowen, both members of the United States Army Air Corps during World War II. Mr. and Mrs. Cowen were residents of my district in upstate New York, and their daughter, Ms. Mary F. Bechy, currently resides in Waterville, NY.

Mr. and Mrs. Cowen were highly decorated for their service in the American and Pacific Theaters. Mrs. Cowen, a nurse in Hawaii and the Philippines, received the Asiatic Pacific Theater ribbon with Bronze Star, the Philippine Liberation ribbon, the American Theater ribbon and the World War II Victory Medal. For his service, Mr. Cowen was honored with the American Campaign Medal, the Asiatic Pacific Campaign Medal, the Philippine Liberation Medal and the World War II Victory Medal.

Madam Speaker, I am proud to recognize Mr. and Mrs. Cowen for their service on behalf of our Nation during a time of great peril. Their sacrifice and dedication is truly an example for us all. I ask my colleagues to join me in honoring Mr. and Mrs. Cowen and the many men and women who serve in our Nation's Armed Forces.

90TH ANNIVERSARY OF AMERICAN LEGION POST 80

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Mr. VISCLOSKY. Madam Speaker, it is my distinct honor to rise today to honor one of America's finest organizations, the American Legion, and to recognize one if its local posts, Whiting American Legion Post 80, on its 90th anniversary. Post 80 came to be shortly after the founding of the national organization. In honor of this momentous occasion, the members of Post 80 will be celebrating with dinner and entertainment on Sunday, September 19, 2009, at the legion hall in Whiting, where they will host Robert Newman, Department of Indiana American Legion Commander, as their featured speaker.

Just yesterday, the United States House of Representatives joined the Senate in passing legislation supporting the goals and ideals of American Legion Day. For the past ninety years, Whiting Post 80 has been an extraordinary example of the ideals and mission of the American Legion. Overall, the American Legion boasts nearly 15,000 posts, and remarkably, consists of nearly three million members. In their communities, American Legion posts are a source of pride for their many contributions made to aid veterans and to better their communities.

Throughout the years, Whiting Post 80 has taken heed of the American Legion's mission. They have been well known in the Whiting-Robertsdale area for their many activities aimed at honoring veterans, which have included an honor guard and drum and bugle corps, but also for their many programs that serve the youth and families in their community.

From within the ranks of its membership, Whiting Post 80 has seen some of its members rise to great ranks within the American Legion organization. They have had two members, Donald Hynes and Richard Quattrin, serve as Department of Indiana Commanders. Quite impressively, Mr. Quattrin also served at the national level as the National Executive Committeeman for the Department of Indiana. Four of Post 80's members have also been honored with the American Legion's highest award, The Distinguished Service Award. These individuals are: Donald Hynes, who served as post adjutant for five years, Leo Mulva, who served as post adjutant for a remarkable forty-eight years, Richard Quattrin, who also served an impressive thirty years as post adjutant, and Bert Tiemersma.

Additionally, of the nearly one hundred World War II veterans who are members of Post 80, sixteen of them have over sixty years of service to the organization, including their longtime service officer, Nick Oprisko, who still serves in that capacity and is in his 66th year with the post.

Madam Speaker, I ask that you and my other distinguished colleagues join me in recognizing American Legion Post 80 and its members on its 90th anniversary. I also ask that you join me in honoring its membership for their service to their community, its veterans, and their commitment to the ideals of the American Legion. Their efforts have played a major role in elevating the quality life in their community.

IN RECOGNITION OF THE ISRAEL CANCER RESEARCH FUND AND THE 2009 BARBARA GOODMAN ANNUAL SCIENTIFIC AWARDS & DONOR RECOGNITION EVENING

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Mrs. MALONEY. Madam Speaker, I rise to recognize an extraordinary organization, an amazing group of donors and the launch of a new musical. The Israel Cancer Research Fund (ICRF) is the single largest source of private funds for cancer research in Israel, and its generous donors have raised nearly $37 million for cancer research by Israeli scientists. Tonight at the 2009 Barbara Goodman Annual Scientific Awards & Donor Recognition evening, ICRF is announcing this year's cancer research grants and celebrating the magnanimousness of ICRF's remarkable benefactors. The evening's festivities will feature a preview performance of Wallenberg, The Musical, a new musical about the courageous efforts of Raoul Wallenberg to save a significant portion of the Hungarian Jewish community from the Holocaust.

Since its founding in 1975, ICRF has become the largest single source of private funds for cancer research in the State of Israel. The Fund has provided tens of millions of dollars worth of grants in thousands of separate awards to top-notch scientists at all of Israel's leading research institutions. ICRF awards are often the first grants young scientists receive following completion of their academic studies, and allow them to establish labs, begin their professional research and attract grants from other sources, while remaining in Israel. Grant recipients include the first Israelis ever to receive the Nobel Prize in the sciences. Some remarkable breakthroughs of ICRF-supported researchers include the development of drugs that treat multiple myeloma; that target cancer cells directly; and that are encapsulated in a liposome for direct delivery to tumor sites. Other projects have helped scientists conduct cutting-edge cancer research on genes, leading to the identification of the p53 gene as a tumor suppressor; the discovery that a minor mutation in the RAD51 gene increases the risk of breast cancer; and pioneering work on DNA Methylation, a molecular process that turns genes on and off. In addition, ICRF provided critical support to the development of a novel bone marrow transplant technique that significantly expanded the donor pool for leukemia treatment.

Barbara S. Goodman lost her battle to pancreatic cancer on July 18, 2002 at the age of 51. She was a loving wife and mother and a devoted friend who made the people she loved the center of her life. Ms. Goodman had

also fought bone cancer and survived the disease for fifteen years. She would be proud to know that research is being conducted in her name that will advance our ability to treat pancreatic cancer and help those afflicted with the disease. Her husband, Kenneth Goodman, who is serving as Chairman of the evening's festivities, has demonstrated remarkable generosity and great dedication to the noble effort to expand cancer research funding.

The award recipients, donors and attendees of tonight's event will be treated to a preview performance of Wallenberg, The Musical, book and lyrics by Laurence Holzman and Felicia Needleman, and music by Benjamin Rosenbluth. Wallenberg tells the fascinating and uplifting story of Raoul Wallenberg, one of the heroes of the 20th century, a Swedish diplomat who singlehandedly saved more than 100,000 Hungarian Jews in a sixth month period. His courage demonstrates that one person can have a monumental impact and suggests that history could have been different had more people acted as valiantly as Mr. Wallenberg. The presentation will take place at the historic Hudson Theatre, a landmarked theatre built in 1903 by Henry Harris, that later became a radio playhouse, a television studio, a burlesque theatre, a rock club and most recently, an elegant venue for special events. Mr. Wallenberg's niece, Louise Von Dardel, is flying in from Paris to be present at the event.

Like Raoul Wallenberg, the donors, ICRF and the scientists are proving that individuals can make an extraordinary difference. Raoul Wallenberg succeeded through personal heroism and audacious ploys, while ICRF's heroes make a difference through their benevolence, volunteer work and scientific research. The work that these extraordinary people are doing will save thousands of lives.

Madam Speaker, I ask my distinguished colleagues to join me in recognizing the exemplary work being done by ICRF and the scientists it funds, and the extraordinary generosity of its donors.

RELATIONS BETWEEN REPUBLIC OF TURKEY AND REPUBLIC OF ARMENIA

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Ms. FOXX. Madam Speaker, I am encouraged by the latest movement towards normalization of relations between the Republic of Turkey and the Republic of Armenia.

On August 31, 2009, the Foreign Ministers of Turkey, Armenia and Switzerland sent out a joint press release which was the latest significant step down the path to establishing diplomatic relations between Turkey and Armenia. The countries have completed and initialed two protocols which will, when they enter into force, provide a framework for the normalization of the bilateral relations. Moreover, I am encouraged that the parties have also included a timetable for implementation of the agreement which is an added confidence building measure for both sides. The citizens of Turkey and Armenia can now see a positive light at the end of the tunnel and we should do what we can to help them achieve their common goals.

This is a significant step in the right direction for the region and the world at large. The United States should continue to encourage and support the efforts of Turkey and Armenia, with the good offices of Switzerland, to build a productive and stable bilateral relationship and thereby enhance stability throughout the region.

IN RECOGNITION OF ARMY SPECIALIST MATTHEW HASTINGS

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Mr. ROSS. Madam Speaker, I rise today to recognize a dedicated patriot and a true American hero. On August 17, 2009, our nation lost a brave service member when Army Specialist Matthew D. Hastings died in Baghdad, Iraq, in support of Operation Iraqi Freedom, from a non-combat related incident.

Army Specialist Hastings lived in Claremore, Oklahoma, but his father resides in Jefferson, Arkansas. Although I never had the honor to meet Specialist Hastings, on behalf of the State of Arkansas, I extend my utmost condolences to his family, friends and all who knew him for this devastating loss.

Army Specialist Hastings was assigned to the 582nd Medical Logistics Company, 1st Medical Brigade, 13th Sustainment Command, Fort Hood, Texas. He graduated from Broken Arrow Alternative Academy in 2005 and joined the military a year later as a light-wheel vehicle mechanic. According to those who knew him, he loved to hunt and fish, took great pride in his work and treasured time spent with his family and friends. I am sure he will be sorely missed.

My deepest thoughts and prayers are with his mother and stepfather, Lawanda and Roger Lowry; his father, Chuck Hastings, Jr.; his sister, Michelle; and, the rest of his family, friends and loved ones during this difficult time.

Today, I ask all members of Congress to join me as we honor the life of Army Specialist Matthew Hastings and all those men and women in our Armed Forces who give the ultimate sacrifice in service to their country.

COMMENDING FIRST COMMUNITY BANK ON THE OCCASION OF ITS 100TH ANNIVERSARY

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Mr. BONNER. Madam Speaker, I rise today to commend First Community Bank on 100 years of service in southwest Alabama.

On June 6, 1909, in the office of Granade and Granade, Attorneys, Chatom State Bank was first organized. The next month the bank's charter was filed with a capital stock of $25,000 and 250 shares at $100 per share. For the next five years, the bank conducted business in the tax assessor's office at the Washington County Courthouse.

In 1910, construction on the first building for Chatom State Bank began and today, the bank continues to operate on the same site. During the Great Depression when all banks were required to close for a specified period of time, Chatom State Bank was one of only a few area banks able to reopen immediately.

On August 30, 1974, a branch bank was opened in Millry. The bank began serving the people of Mobile County in 1985 when the bank purchased the Mt. Vernon office from First National Bank of Mobile. To reflect its growth and service to Mobile and Washington Counties, Chatom State Bank changed its name to First Community Bank on July 19, 1986. Since that time, the bank has expanded to Citronelle and Saraland, as well as locations on Schillinger Road and Cottage Hill Road in Mobile.

Madam Speaker, I ask my colleagues to join with me in congratulating Glen Davis and all of those at First Community Bank on 100 years of outstanding service. For this and all of their accomplishments, I extend my heartfelt thanks for their continued service to the Alabama business community, the First Congressional District, and the state of Alabama.

It is my hope First Community Bank continues its story of success for another 100 years.

REMEMBERING THE TENTH ANNIVERSARY OF HURRICANE FLOYD

HON. G. K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Mr. BUTTERFIELD. Madam Speaker, this week we mark 10 years since the floodwaters of Hurricane Floyd devastated eastern North Carolina, killing 52 people, causing over $6 billion in damage, and leaving thousands homeless. In the eastern part of the state, it is known simply as ''The Flood.'' It remains the most devastating natural disaster in our state's history.

On September 16th, 1999, Hurricane Floyd hit North Carolina as a strong Category 2 hurricane. Hurricane Floyd made landfall at Cape Fear and moved north along Interstate 95, hitting eastern North Carolina with 100-mph winds and up to two feet of rain. Of the two, the rain proved the more fatal element. Arriving on the heels of Hurricane Dennis, which had already soaked the ground and water table, Floyd's rains created massive flooding.

Over a period of a month, nearly every river basin in eastern North Carolina exceeded 500-year flood levels. The cresting waters destroyed 7,000 homes, left 17,000 uninhabitable, and damaged 56,000. The brave men and women of the National Guard and the Coast Guard performed nearly 1,700 freshwater rescues of people trapped on the roofs of their homes due to the rapid rise of the water. In total, Floyd was responsible for 57 fatalities in the United States, mostly in North Carolina.

Sixty-six counties in North Carolina were declared federal disaster areas. There were more than $6 billion in losses of property and agriculture. After the storm, over 88,500 North Carolinians registered state or federal disaster aid.

Every community I represent was in some way affected by ''The Flood.'' From flooded towns of Greenville, Kinston, Tarboro, Snow

Hill and Rocky Mount, where 30 percent of the city was underwater, to communities on higher ground that served as refuges for newly homeless neighbors, nearly every person in the eastern North Carolina experienced the Flood in a real way. But one of the hardest hit communities was Princeville, North Carolina. Princeville was completely submerged for more than a week—people's homes were underwater and the business community was virtually leveled.

Princeville, originally called Freedom Hill, is the oldest town incorporated by African-Americans in the United States. It was settled in 1865 by newly freed slaves on low and soggy swampland across the Tar River from the town of Tarboro. It had survived smaller floods over the years, but The Flood of 1999 nearly killed this historic town. With water up to the rooftops, FEMA offered the people of Princeville a buyout to abandon the town.

Though a difficult decision, the town rejected the offer 3–2. At the time, Mayor Delia Perkins said, ''Rebuilding is staying with your heritage. We plan to stay.''

The community's struggle to rebuild attracted the attention of many people, including then-President Bill Clinton. President Clinton issued Executive Order (EO) 13146, tasking an interagency President's Council with developing ''assessments and recommendations to repair and rebuild Princeville, and, to the extent practicable, protect Princeville from future floods.'' Hosts of other national figures visited and lent their support. Today, much of the town is rebuilt, though a handful of flooded homes still await demolition.

Today we remember the devastation caused by the Hurricane Floyd flood of 1999. The scars are still seen on the sides of buildings and in the hearts of people, but these communities have overcome and continue to work toward full recovery after these 10 years.

EDGAR BRIDGES

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Mr. THOMPSON of Mississippi. Madam Speaker, it gives me immense pleasure to recognize the life and accomplishments of a scholar, a leader, and a pillar in the community, Mr. Edgar Bridges.

Mr. Edgar Bridges' extensive scholastic record is an excellent testament to his belief in the power of education both for himself, and for the advancement of his community as a whole. He began his scholastic career in Lawrence County Public Schools. Later, he attended Prentiss Normal and Industrial Institute. He then attended Pacific Training School in Los Angeles California. Mr. Edgar Bridges' scholastic achievements culminated when he received a Bachelor's in Science Degree in Religious Education from The Mississippi Baptist Seminary.

Mr. Bridges' aforementioned education afforded him the opportunity to realize the importance of education for everyone. Thus, he became a champion for the educational development of children and improving life experiences for youth as a whole, serving as Executive Director of The Lawrence County Education and Recreation Association, president of the Lawrence County Educational Convention, member of the Board of Trustees for McCullough High School (Monticello, MS), and Chairman of the Board of Directors for Five County Child Development Program Inc.

Mr. Edgar Bridges' record of service to his community, church, and participation in civic activities are exemplary of a person who truly cares about the community, and believes in ''giving back'' to them through tireless effort and dedication. He served as co-chair of the Home Health Care Agency at Lawrence County Hospital and Superintendent of the Mission for the Lawrence County Baptist Association. He also contributed to the community by becoming a member of the Lawrence County Chamber of Commerce, and was a lifetime member of the National Association for the Advancement of Colored People.

Mr. Bridges' phenomenal record in education and service was recognized in the form of awards, accolades, and citations. He received the Medgar Evers Award for Outstanding Leadership, the Labor and Industry Award from the NAACP for being an outstanding contributor to Head Start, and was Emeritus Grand Master of the M.W. Stringer Grand Lodge of Mississippi, an accomplishment in which he was most proud.

Once again, it is with great pleasure that I recognize the lifetime and accomplishments of The Honorable Mr. Edgar Bridges. I am honored to salute such a champion for academics, a true leader, and a pillar of the community.

CONGRATULATING THE MINORITY BUSINESS DEVELOPMENT AGENCY ON ITS 40TH ANNIVERSARY

SPEECH OF

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 2009

Mr. AL GREEN of Texas. Mr. Speaker, I extend my strong support to H. Res. 215, which congratulates the Minority Business Development Agency for its accomplishments on its 40th anniversary.

For forty years, the Minority Business Development Agency has fostered the establishment and growth of minority-owned businesses in America. Since the agency's founding in 1969, it has assisted 625,000 minority businesses and helped them secure more than $25 billion in loans and bonding. In 2008, it served 25,000 businesses and contributed to the creation of over 5,000 new jobs. The Minority Business Development Agency is the only federal agency dedicated to minority business enterprise and works to achieve entrepreneurial parity so that minority businesses are represented proportionally to the minority population in this country.

While the number of minority businesses in the United States has grown today to 4 million from only 322,000 in 1969, the growth of minority firms has not kept pace with the growth of the minority population. Minority groups represent 26 percent of the country's population, but own only 12 percent of the nation's businesses and receive only 6 percent of total sales.

Nevertheless, minority enterprises account for $668 billion in total annual sales receipts and employ 5 million people. By 2042, minorities in America will become a numerical majority. Based on this population shift, it is clear that the success of the American economy is directly linked to the success of minority businesses, which are in a unique position to support the vibrancy of local communities. Supporting minority businesses is not only beneficial to minority enterprise, but to communities and people who depend on those businesses as well.

As the Minority Business Development Agency enters its fifth decade, I urge the agency to continue its efforts to help minorities achieve entrepreneurial parity, contribute to the health of the national economy and communities across America. I am proud to celebrate the achievements of the Minority Business Development Agency on its 40th anniversary and I urge my colleagues to support H. Res. 215.

HONORING RAYMOND H. DUNLAP, SR.

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Mr. KILDEE. Madam Speaker, I ask the House of Representatives to join me in congratulating Bishop Raymond H. Dunlap, Sr. for 21 years broadcasting the ''Hour of Power'' Radio Program. Bishop Dunlap will be honored this weekend by the congregations of Bethlehem Temple Church of the Apostolic Faith and New Jerusalem Full Gospel Baptist Church.

After attending the West Virginia Institute and Aenon Bible College, he served in the US Armed Services for two years. He was discharged in 1952, married Lillian Thomas in 1953, and accepted his call to preach the Gospel in 1954 under the direction of his father, Bishop Sandy Dunlap.

He moved to Flint, Michigan in 1966 and founded The Eliezer Church of the Lord Jesus Christ. He was elevated to District Elder and then Junior Bishop. In August 1983, he was ordained a Bishop and currently presides as Diocesan of the Northern Diocese of Michigan; he is the former Diocesan of Minnesota. Bishop Dunlap also serves as the establishmentarian of Berea Bible College. He has directed the establishment of 13 churches of the Church of Our Lord Jesus Christ in Michigan and 3 churches in Minnesota. In addition to being heard daily on the ''Hour of Power,'' Bishop has reared more than 46 ministerial sons and Eliezer Church operates the Hope Academy School.

Bishop Dunlap and his wife, Lillian, have been blessed with 6 children, numerous grandchildren and great-grandchildren.

Madam Speaker, I applaud the work of Bishop Raymond H. Dunlap, Sr. He has devoted his life to bringing the good news of Jesus Christ to the people of Flint, Michigan. His radio broadcasts are a source of comfort and joy to his listeners. I pray that he will continue for many years to inspire and elevate the spiritual life of the community and bring his message of hope to those with the most need.

INFORMATION FOR PROCLAMATION OR CONGRATULATORY LETTER FOR BISHOP RAYMOND H. DUNLAP, SR., D.D. THA.A B.A.

Two (2) day City Wide Celebration Honoring Bishop Raymond H. Dunlap, Sr., for 21

years with the ''Hour of Power'' Radio Program. We will be honoring a great man and appreciating his works at 6:30 pm on;

Friday, September 18, 2009 Services at: Bethlehem Temple Church of the Apostolic Faith, 3401 M. L. King, Jr., Avenue, Flint, MI 48505.

Saturday, September 19, 2009 Services at New Jerusalem Full Gospel Baptist Church, 1035 E. Carpenter Road, Flint, MI 43505.

Bishop Dunlap, known as ''a man with a Vision'' was born January 19, 1929 in Pratt City, Alabama. Pastor Dunlap graduated from Buffalo High School in West Virginia. He attended West Virginia Institute in Charleston, West Virginia and later became a student at the world famous Aenon Bible College in Columbus, Ohio. He served two years in the U. S. Armed Services, receiving an honorable discharge in 1952. Celebrated 80 years of life in January.

Bishop Dunlap married the love of his life Ms. Lillian Thomas on June 1, 1953 and to this blessed union was born six (6) children.

Bishop Dunlap accepted the call of God to preach the Gospel in 1954 under the tutelage of his father Bishop Sandy Dunlap in Columbus, Ohio. By 1960 he was elevated to Assistant Pastor—through the years he served in many other positions in the local church and also held state offices.

In 1966 he relocated his family to Flint, Michigan, sought employment and shortly thereafter established The Eliezer Church of our Lord Jesus Christ. In 1977 he was elevated to District Elder, three years later he was elevated to the office of Junior Bishop. His steadfast character and leadership earned him the honor of being ordained as a Bishop in August 1983 in Oklahoma City, Oklahoma. He presently presides as the Diocesan of the Northern Diocese of Michigan and the former Diocesan of Minnesota. He is the establishmentarian of Berea Bible College (formally Christ Bible College, Church of Our Lord Jesus Christ) since 1998.

Under his spiritual leadership there has been the establishment of 13 churches of the Church of Our Lord Jesus Christ in Michigan and 3 in Minnesota. Bishop Dunlap has reared more than 46 ministerial. In 2001 Eliezer established and operates ''The Hope Academy School.''

Since 1988, Bishop Dunlap is heard daily at 12:30 pm on the ''Hour of Power'' radio broadcast on WFLT 1420 AM. The spiritual effects of Bishop's ministry is known in the city of Flint and the many places he has ministered; giving proof of God's call on his life, and the vision he has been given by God.

Bishop Dunlap is a dedicated family man; loving husband, father, grandfather and great-grandfather. He is an avid fisherman, a pianist, song writer, composer of poems. His godly lifestyle, winning smile, gentle manner and love for people has earned him great respect among his peers, community leaders, business associates and citizens through this community.

CONGRATULATING THE DORA B. LANTRIP ELEMENTARY SCHOOL ON THEIR 2009 BLUE RIBBON SCHOOL AWARD

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Mr. GENE GREEN of Texas. Madam Speaker, I rise today to honor the Dora B. Lantrip Elementary School in the Houston Independent School District and our district for their dedication to academic excellence that has earned them the honored distinction of being a Blue Ribbon School in 2009.

Since 1982, the U. S. Department of Education's Blue Ribbon Schools Program has honored many of America's most successful schools, and I am proud of Lantrip Elementary for establishing itself as an elite academic institution by achieving this high honor. The Blue Ribbon Award honors public and private elementary, middle and high schools that are academically superior or have made dramatic gains in student achievement and helped close achievement gaps among minority and disadvantaged students. This year 314 schools earned this coveted award.

Dora B. Lantrip Elementary is a school that believes higher expectations lead to higher achievement. Lantrip strives to stimulate young minds and encourage them to strive for excellence, while instilling in them a love of learning. Under the supervision of Principal Ms. Matilda Orozco, Lantrip Elementary also works to develop students into decision-makers who have mutual respect for others. Lantrip Elementary is an example of consistent excellence that is an inspiration for all schools in the Houston area.

I congratulate the administration, teachers, parents, and students at Lantrip for their dedication to excellence and hard work.

REMEMBERING PAT FLECK, SPRING HILL, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, last Thursday evening a spark went out in Hernando County. ''The Mother of Spring Hill,'' Pat Fleck, lost her battle with cancer. Known for her genuine love of, and devotion to, her community, she was a pioneer for women in business, a leader in public service, a mentor, devoted mother, wife and friend.

A long time resident of Spring Hill, in an interview with a local paper, she recalled a time when U.S. 19 was only two lanes wide and so empty that on trips to a New Port Richey supermarket, she sometimes drove on the wrong side of the road because, as she put it, ''for some reason it was smoother.''

She applied that same optimism in every facet of her life: I thought of Pat as the unofficial paparazzi of Spring Hill. She would attend community events with her camera in hand; snap pictures unbeknownst to those around her and a short time later a copy would appear in the mail: She was always sure to capture your most flattering side.

Pat knew when to get down to business as well. It is that business sense to which much of her professional successes can be attributed: She was the founder of Spring Hill's first independent real estate agency, Fleck Real Estate; she later parlayed her knowledge of the industry into a real estate school. She was also a founder of the West Hernando Chamber of Commerce where she served as its chairwoman.

She was a community organizer we all could appreciate! She was a long time board member of HPH Hospice and an avid supporter of many community organizations including Stage West Community Playhouse. Pat worked tirelessly to insure that they had the resources they needed in order to be successful contributors to the community.

I am grateful to have known Pat. She had a heart of gold and a boundless love for Hernando County. It is so fitting that Hernando County shared that same love for her in return.

RECOGNIZING PERU FOR ENGAGING IN PEACEFUL DIALOGUE WITH INDIGENOUS PEOPLES TO OVERCOME POLITICAL CONFLICT

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Mr. FALEOMAVAEGA. Madam Speaker, on June 23, 2009, I introduced House Resolution 574, expressing the sense of the House of Representatives that Peru should engage in peaceful dialogue to address ongoing political conflict between state authorities and indigenous peoples in compliance with the U.N. declaration on the rights of Indigenous Peoples and ILO Convention 169.

Earlier this year conflict had developed in Peru over the enactment of Legislative Decrees 1090 and 1064, which had potentially significant adverse impacts on the rights and property of Peru's indigenous peoples. Protests erupted in June in Bagua, Peru ultimately leading to the deaths of police officers and protestors.

In subsequent months, the Government of Peru has taken a number of steps to reduce tensions, investigate the violence and engage in peaceful dialogue. On July 23, 2009, Dorothy Ngutter, Peru Desk Officer at the State Department, sent my office information on developments related to H. Res. 574, noting improvements on the ground, including an agreement with indigenous groups on the establishment of a ''multi-sectoral commission consist[ing] of government, civil society, NGOs and indigenous leaders.'' I am including the full text of her message in my remarks for the record.

On July 24, 2009, I met with Peru's Ambassador to the United States, Luis M. Valdivieso, and he described the steps taken by Peru in the aftermath of the violence in more detail. On September 10, 2009, he sent me a letter along with a progress report on the work of the National Group of Coordination for the Development of Amazon Communities, which he noted, ''was created in the aftermath of the unfortunate events that took place in Bagua, Amazon Region of Peru in early June.''

According to that progress report, the National Group of Coordination for the Development of Amazon Communities (NGCDAC), created four subgroups focused on examining the events in Bagua, evaluating the contentious Legislative Decrees, gathering information on appropriate methods of consultation regarding International Labor Organization Convention 169 and the United Nations Declaration on the Rights of Indigenous Peoples, and creating a National Development Plan for the Amazon Region for submission to Peru's Congress by December 26, 2009.

The steps taken by the Government of Peru are positive, in line with H. Res. 574, and deserve recognition. I applaud the progress in Peru and want my friends there to know that

I will continue to follow events regarding the country's indigenous peoples closely. For the record, I include a copy of the progress report and the letter from the Ambassador with my remarks.

STATE DEPARTMENT VIEWS ON DEVELOPMENTS IN PERU

Protests by Indigenous groups, led by an umbrella NGO (AIDESEP), began in April against several legislative decrees passed in 2008 they felt would infringe on their rights. While it was not completely clear what portions of the laws were at issue, the indigenous groups main stated concern was that there had been inadequate consultation prior to the passage of the decrees. In mid-May, the Government of Peru initiated a dialogue with AIDESEP's leaders to discuss indigenous concerns. These early talks were slow going and fell apart when AIDESEP walked out on the talks.

The government acted to remove roadblocks near the town of Bagua and restore supplies to affected neighboring communities on June 5. Clashes between police and protestors ensued when police attempted to remove the roadblocks; separately police officers—previously taken hostage at a pumping station—were murdered following news reports of the earlier clashes. Official reports, confirmed by the independent the independent Human Rights Ombudsman's office, put the death toll at 33 (including 10 civilians and 23 police).

The situation on the ground has changed since the violence in early June. The government has reached an agreement with indigenous groups June 15; repealed two laws June 18; and established a multi-sectoral dialogue process. The multi-sectoral commission consists of government, civil society, NGOs and indigenous leaders. With four subgroups looking at the June incidents; concerns on legislative decrees and proposals to replace the repealed decrees; definition of a mechanism for prior consultation in accordance with ILO requirements; and the development of a national proposal for Amazonian development. To date, the commission has met at least three times.

The recent government reshuffle should have no effect on the dialogue, as the incoming Prime Minister has publicly declared support for ongoing dialogue processes.

EMBASSY OF PERU,
Washington DC, September 10th, 2009.

Hon. ENI F.H. FALEOMAVAEGA,
House of Representatives,
Washington, DC.

DEAR MR. FALEOMAVAEGA: Attached for your information please find a brief progress report on the work of the National Group of Coordination for the Development of Amazon Communities which was created in the aftermath of the unfortunate events that took place in Bagua, Amazon Region of Peru in early June.

Please feel free to contact me in case you need further clarification.

Sincerely yours,

LUIS M. VALDIVIESO,
Ambassador of Peru.

DIALOGUE PROCESS BETWEEN THE AMAZONIAN COMMUNITIES AND THE GOVERNMENT OF PERU

By Supreme Resolution 0117–2009–PCM issued on June 10th 2009, the Government of Peru created the ''National Group of Coordination for the Development of Amazon Communities'' (NGCDAC) with the objective of rising a comprehensive sustainable development plan for indigenous peoples in areas such as education, health, titling and the formalization of land, among others. The Government of Peru aims at presenting to the Congress a proposal of National Development Plan for the Amazon by December 26th.

By Supreme Resolution 0211–2009–PCM issued on August 25th 2009, new members of the NGCDAC were added, which includes:

a. Eight (08) Representatives of the Executive Branch (Ministers or their representatives): Ministries of Environment, Energy and Mines; Women and Social Development; Health; Education; Transport and Communications; Housing, Construction and Sanitation. It is chaired by the Ministry of Agriculture that also will be the Technical Secretariat (originally there were only four ministries).

b. Eleven (11) Representatives of Regional Governments: Presidents of the Regional Government of Loreto, Ucayali, Amazonas, San Martín, Madre de Dios, Cuzco, Huánuco, Pasco, Junín, Ayacucho and Cajamarca (originally there were only four regional governments).

c. Representatives of Amazonian indigenous organizations (AIDESEP and CONAP).

This NGCDAC is the core of the dialogue process (known also as the Dialogue Roundtable) and it has four (04) Working Groups. So far, the progresses the four working groups are:

(1) Inquiry Commission on the events in Baqua

On September 2, 2009, seven (07) members of the Inquiry Commission on the events in Bagua (Amazonas) on June 5th 2009, were elected. The working group consists of:

a. Representatives of indigenous communities: Pilar Mazzetti Soler (former Minister of the Interior), Mary Carmen Gómez and Jesús Calleja Manacas Valverde.

b. Representatives of the Executive Branch: Ricardo Alvarez Lobo, Susana Pinilla Cisneros (former Minister for Women and Social Development) and Walter Gutierrez Camacho.

c. Regional governments delegate, Manuel Ernesto Bernales Alvarado.

The members of this working group will have a meeting with the Ministry of Agriculture no later than September 5th 2009. The Ministry of Agriculture is the chairman of the NGCDAC. The chairman of the working group will be elected among its members. It is expected that this group provides the results of its investigation by December 26th 2009.

(2) Evaluation of Legislative Decrees

This evaluation is being developed under the coordination of the Ministry of Agriculture. The Law on Forestry and Wildlife, and its Bylaw are considered by the working group as reference documents. This group has organized exhibitions and workshops and evaluated many proposals on forestry regulations submitted by each of the parties involved in the dialogue -central government, regional governments and native communities. They will be discussed and then consulted with the indigenous communities.

To contribute to finding consensus on this issue with representatives of regional governments and indigenous communities, on September 2nd 2009, the Bureau for Forestry and Wildlife Affairs of the Ministry of Agriculture submitted to the NGCDAC a document with technical inputs to improve the forestry legislation.

(3) Consultation Mechanisms (in order to accomplish the ILO Convention 169)

This working group is gathering information on the methods of consultation: the Convention 169 itself and its handbook; the United Nations Declaration on Indigenous Peoples Rights; the draft proposal of law in Congress concerning the right of consultation; the report of the Ombudsman on the Bagua issue, and a case review related to the Saramaka population of Suriname.

Regarding this topic, it has been organized the International Seminar ''Right of consultation of Indigenous people, policy framework and implementation experiences'', as well as decentralized meetings on this issue. Both the Ombudsman and the Sub Regional Office of the ILO have made presentations on the Convention 169. On September 17th this working group will assemble to set up proposals on the matter.

Since the group has started its works, it is taking into consideration the opinions and points of views expressed by Amazonian communities for the purpose of arriving to a draft bill to be submitted to the NGCDAC.

(4) National Development Plan of the Amazon Region

The agenda includes issues relating to indigenous peoples and the Amazon Region, such as:

Land, natural resources and biodiversity.
Identity, culture and human development.
Organization, autonomy and governance.
Economics, management and sustainable development.

So far, this working group has had several meetings and has organized exhibitions, workshops and proposals about this matter.

Since August 29th 2009, this working group is revising and updating of the ''Action Plan for Priority Issues of the Special Multisector Commission for Indigenous Communities''.

Until September 2nd 2009, this group has worked on these subjects: land property rights and legal stability; bilingual education; increasing of the coverage of public health, and conditions of peace and security for native communities.

Since the installation of NGCDAC, there have been a total of 37 meetings of the four working groups, which were undertaken in an atmosphere of respectful and transparent dialogue.

Within 120 days, the NGCDAC must submit to the Presidency of the Council of Ministers, the Comprehensive Plan for Sustainable Development of the Amazonian Peoples.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

SPEECH OF

HON. DANIEL B. MAFFEI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 2009

Mr. MAFFEI. Mr. Speaker, It does not promote civility to have a party line vote and spend an afternoon debating whether Mr. WILSON's apology for what he said during the President's address last week is 'good enough.' Clearly, Mr. WILSON thoroughly embarrassed himself. And while I disagree with Mr. WILSON and I strongly support the President, I think we should be moving on and not piling on. As Voltaire wrote, 'I disapprove of what you say, but I will defend to the death your right to say it.' We all agree Mr. WILSON's behavior was inappropriate, now it is time to get back to work.

HONORING THE DEDICATED SERVICE OF KIM HARRIS MULLINS

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Mr. GORDON of Tennessee. Madam Speaker, I rise today to honor Kim Harris Mullins for her dedicated service. For more than eighteen years, Kim has committed herself to helping me better serve the residents of Tennessee's Sixth Congressional District.

While Kim is a native of Florida, she grew up in my district in Hartsville, Tennessee. For most of her career with me, she has assisted her neighbors and my constituents with problems they were having with the federal government. One of the most rewarding things I can do as a Member of Congress is help folks at home cut through government red tape, but I wouldn't be able to do that without people like Kim.

As my assistant communications director, Kim has fostered relationships with local media and helped me to stay in touch with Tennessee residents. She is a strong writer and chose to share her expertise by spending her free time teaching journalism and public relations at Middle Tennessee State University, our shared alma mater. Along with providing my office with hardworking interns, some of whom are now full-time members of my staff, Kim's talents and work with the university have earned her a spot on the College of Mass Communication's Wall of Fame.

Kim will be missed dearly, especially by those who worked closest with her in my district offices and benefited daily from her acerbic wit and sense of humor. My Murfreesboro district office is like a family. The current staff has worked together for 11 years, and they have a bond that makes them seem at times to be more like siblings than coworkers. We will be sad to see her go, but we know she has plenty to keep her busy—a new career to undertake, jewelry to make, dogs to spoil, and future trips to the beach with her husband, Jeff.

Kim, thank you for all your help and dedication over these many years. I wish you all the best in your next endeavors.

EARMARK DECLARATION

HON. ROSCOE G. BARTLETT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Mr. BARTLETT. Madam Speaker, I submit the following: Funding of $2,000,000 is necessary to allow completion of the final development stage prior to production. These funds will enable Mack Trucks and Volvo Powertrain, N.A. to finish building a protype M915 truck with hybrid powertrain and be prepared to compete for an M–915 by the Army. The Army is attempting to extend the service life of heavy trucks, like the M–915, through engineering change programs. This funding supports the Committee directive to the Army to extend their effort for procuring heavy trucks with alternative propulsion systems with parallel electric capability.

ANNIVERSARY OF FOCUS ON RENEWAL

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Mr. DOYLE. Madam Speaker, I rise to observe the 40th anniversary of Focus On Renewal, a community service organization serving the municipalities of Stowe Township and McKees Rocks in Pennsylvania's 14th Congressional District.

Forty years ago, Father Don Fisher and Sister Paulette Honeygosky laid the foundation for Focus On Renewal. Together, they envisioned an organization made up of individuals who believed that every person must be treated with dignity.

In 1975, Father Regis Ryan assumed the leadership at Focus On Renewal. He was amazed by all the service activities that had been initiated during the first six years of Focus On Renewal. For instance, a pediatric health center had opened in the basement of a storefront at 610 Chartiers Avenue. Within that small facility, lunch was served five days a week; a dental hygienist provided preventive oral care; books were acquired and distributed as a rudimentary library was forming; crisis care needs were addressed on a daily basis; community meetings were called; and one simple, donated van was used to transport elderly folks to medical appointments.

Initially, Father Ryan believed he would remain only a few years, but everyone is glad that didn't happen. Instead, he has become known in the Sto-Rox community as a loving, generous and respectful leader.

What started as a small storefront serving the social service and health needs of the community has become a major non-profit agency. Today, Focus On Renewal operates more than a dozen programs from various sites throughout Allegheny County, providing comprehensive health services, early childhood and adult education programs, transportation services, a library, an arts center, a credit union, employment and training classes, and a broad range of social services.

Countless members of staff, boards, administration and volunteers have spent the last 40 years creating and fostering the community of care into which Focus On Renewal has evolved. Beyond the many human services, which have touched thousands of lives, Focus On Renewal has offered employment to hundreds of men and women, some of whom have served for more than 30 years.

Focus On Renewal is like the weaving of a great patchwork quilt, bits and pieces old and new, held together with common threads, worked by many hands, bordered with love, and blanketing the community with its warmth.

I want to thank Father Ryan and everyone at Focus On Renewal for the important services they have provided the Sto-Rox community over the last 40 years and wish them well as they continue to serve this community in the same exemplary fashion in the coming years.

COMMENDING HONOR FLIGHT SOUTH ALABAMA AND THE 95 WORLD WAR II VETERANS TRAVELING TO THE WWII MEMORIAL

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Mr. BONNER. Madam Speaker, it is with great pride and pleasure that I rise to commend the Honor Flight South Alabama and the 95 World War II veterans this very special organization is bringing to Washington, D.C. this week.

Founded by the South Alabama Veterans Council, Honor Flight South Alabama is an organization whose mission is to fly heroes from Mobile, Baldwin, Washington, Clarke, Monroe, Covington, and Escambia counties in Alabama to see their national memorial.

Over six decades have passed since the end of World War II and, regrettably, it took nearly this long to complete work on the memorial that honors the spirit and sacrifice of the 16 million who served in the U.S. armed forces and the more than 400,000 who died. Sadly, many veterans did not live long enough to hear their country say ''thank you'' yet, for those veterans still living, Honor Flight provides for many their first—and perhaps only—opportunity to see the National World War II Memorial, which honors their service and sacrifice.

Madam Speaker, this week's journey of 95 heroes from south Alabama is an appropriate time for us to pause and thank them—and all of the soldiers who fought in World War II—for they collectively—and literally—saved the world. They personify the very best America has to offer, and I urge my colleagues to take a moment to pay tribute to their selfless devotion to our country and the freedom we enjoy.

I salute each of the 95 veterans who made the trip this week. May we never forget their valiant deeds and tremendous sacrifices.

James Abbot Jr., John Abbott, Lewis Abronski, Stanley Armit, Eugene Baril, Herbert Baskin, Joseph Bell Jr., William Bittner, John Blackmon, Elizabeth Blatchford, Edward Borman, Henry Brackin, James Bryars, John Busbee, Charles Byrd, Donald Carmichael, Charles Carpenter, Hurschel Chambers Jr. and David Chichester.

George Coaker, Robert Constatine Jr., Marvin Courtney, James Coward, Thomas Culpepper, John Douglas, George Edgar, Edwin Fore Jr., Howard Foshee, Glenn Frazier, Lloyd Fremaux, Roland Fry, Richard Gile, Douglas Gordon, Henry Hannett, Joseph Harbuck Jr., James Helland, Jennings Hill and Cecil Hobbs.

William Hobbs Jr., Jean Hooker, Elsie Hovell, Edward Hrinsin, John Hudson, Christopher Hume Jr., Ray Huning, Meldon Hurlbert, Clifford James, James Johnson, George Jones, John Kassab, Frank Keeler Jr., Paul Liles, Horace Luckey, Thomas Martin, Robert Mauer and Floyd McBride.

Joseph McCoy, Cecil McLain, Robert Meador, James Mills, John Moreland Jr., Granvil Neel, James Nickerson, Melvin O'Barr, Lee Otts, Billy Owen, Wilbern Payne, Sidney Phillips Jr., James Philpot, Edward Plouse, Donald Pruett, Iona Quinley, John Rabon, Edward Reagan and John Reiter.

Leon Resmondo, Gary Roberts, Claude Robinson, Hans Schneider, Charles Skinner, Randolph Smith, Raymond Smith, Robert Smith, Arnold Smith, John Stauffer, Charles Strawser, William Stuckey, Ezra Trice, Julius Turner, James White, John Jeptha White-Spunner, Ezell Williams, Chelton Wilson and Janet Woods,

CONGRATULATING THE YES PREP PUBLIC SCHOOLS–NORTH CENTRAL CAMPUS ON THEIR 2009 BLUE RIBBON SCHOOL AWARD

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Mr. GENE GREEN of Texas. Madam Speaker, I rise today to honor the YES Prep Public Schools–North Central Campus in our district for their dedication to academic excellence that has earned them the honored distinction of being a Blue Ribbon School in 2009.

Since 1982, the U.S. Department of Education's Blue Ribbon Schools Program has honored many of America's most successful schools, and I am proud of YES Prep Public Schools–North Central Campus for all of its hard work towards and dedication to achieving the high academic standards that have earned them this award. The Blue Ribbon Award honors public and private elementary, middle and high schools that are academically superior or have made dramatic gains in student achievement and helped close achievement gaps among minority and disadvantaged students. This year 314 schools earned this coveted award.

YES Prep Public Schools–North Central Campus is a school that strives to increase the number of low-income Houstonians who graduate from a four-year college prepared to compete in the global marketplace and committed to improving disadvantaged communities. Under the supervision of Principal Mr. Mark DiBella, YES also works to develop students who are active in the community. YES stands for Youth Engaged in Service and students dedicate one Saturday each month to community service projects. YES also requires that students participate in longer school days, college research trips, summer school and summer opportunities—80 percent of YES' student base is comprised of economically disadvantaged individuals, and their motto is 'to do whatever it takes' to improve themselves and their horizons through educational resources provided through the school. YES Prep Public Schools–North Central Campus serves as an example that through hard work much can be achieved.

They are an inspiration for all schools in the Houston area, and I congratulate the administration, teachers, parents, and students at YES Prep Public Schools–North Central Campus on this great accomplishment.

HONORABLE RECOGNITION OF COACH ROCKY RAWLS, BRONTE, TEXAS 2009 NATIONAL COACHES APPRECIATION WEEK

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Mr. CONAWAY. Madam Speaker, I rise today in recognition of National Coaches Appreciation Week and to acknowledge the accomplishments and dedication of one coach in particular: Coach Rocky Rawls of Bronte, Texas.

Coach Rawls has been coaching in Bronte, Texas for the past 26 years. After growing up in Dimmitt, Texas and playing basketball for the late Kenneth Cleveland, Coach Rawls grew to love the game of basketball and decided to make it his career. He graduated from Dimmitt High School in 1978. He then went to Howard Junior College in Big Spring, Texas to play basketball for the Hawks. After 2 years in Big Spring, Coach Rawls left for Southwestern University in Georgetown, Texas to finish out his college education, and, of course, to play ball. He graduated from Southwestern University in May of 1983. Just months after his graduation from college the superintendent of Bronte High School gave Rocky a call and offered him a position as head basketball coach. The rest, as they say, is history.

This past season Coach Rawls accomplished a feat few basketball coaches accomplish at any level. He earned his 500th career victory against Bronte's rival, Robert Lee. Even more impressive is the fact that Coach Rawls has won all 500 games at one school. Bronte has been his home his entire coaching career.

This past season, Coach Rawls helped the Bronte Longhorns go 25–3 and finish the season ranked sixth in the state, also sweeping eventual state champion Roscoe throughout the season. Subsequently, Coach Rawls was deservingly named Coach of the Year by the San Angelo Standard Times.

Coach Rawls and his wife, Terri, have 3 sons. Logan, a student at Angelo State University, and twins Dakota and Kerwin, now juniors at Bronte High School, have all played ball for their dad. Bronte has been the home of a long and successful career for Coach Rocky Rawls, who after winning 500 ballgames I hear thinks it just might be a great place to stay and win 500 more. Asked when he might retire, Coach Rawls has joked that "not until they ask me to coach girls," which after also stepping in as head football and boys track coach at various times, happens to be the only thing he hasn't coached at Bronte.

Coach Rawls has instilled invaluable leadership skills in the many students who have called him "Coach." He has incorporated the important values of self-discipline and perseverance into every practice, and ensured that the beliefs and conduct they learn on the court becomes a part of their daily lives as well. By example, Coach Rawls has instilled the importance of faith, family and community in the many lives he has touched throughout his years in Bronte. It is my great pleasure to extend my personal congratulations to Coach Rawls on his remarkable achievement of 500 victories, as well as express my sincere respect and appreciation for the positive impact he has had on the lives of many of the boys from Bronte, Texas. As an educator and a coach, he has had a hand in molding so many of them into men we can all be proud of.

Madam Speaker, I myself, as a former athlete in both high school and college recognize that we owe men and women like Rocky Rawls a great debt of gratitude. On behalf of current, former and future student athletes, whose lives will forever be founded in the ideals and work ethics of competitive athletics, I say, "Thank you."

CELEBRATING HISPANIC HERITAGE MONTH

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to celebrate Hispanic Heritage Month, an observance of the culture, traditions and contributions of the Hispanic community.

Started over 40 years ago, this month-long celebration from September 15 through October 15, observes social, political, and cultural advances of Americans descending from Spain, Mexico, South America, the Caribbean and Spanish-speaking countries of Central America. As the largest ethnic or race minority in the United States, people of Hispanic origin have made great strides to become among our nations finest medical professionals, legal scholars, scientists, business owners, civic leaders, artists, educators, and students. The year 2009 will be remembered as a historic year for many reasons, including the appointment of the first Hispanic to the Supreme Court, Associate Justice Sonia Sotomayor.

As a Representative of an area with a large Hispanic population, I recognize that the influences of this culture are interwoven into the fabric of our nation. The establishment of Hispanic Heritage Month was a catalyst for the founding of many important organizations promoting development and advancement for the Hispanic community, including the United States Hispanic Chamber of Commerce and the Congressional Hispanic Caucus Institute. This month presents an opportunity to remind the country of the achievements we are capable of as a diverse nation and an opportunity to show our youth their potential. As the fastest growing demographic group, it is important to not only recall past accomplishments, but to look to the future as well.

Celebrations will be held across the United States this month to recognize the contributions of the Hispanic community, and I urge my colleagues to join me in celebrating Hispanic Heritage Month.

EARMARK DECLARATION

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Ms. ROS-LEHTINEN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183—Energy and Water Appropriations Act, 2010.

Requested by Rep. ILEANA ROS-LEHTINEN

Bill number: H.R. 3183

Account: Army Corps of Engineers, Construction

Amount: $500,000

Project: Florida Keys Wastewater Improvement Project

Requested by: City of Key West, City of Marathon, Key Largo Wastewater Treatment District

Federal funding of this project is needed to continue moving forward with the initiative outlined in The Florida Keys Water Quality Improvements Act, which authorized $100 million

for water quality improvements in the Keys. For several years there has been growing concern that the near-shore waters of the Florida Keys have been deteriorating due to inadequate wastewater and storm water facilities. These are the waters of the Florida Keys National Marine Sanctuary and home to the only living coral reef in the continental United States.

Requested by Rep. ILEANA ROS-LEHTINEN

Bill number: H.R. 3183

Account: Army Corps of Engineers, Operation and Maintenance

Amount: $4,500,000

Project: Intracoastal Waterway, Jacksonville to Miami, FL

Requested by: Florida Inland Navigation District

The Intracoastal Waterway (IWW) is a critical part of Florida's eastern-shore economy and therefore its timely dredging is of serious importance. The Waterway annually: transports over 1 million tons of commercial cargo and over 500,000 recreational vessels; increases property values by $38.4 billion; and provides $7.9 billion in economic output which includes $2.6 billion in personal wages and 124,857 jobs. Studies by FIND, the local sponsor of the IWW, have shown that these benefits would be reduced by 50 percent if the Waterway were not properly maintained.

Requested by Rep. ILEANA ROS-LEHTINEN

Bill number: H.R. 3183

Account: Department of Energy, EERE Account

Amount: $1,000,000

Project: Going Green Initiative

Requested by: Miami Children's Museum

This project will allow the Museum to preserve and protect the world's natural resources using environmentally advanced, sustainable, and renewable and/or recyclable materials and systems in the building. In addition, it will allow the Museum to educate its audience about its environmentally friendly building and high-performance features through a variety of hands-on programs and project based activities for classroom and home continued learning.

Requested by Rep. ILEANA ROS-LEHTINEN

Bill number: H.R. 3183

Account: Army Corps of Engineers, Construction

Amount: $600,000

Project: Miami Harbor Channel Dredging

Requested by: Miami-Dade County, Florida

This funding request is for the General Reevaluation Report Implementation, Preconstruction, Engineering, and Design for the dredging of Miami Harbor. The funding was authorized via 2007 (H.R. 1495) for preconstruction, engineering, and design of the recommended project. This will address the federal share at 100% of the anticipated costs for plans and specifications preparation.

Requested by Rep. ILEANA ROS-LEHTINEN

Bill number: H.R. 3183

Account: Army Corps of Engineers, Operation and Maintenance

Amount: $777,000

Project: Miami River Dredging

Requested by: Miami-Dade County, Florida

This request is for the final phase of the Miami River Dredging Project to restore authorized depth and width to the navigation channel. This project, funded by the Army Corps of Engineers with a coalition of local sponsors led by Miami-Dade County, removes contaminated sediments from the Miami River—Florida's 4th largest port with an economic value of $4 billion. Since it was improved for navigation in the 1930s, the river has never received comprehensive maintenance dredging. Sediments have accumulated in the margins of the federal channel making it narrower and shallower, thereby limiting activities of freighters that utilize ship terminals along the river. Dredging and disposal of the contaminated sediments is expected to improve navigation and enhance the environmental quality of the River and downstream portions of Biscayne Bay.

Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the Congressional Record regarding earmarks I received as part of H.R. 3283—Department of Education Appropriations, 2010.

Requested by Rep. ILEANA ROS-LEHTINEN

Bill number: H.R. 3283

Account: HHS-HRSA

Amount: $500,000

Project: Construction of a new behavioral health facility for the homeless

Requested by: Camillus House

Camillus House, Inc. is requesting support of costs to relocate and expand its main center of operations located in downtown Miami. This funding would supplement funds already provided through HRSA for design and architecture services for this project. The requested will be used entirely for construction costs. Camillus House, Inc. services include basic emergency services such as food and shelter, substance abuse and mental health treatment, primary health care, housing, and career development at 15 sites around Miami-Dade County.

Requested by Rep. ILEANA ROS-LEHTINEN

Bill number: H.R. 3283

Account: HHS-HRSA

Amount: $500,000

Project: Information Technology Infrastructure

Requested by: Jackson Health System

Jackson is a fully integrated health care system with 3 major hospitals, 12 primary care centers, 16 school-based clinics, a mental health facility, 2 mobile health vans and a major health plan. Jackson is the primary safety net provider in Miami-Dade County and one of the busiest emergency rooms in the Nation. Jackson's Advanced Clinical Knowledge System (JACKS) has been implemented at Jackson Memorial Hospital and helps with patient scheduling improving efficiencies and reducing redundancies in the delivery of care. The Public Health Trust, the board that governs Jackson Health System, has approved expansion of this system to our other 2 hospitals in opposite ends of the county, Jackson South Community Hospital and Jackson North Medical Center. The expansion will ensure continuity throughout all of their hospitals.

Requested by Rep. ILEANA ROS-LEHTINEN

Bill number: H.R. 3283

Account: Department of Education, FIE

Amount: $300,000

Project: United Way Center for Excellence in Education

Requested by: United Way of Miami-Dade

The Center for Excellence in Early Education improves the quality of early care and education by modeling and providing best practices in early care and education and collaborates with local, state and federal agencies to ensure sustainability of its work. Through its unique composition, the Center offers informative, applicable training on early education and pilots effective programs that help teachers educate, parents understand and providers/owners care for our youngest citizens, locally, regionally and nationwide.

Requested by Rep. ILEANA ROS-LEHTINEN

Bill number: H.R. 3283

Account: HHS-HRSA

Amount: $200,000

Project: Health Center Equipment Upgrades

Requested by: Miami Beach Community Health Center

To expand children's comprehensive health services including health care. To provide preventive and comprehensive primary care to all adult patients including health care. To provide comprehensive primary care and referrals for specialty care for patients with HIV/AIDS including health care. To continue to provide comprehensive total quality management program for all clinical programs. To update and implement recruitment and retention protocol for staff and for the replacement of a roof.

Requested by Rep. ILEANA ROS-LEHTINEN

Bill number: H.R. 3283

Account: Department of Education, FIPSE

Amount: $300,000

Project: Science and Computer Advancement Center for Elementary Education

Requested by: St. Thomas University

To extend its outreach to the community by offering a professional development program to advance the teaching of science and technology in elementary schools in Miami-Dade County. St. Thomas University will partner with Title I elementary school teachers and other schools in northwest Miami-Dade in the vicinity of the STU campus to raise level of quality, student success and student enjoyment of science and computer learning in elementary schools. They will involve elementary school teachers from these schools in science and computers to improve teaching effectiveness through continuously offered workshops, seminars, college credit courses and online courses. Improve existing science and computer curriculum at the elementary level to result in raising the level of science teaching in the middle and high schools.

Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the Congressional Record regarding earmarks I received as part of H.R. 3326—Department of Defense Appropriations, 2010.

Requested by Rep. ILEANA ROS-LEHTINEN

Bill number: H.R. 3326

Account: RDT&E—Navy

Amount: $2,800,000

Project: Instrumented Underwater Training Systems

Requested by: Florida Keys Community College

The Instrumented Underwater Training Systems (IUTS) program benefits the Department of Defense by providing mission critical training to the Navy and other agencies responsible for securing personnel and assets in maritime domains. In response to the persistent threat to forward-deployed service personnel and assets, and the continued threat of attack on critical infrastructure and ports, the IUTS program ensures effective techniques are used by divers to identify and mitigate potential threats and hazards and ensures the safety of response divers and personnel. A

fully implemented IUTS program will protect personnel, assets, and critical infrastructure at both domestic and forward-deployed locations.

Requested by Rep. ILEANA ROS-LEHTINEN

Bill number: H.R. 3326

Account: RDT&E—Defense Wide

Amount: $4,500,000

Project: Transformer Technology for Combat Submersibles

Requested by: STIDD Systems

This request will enable USSOCOM to conduct a formal technology design, development, documentation and demonstration of the TTCS. One prototype craft will be designed, fabricated, tested and evaluated for technology transition into either the USSOCOM SDV or SWCS programs of record.

Requested by Rep. ILEANA ROS-LEHTINEN

Bill number: H.R. 3326

Account: RDT&E—Army

Amount: $1,500,000

Project: Minority Student Neuroscience Research Consortium

Requested by: St. Thomas University

The Department of Veterans Affairs spends over $320 million annually on direct costs for SCI. Other related costs for medications and rehabilitation may run in the billions of dollars. The lifetime costs for an injured person can run up to more than 1.5 million dollars. The goal of this program is to develop treatments for SCI repair through axon regeneration and functional recovery for our injured veterans.

Requested by Rep. ILEANA ROS-LEHTINEN

Bill number: H.R. 3326

Account: RDT&E—Army

Amount: $3,000,000

Project: Center for Ophthalmic Innovation

Requested by: University of Miami

Severe ocular injuries from combat encountered in the wars in Iraq and Afghanistan represent a significant and frequent source of lifetime visual disability and is of immediate concern to the DOD. Approximately 10–17% of war casualties are due to eye trauma. The Center for Ophthalmic Innovation is successfully working to lessen the morbidity of traumatic ocular injuries in military operations, as well as to explore newer modalities to assist in the visual restoration of the injured personnel.

Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the Congressional Record regarding earmarks I received as part of H.R. 3170—Financial Services Appropriations, 2010.

Requested by Rep. ROS-LEHTINEN

Bill number: H.R. 3170

Account: Small Business Administration

Amount: $100,000

Project: Institute for Community and Economic Development

Requested by: Barry University

The Barry University Institute for Community and Economic Development must continue to expand its reach and leverage its new Entrepreneurial Institute, dedicated to poverty elimination through the development of entrepreneurial skills in the community. The Institute delivers research-based education and training to minority and women-owned business enterprises and those providing leadership in the non-profit sector in South Florida. Expansion of the Institute will offer more small businesses, family businesses and community-based/non-profit organizations to meet the challenges related to the present economic downturn.

Requested by Rep. ROS-LEHTINEN

Bill number: H.R. 3170

Account: Small Business Administration

Amount: $300,000

Project: Institute for Intermodal Transportation

Requested by: Miami-Dade College

The Intermodal Transportation Training Center allows MDC to effectively meet the training requirements of all forms of transportation, and transportation related activities. The planned location of the Intermodal Transportation Center is at the Miami International Airport (MIA), which would situate the School in close proximity to the Miami Intermodal Center (MIC) currently under construction. This location would serve as a benefit to both the MIC and the school as a trained and skilled workforce is developed by the School to meet the ongoing employment needs at the MIC. Courses at MIA are set to begin January 2010.

Miami Dade College is uniquely positioned to provide this training through an Institute for Intermodal Transportation (IIT). MDC has a foundation for the coursework and training through its various departments and schools. A number of the educational programs are in aviation under its Eig-Watson School of Aviation. Additional related programs which would support the IIT are Miami Dade College currently offers 3 baccalaureate programs with numerous tracks. Over 200 associate degrees and career training certificates are available and could have application to the Intermodal Institute.

Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the Congressional Record regarding earmarks I received as part of H.R. 3288—Transportation Appropriations, 2010.

Requested by Rep. ROS-LEHTINEN

Bill number: H.R. 3288

Account: DOT, Bus and Bus Facilities

Amount: $1,000,000

Project: Transit Facility and Bus Passenger Access Lane Construction along US 1

Requested by: City of Key West, FL

Key West needs to construct a new full scale transit facility to house their buses and bus equipment. The city also needs to construct bus apron access to as many as 44 bus stops along US 1, which have been part of the JARC shuttle services in operation since August 2005.

Requested by Rep. ROS-LEHTINEN

Bill number: H.R. 3288

Account: DOT, Bus and Bus Facilities

Amount: $250,000

Project: Bus Shelter Replacement

Requested by: Bal Harbour, FL

Many elderly and working age citizens utilize public transit to travel to and/or from Bal Harbour Village. The bus shelters currently in place are deteriorating and do not provide adequate shelter from the elements. As the economy declines, more people depend upon public transportation. Replacing the current shelters/benches will provide more adequate facilities for those waiting for public transportation in the hot sun, wind and rain.

PERSONAL EXPLANATION

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Mr. CONAWAY. Madam Speaker, on rollcall No. 699 H. Res. 744—Privileged resolution regarding Congressman JOE WILSON.

Had I been present, I would have voted "nay".

CELEBRATING 100 YEARS OF SERVICE FROM THE TEXAS AGRILIFE RESEARCH AND EXTENSION CENTER AT LUBBOCK

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Mr. NEUGEBAUER. Madam Speaker, today I rise in recognition of the 100 years of work and dedication of scientists at the AgriLife Research and Extension Center in Lubbock. In 1909, The Lubbock Agriculture Experiment Station #8, now known as Texas AgriLife Research and Extension Center at Lubbock, was established by the Texas Legislature in response to the passage of the Hatch Act by Congress in 1887 to create agriculture experiment stations. Since its inception, researchers and staff at the Center have worked to address the High Plain's most pressing agricultural issues of the day including improvement of crops with emphasis on seed development, crop pest and disease management, cropping and efficient water systems, and harvest methods.

During its 100 years of service, the Center has provided the region's producers and economy with significant contributions that include the following: the first hybrid grain sorghum in cooperation with the Chillicothe Station, greenbug resistant grain sorghum, improved cotton cultivars, improved cotton harvest equipment, improved boll weevil control techniques, methods and equipment for increasing irrigation efficiency, drought tolerant variety development, conservation tillage strategies, farming systems, precision agriculture methodology and risk management strategies.

The Lubbock Extension Center is one of the largest off-campus centers in the Texas A&M University System. It serves as headquarters for agents in the 20-county South Plains Extension District 2 and includes offices for 22 Research Scientists. The Center is composed of a research farm at the Lubbock site, two research farms in the northern part of the South Plains near Halfway, Texas; one substation at Pecos, Texas; a cotton research farm in Dawson County in cooperation with Lamesa Cotton Growers and a peanut research farm in Terry County in cooperation with Texas Peanut Board.

The research is used by Extension Specialists and the Extension Agents to educate producers on the methodologies of the most recent and innovative production techniques. The benefits of this program can be seen across the spectrum for agriculture on the South Plains ranging from reduced industry impact on the environment to the profitability producers enjoy from their trade. This model

of cooperative research and development is one of the major reasons American agriculture has been so productive.

Agricultural producers of the Texas South Plains contribute substantially to the agricultural economy of Texas and the nation. The success is supported by a strong foundation of knowledge and technology generated by the research and technology transfer of scientists, specialists and agents in cooperation with USDA–ARS, Texas Tech University and agribusinesses and commodity organization collaborators. This cooperative effort to address the many complex issues facing the South Plains agricultural industry will no doubt continue to benefit producers and enhance the region's agriculture-based economy for the next 100 years.

PERSONAL EXPLANATION

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Mr. CONAWAY. Madam Speaker, on rollcall No. 700 H. Res. 317—Recognizing the region from Manhattan, Kansas, to Columbia, Missouri, as the Kansas City Animal Health Corridor, and for other purposes.

Had I been present, I would have voted "nay."

WHISTLEBLOWER PROTECTION

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Mr. SMITH of New Jersey. Madam Speaker, today I am re-introducing legislation that would close a loophole in the Department of Defense's whistleblowers' protection statue (10 U.S.C. Sec. 2409) and expand this safeguard to include the men and women of the DOD contracting business who report abuses to their superiors.

Under current law, an individual is only protected—and therefore eligible for remedies—if he or she reports workplace security concerns to "a Member of Congress or an authorized official of an agency or the Department of Justice." While I understand the importance of encouraging individuals to take their concerns to certain authorities, I believe it is imperative that we include in this authority an employee's superiors.

It seems only natural, that once someone recognizes a problem within their work environment, they report it to their superiors. This is part of a normal progression of attempting to resolve issues and challenging tasks on the job. Few people initially contact their Congressman or the Department of Justice when they first observe an irregularity on the job.

It is also important to note that many former military members migrate to the security contracting industry. Many of these men and women have years of previous service to our nation, have grown to respect their chain of command and understand the benefit it can provide in the workplace. When they have come to the conclusion that additional steps must be taken or when they have identified a significant problem in the work environment, these professionals are trained and encouraged to report their concerns to their superiors to enable them to assess the situation and foster a solution.

Similarly, many in the federal security contracting industry come from a law enforcement background with a comparable command structure and respect for their superiors.

The current loophole was brought to my attention by a New Jersey resident who worked for a private security firm that guards military installations in my district and throughout the country. This individual witnessed and documented a number of events that raised serious concerns regarding the contractor's ability to ensure the safety and security of the base and the surrounding community.

At my request, the DOD IG performed an audit of the contract (Report No. D–2009–045) and verified many of the claims that this individual brought to my attention. The report found that the Navy was not able to provide documentation showing all contractor security guards had completed a basic background check—raising questions as to whether or not the required security checks were performed or completed for all security personnel guarding the munitions depot. There was also a problem with training, and an inability to determine whether or not the training was adequate. There was nothing in the files to find out whether a guard has had the training that is required by Federal law and Federal regulations.

The individual who brought this loophole to my attention reported to his employer what he believed—and what the IG report verified—were unfulfilled contract requirements that resulted in questions regarding the firm's ability to provide adequate security. After his boss dismissed his concerns, he then scheduled a meeting with the base security personnel to discus the matter. Before this meeting could occur, the individual was fired by the firm and barred from the base. At that time, he brought these concerns to me. However, since the law requires that a potential whistleblower be a current employee at the time he/she discloses pertinent information to a federal official, it was too late for him to be eligible for protections and/or remedies.

Specifically, my legislation would expand the universe of those to whom an individual can properly report concerns to include the individual's chain of command, before and after any retribution, so that the individual will be protected and have the right to be reinstated if an investigation shows that the individual was punished for bringing the matter to the attention of proper authorities.

The legislation I re-introduced today will ensure that those who identify problems within firms subcontracted by DOD are still afforded standard whistleblower protections even if they notify their employer about possible violations before they notify an agent of the federal government. The legislation does not require employees to notify their employer first and it does not preclude them from contacting federal officials, it simply protects employees who point out potential violations to their employer, the federal government or both. If an employee is dismissed prior to his/her notifying the government, but after notifying their employer, they will receive the necessary protections as well.

Base security is not an issue to be taken lightly—anywhere and including in my state of New Jersey. As we all recall, the New Jersey U.S. Attorney's office arrested five men who were planning to attack another New Jersey installation, Fort Dix. After a thorough and aggressive law enforcement effort this attempted terror attack was thwarted and the men were found guilty on charges of conspiracy to harm U.S. military personnel. Still, the vulnerabilities at our military bases exposed by this incident cannot be minimized or dismissed.

As we are all aware, in recent years the Department of Defense has looked increasingly to private security contractors to guard and police our military installations across the country. The men and women filling these positions deserve to be protected when they report violations and concerns to their superiors and especially if they are subsequently punished in an attempt by their employer to downplay or even cover up a violation. It is imperative that we amend the law to ensure that these employees are eligible for the same remedies as other whistleblowers.

PERSONAL EXPLANATION

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Mr. CONAWAY. Madam Speaker, on rollcall No. 701—H.R. 22—United States Postal Service Financial Relief Act.

Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Mr. LARSON of Connecticut. Madam Speaker, on September 15, 2009 I missed rollcall vote 701. Had I been present, I would have voted "yea."

U.N. REPORT ON ISRAEL'S SELF-DEFENSE ACTION IN GAZA HIGHLY FLAWED

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Mr. BURTON of Indiana. Madam Speaker, I rise tonight to urge the Obama Administration to categorically and completely reject the Goldstone report recently issued by the despot-controlled United Nations Human Rights Council that accused Israel of "war crimes, as well as possibly crimes against humanity" during Israel's defensive operations in Gaza this past winter.

The United Nations has a long and well documented history of anti-U.S., anti-Israel, and anti-freedom activism, and the Goldstone report rubber-stamps the U.N. Human Rights Councils predetermined conclusion that Israel committed war crimes and possibly crimes against humanity. From the beginning, the Council instructed the Goldstone Commission

to focus only on Israel's ''aggression'' against the Palestinian people—a presumption of Israeli guilt before any so-called investigation had even taken place.

During the years when Hamas launched thousands of rockets at innocent Israeli civilians, the United Nations human rights bodies didn't call for any investigation or issue any kind of condemnation. Instead, the Human Rights Council has passed 26 anti-Israel resolutions out of 33 motions to censure countries. Of the 11 emergency sessions that the Council has convened to deal with pressing human rights concerns, six have dealt with Israel. In fact, Israel is the only country listed on the Council's permanent agenda; and only examines Israeli ''violations'' of Palestinian human rights. There is nothing on the Council's agenda examining the threats or actions of terrorist groups or the nations that support them.

Article 51 of the United Nation's Charter guarantees all U.N. Members the right to defend themselves against terrorism and other external threats. The Goldstone report completely ignores this fundamental right. It also ignores the steps taken by the Israeli Defense Forces to minimize civilian casualties, steps that often put Israeli soldiers at increased risk. And the Goldstone Report completely ignores Hamas' callous practice of intertwining its terrorist infrastructure within civilian population centers—hospitals, schools, mosques, and even U.N. facilities.

Madam Speaker, the United States must demand fairness and not allow the United Nations General Assembly, the United Nations Security Council, the so-called Human Rights Councils or any other U.N. body to take any punitive actions against Israel for exercising Israel's United Nation's guaranteed right of self-defense.

It is also high time that we take action to leverage our contributions to the U.N. to demand the United Nations finally implement concrete, sweeping reforms to root out ongoing fraud, corruption, and abuse throughout the U.N. system; and end once and for all the naked, systemic anti-U.S., anti-Israel, anti-Semitic bias within the UN.

PERSONAL EXPLANATION

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Mr. CONAWAY. Madam Speaker, on rollcall No. 702 To amend title 39, United States Code, to provide clarification relating to the authority of the United States Postal Service to accept donations as an additional source of funding for commemorative plaques.

Had I been present, I would have voted ''yea''.

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, September 17, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 22

9 a.m.
Finance
Business meeting to consider an original bill providing for health care reform.
SH–216

10 a.m.
Homeland Security and Governmental Affairs
To hold hearings to examine the Weapons of Mass Destruction Prevention and Preparedness Act of 2009.
SD–342

Judiciary
Immigration, Refugees and Border Security Subcommittee
To hold hearings to examine comprehensive immigration reform, focusing on how the current immigration law impacts America's agricultural industry and food security.
SD–226

2:30 p.m.
Judiciary
Terrorism and Homeland Security Subcommittee
To hold hearings to examine strengthening security and oversight at biological research laboratories.
SD–226

SEPTEMBER 23

10 a.m.
Health, Education, Labor, and Pensions
Business meeting to consider an original bill entitled ''Ryan White HIV/AIDS Treatment Extension Act of 2009'', and any pending nominations.
SD–430

Homeland Security and Governmental Affairs
To hold hearings to examine the Defense Contract Audit Agency, focusing on reform.
SD–342

Judiciary
To hold hearings to examine reauthorizing the USA PATRIOT Act.
SD–226

2:30 p.m.
Judiciary
To hold hearings to examine the nominations of Jacqueline H. Nguyen and Dolly M. Gee, both to be a United States District Judge for the Central District of California, and Richard Seeborg and Edward Milton Chen, both to be a United States District Judge for the Northern District of California.
SD–226

SEPTEMBER 29

10 a.m.
Homeland Security and Governmental Affairs
Contracting Oversight Subcommittee
To hold hearings to examine improving transparency and accessibility of federal contracting databases.
SD–342

SEPTEMBER 30

9:30 a.m.
Veterans' Affairs
To hold hearings to examine Veterans Affairs contracts for health services.
SR–418

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S9391–S9488

Measures Introduced: Four bills and four resolutions were introduced, as follows: S. 1675–1678, and S. Res. 269–272. **Page S9436**

Measures Passed:

Intelligence Authorization Act for Fiscal Year 2010: Senate passed S. 1494, to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, after agreeing to the following amendment proposed thereto: **Pages S9447–80**

Casey (for Feinstein/Bond) Amendment No. 2422, to improve the bill. **Page S9451**

Defense Production Act of 1950: Senate passed S. 1677, to reauthorize the Defense Production Act of 1950. **Pages S9480–86**

National Aerospace Day: Committee on Commerce, Science, and Transportation was discharged from further consideration of S. Res. 242, supporting the goals and ideals of ''National Aerospace Day'', and the resolution was then agreed to. **Pages S9486–87**

National Hispanic Serving Institutions Week: Senate agreed to S. Res. 269, designating the week beginning September 20, 2009, as ''National Hispanic Serving Institutions Week''. **Page S9487**

High Point Furniture Market 100th Anniversary: Senate agreed to S. Res. 270, congratulating the High Point Furniture Market on the occasion of its 100th anniversary as a leader in home furnishing. **Page S9487**

Citizenship Day 2009: Senate agreed to S. Res. 271, expressing support for the ideals and goals of Citizenship Day 2009. **Page S9488**

Measures Considered:

Transportation, Housing and Urban Development, and Related Agencies Appropriations Act—Agreement: Senate continued consideration of H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, taking action on the following amendments proposed thereto: **Pages S9397–S9417**

Adopted:

Coburn Amendment No. 2374, to determine the total cost to taxpayers of Government ownership of residential homes. **Pages S9397, S9400**

Coburn Amendment No. 2377, to require public disclosure of certain reports. **Pages S9397, S9400**

By 68 yeas to 30 nays (Vote No. 279), Wicker Modified Amendment No. 2366, to permit Amtrak passengers to safely transport firearms and ammunition in their checked baggage. **Pages S9397, S9401–02, S9415**

By 73 yeas to 25 nays (Vote No. 280), Vitter Amendment No. 2376, to affirm the continuing existence of the community service requirements under section 12(c) of the United States Housing Act of 1937. **Pages S9397, S9402**

Murray (for Warner) Modified Amendment No. 2402, to provide that amounts in the bill provided for the Transportation Planning , Research and Development program shall be used for the development, coordination, and analysis of data collection procedures and national performance measures. **Page S9416**

Murray Modified Amendment No. 2405, to provide the Secretary of Housing and Urban Development the authority to use previously appropriated funds to prevent the termination of housing assistance to eligible families. **Page S9416**

Murray (for Durbin) Amendment No. 2415, to provide technical and financial assistance to Illinois transportation officials to conduct a feasibility study for consolidated freight and passenger rail through Springfield, Illinois. **Page S9416**

Rejected:

By 39 yeas to 59 nays (Vote No. 277), Coburn/McCain Amendment No. 2371, to remove an unnecessary and burdensome mandate on the States, by allowing them to opt out of a provision that requires States to spend 10 percent of their surface transportation funds on enhancement projects such as roadkill reduction and highway beautification. **Pages S9397–98, S9400–01**

By 41 yeas to 57 nays (Vote No. 278), Coburn/McCain Amendment No. 2372, to fully provide for the critical surface transportation needs of the United States by prohibiting funds from being used on lower-priority projects, such as transportation museums. **Pages S9397, S9401**

By 45 yeas to 52 nays (Vote No. 281), Gregg Amendment No. 2361, to prohibit the use of stimulus funds for selfcongratulatory signage that allows lawmakers to promote their spending of taxpayer dollars on stimulus projects. **Pages S9403–05, S9408–09**

By 33 yeas to 64 nays (Vote No. 282), Ensign motion to commit the bill to the Committee on Appropriations, with instructions.

Pages S9405–06, S9409–11

Withdrawn:

Coburn/McCain Modified Amendment No. 2370, to fully provide for the critical surface transportation needs of the United States by prohibiting funds from being used on lower-priority projects, such as roadkill reduction programs, transportation museums, scenic beautification projects, or bicycle paths, if the Highway Trust Fund does not contain amounts sufficient to cover unfunded highway authorizations. **Pages S9397, S9398–S9400, S9401**

Pending:

Landrieu Amendment No. 2365, to amend the Disaster Relief and Recovery Supplemental Appropriations Act, 2008. **Pages S9402–03**

McCain Modified Amendment No. 2403, to prohibit the use of funds to carry out the Brownfields Economic Development Initiative program administered by the Department of Housing and Urban Development. **Pages S9406–07**

DeMint Amendment No. 2410, to limit the use of funds for the John Murtha Johnstown-Cambria County Airport. **Pages S9407–08, S9414–15**

Vitter Modified Amendment No. 2359, to prohibit the use of funds for households that include convicted drug dealing or domestic violence offenders or members of violent gangs that occupy rebuilt public housing in New Orleans. **Pages S9411–14**

Kyl motion to commit the bill to the Committee on Appropriations, with instructions to report the same back to the Senate forthwith with Kyl Amendment No. 2421 (to the instructions on Kyl motion to commit the bill), relating to the American Recovery and Reinvestment Act. **Pages S9416–17**

A unanimous-consent-time agreement was reached providing that except for the amendments provided for in this agreement, no further amendments be in order to the bill, and the following be the only first-degree amendments and motion to recommit remaining in order to the bill; that the second-degree amendments which are relevant to the first-degree to which offered be in order, but not prior to a vote on or in relation to the first-degree amendment; that the listed Kyl motion to recommit be the only motion to recommit in order, except motions to reconsider votes, or motions to waive applicable budget points of order; that a manager's amendment that has been cleared by the managers and the two Leaders also be in order, and that if the amendment is offered, then it be considered and agreed to: Landrieu Amendment No. 2365 (listed above), Vitter Modified Amendment No. 2359 (listed above), DeMint Amendment No. 2410 (listed above), McCain Modified Amendment No. 2403 (listed above), and Kyl motion to recommit with instructions (listed above); that upon disposition of the amendments and the motion to recommit, the substitute amendment, as amended, if amended, be agreed to, and Senate vote on passage of the bill; that upon passage of the bill, Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Subcommittee and Senators Inouye and Cochran be appointed as conferees; provided further, that if a point of order is raised against the substitute amendment, then it be in order for another substitute amendment to be offered minus the offending provisions, but including any amendments which had been agreed to prior to this point of order, and no further amendments be in order to that amendment; that the new substitute amendment, as amended, if amended, be agreed to, and that the remaining provisions beyond adoption of the substitute amendment remain in effect; provided that at 2 p.m., on Thursday, September 17, 2009, Senate continue consideration of the bill, and vote on or in relation to the amendments and motion as specified above, with two minutes of debate equally divided and controlled prior to each vote, and that after the first vote in a sequence, the remaining votes be limited to 10 minutes each; provided further, that the cloture motion be withdrawn. **Page S9417**

Department of the Interior, Environment, and Related Agencies Appropriations Act—Agreement: A unanimous-consent agreement was reached providing that at approximately 10:30 a.m., on Thursday, September 17, 2009, Senate begin consideration of H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010. **Page S9488**

Nominations Confirmed: Senate confirmed the following nominations:

Joseph W. Westphal, of New York, to be Under Secretary of the Army.

Juan M. Garcia III, of Texas, to be an Assistant Secretary of the Navy.

John M. McHugh, of New York, to be Secretary of the Army. **Pages S9447, S9488**

Messages from the House: **Pages S9430–31**

Measures Referred: **Page S9431**

Executive Communications: **Pages S9431–33**

Petitions and Memorials: **Pages S9433–36**

Executive Reports of Committees: **Page S9436**

Additional Cosponsors: **Pages S9436–37**

Statements on Introduced Bills/Resolutions: **Pages S9437–41**

Additional Statements: **Pages S9429–30**

Amendments Submitted: **Pages S9441–46**

Authorities for Committees to Meet: **Pages S9446–47**

Privileges of the Floor: **Page S9447**

Record Votes: Six record votes were taken today. (Total—282) **Page S9400–01, S9401, S9402, S9409**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 8:05 p.m., until 9:30 a.m. on Thursday, September 17, 2009. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S9488.)

Committee Meetings

(Committees not listed did not meet)

FEDERAL APPROPRIATIONS FOR DC CHILDREN

Committee on Appropriations: Subcommittee on Financial Services and General Government concluded a hearing to examine the use, impact, and accomplishments of Federal appropriations provided to improve the education of children in the District of Columbia, after receiving testimony from Michelle Rhee, Chancellor, District of Columbia Public Schools, Josephine Baker, District of Columbia Public Charter School Board, and Gregory M. Cork, Washington Scholarship Fund, all of Washington, D.C.

HUMAN SPACE FLIGHT PLANS COMMITTEE

Committee on Commerce, Science, and Transportation: Subcommittee on Science and Space concluded a hearing to examine options from the review of the United States Human Space Flight Plans Committee, after receiving testimony from Norman R. Augustine, Chairman, United States Human Space Flight Plans Committee, National Aeronautics and Space Administration.

STRATEGIES FOR AFGHANISTAN

Committee on Foreign Relations: Committee concluded a hearing to examine three strategies for Afghanistan after receiving testimony from John A. Nagl, Center for New American Security, and Stephen Biddle, Council on Foreign Relations, both of Washington, D.C.; and Rory Stewart, Harvard University Carr Center on Human Rights Policy, Cambridge, Massachusetts.

NOMINATION

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the nomination of Daniel I. Werfel, of Virginia, to be Controller, Office of Federal Financial Management, Office of Management and Budget, after the nominee testified and answered questions in his own behalf.

NOMINATIONS

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the nomination of Richard Serino, of Massachusetts, to be Deputy Administrator, Federal Emergency Management Agency, Department of Homeland Security, after the nominee, who was introduced by Senator Kerry, testified and answered questions in his own behalf.

FEDERAL BUREAU OF INVESTIGATION

Committee on the Judiciary: Committee concluded an oversight hearing to examine the Federal Bureau of Investigation, after receiving testimony from Robert S. Mueller III, Director, Federal Bureau of Investigation, Department of Justice.

BUSINESS MEETING

Committee on Small Business and Entrepreneurship: Committee ordered favorably reported the nominations of Winslow Lorenzo Sargeant, of Wisconsin, to be Chief Counsel for Advocacy, and Peggy E. Gustafson, of Illinois, to be Inspector General, both of the Small Business Administration.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 11 public bills, H.R. 3579–3589; and 1 resolution, H. Con. Res. 186 were introduced. **Page H9670**

Additional Cosponsors: **Pages H9670–71**

Report Filed: A report was filed today as follows:

H.R. 2423, to designate the Federal building and United States courthouse located at 1300 Victoria Street in Laredo, Texas, as the "George P. Kazen Federal Building and United States Courthouse", and to designate the jury room in that Federal building and United States courthouse as the "Marcel C. Notzon II Jury Room", with amendments (H. Rept. 111–257). **Page H9670**

Speaker: Read a letter from the Speaker wherein she appointed Representative Lee (CA) to act as Speaker Pro Tempore for today. **Page H9553**

Chaplain: The prayer was offered by the Guest Chaplain, Reverend Tri Robinson, Vineyard Boise Church, Boise, ID. **Page H9553**

Suspension—Proceedings Resumed: The House agreed to suspend the rules and agree to the following measure which was debated on Monday, September 14th:

Supporting efforts to reduce infant mortality in the United States: H. Res. 260, amended, to support efforts to reduce infant mortality in the United States, by a ⅔ yea-and-nay vote of 415 yeas with none voting "nay", Roll No. 704. **Pages H9569–70**

Advanced Vehicle Technology Act of 2009:

The House passed H.R. 3246, to provide for a program of research, development, demonstration and commercial application in vehicle technologies at the Department of Energy, by a yea-and-nay vote of 312 yeas to 114 nays, Roll No. 709. **Pages H9570–91**

Rejected the Broun (GA) motion to recommit the bill to the Committee on Science and Technology with instructions to report the same back to the House forthwith with an amendment, by a recorded vote of 180 ayes to 245 noes, Roll No. 708. **Pages H9589–91**

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 shall be considered as an original bill for the purpose of amendment under the 5-minute rule. **Page H9575**

Agreed to:

Gordon (TN) amendment (No. 1 printed in H. Rept. 111–255) that (1) amends title I to require the Secretary of Energy to report to Congress after 18 months, and annually thereafter through 2015, after enactment on the technologies developed, the success of the adopted technologies for commercial applications, and whether those technologies are manufactured in the United States; (2) amends the reporting requirement in title II to clarify that the Secretary of Energy must submit the report to Congress annually; and (3) expands the nonroad systems program from heavy duty nonroad equipment to mobile nonroad equipment; **Pages H9577–78**

Broun (GA) amendment (No. 3 printed in H. Rept. 111–255) that adds a requirement to title I that the Secretary of Energy submit to Congress an annual report describing activities undertaken in the previous year, active industry participants, efforts to recruit new participants, progress of the program in meeting goals and timelines, and a strategic plan for funding of activities across agencies; **Page H9579**

Peters amendment (No. 4 printed in H. Rept. 111–255) that includes retrofitting advanced vehicle technologies to existing vehicles as an area of research under the bill; **Pages H9579–80**

Posey amendment (No. 5 printed in H. Rept. 111–255) that directs the Secretary of Energy to establish within the existing Vehicle Technologies Program an Innovative Automotive Demonstration Program to make competitively awarded grants for the purpose of demonstrating and bringing to market very high energy efficiency vehicles achieving at least 70 miles per gallon; **Pages H9580–81**

Gordon (TN) amendment (No. 6 printed in H. Rept. 111–255) that amends industry participation in the vehicle research and development program (sec. 101) to include manufacturers of all qualified plug-in electric vehicles; **Pages H9581–82**

Gordon (TN) amendment (No. 7 printed in H. Rept. 111–255) that explicitly includes agricultural and construction equipment in the nonroad systems pilot program (sec. 204); **Page H9582**

Marshall amendment (No. 8 printed in H. Rept. 111–255) that requires that research into refueling and recharging infrastructure for alternative and hybrid fuel vehicles include the unique challenges facing rural areas; **Pages H9582–83**

Cohen amendment (No. 9 printed in H. Rept. 111–255) that adds hydraulics, flywheels, and compressed air storage as technologies eligible for the proposed program; **Pages H9583–84**

Altmire amendment (No. 11 printed in H. Rept. 111–255) that requires the Secretary of Energy to research and develop methods of reducing waste and

emissions from advanced battery technology and to increase advanced battery calendar and cycle life;

Page H9585

Donnelly (IN) amendment (No. 10 printed in H. Rept. 111–255) that includes recreational vehicles as eligible under the Medium and Heavy Duty Commercial and Transit Vehicles research and development program (sec. 201) (by a recorded vote of 369 ayes to 62 noes, Roll No. 706); and

Pages H9584–85, H9587–88

Massa amendment (No. 12 printed in H. Rept. 111–255) that authorizes support for public-private partnerships and industry programs that seek to overcome barriers to commercial production (by a recorded vote of 416 ayes to 14 noes, Roll No. 707).

Pages H9585, H9588–89

Rejected:

Hall (TX) amendment (No. 2 printed in H. Rept. 111–255) that sought to freeze authorization amounts at FY2010 levels through FY2013 and cut funding in FY2014 (by a recorded vote of 179 ayes to 253 noes, Roll No. 705). **Pages H9578–79, H9586–87**

H. Res. 745, the rule providing for consideration of the bill, was agreed to by voice vote after it was agreed to order the previous question without objection. **Pages H9566–68**

Suspension: The House agreed to suspend the rules and pass the following measure:

Naming the South Central Agricultural Research Laboratory of the Department of Agriculture in Lane, Oklahoma, and the facility of the United States Postal Service located at 310 North Perry Street in Bennington, Oklahoma, in honor of former Congressman Wesley "Wes" Watkins: H.R. 1713, to name the South Central Agricultural Research Laboratory of the Department of Agriculture in Lane, Oklahoma, and the facility of the United States Postal Service located at 310 North Perry Street in Bennington, Oklahoma, in honor of former Congressman Wesley ''Wes'' Watkins.

Pages H9591–94

Student Aid and Fiscal Responsibility Act of 2009: The House began consideration of H.R. 3221, to amend the Higher Education Act of 1965. Consideration is expected to resume tomorrow, September 17th. **Pages H9558–66, H9594–H9637**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule. **Page H9604**

Agreed to:

George Miller (CA) manager's amendment (No. 1 printed in H. Rept. 111–256) that makes sundry changes to the bill; **Pages H9624–30**

Cardoza amendment (No. 3 printed in H. Rept. 111–256) that directs the Secretary of Education to prioritize community colleges located in areas with high unemployment rates when awarding grants for community college reform; **Page H9632**

Pingree amendment (No. 5 printed in H. Rept. 111–256) that adds to the list of reserved funds for distressed areas and areas affected by natural disaster direction for the Secretary to reserve funds for local educational agencies that serve a geographic area that contains a military installation selected for base closure; and **Pages H9634–35**

Pingree amendment (No. 6 printed in H. Rept. 111–256) that removes the prohibition of funding to community colleges who received funds for construction, modernization, renovation, and repair under the American Recovery and Reinvestment Act of 2009, or under the higher education act of 1965.

Pages H9635–36

Proceedings Postponed:

Hoekstra amendment (No. 2 printed in H. Rept. 111–256) that seeks to strike Title III of the bill, which authorizes $6.6 billion in new mandatory spending to create three Federal school construction programs for elementary and secondary public schools and institutions of higher education, and apply the savings to reduce the Federal deficit;

Pages H9630–32

McMorris Rodgers amendment (No. 4 printed in H. Rept. 111–256) that seeks to limit the ability of certain schools that received funding under the economic stimulus package for school construction from receiving additional money through the new Federal school construction program authorized under this bill; and **Pages H9632–34**

Foxx amendment (No. 7 printed in H. Rept. 111–256) that seeks to strike the entire American Graduation Initiative (but maintain the privacy provisions that apply to the whole Act) and put the savings toward deficit reduction. These privacy provisions ensure that student information is protected from individuals not authorized to view it and that students cannot be identified by any unique identifier. **Pages H9636–37**

H. Res. 746, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 241 yeas to 179 nays, Roll No. 703, after it was agreed to order the previous question without objection. **Page H9569**

Quorum Calls—Votes: Three yea-and-nay votes and four recorded votes developed during the proceedings of today and appear on pages H9569, H9569–70, H9586–87, H9587–88, H9588–89, H9590–91, H9591. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 9:07 p.m.

Committee Meetings

COMMUNITY REINVESTMENT ACT—ENHANCEMENT

Committee on Financial Services: Held a hearing entitled ''Proposals to Enhance the Community Reinvestment Act.'' Testimony was heard from Representative Eddie Bernice Johnson of Texas; Steven L. Antonakes, Commissioner of Banks, Division of Banks, State of Massachusetts; and public witnesses.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Ordered reported the following bills: H.R. 3570, Satellite Viewer Update and Reauthorization Act of 2009; H.R. 233, as amended, Railroad Antitrust Enforcement Act of 2009; and H.R. 3290, September 11 Family Humanitarian Relief and Patriotism Act of 2009.

CONSOLIDATED LAND, ENERGY, AND AQUATIC RESOURCES ACT OF 2009

Committee on Natural Resources: Held a hearing on H.R. 3534, Consolidated Land, Energy, and Aquatic Resources Act of 2009. Testimony was heard from the following officials of the Department of the Interior: Ken Salazar, Secretary; and Mary L. Kendall, Acting Inspector General; Jane Lubchenco, Under Secretary and Administrator, NOAA, Department of Commerce; and Frank Rusco, Director, Natural Resources and Environment, GAO.

Hearings continue tomorrow.

PRIVATE HEALTH INSURANCE BUREAUCRACY

Committee on Oversight and Government Reform: Subcommittee on Domestic Policy held a hearing entitled ''Between You and Your Doctor: The Bureaucracy of Private Health Insurance.'' Testimony was heard from public witnesses.

Hearings continue tomorrow.

DEPLOYED FEDERAL EMPLOYEES BENEFITS

Committee on Oversight and Government Redform: Subcommittee on Federal Workforce, Postal Service and the District of Columbia held a hearing entitled ''A Call to Arms: A Review of Benefits for Deployed Federal Employees.'' Testimony was heard from Brenda S. Farrell, Director, Defense Capabilities and Management, GAO; Marilee Fitzgerald, Director, Workforce Issues and International Programs, Office of the Deputy Under Secretary, Civilian Personnel Policy, Department of Defense; Steven A. Browning, Deputy Assistant Secretary, Bureau of Human Resources, Department of State; Jerome D. Mikowicz, Deputy Associate. Director, Pay and Leave Administration, Strategic Human Resources Policy Division, OPM; Shelby Hallmark, Acting Assistant Secretary, Employment Standards, Department of Labor; and public witnesses.

STUDENT AID AND FISCAL RESPONSIBILITY ACT OF 2009

Committee on Rules: On September 15, 2009, the committee granted, by a non-record vote, a structured rule. The rule provides one hour of general debate on H.R. 3221, Student Aid and Fiscal Responsibility Act of 2009, equally divided and controlled by the chair and ranking minority member of the Committee on Education and Labor. The rule waives all points of order against consideration of the bill except clauses 9 and 10 of rule XXI. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Education and Labor shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the amendment in the nature of a substitute except those arising under clause 10 of rule XXI.

The rule makes in order only those amendments printed in the report of the Committee on Rules. The amendments made in order may be offered only in the order printed in the committee report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. All points of order against the amendments except for clauses 9 and 10 of rule XXI are waived. The rule provides one motion to recommit with or without instructions. The rule provides that the Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Education and Labor or his designee and that the Chair may not entertain a motion to strike out the enacting words of the bill. Testimony was heard by Chairman George Miller (CA), Representatives Cardoza, Pingree, Etheridge, Kilroy, Perriello, Kline (MN), Castle, Foxx, and Burton.

AUTO DEALER CLOSING RURAL ECONOMIC IMPACTS

Committee on Small Business: Held a hearing entitled ''The Economic Impact of Auto Dealer Closings on Rural Communities.'' Testimony was heard from public witnesses.

HUDSON RIVER AIRSPACE MANAGEMENT

Committee on Transportation and Infrastructure: Subcommittee on Aviation held a hearing on the Hudson River Airspace and Management of Uncontrolled Airspace Corridors. Testimony was heard from Deborah A.P. Hersman, Chairman, National Transportation Safety Board; Hank Krakowski, Chief Operating Officer, Air Traffic Organization, FAA, Department of Transportation; and public witnesses.

BRIEFING—HOT SPOTS

Permanent Select Committee on Intelligence: Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence met in executive session to receive a briefing on Hot Spots. The Subcommittee was briefed by departmental witnesses.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR THURSDAY, SEPTEMBER 17, 2009

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Energy and Natural Resources: to hold hearings to examine energy and related economic effects of global climate change legislation, 2:15 p.m., SD–366.

Committee on Foreign Relations: business meeting to consider the nominations of Michael H. Posner, of New York, to be Assistant Secretary for Democracy, Human Rights, and Labor, Robert D. Hormats, of New York, to be Under Secretary for Economic, Energy, and Agricultural Affairs, and to be United States Alternate Governor of the International Bank for Reconstruction and Development for a term of five years, United States Alternate Governor of the Inter-American Development Bank for a term of five years, United States Alternate Governor of the African Development Bank for a term of five years, United States Alternate Governor of the African Development Fund, United States Alternate Governor of the Asian Development Bank, and United States Alternate Governor of the European Bank for Reconstruction and Development, David C. Jacobson, of Illinois, to be Ambassador to Canada, Alan D. Solomont, of Massachusetts, to be Ambassador to Spain, and to serve concurrently and without additional compensation as Ambassador to Andorra, Lee Andrew Feinstein, of Virginia, to be Ambassador to the Republic of Poland, and Barry B. White, of Massachusetts, to be Ambassador to Norway, all of the Department of State, Time to be announced, SD–419.

Full Committee, to hold hearings to examine countering the threat of failure in Afghanistan, 10 a.m., SD–419.

Committee on Indian Affairs: to hold an oversight hearing to examine federal tax treatment of health care benefits provided by tribal governments to their citizens, 2:15 p.m., SD–628.

Committee on the Judiciary: business meeting to consider S. 448 and H.R. 985, bills to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media, S. 369, to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market, and the nominations of Paul Joseph Fishman, to be United States Attorney for the District of New Jersey, and Jenny A. Durkan, to be United States Attorney for the Western District of Washington, both of the Department of Justice, 10 a.m., SD–226.

Subcommittee on Crime and Drugs, to hold hearings to examine S. 1551, 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, 2 p.m., SD–226.

Committee on Veterans' Affairs: to hold hearings to examine veterans' disability compensations, focusing on benefits in the 21st century, 9:30 a.m., SR–418.

Select Committee on Intelligence: to hold closed hearings to consider certain intelligence matters, 2:30 p.m., S–407, Capitol.

House

Committee on Agriculture, hearing to review proposed legislation by the U.S. Department of the Treasury regarding regulation of over-the-counter derivatives markets, Part One, 10:30 a.m., 1300 Longworth.

Committee on Armed Services, Defense Acquisition Reform Panel, hearing on the Department of Defense and Industry: Does DOD Effectively Manage Its Industrial Base and Match its Acquisition Strategies to the Marketplace? 8 a.m., 2237 Rayburn.

Committee on Energy and Commerce, Subcommittee on Communications, Technology, and the Internet, hearing entitled "Oversight of the Federal Communications Commission," 10 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Oversight and Investigations, hearing entitled " Utilizing Technology to Improve TARP and Financial Oversight," 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, Subcommittee on International Relations, Human Rights and Oversight, hearing on the United National Chapter VII Mandates and the U.S.-Iraq Bilateral Agreement, 10 a.m., 2172 Rayburn.

Committee on Homeland Security, Subcommittee on Border, Maritime and Global Counterterorrism, hearing entitled "The Secure Border Initiative: SBInet Three Years Later," 10 a.m., 311 Cannon.

Committee on Natural Resources, to continue hearings on H.R. 3534, Consolidated Land, Energy, and Aquatic Resources Act of 2009, 10 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, Subcommittee on Domestic Policy, to continue hearings entitled "Between You and Your Doctor: The Bureaucracy of Private Health Insurance," 2 p.m., 2154 Rayburn.

Committee on Science and Technology, Subcommittee on Energy and Environment, hearing on Harmful Algal Blooms and Hypoxia: Formulating an Action Plan, 1 p.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Economic Development, Public Buildings, and Emergency Management, hearing on Doing Business with the Government: The Record and Goals for Small, Minority and Disadvantaged Businesses, 1:30 p.m., 2167 Rayburn.

Permanent Select Committee on Intelligence, executive, briefing on Notification Update, 10:30 a.m., 304 HVC.

Next Meeting of the SENATE

9:30 a.m., Thursday, September 17

Senate Chamber

Program for Thursday: After the transaction of any morning business (not to extend beyond one hour), Senate will begin consideration of H.R. 2996, Department of the Interior, Environment, and Related Agencies Appropriations Act; following which, Senate will continue consideration of H.R. 3288, Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, with a series of up to 6 roll call votes beginning at 2 p.m., including passage of the bill.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, September 17

House Chamber

Program for Thursday: Complete consideration of H.R. 3221—Student Aid and Fiscal Responsibility Act of 2009.

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